

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
April 5, 2004**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on April 5, 2004, in the Dare County Administrative Annex in Manteo.

Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Virginia Tillett, Cheryl Byrd and Richard Johnson. Stan White was absent. Also present were Manager Terry Wheeler and Attorney Norma Mills. Chairman Judge opened the meeting followed by silent meditation and the Pledge of Allegiance to the flag.

Chairman Judge recognized the following: Bob Mueller, Mayor of Town of Nags Head, Bill Pitt, Commissioner of Town of Kill Devil Hills, and Clarence Skinner, former Dare County Commissioner.

**ITEM 1 - PRESENTATION OF COUNTY SERVICE PINS**

1. Renee Austin, Admin. Support Spec., received her 10 Year Pin from Edward Lee Mann, Public Works Director.
2. Carl Walker, Sanitation Equipment Operator, received his 10 Year Pin from Edward Lee Mann, Public Works Director.
3. Tommy Ballance, Building & Grounds Superintendent received his 15 Year Pin from Edward Lee Mann, Public Works Director.
4. Dean Morris, Aircraft Mechanic, received his 15 Year Pin from Skeeter Sawyer, EMS Director.
5. Al Hardy, Sanitation Superintendent, received his 25 Year Pin from Edward Lee Mann, Public Works Director.

**ITEM 2 - EMPLOYEE OF THE MONTH**

Betsy Kelly, Health Department Hospice Team, received the Employee of the Month Certificate from Anne Thomas, Health Director.

**ITEM 3 - PUBLIC COMMENTS**

1. Bob Mueller, Mayor of Town of Nags Head, stated he was amazed by the quality of public employees Dare County has and complimented the Board on their staff and the fine job they do as witnessed today. He addressed the school attendance policy asking the Board to renew their support for a flexible attendance policy from the Dare County School Board. The school board policy is forcing families to leave both Roanoke Island and Nags Head. He would appreciate the Board's support to let the children go to school where the parents feel they will be best served.
2. Howard Rooney, Hatteras Village, noted that Hatteras Village needs the Board's expertise in getting the visions of government together in order to achieve some things. He asked that the Hatteras Village Civic Association

and residents be placed on the next agenda in order to share their concerns. As an example, how do tourists get to the beach and where do they park. Summer is coming and if the tourists cannot get to the beaches, Dare County will suffer. The beach right now is wide and beautiful with good fishing and swimming, etc.

#### **ITEM 4 – COOPERATIVE EXTENSION SERVICE / ANNUAL REPORT TO THE PEOPLE (ATT # 1)**

Ann Ward, NC Cooperative Extension Director, gave a short presentation regarding Cooperative Extension's Annual Highlights. She introduced Clarence Skinner, who serves as their County Advisory Council Chairperson as well as the Chairperson of the Northeast District Advisory Council. Mr. Skinner introduced Dr. King, the Cooperative Extension Northeast District Director and affiliated with the University System North Carolina State University. Mr. Skinner, one of the many volunteers at the Cooperative Extension Department, highlighted parts of their annual Report to the People. Last year through various workshops, clinics, camps, in-county visits, and office visits; the county staff made over 16,000 face to face educational program deliveries. This was an 83% over the previous year. They had over 30,000 non face to face educational opportunities with people. The staff is working actively every day to bring daily the NC University resources to Dare County to bare on the local needs. That is a great return on the investment that the county and state makes.

He acknowledged the volunteers who were present. He recognized volunteer Jim Tobin who deserved special recognition on the local and state level of extension work.

Chairman Judge presented a Certificate of Appreciation to Mr. and Mrs. Tobin for their many years of volunteer service.

Mrs. Ward gave a slide presentation and handed out a Long Range Plan of Work Executive Summary and a Report to the People. Chairman Judge expressed appreciation for their presentation.

#### **ITEM 5 – PRESENTATION FROM BEACH NOURISHMENT COMMITTEE (ATT # 2)**

Ray Sturza, Planning Director, reminded that in February the County received notice from the Assistant Secretary of the Army, Civil Works Division that the federal government would no longer participate in beach renourishment activities. At that time the Board adopted a resolution opposing this change in federal policy that has been forwarded to NC senators and all NC representatives. In response to this change, the Dare County Beach Nourishment has been discussing "interim" erosion abatement alternatives and felt that it would be best to get some guidance from the Board of Commissioners before proceeding forward with these plans.

Bill Pitt from Beach Nourishment Committee made a presentation outlining the proposals. He explained a strategy plan that will provide the county with an inter-means of moving sand onto the beach to protect the infrastructure and the recreational beach in lieu of federal funds and one that will work in conjunction

with federal funds should they become available. He reviewed how the current plan differs from the original plan. The original plan was to start in November 2004 with a construction project and the annual renourishment cycles with the three-year renourishment cycle in 2007. Construction is now scheduled to begin in 2005 if federal funding is obtained. He reviewed the identified sources for the county's share of funding and shared options for moving forward without federal funding – ranging from completing the program without any funds from the federal government to a minimal approach which would mean beginning annual renourishment as an emergency protection measure. He reviewed both options and their financial implications. Both options require additional county funds of \$1.2 million to \$1.4 million annually over the fund sources currently identified and require a greater financial commitment from the State. The strategy that the county would pursue in trying to work out an agreement is to meet with the State and Corps of Engineers and get agreements with both parties and then develop a consensus as to what is feasible, acceptable, and manageable and then find a way to generate the revenue that is necessary to carry out the project.

There was discussion.

Commissioner Cahoon questioned if the Committee has put together a time line to meet with the State and Corps of Engineers and Mr. Pitt indicated that they have not put together a timeline, but now is the time to start moving in that direction with the first step at the Raleigh level to hear what the state feels they can do and to discuss how to raise the funding.

Ray Sturza noted they broke the ice with the state last month in a conference with John Morris. The important issue they will be making is that Dare County is not building the Federal project but they are maintaining what they already have as an interim measure because they cannot get the federal funds to build what they really need for protection.

Commissioner Cahoon recommended visiting with the elected officials in Raleigh. She would like to get the process started and come back in May with recommendations for the Board with action before the Short Session takes affect.

Vice Chairman Hooper is concerned about the message the county is sending to Washington, DC, even though he knows the Board has to do something.

Mr. Pitt indicated that the wrong message is for the county to say they can take care of themselves and the other message is to say they have no choice but to ask for help and to also take some measures of protection.

Vice Chairman Hooper felt they needed to consider some of the hot spots on Hatteras Island which are not in this plan. He would like for the Committee to address it. He felt that \$80 a foot for ocean front property owners seems to be very minuscule and could be doubled in order to raise some revenue.

Commissioner Byrd added that the Board should be looking at the Visitors Bureau for additional revenue in addition to the county's own resources since beaches are the reason for bringing tourists to Dare County.

Commissioner Cahoon noted that the National Park Service is willing to grant an easement along Highway 12 or along the beaches for the southern portion of the project so they could get sand out of Oregon Inlet since it seems that is where the sand is going. She asked the Board to start pursuing that option of getting the

easement agreement in place and whatever money they expend and should the federal monies become available that Dare County gets credit for the amount of money Dare County has spent on the project as part of the local / state share. Chairman Judge received a consensus of the Board to meet with legislators in Raleigh and to include staff members: the Planning Director, Bill Pitt, Bob Mueller, Brant Murray, Commissioner Cahoon, Southern Shores and Kitty Hawk Town Commissioners, and Finance Director. Chairman Judge directed the County Attorney to draft a letter to the Superintendent of the NPS regarding the easement agreement and to place the Beach Nourishment Update on the next agenda.

THE BOARD MOVED TO ITEM 9 - PUBLIC HEARING.

**ITEM 6 – UPDATE FROM CHARTER COMMUNICATIONS REGARDING CABLE TELEVISION SERVICE IN DARE COUNTY**

Sam Scilabba, General Manager with Charter Communications, provided an overview of local cable operations. He has been asked to focus on Hatteras Island since a number of complaints have been received about poor service from Hatteras Island customers since Hurricane Isabel.

They have upgraded the infrastructure throughout the county and continue to do other infrastructure upgrades internally.

They have launched digital services by digital cable to most of Dare County and will be launching digital to Hatteras Island within the next 30-60 days. They have launched high speed internet service throughout Dare County. They began offering alternatives for businesses to connect and get high speed data hookups. They have done a lot of fiber connectivity for some businesses and governments as well as cost savings to subscribers who have taken advantage of that service. They launched additional digital HBO and Cinemax channels. They are looking to create a sports tier hopefully this year. They have been involved with the school system looking at providing fiber connectivity for cost savings for DC school systems. They are working with some of the towns on connectivity to access the GIS Map Date Base that Dare County hosts and to help the towns provide update on the GIS system. They were involved with the Friends of Government recent conference they held at the Sanderling and taped it for local governments. The Board will receive an invitation to Home & Garden TV on April 30<sup>th</sup> at the Bodie Island in conjunction with Charter Communications. They will be providing the Lighthouse Preservation with a check and reception. Another concern is the government channel and the school channel on Hatteras Island. They are now separate – school is now on 62 and will mirror same channels here and Hatteras Island. Charter Communications was socked by Hurricane Isabel especially south and considering the devastation he feels good about their accomplishments. The team work has been remarkable.

Vice Chairman Hooper commended Mr. Scilabba and Charter for their efforts to bring back Hatteras Village.

In addition, they have launched a new service for rental properties to use modems in the rental homes by tying in their laptop and paying a fee per use.

Chairman Judge expressed appreciation to Mr. Scilabba for his presentation.

**ITEM 7 – SUMMER SEASON WATER DEMAND (ATT # 3)**

Bob Oreskovich, Utilities Director, reported that the County's customer water demand could be higher than ever before this summer of 2004. Since the County has been unable to secure the necessary NRO plant expansion permit from the State (since applying in October 2002), the Utilities Director present their plan that they will utilize to ensure an ample supply of water this summer. Based on the research that he and his staff have done regarding the peak demand projections, Mr. Oreskovich is confident that the department will be able to meet the demand until the expansion is completed.

Commissioner Cahoon inquired about the expansion plans and how far in the future the current plan will take us. She also asked about the Fresh Pond and its order to meet the requirements. She inquired about keeping water fresh in the storage tanks. Restrictions for water use – she asked whether large homes are considered businesses and Mr. Oreskovich said that they are considered residential homes, not businesses.

Nags Head Mayor Bob Mueller said that his Board has discussed the water issue and he feels the County has done an excellent job. He expressed his appreciation to the Board and to Mr. Oreskovich.

Mr. Oreskovich noted that they finally received the permit on March 24<sup>th</sup>.

**ITEM 8 – WATER DEPARTMENT'S MAJOR PROJECT BID EVALUATION (ATT # 4)**

Bob Oreskovich, Utilities Director, noted the County, through the Water Department, is under a Construction Management at Risk (CMAR) contract with CDM Constructors, Inc. to provide five new raw water wells and one water transmission main for the NRO (4 wells) and Skyco (1 well) plants. The project has been bid as two separate contracts and the low bidders have been awarded. Gary St. John of DCM presented the results of the bids. In summary, he noted that the County stands to receive just over \$500,000 back if all goes as planned and there are no major cost overruns.

**ITEM 9 – PUBLIC HEARING – RURAL OPERATING ASSISTANCE PROGRAM (ROAP) GRANT APPLICATION**

**AT 10:10 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE ROAP GRANT APPLICATION.**

The ROAP consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), the Work First Transportation, and the Rural General Public (RGP) into a single application. Dare Co. is applying for \$71,712. The EDTAP funds, \$40,849, and the RGP funds, \$26,796, will be allocated to the Transportation System, Older Adult Services Dept. The Work First funds, \$4,067, will be allocated to the Dept. of Social Services. The county's match for the RGP is 10%. This amount is included in the FY 05 budget. No county dollars are needed at this time. The funds will be used for operating expenses.

Chairman Judge closed the hearing at 10:11 a.m.

**MOTION**

Commissioner Byrd moved the approval of grant application – sign Certified Statement, Appendix A.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD TOOK A 10 MINUTE BREAK. THE BOARD MOVED BACK TO ITEM 6

**ITEM 10 – PUBLIC WORKS / C & D LANDFILL SAFETY PROGRAM (ATT # 5)**

Edward Lee Mann, Public Works Director, noted that in implementing a C&D Landfill safety program, recommendation by Risk Consultant, Wanda Lagoe, suggested improving communications between workers. A purchase of 2 way portable radios for employees and supervisory will accomplish this. Bids from 2 suppliers have been received and evaluated. Using currently budgeted money from existing line items will create a shortfall in FY 2004. He would like to transfer cost from Recycle Revenue, which will run approximately \$30,000 above projection for FY 2004. He noted that Scott Sawyer, Recycling Director, has brought recycling to No. 2 in the state.

**MOTION**

Commissioner Byrd moved to adopt the budget amendment.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – NATIONAL PUBLIC HEALTH WEEK PROCLAMATION**

Amy Montgomery, Health Department, presented the proclamation. The theme for 2004 is Eliminating Health Disparities: Communities Moving from Statistics to Solutions. Health disparities are differences in health status that exist due to gender, race, ethnicity, educational level, income level disability, geographic location, and/or sexual orientation. The Hispanic Outreach Program, the Children's Dental Program, and the Access To Health Care Task Force are all examples of Health Department initiatives designed to help eliminate health disparities here in Dare County.

**MOTION**

Commissioner Byrd moved to proclaim April 5-11, 2004 as National Public Health Week.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

It was noted that two weeks ago a Substance Abuse Forum was held at First Flight Middle School and Mrs. Montgomery was the driving force behind the excellent program.

**ITEM 12 – COPIER LEASE CONTRACT RENEWAL (ATT # 6)**

Dave Clawson, Finance Director, presented the new copier lease contract. (See attached summary).

Dave Clawson, Finance Director, presented the new copier lease contract. (See attached summary).

**MOTION**

Commissioner Cahoon moved to approve the new lease and authorize the County Manager to execute the contract.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – BUDGET AMENDMENTS FOR TRANSFER TO DISASTER RECOVERY FUND (ATT # 7)**

Dave Clawson, Finance Director, reminded that on March 15, 2004, the Board voted to transfer \$840,681 from the General Fund to the Disaster Recovery Fund, which represents the amount General Fund unreserved and undesignated fund balance was greater than the 27% target as of June 30, 2003.

**MOTION**

Commissioner Cahoon moved to adopt the budget amendment for the General Fund and adopt budget amendment for the Disaster Recovery Fund.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – BID AWARD AND BUDGET FOR THE HEALTH & SOCIAL SERVICES BUILDING HVAC PROJECT (ATT # 8)**

Dave Clawson, Finance Director, presented the bid award and budget for the Health & Social Services Buildings HVAC Project. See attached summary.

**MOTION**

Commissioner Cahoon moved to approve the following:

Award bid to Central Heating & Air Conditioning at \$624,000.

Adopt the attached budget amendment for the Capital Reserve Fund.

Adopt the attachment to the Capital Project Ordinance for the Health & DSS HVAC Project and instruct staff to pursue litigation.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – OLD COURTHOUSE PROJECT APPROPRIATION (ATT # 9)**

Dave Clawson, Finance Director, presented the Old Courthouse Project Appropriation. See attached summary.

**MOTION**

Commissioner Byrd moved to adopt the budget amendment for the Capital Reserve Fund and the Amendment to the Capital Project Ordinance for the 2004-08 CIP.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**CHAIRMAN JUDGE ASKED TO AMEND THE AGENDA TO INCLUDE ITEM 16-A SEXUAL ASSAULT WEEK. THE BOARD CONCURRED.**

**ITEM 16 – MANTEO MIDDLE SCHOOL PROPERTY CONVEYANCE (ATT # 10)**

Attorney Mills reminded that as part of the revised Dare Public Schools 10-Year Capital Facilities Plans adopted last year, the County and Board of Education agreed that the BOE would convey to the County the existing Manteo Middle School property, and that certain portions of that property would be used by the BOE for the Alternative School after the new Manteo Middle School was opened. The remainder of the existing Manteo Middle School Property and facilities would be available for use by the County. The attached Agreement sets for the terms and conditions by which this property conveyance would be done.

**MOTION**

Commissioner Cahoon moved to adopt the Manteo Middle School Property Conveyance and Lease Agreement between the County and the Board of Education and authorize the Chair to execute and if there are any sub changes that they come back to this Board.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**THE BOARD RECESSED AT 12:00 P.M. AND RECONVENED AT 1:40 P.M.**

**ITEM 16A – RESOLUTION SEXUAL ASSAULT AWARENESS MONTH, 2004 (ATT # 11)**

Attorney Mills presented the resolution.

**MOTION**

Commissioner Cahoon moved the adoption of Resolution #04-04-16

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 17 – BOARD OF EDUCATION REQUEST FOR ADDITIONAL FUNDING (ATT # 12)**

Dave Clawson, Finance Director, presented the Board of Education Request. He outlined potential sources of funds specific to the FFHS project and to the debt issue (S2002 COPs) that were first examined (Total available \$313,047). See attached summary.

Potential sources for the remainder (\$1,129,696). See attached.

Following Mr. Clawson's presentation, the Board discussed the Board of Education's request for additional funding. Commissioner Byrd questioned the amount of funding being requested. It appears that actual start up costs are less than the amount being requested.

Dave Oaksmith, Chairman BOE, explained that the ball fields were for \$750,000 and the start up cost which was \$1.1 million totally \$1.85 million. They took \$400,000 from their contingency fund and reduced the number to \$1.45 million. They paid for the start up cost and the ball fields out of their construction project. Chairman Judge asked Chairman Oaksmith if in the updated April 8, 2003 Facility Plan if there were any line items where funds could be pulled to cover costs. There is no doubt in his mind when they set the \$30 million dollars in place

but there has been a lot of back and forth between the two boards and what the school board thought the Board of Commissioners intentions were and what actually we said and what we thought we said. It is time to move forward. He does not want to set precedent but at the same time they need to have the first project over and done with. The boards need to work in harmony to achieve the issues and costs to close as budget as possible. He will support \$1,097,850 which is outlined by the Superintendent Burgess's letter of May 8, 2001 to bring the project to a conclusion.

**MOTION**

Commissioner Byrd moved the approval of \$1,443,016 by making use of cost of issuance under budget of \$23,794, the interest of income on construction funds that we have accumulated of \$228,868 and that the remainder come from the capital reserve fund and as much of that be refunded as possible by sales tax reimbursements on all ongoing and future school construction projects in the Ten Year Facilities Plan.

Chairman Judge seconded the motion.

Commissioner Cahoon stated that there was a great deal of discussion when the \$30 million was funded and it was clear what the total amount was supposed to cover. There are a number of educational needs to be addressed and she cannot, with a clear conscience, allocate additional money for the project at this time. She suggested that it be looked at again at the end of the year to see if there are revenues that were not projected that can be allocated. Commissioner Johnson discussed the ball fields and the conversation that was held when he was assured that ball fields would be included in the \$30 million total. He agrees that it should be considered at the end of this fiscal year if there are some revenues that were not projected. Vice Chairman Hooper did not support the motion that was presented because he cannot dedicate future sales tax revenue for the project.

VOTE AYES (2) Judge & Byrd

NOES (4) Hooper, Tillett, Johnson, & Cahoon

THE MOTION FAILED.

**MOTION**

Vice Chairman Hooper moved to approve the Cost of Issuance under budget in the amount of \$23,794 and the Interest Income on Construction funds in the amount of \$228,868 for First Flight High School totaling \$252,662 and take a look at a later date after the budget process.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 18 – CAMPAIGN SIGN STANDARDS – AMENDMENTS TO CODE OF ORDINANCES**

Ray Sturza, Planning Director, reminded that earlier this year, the Board adopted campaign sign regulations. In discussing these standards last week with the County Attorney, it came to our attention that these standards were added to the Zoning Ordinance and should have also been added to the general code of ordinance. Inclusion in the Zoning Ordinance makes the campaign sign

standards applicable in zoned portions of unincorporated Dare County only. The intent of the campaign sign standards was to apply them County-wide.

**MOTION**

Commissioner Hooper moved to schedule a Public Hearing to amend the Dare County Code of Ordinance to include the sign standards for Dare County on May 3, 2004 at 10:00 a.m.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 19 – UPDATE ON OREGON INLET BRIDGE**

Attorney Mills reported that she has heard from Secretary Manson's office and learned that amendments to the Refuge Management Act do not prohibit the granting of new rights-of-way within a national refuge as Board members were advised during a meeting with regional F&W officials in Atlanta last fall. Such grants of rights-of-way and easements are, in fact, specifically authorized under the Act. The grant of such new right-of-way and easement is, however, subject to a finding made by the local refuge manager that such new federal regulations specify what steps the local refuge manager must utilize in conducting a review (at a minimum, an environmental assessment would be required).

In addition, it was confirmed that, should the south landing of the replacement bridge fall with existing DOT right-of-way or on state property, no compatibility determination would be triggered as these rights-of-way have already been granted to the State.

In light of this information, Commissioner Cahoon requested that the State be asked to pursue a short bridge alternative. Vice Chairman Hooper noted that, once received, the letter be forwarded to state and federal representatives as important clarification on this matter.

Chairman Judge felt it was important to be involved in a meeting with Mike Bryant, USF&WS.

**ITEM 20 – CONSENT AGENDA (ATT # 13)**

**MOTION**

Commissioner Byrd moved the approval of the Consent Agenda:

1. Approval of Minutes – March 15, 2004 (regular & workshop)
2. JCPC 2004/2005 Program Agreements
3. Designation of Assistant Finance Officer
4. Health Department Receives Additional Family Planning Funds

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 21 – COMMENTS BY COMMISSIONER HOOPER**

- Town Hall Meeting in Buxton – He felt the Board needed to go to the southern end of Hatteras Village to hear the concerns of the citizens

**ITEM 22 – COMMENTS BY COMMISSIONER BYRD**

- Utilities Tax Assessment Issue – should not try to make any change in that legislation. Felt we need to do reevaluation more often.
- Budget time – She thought it was time to schedule a budget workshop in May and asked the Board to consider that.
- Board Meetings for 2004 – She noted that the Board has not set a schedule of board meetings for the entire year and recommended the Board address the issue.
- Airport Authority – She noted they did not have a formal process for the events use of the new facility at the airport. A point of contact should be put into place.

#### **ITEM 23 – COMMENTS BY COMMISSIONER CAHOON**

- CIP Workshop – She commented on holding a workshop in order to adopt the 5 Year CIP Plan.
- Attendance Line Policy – She referred to Public Comments and noted that the Board does not set the attendance line for building of schools. The process needs to be evaluated. As an example the new Nags Head Elementary School. She urged the school board to look at attendance lines. She is very concerned that the seniors will be split next year and will not have a choice of where to attend school.
- Height Restriction on Hatteras Island – She feels they need to revisit height in Hatteras. People are being impeded by our current regulations of 35' from base flood. We know that in July base flood elevations are going to change and people are not willing at this point to try to pull permits and live by 6 ½ ft. base flood elevation knowing that it is going to go up to 9 ft. or better. We need to encourage people to start building the way we used to build which is up on pilings with parking underneath.
- Shortage of EMS Personnel – She is concerned that Dare County trains the employees and then loses them mainly due to the high cost of living. She would like this discussed during the budget process.

#### **ITEM 24 - COMMENTS BY COMMISSIONER JOHNSON**

- BOE Request – Doesn't like having to vote a negative vote on a request for schools. There are other projects coming forward that will be several millions dollars low because of prices of materials. Without being able to budget it, I can't support it. I can't support blindly approving millions of dollars without knowing where it is coming from. We have got tax reevaluation coming up. People are afraid their taxes are going to double or triple. The evaluation will probably double or triple but we'll probably cut the rate down to about 32 or 33 cents and that will provide the money we need for schools. We need to be honest with people. We need to let people know what to expect. It seems as if we are doing things backwards. We are saying we want to do this and vote for it and then we say, Dave go out and make it happen. I am disappointed that the BOE makes a request like this and it has been going on for several weeks and I

have had a call from one school board member and that was Nick Nuzzi. If we had a better picture of what is going on, we could do a better job.

**ITEM 25 – COMMENTS BY COMMISSIONER TILLET**

- Parks & Recreation Board – She noted that the P&R Department had a very aggressive program and will make additional increases in his upcoming budget. She asked the Board to take a look at his proposals.
- Senior Games are coming up – She encouraged everyone to attend.
- Dare Day – Calendar 1<sup>st</sup> Saturday , June 5, 2004
- Zoning for Stumpy Point – wanted to know if everyone had received the handout

**ITEM 26 – COMMENTS BY CHAIRMAN JUDGE**

- Meeting with Town of Manteo – He referred to their meeting on March 15<sup>th</sup> and made the following appointments: (1) Traffic Study Committee – Attorney Norma Mills & Richard Johnson (2) Signage for Roanoke Island Long Range Plan – Commissioner Richard Johnson  
Commissioner Johnson asked for a county wide signage effort
- Mid County Bridge – His disappointment is that it has been a year since they met and now they are one year behind. His concern is that DOT will come in and widen the road in Duck and Southern Shores rather than deal with the bridge issue. It would be detrimental to Southern Shores and devastating to the village of Duck.
- High School Students Art Display – The artwork (MHS & CHS) is on display at Roanoke Island Festival Park and encouraged everyone to see the talent displayed by Dare County students.
- Flood Insurance – He was invited as a policy holder to a summit for flood insurance in Washington, DC. Beth Midgett, Fletcher Willey and he met with other folks from North Carolina and Maryland. The summit involved every aspect of the hurricane disaster. The policy holders were able to give specifics on their problems with good exchange of ideas and thoughts. Dare County received a promise from Anthony Lowe, Director for the Mitigation Division, changes are coming.
- April 13<sup>th</sup> - Mr. Shortly, Manager of Claims with FEMA, will be in town to meet with contractors to look at price list. One of the problems is owners are not getting paid enough per square foot, per yard, per piece of sheetrock, etc. The NC Price List is not adequate for Dare County and the second issue is to know what is covered and what is not covered. There will be meetings next month so residents can meet with the claims examiner and have their claim looked at. Letters will be going out to all 24,000 claimants in the five states with direction for reexamination of their claim. The Summit has led to the intention of good results.
- Sam with Charter Communications misstated this morning. Channel 63 will be the new school channel on Hatteras Island and not 62.
- Agree that the County Manager needs to address the question when we know figure "x" and what are we going to do with it.

- Calendar April 20<sup>th</sup> for a workshop at 3:00 p.m. on heights.

**ITEM 27 - COMMENTS BY COUNTY ATTORNEY**

- Flood Insurance Changes – The toll free # is 1-800-427-4661. This is an opportunity to have DC claims reopened and reclaimed.
- Report of settlement of litigation – James Davis & Construction \$565,000 DC share 200,000 no direct cost to the county
- DC Code of Ordinances – American Legal Publishing Corporation on price base rate of \$9,000. She will bring a recommendation and will be starting a nine month process.
- Manteo High School Play, titled Smoke on the Mountain will be performed by the students this week.
- April 1<sup>st</sup> – Manager Terry Wheeler celebrated his 13<sup>th</sup> Anniversary as County Manager.

**ITEM 28 – UPCOMING BOARD APPOINTMENTS MAY – HEALTH BOARD AND ZONING BOARD OF ADJUSTMENTS**

**ITEM 29 – CLOSED SESSION – PERSONNEL AND POTENTIAL LITIGATION MOTION**

Vice Chairman Hooper moved pursuant to the provisions of NCGS 143-318.11, that the Dare County Board of Commissioners go into Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee and to consult with an attorney employed or retained by the County in order to preserve the attorney client privilege between the attorney and the County in the matters of potential litigation.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

AT 3:15 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 3:50 P.M.

Chairman Judge reported that no action was taken in closed session.  
AT 3:50 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 3:00 P.M. ON APRIL 19, 2004.

(SEAL)

Respectfully Submitted,

By: \_\_\_\_\_  
Frances W. Harris  
Clerk to the Board

APPROVED:

By: \_\_\_\_\_  
Warren Judge, Chairman  
Dare County Board of Commissioners