

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
May 3, 2004**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on May 3, 2004, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Virginia Tillett, 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. Chairman Judge announced that since Item 5 would not be heard today, Item 9 would move in its place.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

1. Debbie Simmons, Income Maintenance Caseworker II, received her 15-Year Pin from Pat Jump, Social Worker Supervisor II.
2. Pam Meekins, Telecommunicator Shift Supv., received her 20 Year Pin from Sheriff Rodney Midgett.

ITEM 2 – EMPLOYEE OF THE MONTH

Mike Melugin, Chief Pilot for Dare MedFlight, received the Employee of the Month Certificate from Skeeter Sawyer, EMS Director.

ITEM 3 – PUBLIC COMMENTS

1. Jim Northrup, Nags Head, said his kids would be going to Manteo High School next year. He noted that the future is not the town, but the children and that the Board of Education was more focused on facilities than children. He felt the 10-Year Facility Plan needed to be reexamined and asked the Board not to fund the request until the Board of Education can produce a line by line budget on every project.
2. Linda Hamby, owner of a bed and breakfast in Kitty Hawk Woods, spoke about the poor quality of water at her home. She is on a well and has replaced it several times. She supported the request.
3. Catherine Jones, Waves, requested the Board and Planning Board to reconsider the approval given to St. Waves Plaza which is a strip center. Her concern is the northern entrance to the parking lot at the center. She said that it appears after NCDOT denied the developer a second entrance; the developer chose to tap into the existing exit of the property to their north even though they had already been denied any easement by the lessee of that property.
4. Malcolm Fearing, Manteo, noted that there has been a lot of lobbying on the two school projects. He feels that the Board of Education has been

very generous in funding schools and encouraged the Board to fund the auxiliary gym at Manteo Middle School.

5. Karen Cobb, Manteo, spoke in support of the facilities and the School Improvement Team and their hard work. She asked the Board to consider the BOE's request.

ITEM 4 – UNC CSI PROPERTY DONATION REQUEST (ATT # 1)

Lynn Bryant and Tom Murphy, Co-Chairs of the Dare County Task Force on Higher Education presented a request that the County formally commit to donating up to approximately 40 acres of a parcel of land adjacent to the Airport and the NC Aquarium on Roanoke Island for development of facilities for the UNC Coastal Studies Institute (CSI). The request is also endorsed by the CSI Board of Directors, and UNC System Office of the President.

Ben Cahoon, local architect and Dr. Nancy White, Director of the Coastal Studies Institute were present.

Mr. Murphy presented the resolution.

MOTION

Commissioner Byrd moved to commit to make available to the University of North Carolina Coastal Studies Institute up to 39.94 acres as pictured in the Agenda Packet and instructed the County Attorney to begin the study of legal and regulatory issues to affect the transfer and also to include the Request to the Board of Directors of Coastal Studies Institute to include a seat on the Planning and Design Group for a member of the sitting Airport Authority.

Vice Chairman Hooper seconded the motion.

Commissioner White hoped there would be more than one representative but it does not say anything about County representation on the Planning and Design Group. He feels that a Board of Commissioners member should be involved.

Attorney Mills noted that Dr. White and Ben Cahoon are starting to get input from the community, the commissioners, and from various partners including the Airport Authority and the NC Aquarium on who should be a part of the long term planning team and the County will be a central part of that.

AMENDED MOTION

Commissioner Byrd moved to amend the motion to commit to make available to the University of North Carolina Coastal Studies Institute up to 39.94 acres as pictured in the Agenda Packet and instructed the County Attorney to begin the study of legal and regulatory issues to affect the transfer and also to include the Request to the Board of Directors of Coastal Studies Institute to include a seat on the Planning and Design Group for a member of the sitting Airport Authority and to add the phrase to include representatives of the Dare County Airport Authority and representatives of the Dare County Board of Commissioners in all stages of planning and development so as to ensure that the legitimate concerns of the Authority and Board of Commissioners will be taken fully into account when the site planning and architectural planning and design for the projected new Coastal Studies Institute are undertaken.

Vice Chairman Hooper seconded the motion.

Commissioner Johnson felt that if there is any transfer of property from the Airport Authority that there needs to be (1) a reversion clause in regard to the school and (2) a statement noting that the Dare County Airport Authority is donating this property and for the school officials to realize that they will be next door to an airport and to design their buildings in a manner that takes the noise factor into consideration. These two items should be included in the deed. Chairman Judge reiterated that the property should revert back to Dare County should the school leave. Both Mr. Cahoon and Dr. White are aware of the noise factor. He also noted that 39 plus acres is owned by Dare County and is not under lease to the Airport but it does have the FAA restrictions on the deed just like the NC Aquarium property did.

VOTE: AYES unanimous

Mr. Murphy, in regard to the resolution that was handed out, noted that the state legislature is in session and Senator Basnight and Representative Culpepper will be enormously strengthened by the action taken by the Board and will be able to say to their fellow legislators that Dare County has done its part in that the property is available and the legislators must appropriate the money to let this planning and building process go forward. He read another resolution and request approval.

MOTION

Commissioner Byrd moved the adoption of Resolution #04-05-17.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

Attorney Mills noted that now that action has been taken to donate the property, there will be an appraisal to put this information forward to the legislative delegation and also to empower Ben Cahoon and Dr. White to begin the formal stake holders planning process. The value of the property will be significant and that will be a great benefit in getting the funding this session.

ITEM 5 – OREGON INLET & WATERWAYS COMMISSION / TABLED UNTIL MAY 17, 2004

This item was tabled.

THE BOARD MOVED TO ITEM 9

ITEM 6 – PUBLIC HEARING - AMENDMENT TO COUNTY CODE – SIGN REGULATIONS (ATT # 2)

AT 10:15 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON SIGN REGULATIONS.

Ray Sturza, Planning Director, reminded the Board that staff was instructed to schedule a public hearing to amend the Dare County Code of Ordinances to transfer the sign regulations currently found in the Zoning Ordinance to the general code so that the sign regulations would apply County-wide and not simply to the zoned portions of unincorporated Dare County. Following the hearing, the Board will be in a position to amend the general code.

Attorney Mills conducted the hearing and invited the public to speak.

There were none.

Chairman Judge closed the hearing at 10:15 a.m.

MOTION

Commissioner Cahoon moved to adopt the revisions that the sign regulation currently included as Section 22-59 of the Dare County Zoning Ordinance be transferred to the Dare County Code of Ordinances, Title XV, Chapter 158.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

THE BOARD TOOK A BRIEF RECESS.

ITEM 7 – HURRICANE ISABEL RECONSTRUCTION ISSUES AND ALTERNATIVES (ATT # 3)

Ray Sturza, Planning Director, as a follow-up to the workshop held on April 20, 2004, presented several alternatives for the Board's consideration for the three issues discussed at the workshop: building height, enclosure areas, and fill material. As discussed at the workshop, public hearings on these ordinance amendments will be necessary before any action by the Board can be taken. The earliest possible hearing date is June 7, 2004. He indicated that several alternatives can be advertised for public input. Staff can prepare all of the alternatives included with this agenda summary for hearing advertisement, only certain alternatives for hearing or make additional revisions following instructions from the Board. He noted that it is staff's understanding that these amendments are intended for Hatteras Village only where the anticipated change in the base flood elevation is about to occur and they are drafting the ground floor enclosure in such a manner so as to use only one side of the structure so there will not be the total resistance to the rising water as it moves in. It is the staff's recommendation to advertise them all.

Commissioner Johnson offered the following as Alternative 4:

- to measure from the top of the top plate to the bottom of the floor joist, which would encourage people not to build the flat roofs
- to encourage them to build nice looking roof lines and add dormers, which is easier than measuring a roof
- to see up to 2'-8' under the house from base flood for parking
- to put a figure of 25% of the size of the house or 300' whichever is less.

Commissioner Byrd thought it would be a big mistake to build a garage under the house that did not have break away walls and this should address the same issue for the entire island.

MOTION

Commissioner Cahoon moved to send Alternatives (1,2,& 3) as well as all of the heights that staff is enclose into these and also Alternative 4 to reflect

Commissioner Johnson's modifications and the Planning Director's modifications to the public hearing on June 7, 2004 at 10:00 a.m.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED TO ITEM 12 SECONDARY ROAD IMPROVEMENT PROGRAM (TIME SENSITIVE – 11:00 A.M.)

ITEM 8 – REQUEST FROM BOARD OF EDUCATION / TABLED 4/19/04 (ATT # 4)

Chairman Judge reminded that the request for additional funding for the Nags Head Elementary, Manteo Middle and First Flight High School projects was tabled until May 3rd. During their discussion on 4/19/04, the Board of Commissioners had requested additional technical information about these projects. He referred to the letter from Chairman Dave Oaksmith which is included in the packet in response to those requests as follows:

1. Certified Bid tabulation forms for Nags Head Elementary and Manteo Middle School projects.
2. Copy of project bid drawing package for Nags Head Elementary and Manteo Middle School projects.
3. List of Value Engineering (VE) items removed from the Nags Head Elementary and Manteo Middle School projects before bid.
4. List of alternate bid items for Nags Head Elementary and Manteo Middle School projects.

Chairman Oaksmith noted that the information was provided in advance of the May 3rd meeting to the Board members, Finance Director, and their Finance Director. He addressed specific questions concerning project budgets, permit fees and start-up costs.

Chairman Oaksmith noted that the low bidder for Manteo Elementary School has changed due to a protest filed regarding incomplete documents that were submitted by low bidder. It was the County Attorney's opinion that the protest is valid. The architects made their presentation; (See attached).

There was Board discussion.

MOTION

Commissioner Johnson moved the approval of additional project funds for Manteo Middle School in the amount of \$2,091,069 and Nags Head Elementary School and with the Board of Education \$2,079,251 and include terrazzo throughout with a total of \$4,170,320 and to include terrazzo and an auxiliary gym.

Commissioner Byrd seconded the motion.

Chairman Judge noted that sales tax figures for both schools will not be included in the amount financed for the projects. The County will waive the permit fees for Manteo Middle School and the Town of Nags Head will address the permit fees for Nags Head Elementary School at their upcoming meeting.

Commissioner Cahoon had wished that the Nags Head Elementary School and the Central Office had been a separate motion. She would not have supported a Central Office at this time because of what the tax rate will be for the citizens of Dare County.

Commissioner Tillett concurred with Commissioner Cahoon. She would like for every dollar to be spent on schools even though a Central Office is needed but this was not the time for it.

Commissioner Cahoon would challenge the Board of Education to review the 10 Year Facility Plan because the tax implications are scary and at some point in time the well runs dry. The Board asked BOE to start tightening its belt. Chairman Oaksmith stated that he is not coming back for a 20% increase on these projects.

VOTE: AYES unanimous

THE BOARD RECESSED AT 1:00 P.M. AND RECONVENED AT 2:15 P.M.

COMMISSIONERS TILLET AND CAHOON DID NOT COME BACK AT THIS TIME.

THE BOARD MOVED TO ITEM 10.

ITEM 9- KITTY HAWK WATERLINE EXTENSION

Attorney Mills, presented a resolution from the Town of Kitty Hawk requesting that the county approve a Water Department project for waterline extension from Barlow Lane to the Kitty Hawk Woods Subdivision consisting of the design and construction of water mains, valves, hydrants for the purpose of providing water to Radcliff Court and Harbor Court and also that the county is authorized to conduct hearings and other proceedings as may be necessary to access the cost and expenses of the design, construction and installation of said waterline against the property owners. She noted that since this request has come forward to the county and the agenda was published last week, there had been a number of discussions among the folks that live in that area including Mr. Newman, Mrs. Sharp and neighbors. She also noted that the Mayor of Kitty Hawk had contacted the Chairman over the weekend and indicated that the resolution as it was styled by the town does not properly reflect the conversations that were had by the town as reflected in their meetings and some further discussions and clarification needs to be done so that the county may properly move forward on the request as submitted by the Town. She cited the statute. The resolution brought forward by the Town of Kitty Hawk says to extend waterline service. So Bob Oreskovich, Utilities Director, and engineering consultant developed the preliminary cost estimate with Camp, Dresser & McKee, (CDM) for a waterline extension in Kitty Hawk. Based on the assessment of all the lots along those two roads specifies in the town's resolution is in the amount of approximate \$3,000 per lot. In light of the Mayor's call to the Chairman over the weekend indicating that the town's resolution does not properly reflect their conversation and their minutes. There is an inconsistency. She raised concern about the county moving forward at this point given the county's statutory obligation to comply with the request by the town. The mayor would like to have further review done of this project and the options are to either move forward as presented or table and instruct the County Attorney and Utilities Director to meet with Mr. Newman, Ms. Sharp and a representative of the town to try and determine the request of the town.

The following commented:

1. Linda Sharp, Martin's Point, stated she was building a house in Kitty Hawk Woods which is the subject of the proposed resolution. She noted that she

had signed the original petition which requested the Town of Kitty Hawk to request the county to extend waterlines into this section of Kitty Hawk Woods. They received guidance from the Kitty Hawk Board of Commissioners that this was the proper procedure and this is new to her that it has not been done properly. Kitty Hawk has had a change of 3 town managers in a very short time period. She had been told that she would have water two years ago. There are currently 8 homes in this area and another under construction. All of the houses are served by well water and the quality of the water with much iron, salt and sand. Because there are no water lines, there are no fire hydrants and no fire breaks. There have been no controlled burns in this area. She referred to the map in the agenda packet and noted that Brian Newman owns lots in this area that will be affected by the waterlines but he has not signed the petition. Mr. Newman has no plans to build in this area or in the near future. Mr. Newman wants to deny the property owners potable water and fire hydrants. She requested that the resolution for waterline extension in the Kitty Hawk Woods be approved.

2. Fred Marasca, Kitty Hawk Woods, stated he has lived in the area for 12 years and he understood at that time that he had well water. Everyone who has built there understood there are no paved roads and there was well water. He can understand about the fire hydrant situation but is opposed to the resolution.
3. Brian Newman, property owner in Kitty Hawk Woods, recommended that the Board deny this request or table any action until the right of ways in this area is improved and ready to accept the waterlines. Proper establishments of street grades are necessary for the drainage design for both lots and streets for the determination of the proper depth for the underground utilities. Street grades should be sufficient for the run off of storm water. Because this area has been developed without proper drainage design, serious drainage problems exist. The dirt roads are so narrow that fire trucks can not approach at least one home according to Fireman Spivey. He has offered access to the town in this location for a temporary lane to this neighbor's home. He has offered to share some of the cost to extend water from the Promenade to neighbors on Dogwood Circle and to areas for further development. He was offered equipment to aid in this extension. After the right of ways improvements are made, he will offer his support for the waterline extension.

Chairman Judge suggested that the Board let the Kitty Hawk Town Council look at this again.

MOTION

Commissioner Byrd moved to table the matter until next meeting and give the Attorney time to work with all of the home owners along with the Kitty Hawk Town Council to try to clarify their request.

Commissioner Cahoon seconded the motion.

VOTE: AYES (6) Byrd, Cahoon, Judge, Hooper, Tillett & White

NOES (1) Johnson

THE BOARD MOVED BACK ITEM 6 - PUBLIC HEARING

ITEM 10 – NRO PLANT EXPANSION / BOARD COMMITMENT TO AGREE TO CHANGE ORDER AFTER CONTRACT SIGNATURE (ATT # 5)

Bob Oreskovich, Utilities Director, informed the Board that prior to Seaside Utilities' signature on the NRO Plant Expansion contract documents and the beginning of the project construction, Seaside's bonding company is requesting that the Board of Commissioners agrees to a change order amount of \$108,599.78 to cover the escalated costs of the project since the bid opening in October 2002. Engineer Ian Watson's position and supplemental information is attached.

MOTION

Commissioner Byrd moved to approve the Board's commitment to agreeing by signature to the change order from SUI in the amount of \$108,599.78; adopt Amendment to Capital Project Ordinance for the Water Capital Project Fund; and adopt Budget Amendment for the Water Fund.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 11 – DARE DAY REPORT

Melva Garrison, Coordinator for Dare Day, reported plans and schedule tentatively. This year's Dare Day will take place on the Waterfront and there will be no activities at Festival Park. There has been a lot of advertising including Channel 20. There will be free docking on the Waterfront Marina along with two food courts and music all day long. This year there will be a Blessing of the Season. She invited everyone to attend Dare Day and enjoy the festivities.

ITEM 12 – SECONDARY ROAD IMPROVEMENT PLAN

The following were present:

Don Conner, Division Engineer; Gretchen Byrum, District Engineer; Anthony Roper, Division Maintenance Engineer; Allen Russell, County Maintenance Engineer; and Stan White, Board of Transportation Member.

MOTION

Commissioner White moved the approval of the 2004-2005 Secondary Road Improvement Program: Dixie Arrow Road - \$40,000

Old Post Office Road	30,000
Maintenance Functions	16,143
Retained for Road Additions, Overdrafts, & Contingencies	32,384
Total amount	\$118,527

And Contingency Plan if Funds become available:

Mac Oca Drive	\$45,000
Lovey Lane	40,000

Total Miles to be paved – 0.33

Commissioner Tillett seconded the motion.

THE BOARD MOVED TO ITEM 8 – BOARD OF EDUCATION**ITEM 13 – PRELIMINARY REPORT ON SERIES 2004 CERTIFICATES OF PARTICIPATION (ATT # 6)**

Dave Clawson, Finance Director, explained the attached summary. The issuance of the Series 2004 Certificates of Participation will be necessary to finance the new Manteo Middle School and the new Nags Head Elementary School & Central Office Building.

MOTION

Commissioner White moved to proceed with Parker, Poe, Adams & Bernstein as bond counsel and UBS Paine Webber as lead underwriter and Wachovia Securities as co-underwriter.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 14 – DARE COUNTY HURRICANE RECOVERY MITIGATION PROJECTS

Jenny Jones, Project Manager, presented a brief outline of past mitigation projects undertaken by the county and reviewed the HMGP funding available under Hurricane Isabel.

MOTION

Vice Chairman Hooper moved to seek permission to apply for an HMGP elevation grant.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 15 – CONSENT AGENDA (ATT # 7)**MOTION**

Commissioner Byrd moved the approval of the Consent Agenda:

1. Approval of Minutes – April 19, 2004
2. Annual Participation Agreement With the NCACC Health Insurance Trust
3. Social Services Budget Amendment – Crisis Intervention Program

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 16 – BOARD APPOINTMENTS - HEALTH BOARD**MOTION**

Commissioner White moved the reappointments of Commissioner Renée Cahoon and Dr. Charles S. Davidson to serve a three year term on the Health Board.

MOTION

Commissioner Byrd moved to remove the requirement that the County Commissioner Designee to the Health Board be on the Dog Court subject to the County Attorney checking the statute.

Commissioner Johnson seconded the motion.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 17 – DARE COUNTY BOARD OF ADJUSTMENT

MOTION

Commissioner Cahoon moved the reappointments of Thomas Murphy and David E. Jones, Jr. and staff to advertise in some of the unincorporated areas to get an At-Large Seat to fill the seat held by Charles Roughton.

VOTE: AYES unanimous

ITEM 18 – UPDATE ON OREGON INLET BRIDGE

Attorney Mills reported staff has received Secretary Manson's letter confirming the information that clarified the legal issues regarding whether or not DOT would be able to land the south footing of the new proposed bridge somewhere within the Wildlife Refuge and it confirmed the information that they had received when they met with the Secretary in February. It appears that despite this, there continues to be some hesitancy on the Department's part to move forward with examining the short bridge alternative. Commissioner White has spent many hours researching information to present to the Secretary. It appears that the most expeditious way to move this issue forward is for the Board of Commissioners to formally request a meeting with the Governor and Legislative Delegation very soon in order to ask for their intervention to try to push the issue forward. Time is starting to become a concern and the letter does not appear to have any significant impact on the Department as had hoped.

Commissioner White felt that pursuing a meeting with the Governor would be the appropriate steps. He reminded that he had been working on the cost for a cable stay bridge and his figures and DOT's figures were still a long ways apart. He will meet with the Secretary on Wednesday to discuss the costs.

Chairman Judge felt that in addition to the suspension bridge that they need to push forward on the original short bridge and the Board agreed.

Chairman White offered that there are no issues with Fish & Wildlife as far as easements are concerned.

ITEM 19 – TRANSFER STATION ENGINEERING CONTRACT (ATT # 8)

Attorney Mills reported that the firm of Applied Water Technology ("AWT") has been selected to perform engineering, permitting, and design services for the construction of the new County transfer station on Cub Road. Attached is the contract, as approved by the CIPC, reflecting the scope of work and costs for this service.

MOTION

Commissioner Johnson moved the attached professional services contract between Dare County and AWT for the Cub Road Transfer Station.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED BACK TO ITEM 7 FOR COMPLETION.

Ray Sturza, Planning Director, referred to Part 2 of the Draft – Alternatives for fill activities. He reminded that at the workshop on April 20th there was a lack of consensus among the members present. He presented three different alternatives.

- (1) The current process of allowing for the placement of fill as required by the Health Department to meet their specifications for separation from the seasonal high water table to address an existing stormwater management problem on the lot so that you bring it up to height of its adjoining property.
- (2) A combination that exempts the first two that were just described and goes into allowing up to 2' of fill for other purposes as long as you maintain a setback from you adjoining property line of 2'.
- (3) This deals with situations where your fill activity involves more than 2' or 24" and requires that once you go over the 2' limit you have your fill area and your retaining wall designed and sealed by an engineer so as to ensure that it holds up and does not slough off into the adjoining property.

He noted this is their first attempt to address the issue and it is the discretion of the Board on how far they want to go in addressing the problem. Whether or not the issue is addressed, the problem is not going away. At this time the staff has no answers and must tell property owners that civil litigation against the person is the only answer. They hope to establish some standards and are looking to the Board for guidance.

Commissioner Byrd questioned if 2 feet of fill was enough.

Commissioners Cahoon and White favored 2 feet.

Vice Chairman Hooper feels that as long as a person retains his stormwater and has the engineer's stamp he ought to be able to fill. The County needs to stop at the 2' level as indicated. He favored Alternatives 2 or 3. He raised 2 issues that came up during Hurricane Isabel one is a temporary storage of sand on some lots and wondered how that would be handled and the other issue is dredge spoil temporary storage on lots. Mr. Sturza stated that the County can address both under emergency powers and can address those.

Vice Chairman Hooper asked permission to be excused.

MOTION

Commissioner Cahoon moved to excuse Vice Chairman Hooper from the meeting.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

Mr. Sturza explained that Staff needs direction from the Board:

- A. If the Board wants to regulate the issue at all
- B. If so, what kind of threshold do they want to use and to what degree of regulation? He heard a consensus that the Board to become involved in the regulation of it and that the threshold is no greater than 2 feet.
- C. What degree of regulation for the amount of fill that goes over 2 feet that has the potential to affect the adjoining properties.

The next procedure is to send some kind of regulatory document to advertisement for a public hearing and then the adoption into the Zoning Ordinance. At present, staff does not address the issue.

Commissioner White felt the Board needed to address a concern regarding the regulation of the replacement of fill on an existing lot in the event they are confronted with the issue.

In summary, Mr. Sturza stated that the consensus of the Board is:

- to regulate position on it
- that 2' is a reasonable threshold
- clarifications on Alternative 1 that need to made so that the connectivity/dis-connectivity of Health Department activities and activities that are related to addressing differentiation of ground elevation between two sites needs to cleared up
- provisions for dredge spoil and temporary sand material storage included
- no interest in going any further than these issues

Chairman Judge closed the issue and will take up at a later date when Planning Staff is ready.

THE BOARD TOOK A BREAK.

ITEM 20 – PRESENTATION OF PROPOSED FY 2004/2005 BUDGET

Manager Wheeler presented the Proposed FY 2004/2005 Budget. The proposed budget maintains the current property tax rate at .54 cents per \$100 of valuation. A copy of the budget will be placed in the following locations: County Manager's Office, Board of Commissioners' Office, Library Branches (Manteo, Kill Devil Hills, and Hatteras), Manns Harbor Community Center, Town of Duck Administrative Office, Thomas A. Baum Center, and Dare County Buxton Office.

MOTION

Commissioner White moved to schedule a public hearing for June 7, 2004 at 10:00 a.m.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 21 – COMMENTS BY COMMISSIONER JUDGE

- Parks & Recreation - Cliff Ogburn, Parks & Rec Director, stated that the Recreation Advisory Board and Youth Center Advisory Board would like to the Board to appoint a Task Force to examine disciplinary issues, policies and procedures for all county-owned recreational facilities that they would implement at each facility. At the Youth Center, they have lots of kids ranging from kindergarten to high school. They want to be sure they are ahead of the game when the new high school opens because they will have kindergartners through twelfth grade on the same campus. They want to make sure they have the right procedures in place. Both chairs of the two committees will serve as co-chairs and would request that the

County Attorney be involved for guidance and support. The main purpose is to create a sound code of conduct to make sure they are ahead of the concerns. He will bring a list of names to the Board for recommendation and hopefully have the Task Force appointed by May 17th in order to have the Task Force in order by the time school starts in August.

- Schedule Budget Workshop - Monday 17th at 10:30 a.m.
- Town Meeting in Hatteras – Monday 24th at 7:00 p.m. Dorothy Toolan will check on the location.
- Raleigh Delegation - Tuesday, May 11th – The Board will meet with Senator Basnight and Rep. Culpepper to discuss a list of Dare County issues - beach nourishment, Oregon Inlet Bridge, Oregon Inlet dredging, UNC/CSI, etc. Hopefully they can meet with the Governor.

ITEM 22 – COMMENTS BY COMMISSIONER CAHOON (ATT # 9)

- CRC Meeting – She attended the meeting and it became very apparent that in order to help facilitate redevelopment in Hatteras Village that the rules of the CRC (one of which is making a determination of an unvegetative beach line as regard to CAMA setbacks) is in the public hearing stage and could be adopted by September 1st. After consultation with other CRC members the best thing to do would be to have Rep. Culpepper present this in Short Session and going ahead and making this law at such time as the CRC rule can become a permanent rule. Otherwise people will not be able to start rebuilding undesignated beach and the set back will be different. CAMA staff has data ready and ready to give to Rep. Culpepper. THE CRC recommended, through Commissioner Langford, asked support for Hatteras Village. CAMA staff has determined the lines but this bill would sunset at such time CRC rules do become in affect.

MOTION

Commissioner Johnson moved to adopt Resolution #04-05-18.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 23 – COMMENTS BY COMMISSIONER JOHNSON

- Planning staff- He asked Planning staff to review Mrs. Jones' request which was brought forward during Public Comments regarding St. Waves Easement.
- Dare County Babe Ruth Baseball – He presented a plaque that he accepted on behalf of the Board in support of the Babe Ruth Program.

ITEM 24 – COMMENTS BY COMMISSIONER WHITE

- Letter from Hatteras/Ocracoke Fishing Auxiliary – He referred to the letter everyone received from the group regarding the southern flounder fishing rules. The NC Marine Fisheries is proposed to cutting the southern flounder season off at November 8th and they would like it extended to December 1st.

MOTION

Commissioner White moved to send a letter to Division of Marine Fisheries in support of this proposal.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 25 - SCHEDULE OF REGULAR MEETINGS (ATT # 10)

Chairman Judge presented the schedule of meetings for Board approval.

The Board concurred.

**ITEM 26 – BEACH NOURISHMENT PROJECT / REPORT BY LEE WRENN
(ATT # 11)**

Lee Wrenn is the Contractor for the County for the right of way and easement acquisition for the beach restoration storm mitigation project for Bodie Island. He reported that everything is going well with easement acquisitions. He recalled that in the December report he identified 4 encroachments within the easement area. The Corps of Engineers agreed to move the line around two of them. There are two that continue to go through houses. If the line remains, the County will have to acquire the houses. County would like to move the lines. The County has a desire to move that line so that they will not have to acquire the houses. There will have to be discussions between the County and the Corps of Engineers. He has recorded the maps showing the encroachments so we could move ahead and refer to those maps in order to do the easements. The title work is complete on all of the parcels. In April they sent out all of the easements in the south end of the project and have received about 50% of them already signed. The remaining easements will go to property owners by May 10th. They are proceeding to acquire the easements within the period of time they contracted with the County. There is some cost associated with the condemnation that the County will have to bear once they are filed. Because there has been a delay in federal funding and delay in the construction, if they adjusted the period for which they had to acquire easements then they would have to file fewer condemnations, which would be a substantial savings to the County. He would like to meet with the County Attorney and Planning Director and make some concrete proposals in line with that and have them to bring to the Board for consideration.

ITEM 27 – COMMENTS BY ATTORNEY MILLS (DOCUMENT FILED WITH COUNTY ATTORNEY)

- Teen Court Report - Attorney Mills was pleased to announce that the Dare County's Teen Court Mock Trial Competition Team were victorious at Saturday's First Judicial District Mock Trial Competition. They went up against Chowan, Currituck and Perquimans and they emerged victorious. She would like to recognize the members and their coach at the May 17th meeting.
- Manteo Middle School / College of the Albemarle Revisions - She presented the revisions to the lease arrangements between the County

and the Board of Education for use of the existing Manteo Middle School once the new middle school is opened and also the conveyance of title. The Board approved it at the last meeting and BOE has sent a list of changes in the attached document. Board of Education will take up for approval on May 11th.

MOTION

Commissioner Johnson moved the approval of the revisions to the lease agreement.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 22 – UPCOMING BOARD APPOINTMENTS FOR JUNE

Advisory Committee for Dare County Youth Center, College of the Albemarle Board of Trustees, Fessenden Center Advisory Board, Hatteras Community Center Board, Library Board – Regional, Library Board – Dare, Manns Harbor Community Center Board, Oregon Inlet & Waterways Commission, Roanoke Island Community Center Board, Rodanthe-Waves-Salvo Community Center Board, Social Services Board, Dare County Transportation Advisory Board,

AT 5:45 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
ADJOURNED UNTIL 3:00 P.M. ON MAY 17, 2004.

(SEAL)

Respectfully Submitted,

By: _____
Frances W. Harris
Clerk to the Board

APPROVED:

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