

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
April 19, 2004**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on April 19, 2004, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Virginia Tillet, Cheryl Byrd, Richard Johnson, and Stan White. Also present were Manager Terry Wheeler and Attorney Norma Mills. Chairman Judge opened the meeting followed by silent meditation. A group of children from the Ferris Wheel Day Care led the group in the Pledge of Allegiance to the flag. Chairman Judge recognized Donna Trivette, Kitty Hawk Town Commissioner.

ITEM 1 – WEEK OF THE YOUNG CHILD PROCLAMATION

Attorney Mills read the proclamation naming April 18-24, 2004 the Week of the Young Child in Dare County.

Loretta Michael, Executive Director of Children and Youth Partnership, introduced the children and adults. She asked the children to come forward and present their artwork to the Board members.

Jonathan Wark, Co Chair of Children & Youth Partnership, noted there would be another State of the Child Conference, a needs assessment, public relations committee, long term goals and a fund raising event. He reaffirmed their commitment for all children in Dare County along with the preventative nature, quality and availability of child care.

Cliff Ogburn, Co Chair recognized the Board of Directors – Terry Wheeler, Warren Judge, Cathy Spencer, Donna Trivette, Janet Owen, and Jim Southern. He shared some statistics that have recently been released. Ms. Michael shared information about programs offered by the Partnership Board and invited everyone to the Week of the Young Child Picnic next week at Recreation Park in Kill Devil Hills.

MOTION

Commissioner Cahoon moved the adoption of Proclamation – Week of the Young Child April 18-14, 2004.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 2 – CHILD ABDUCTION AWARENESS WEEK PROCLAMATION

Karen Rust, on behalf of the Kitty Hawk Elementary School PTA and the C.A.R.L.I.E. Club, presented the proclamation in an effort to raise awareness in Dare County regarding the risks of child abduction and preventative measures that can be taken to avert and protect against abductions.

MOTION

Commissioner White moved the adoption of the Proclamation Proclaiming Child Abduction Awareness Week.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 3 – PRESENTATION OF THE “DARE COUNTY AFFORDABLE HOUSING STUDY” (ATT # 1)

Chuck Poe, Executive Director of the Outer Banks Community Development Corporation, presented the Dare County Affordable Housing Study. The Outer Banks Community Development Corporation prepared the study, which is built on a study the Outer Banks Chamber of Commerce prepared for the 2001 housing conference “A Place to Call Home.” The conference and study confirmed the lack of affordable housing as an emerging issue in Dare County. This finding led community leaders to establish the OBCDC. The study confirms the existence of an affordable housing problem and defines the magnitude of the problem with available statistical data. The study contains specific findings that quantifies the scope of the problem and suggests ways that a comprehensive, coordinated approach by the County, its political subdivisions, the private sector, and the CDC can begin to address this problem. Affordable housing as termed by the U.S. Department of Housing and Urban Development for a household of four members is a unit which rents at or below 30% of the median income of that household, and for sale property, sells at a price no more than three times the household’s gross annual income. The study represents the first comprehensive effort in Dare County to collect and analyze affordable housing data. The study will serve as a benchmark for annual statistical updates.

Chairman Judge expressed appreciation for the presentation.

Commissioner Johnson, Chairman of the Affordable Housing Committee, noted they have to reach the definition of “affordable” as it relates to Dare County because there must be something that directly ties to Dare County. Once the definition is finalized they will move forward this week with the recommendations.

ITEM 4 – COLINGTON POINTE LLC – REZONING REQUEST

Donna Creef, Senior Planner, presented a rezoning request for Albemarle Engineering on behalf of their clients, Colington Pointe LLC to rezone a large tract of land in Colington from its existing classification of R-2B to a new designation of R-3. The site currently operates as the Colington Park Campground and Mobile Home Park. The rezoning is sought to accommodate the re-development plans of the new owners to include a mix of single family and multi-family structures. The R-2B district does not permit multifamily structures. If the Board considers the request, a motion to schedule a Public Hearing on the request is the next step in the process.

MOTION

Commissioner Cahoon moved to schedule a Public Hearing on the request for May 17, 2004 at 3:30 p.m.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 5 – BEACH NOURISHMENT COMMITTEE UPDATE

Ray Sturza, Chairman of Beach Nourishment Committee, noted that on April 5th the Board heard a presentation from the BNC concerning alternatives for interim erosion abatement measures. At that time, it was suggested that an update from the BNC be scheduled for April 19th to brief the Board on a response from the Corps and the State concerning the proposal to devise some alternative interim measures. He corrected the record for anyone who may have misunderstood that one of the alternatives that Mr. Pitt brought to the Board was the idea of asking the State of North Carolina to assume full responsibility of the federal dollars that may be difficult to obtain. That is one of the alternatives that the group had dismissed and is not pursuing. What the County is pursuing from the State is for the State to use the money that would have matched the federal money to assist Dare County in a smaller version or maintenance phase of the program. It was misrepresented and some of the people in Raleigh thought Dare County was coming to ask for the entirety of the federal monies and Dare County was not. Secondly, he brought information from his interaction with the Corps of Engineers. The COE, as the county's project manager, would be interested in the job but the county would be subject to a different set of permit requirements than if the county were under the federal umbrella. In addition to the state level permit, they would have to get the federal permit because it would not have the federal umbrella that it has as the Northern Dare Beaches Storm Protection Project. One good news from the Wilmington District he wanted to share is that a reinterpretation has occurred and the county will have the opportunity to execute a project coordination agreement this year that does include a 50-year maintenance agreement. They do not have to rewrite the PCA and will be moving forward to try and get one to include the 50-year maintenance cycle executed as soon as possible.

Commissioner Cahoon reported that members of the BNC are going to Raleigh to see what level the state is willing to commit and to make sure they are still honoring their commitment had the county received federal funds.

Mr. Sturza added that the County Engineer is working to gain permission to go on the spoil islands to gain samples so he can have them analyzed to make sure they are compatible because this is another source of sand staff has identified as a potential use for beach nourishment, assuming the county can get the permits. Another big caution that came from the Project Manager is the appropriate terminology for Beach Nourishment Project is **Storm Damage Reduction**.

ITEM 6 – DRAINAGE MAINTENANCE PROGRAM (ATT # 2)

Steve Shriver, County Engineer, presented the attached memorandum describing a drainage maintenance program that could be started within the unincorporated areas of the County. He gave a short presentation outlining his ideas of how the program could be implemented and operated. As noted in the memorandum, the development of a project eligibility policy is probably the most important item that needs to be addressed.

Showed a few photographs illustrating drainage problems in the county:

- Scope of work-to perform maintenance of existing ditches, culverts, and other drainage infrastructure
- To re-design or enhance a poorly designed and/or poorly constructed drainage
- To perform site evaluation design work
- Areas of concern - Public, privately owned/public use, privately owned/private use
- Breakdown of roads by type in unincorporated DC state/owned and maintain and public accessible/private
- Goal – to maintain drainage along all publicly accessible roadways and also to maintain effective draining on other properties if it affects the drainage on the publicly accessible roadway
- Method of selection projects – study prepared by the county 3 years ago, coordination with Mosquito Control Department, and rely on calls from the general public and public announcements
- Form a selection committee to meet on a regular basis
- Approximate cost totaling \$147,000

Commissioner Cahoon felt the report did not mention the municipalities and the money was funded from the General Fund and asked how he was proposing to address those areas that are incorporated within Dare County. The towns would need to be included if the funds were taken from the General Fund otherwise she suggested to make it an addendum to the unincorporated areas through an extra portion of the tax bill. She feels the towns should be included since they are all paying that portion of the tax. She would need criteria on how the towns would apply for it and find out who the project selection committee would be. Mr. Shriver said that he would prefer to manage areas in the unincorporated areas since the Towns have established programs.

Commissioner Byrd raised concern about storm management issues and the payment of them and felt the state should be responsible for state roads. She did not think the funds should come from the General Fund and the towns should solve their own problems.

Commissioner White agreed with Commissioner Byrd and asked if work can be done on private property and Attorney Mills responded that the County can perform work on private property if it is for the public good. He pointed out that there will be a number of issues to solve and that individual property owners may have to be assessed.

The Board concurred on the plan and that the funding would come from a special assessment tax.

Attorney Mills noted she had met with Ann Ward, Agriculture Extension Director, and Nancy White with Coastal Studies Institute, concerning the Gateway Project, in which the Extension Office is one of 12 pilot counties in the state and they serve as a gateway into the university system to tap the resources across different institutions to bring the resources to help with the issues here. Mrs. Ward was asked by NC State this week to provide a couple of projects from Dare County that would be a Gateway Project. One project is to ask for resources of

NC State and the Coastal Studies Institute to work with the County Engineer to help develop a comprehensive drainage and stormwater management plan which the county does not have. This would be a great benefit for the county. They will be pursuing that with the County Engineer.

THE BOARD TOOK A 5-MINUTE BREAK.

ITEM 7 – TEACH’S LAIR CUP AMENDMENT

Donna Creef, Senior Planner, noted that in January 2002, a conditional use permit was authorized for a group development at the Teach’s Lair Marina site. The CUP authorized the remodeling of two existing buildings and the construction of three new buildings. The developer has requested an amendment to the CUP to change the use of two of the new buildings from retail use to residential use. All of the proposed uses are consistent with the C-2H district.

MOTION

Vice Chairman Hooper moved to authorize amendment to the Teach’s Lair group development conditional use permit to reflect change in use from retail to residential.

Commissioner White seconded the motion.

VOTE: AYES unanimous

ITEM 8 – REQUEST FROM BOARD OF EDUCATION (ATT # 3)

Dave Oaksmith, Chairman of Board of Education, made a presentation of bids for Manteo Middle School and Nags Head Elementary School. He noted that both exceeded the cost estimates previously presented to and approved by the Board of Commissioners. The Board of Education held a special workshop on April 5th to receive an update from architects and staff on market conditions impacting bids. Mr. Thomas, Architect for the Nags Head Elementary, stated that actual market changes have been so dramatic that no one could have predicted them. The prices of all construction materials have recently skyrocketed. Additionally, energy and labor costs are escalating at a rapid pace. He noted that the projects previously approved met the education specifications of Dare County Schools, and had tremendous support. Mr. Oaksmith noted that significant cuts cannot be made without impacting negatively on the education programs at the schools. The Board of Education made the following requests:

Manteo Middle School: Additional project funds in the amount of \$1,758,000. This amount includes \$1,400,000 for construction due to increased materials costs, \$48,000 for terrazzo floors in central corridors and \$310,000 for an auxiliary gym.

Nags Head Elementary School: Additional project funds in the amount of \$2,079,251. The amount includes \$1,981,251 for construction due to increased materials costs and \$98,000 for terrazzo floors in central corridors.

In addition:

First Flight High School: In addition, he requested a restoration of the remaining unfunded \$1,190,636 for First Flight High School. Because they had to transfer

construction funds to cover start-up costs, they are forced to open a school without the facilities that they have outlined to the Board in previous letters.

Commissioner Cahoon asked for copies of the bid tabulations versus the costs estimates to compare with the January 2004 costs versus the bids as they came in. Mr. Thomas reported that building technology and offsite road improvements were not included in the bids that were being presented but he does not anticipate having to come to the Board again for additional funds. Commissioner Cahoon suggested that building permit fees be waived by the County for Manteo Middle and challenged Nags Head to do the same for the Nags Head Elementary School.

Vice Chairman Hooper asked if jobs could have been bid together and the architect replied that he was not sure if it was considered.

Commissioner Johnson asked if costs for construction control and architect fees increase as costs for construction increase and according to Chairman Oaksmith they do not. Commissioner Johnson stated that he will support the funding for the schools which is related to building costs.

Vice Chairman Hooper wanted to know their options of what to cut out and stay under budget. He stated that the cost increases are not anyone's fault but he would like to see options about what can be cut in order to keep the projects within budget. Chairman Oaksmith indicated they have been pared down as much as possible in order to meet the needs. Vice Chairman Hooper questioned what the BOE would do if the additional funding is not approved. Mr. Thomas indicated they would have to consider cutting space and there would be a question if these kinds of changes could be made under the current bids in place. He also said that the scope of changes would be detrimental because additional space would be needed in a few years.

Commissioner White inquired about the valued engineering process and whether any items have been cut since the bids were received. He also asked about how detailed a list of materials and associated prices come with the bids. They replied that there is almost none in the beginning, but they have since received a breakdown of the bid by division. He noted that 90% was in the two categories - steel and gypsum, which are the main overages.

Commissioner Byrd stated she was confident with the bids and recommended taking another look at the 10 Year Facility Plan and possibly changing the order in which they will implement the plan and rearranging the schedule of building in a different order over a longer period of time. (See attached).

Chairman Judge noted that there may be monies in different line items and the Board of Commissioners' figures are not the same as the Board of Education and possibly the two boards could meet and review these numbers.

The Board of Commissioners requested the following information from the Board of Education and made several suggestions:

- Copy of bid tabulations on both schools
- Valued engineering items suggested by School Improvement Teams that were accepted
- List of engineers items that were engineered out
- Permit fees in our facilities - NHE lists a building permit fee and MMS is not listed and if listed show a breakdown of line item of it is listed.
- Publicize very well the attendance line for NES before bid construction.
- Copies of blueprints delivered to the Board of Commissioners' office for both schools (MMS & NHES).

Chairman Judge suggested that the two finance directors meet and then understand the needs of the line items.

Mr. Oaksmith noted that furniture, technology, and start up cost are included. The Board concurred to place the item on the next agenda for additional discussion.

THE BOARD MOVED TO ITEM 13 - PUBLIC COMMENTS.

**ITEM 9 – NORTH CAROLINA COASTAL COMMUNITIES COALITION
(ATT # 4)**

Manager Wheeler, on behalf of Bob Muller, Chairman of NC Coastal Communities Coalition and Mayor of the Town of Nags Head, made a presentation. He requested the County membership in the newly formed North Carolina Coastal Communities Coalition (the Coalition). The Coalition has its roots in the informal meetings of coastal communities held annually over the past several years, and the organization was recently formalized in an effort to take a more proactive and ongoing role in the issues affecting North Carolina coastal communities. The Coalition's main objective is to promote the welfare of the coastal region of North Carolina by fostering communication and cooperation among the municipalities and counties of the region and their various constituents and partners. The Coalition will work to foster public policies that serve the interests of the coastal region, foster economic development in the coastal region, and protect and enhance the natural environment that is the region's greatest resource. The Coalition will pursue its mission through: (1) Education efforts aimed at its members, relevant governmental agencies, and the general public (2) Lobbying to promote the development of public policies, rules, and legislation that promote the welfare of the region (3) Cooperative efforts with its members to address the needs and interests of the region.

In short, the Coalition will fulfill a role similar to that of the North Carolina League of Municipalities and the North Carolina Association of County Commissioners, but will have a clear focus on coastal issues. The Coalition is not a subsidiary of either of these statewide organizations, and purposely chose to function autonomously.

The Coalition will maintain a liaison with these statewide organizations with representatives from both organizations holding ex-officio memberships on the Coalitions' Board of Directors.

The Board noted they would like to know more about the benefits that Dare County would derive from its membership.

Chairman Judge asked that a representative come before the Board to explain the Coalition.

ITEM 10 – CONSENT AGENDA (ATT # 5)

MOTION

Commissioner Byrd moved the approval of the Consent Agenda:

1. Approval of Minutes – April 4, 2004
2. Social Services Budget Amendment – Day Care Funding
3. Amendment to Capital Project Ordinance for First Flight High School

Commissioner White seconded the motion.

VOTE: AYES unanimous

ITEM 11 – PARKS & RECREATION ADVISORY COUNCIL

MOTION

Commissioner Cahoon moved the reappointment of Mel Covey to serve a three-year term and appointed Jimmy Brown to fill the unexpired term on the Parks & Recreation Advisory Council.

Commissioner seconded the motion.

VOTE: AYES unanimous

ITEM 12 – OREGON LINLET BRIDGE UPDATE

Attorney Mills deferred her comments to Commissioner White.

Commissioner White reported that DOT consultants gave extremely high costs projections for cable stay and suspension bridge construction. He has done some research and learned that actual costs for these types of bridges are much less than they (the consultants) indicated. He contacted VDOT and according to them, there is no difference in the cost of maintenance on a cable stay or suspension bridge. He noted that last week the Secretary of DOT sent a letter to Representative Walter Jones based on their figures of crossing Oregon Inlet which were extremely high. He has informed the Secretary of DOT that the Secretary has been given inaccurate information about costs and that the information has been forwarded to Washington, DC. Commissioner White's calculations based on square footage is about \$60 million making a difference of about \$450 million. He is waiting to hear from the Secretary.

In another time Attorney Mills, Chairman Judge, Vice Chairman Hooper, and he met with Secretary Manson regarding the issue of whether they could land the bridge on Pea Island anywhere other than the accesses the county already owns. He feels that they can probably get permission if they can find it compatible. It is imperative to move forward and begin construction in 2006 and completion in 2010. More than likely it will be a designed built project which

makes it happen a little bit faster but it will still take 4 years to build the bridge. He has a feeling within the next week or so things are going to move forward. Vice Chairman Hooper asked if the old short bridge alternative was still an option Commissioner White responded that was taken out of the mix a long time ago because their next shortest version would bypass the first hot spot. His guess is the Secretary and staff would prefer to build the bridge west of the existing bridge so it may come back to light. Finding a location in that compatibility would be good. If we could get compatibility ruling south of the first hot spot that would satisfy a lot of DOT problems. We do continue to nourish the beach there.

ITEM 13 – PUBLIC COMMENTS

1. Catherine Jones, Hatteras Island, came to speak about height. She read that height would be discussed by the Board of Commissioners. She said that tax records indicate that many property owners are from outside the area. Many of the suburban areas are dealing with height issues and there are ongoing battles all over the county. The places from which we draw our owners and vacationers are dealing with the same issues at home. She stated that we are creating the same situation here in Dare County that these people are trying to escape.
2. Noah Paley, Hatteras Island, noted that one lesson we have learned from Hurricane Isabel is that we have to elevate our structures. In order for people to have insurable interest, they have to elevate the first floor and current height limitations can make this difficult. He told the Board that certain decisions must be made that will fund the services that are needed. The tax base needs to be preserved and expanded.
3. Dan Oden, Hatteras Village, stated that the 35' height restrictions in the village will make it impossible for him to rebuild his family's motel.
4. Al Bonney, Hatteras Village, co-owner of a motel in the Village, stated that height limitations have made it difficult to design the new motel and his own personal home. He asked that height be revisited.
5. Dan Johnson, Hatteras, needs clarification about Teach's Lair Marina and some property that is owned by Teach's Lair located across the street from the marina. The buffer area is confusing. He also feels certain flood insurance issues need to be addressed post Isabel because it is unclear whether some structures be covered by flood insurance.

THE BOARD MOVED BACK TO ITEM 9.

Chairman Judge announced that on Friday of this week from 10:00 a.m. to 7:00 p.m., FEMA will be on Hatteras Island at the Fessenden Center to speak with individuals about flood issues.

ITEM 14 – COMMENTS BY COMMISSIONER BYRD

- Rural Planning Organization – She received notice NCDOT has called for an Enhancement Project Request and deadline for the applications are May 4th. There is video conference sites coming up for getting more info

on this - April 22nd at 1:30 p.m. and one site ECSU in Elizabeth City and the other is ECU in Greenville. She has phone numbers if anyone has a project. Commissioner White responded that this happens every two years. Downtown Hertford received street lights. The process is to make an application which is reviewed and forwarded to a state wide selection committee. The problem is that the funds have decreased. It is a great project for those who can receive them.

- Schedule of Meetings – She reminded they need to set a schedule of meetings for the year.
- Height Workshop – She cannot attend the workshop on heights and handed out her concerns. She feels that homes are going to have to be built above the base flood elevation level and the issue of parking underneath the buildings. She felt they needed more height with less lot coverage and would rather see a taller skinnier building than a shorter fatter house.

ITEM 15 – COMMENTS BY COMMISSIONER CAHOON

- Oregon Inlet Bridge – She appreciated that Commissioner White drove across the James River Bridge and hopes it gave him ammunition to moved forward with NCDOT/Oregon Inlet Bridge in hopes of looking at alternatives other than the 17-mile bridge.
- EMS – She asked if EMS drivers are considered commercial drivers. Manager Wheeler responded no. She asked for information on the number of long hauls the EMS drivers make to Greenville.

ITEM 16 – COMMENTS BY COMMISSIONER JOHNSON

- Height restriction – He felt they needed to deal with height so they can replace the buildings and structures on Hatteras Island. He would like to create a hotel zone and encourage the replacement of hotels, which is a big part of the economy especially on Hatteras Island where people come to fish. They need to address those two things immediately.
- Schools- He feels that the schools that he considers to be in the worse condition are the last schools to be addressed which are Kitty Hawk, Cape Hatteras, and Manteo Elementary School. He would like to encourage the Board of Education to fast track and get all of the materials to the Board of Commissioners so they look at the whole package. The county needs to take advantage of the interest rates as they are now.
- Status of Jennette's Pier – Commissioner Cahoon responded the Aquarium Society will be meeting here this weekend and put a plan on the table. There will be no pier this summer and the Memorandum of Agreement has not completed.

ITEM 17 – COMMENTS BY COMMISSIONER TILLET

- EMS – That has already been addressed.
- Building height for Hatteras – She will not be able to attend the workshop on Tuesday but would like to see more flexibility with the height issue.

- Public Schools – She asked for clarification regarding the 10-Year Facility Plan, when adopted, was a set amount of dollars assigned to each project and the response was yes.

ITEM 18 – COMMENTS BY COMMISSIONER WHITE

- Height Workshop – He will not be able to attend and wondered if there would be a quorum. The Board will address the matter before they adjourn.
- CIP Report – He reported they met this morning and noted the funding requests are greater than the funds they have available. The CIP Plan has not been finalized and they will meet again in a couple of weeks. There were new requests from the School Board.

ITEM 19 – COMMENTS BY VICE CHAIRMAN HOOPER

- Economy – The lack of commerce in Hatteras took a hit the last 10 days which is largely due to lack of hotels. Two areas that can be solved is (1) a parking area for beach visitation on the north end of Hatteras sound side and (2) height restriction. He felt that it should be a Hatteras Island issue and not just Hatteras Village and 35' is not enough.
- Litter on Hatteras Island – The County Manager will handle the issue. Possible citations by the Sheriff's Department could resolve the issue and inmates could be sent down to help with the clean up.

ITEM 20 – COMMENTS BY CHAIRMAN JUDGE

- Art Unveiling Reception – April 22nd - 4:00-6:00 p.m. at the Justice Center He hopes to have a good strong support from this Board.
- Senior Games – April 23rd – 10:00 a.m. at the Baum Center
- Children and Youth Partnership Picnic – April 22nd – 10:00 a.m. at Rec Park
- Westcott Park – Dedication of new concession / restrooms. Commissioner Johnson will fill in for the Chairman.
- Teen Court Banquet – April 21st

ITEM 21 – COMMENTS BY COUNTY ATTORNEY

Attorney Mills reminded that the National Flood Insurance Program is providing an opportunity to have claims reviewed. There are two meetings this week in Dare County - Thursday, April 22nd - 10:00 a.m. – 7:00 p.m. at EMS Station 1 in Kill Devil Hills and Friday – April 23rd - 10:00 a.m. – 7:00 p.m. at the Fessenden Center. They are being told to bring any information they have from the contractors. If a person is not able to attend the meetings, he/she is still eligible to request the claim be reopened again. The FEMA number is 1-800-427-4661 or visit the FEMA website at www.fema.gov. This information is also available on the Dare County Web Site. For final clarification, a person has the opportunity to ask for a review of what was paid to him. If under paid or not paid enough, bring bills and contractor invoices and ask FEMA to increase the amount of reimbursement. If the first floor was considered non-covered, they excluded that

area which has been a problem for so many of the residents. FEMA has reversed their determination on that and the lower area is now eligible for coverage and the claim can be re-opened.

ITEM 22 – COMMENTS BY COUNTY MANAGER / COECO LEASE AGREEMENT (ATT #)

Dave Clawson referred to the COECO Lease Copier Contract that the Board approved at the last meeting. There has been a miscommunication with the Account Manager from COECO. The county assumed there would be one agreement between the county and COECO. They assumed they would have an agreement similar to the agreement that was in place the last five years, which was two agreements (1) where the county leased the equipment directly from an operating lease financing company and (2) another agreement for all of the service supplies and maintenance. COECO would like to maintain that current structure.

MOTION

Commissioner White moved to authorize the County Manager to execute: the Master Lease Agreement with De Lage Landen and the supporting schedules: Master Lease Schedule # 1; Fiscal Funding Addendum; and Lease Agreement Addendum.

Customer Acceptance Form with COECO and with language addressing non payment by COECO to the lessor.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 15 - CLOSED SESSION

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.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

AT 7:10 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND 7:20 P.M.

Chairman Judge reported the Board was out of Closed Session and will make a motion.

MOTION

Commissioner White moved, based on their annual evaluation of the County Manager, to approve a 5% merit raise to Manager Terry Wheeler.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

AT 7:25 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS

ADJOURNED UNTIL 3:00 P.M. ON APRIL 20, 2004 FOR A WORKSHOP ON
HEIGHT ISSUES.
THE NEXT REGULAR MEETING IS 9:00 A.M. ON MAY 3, 2004.

(SEAL)

Respectfully Submitted,

By: _____
Frances W. Harris
Clerk to the Board

APPROVED:

By: _____
Warren Judge, Chairman
Dare County Board of Commissioners