

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
May 17, 2004**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on May 17, 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.

**AMEND AGENDA**

**MOTION**

Commissioner Cahoon moved to amend the agenda to add Item 20 A – Manteo Middle School Students / Express Appreciation.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 1 – PRESENTATION OF COUNTY SERVICE PIN**

Jerome Selby, Sanitation Truck Driver, received his 20 Year Pin from Edward Lee Mann, Public Works Director.

**ITEM 1 A – BOARD DISCUSSION ON USE OF HISTORIC COURTHOUSE &  
CONSTRUCTION OF ADMINISTRATIVE BUILDING / TABLED**

**MOTION**

Commissioner Cahoon moved to table the item for a workshop or board meeting at the Board's discretion for a later date.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 2 – PRESENTATION BY THE COLLEGE OF THE ALBEMARLE  
(ATT # 1)**

Lynne Bunch, President of COA, introduced Chris Seawell, Vice Chair for COA Board of Trustees, He thanked the Board and especially Commissioner Johnson, Board of Trustees member, for their continued support for COA over the past years. He noted that the community colleges are suffering from the state decrease because of the state budget and asked for Board support of the upcoming resolution supporting the College's funding request to the General Assembly. Mr. Seawell also recognized Teresa James, President of Dare COA for her outstanding work.

Lynne Bunch outlined the four items of the NCCCS 2004 Consensus Budget Request:

- Enrollment growth, salary adjustments, and formula restoration - \$58.7 million
- Equipment funding - \$223.5 million
- Services to Business and Industry - \$171.1 million
- Multi-Campus Colleges and Off-Campus Centers - \$10/9 million

**MOTION**

Commissioner Johnson moved to adopt Resolution #04-05-19.

Commissioner White seconded the motion.

VOTE: AYES unanimous

**ITEM 3 – NORTH CAROLINA COASTAL COMMUNITIES COALITION**

**(ATT # 2)**

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 with 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.

He reported that he was in Raleigh on Friday lobbying the League of Municipalities to adopt a policy in support of the school calendar legislation that is currently moving through the General Assembly. They will also be working on CAMA and stormwater health issues.

**MOTION**

Commissioner Cahoon moved to join the North Carolina Coastal Communities Coalition effective July 1, 2004 and that the money is taken from contingency in the 2004 fiscal budget and encumbered in the 2005 fiscal budget.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

#### **ITEM 4 – OREGON INLET & WATERWAYS COMMISSION**

Michael Davenport, Chairman of OIWC, presented an overview of the continuing shoaling problems in Oregon Inlet, the need for more dredging and the possibility of teaming with the Beach Nourishment Committee to study the possibility of using excess sand material in the inlet to help supply needed sand material on the Dare County Beaches. He noted they had been promised appropriations by the federal government and were receiving very little which is presenting a big problem for the fishermen. He asked the Board to assist the state in urging the federal government to keep their promises. As he has said before this is the Fishermen's Highway and it needs to be fixed, repaired, and maintained. He indicated that OIWC was also aware of the need to place the sand that they do not need in desired locations such as the northern or southern beaches. He felt that a joint effort of the Corps of Engineers to dredge Oregon Inlet and re-nourish the beaches could be incorporated and be useful for both groups. He handed up a letter from Congressman Jones urging the CEQ Chairman to fight for funding for OIWC projects. He asked the Board for any help they could give the fishermen.

Chairman Judge noted the Board shared the same frustrations and will carry the message to Raleigh and Washington.

Commissioner Cahoon asked if an Environmental Impact Study (EIS) was necessary to move the sand from the inlet to the beaches north of Oregon Inlet and asked staff to talk with the Corps of Engineers to investigate the feasibility and possibility of doing this.

Commissioner Johnson hoped the Board would publicly support the OIWC's request to the NPS and USFWS for permission to run pipes north or south so they could pump the sand on the beach and not have to worry about a dredge spoil site. Twice as much dredging could be completed if they had pipes in place. The Board concurred to talk with NPS and USFWS about running the pipes on their property and to check on the EIS for moving sand. Chairman Judge directed the County Attorney to address both issues and bring back on June 7<sup>th</sup> agenda.

#### **ITEM 5 – NATIONAL SAFE BOATING WEEK PROCLAMATION**

Dee Lewis, Public Affairs Staff Officer, Outer Banks Flotilla 16-07 presented the proclamation proclaiming May 22-28, 2004 as National Safe Boating Week.

##### **MOTION**

Commissioner White moved the adoption of the proclamation.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

#### **ITEM 6 – PUBLIC HEARING – COLINGTON POINTE LLC – REZONING REQUEST (ATT # 3)**

AT 3:30 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON A REZONING REQUEST.

Ray Sturza, Planning Director, explained that the applicant, Colington Pointe LLC, seeks the rezoning of a large tract of land (19 acres) in Colington currently zoned R-2B to a new designation of R-3. The rezoning is based on a desire to redevelop the property with a mix of single family residential structures and multifamily structures. The R-2B does not permit multifamily structures. The property currently functions as Colington Park Campground.

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

1. Sandy Davenport, a seasonal tenant of the Colington Campground, stated that she was unable to review this item in advance because she was not made aware of the matter. She is concerned about the impact of 70 units on an already overburdened road system and asked Commissioners to consider the potential fatalities on the narrow winding road.
2. Mary Ann Wagstrom, seasonal tenant of Colington Campground, came forward to express concern for the people who are not aware of the changes that may take place. More information and consideration needs to be given to the tenants. There is tidal flooding in the area on a regular basis. There is also a great deal of debris under the surface of the soil.
3. Jerry Ravlin, representing the Colington Island Homeowners Association, came forward to express support for the proposed zoning change on behalf of six major subdivisions on Colington. CIHA feels the proposed zoning change will improve the aesthetics of Colington, increase the county's real estate base, eliminate roadside trash problems, and reduce the number of vehicle access points on Colington Island.
4. Elton Bass, Colington Harbor, supported the zoning change for Colington Pointe.

Chairman Judge closed the hearing at 4:00 p.m.

Mr. Sturza presented the major differences in R2-B and R3 showing there will be more uses for the property with R3. (See attached).

There was Board discussion.

#### **MOTION**

Commissioner White moved that the rezoning request submitted by Colington Pointe LLC to change the zoning from R-2B to R-3 be granted.

Commissioner Tillett seconded the motion.

Commissioner Byrd was troubled about taking action today because she felt the residents did not fully understand the issues and felt they needed input from the community.

#### **AMENDED MOTION**

Commissioner Byrd moved to table the matter until June 21, 2004.

Commissioner Johnson seconded the motion.

VOTE: AYES (4) Byrd, Johnson, Cahoon & Judge

NOES (3) White, Tillett & Hooper

### **ITEM 7 – LIGHTKEEPERS ESTATES SUBDIVISION – PRELIMINARY PLAT REVIEW**

Donna Creef, Senior Planner, presented the LightKeeper Subdivision plat. It is located in Rodanthe and zoned S-1 with a total site area of 10 acres, for 3 proposed lots.

**MOTION**

Commissioner Cahoon moved to grant preliminary plat approval.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – PRESENTATION FROM DARE COUNTY YOUTH COUNCIL**

Kathy Burrus, Chairperson of the Dare County Youth Center Advisory Board updated the Board about the programs, direction and services of the Youth Council. She recognized Jenna Jenkins, a senior at Manteo High School, who has served on the Youth Council as Chairperson the last two years. Chairman Judge presented Miss Jenkins a plaque for her dedicated service and leadership as a two-year member of the DCYC Advisory Board and as a three-year founding member of the DC Youth Council. The plaque will be hung at the Youth Center.

THE BOARD TOOK A 10-MINUTE RECESS.

**ITEM 9 – APPOINTMENT OF COUNTY RECREATIONAL FACILITIES /  
GROUNDS POLICIES TASK FORCE (ATT # 4)**

Cliff Ogburn, Parks & Recreation Director, and Kathy Burrus, Chairperson of the Dare County Youth Center Advisory Board, presented a list of names for appointment to the Task Force to study, plan and implement county wide disciplinary procedures for all county owned recreational grounds and facilities.

**MOTION**

Commissioner Tillett moved to approve (1) First Choice - including Tony Drake (2) Alternates and (3) Committed for appointment to the Task Force.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – EMS PROCLAMATION**

William "Skeeter" Sawyer, Dare County EMS Director, presented the proclamation for National Emergency Services Week (May 16-22). He noted this was the time to reflect on the crucial difference EMS makes in many lives and to stress the importance of strong public support for Dare County's EMS system. The efforts of EMS providers in Dare County, both career and volunteer and at all levels of credentialing, have helped to make Dare County EMS one of the best in North Carolina.

**MOTION**

Commissioner White moved to adopt EMS Week Proclamation and encourage the community to observe this week with appropriate programs, ceremonies and activities.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – EMS DEMONSTRATION**

William "Skeeter" Sawyer, EMS Director and staff demonstrated the cardiac monitors and mannequin, which were purchased through Dare County. The demonstration included a mock scenario of a typical cardiac arrest and resuscitation. The Dare County EMS Medical Director, Michael Russell, thanked the Board for being very supportive over the past 18 months. He noted they have tried to step up the level of service and the presence of the OBH has helped that. He asked the Board to be aware of the level of professionalism that was demonstrated by EMS today.

**THE BOARD MOVED TO ITEM 14.****ITEM 12 – AUDIT CONTRACT FOR FISCAL YEAR TO END JUNE 30, 2004 (ATT # 5)**

Dave Clawson, Finance Director, presented the Audit Contract for FY to end June 30, 2004. He reported that the firm has asked for an increase in the audit fee to \$48,000 from \$45,000 (6.67%). The Audit Committee had discussed the proposal and agreed that it was reasonable given the past fee levels, the increasing complexity of audit requirements related to grants and the increased complexity brought on by FASB 34.

**MOTION**

Commissioner Byrd moved to authorize the Chairman and Commissioner Byrd (as Chairman of the Audit Committee) to execute the contract.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – RECOMMENDED CAPITAL IMPROVEMENT PLAN 2005-2009**

Dave Clawson, Finance Director, presented the recommended Capital Improvements Plan 2005-2009. (See Attached Summary).

Discussion was held. Commissioner Johnson expressed concern that the amount of money set aside for COA renovations at Manteo Middle School has been reduced from \$5million to \$3million. Members of the Capital Improvements Committee explained that this is a working document and figures will change as plans for various projects are finalized.

**MOTION**

Commissioner White moved to set a public hearing on CIP and Board discussion for June 7, 2004 at 10:00 a.m. and set adoption of CIP for June 21, 2004 in conjunction with the budget adoption.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – KITTY HAWK WOODS WATER LINE EXTENSION**

Attorney Mills reminded that at the last meeting staff was instructed to explore issues associated with the request received from the Town of Kitty Hawk to extend water lines to serve residents in Kitty Hawk Woods subdivision. She noted that she had met with Brian Newman, Linda Sharpe and Linda Hamby

regarding the request. They also reviewed information provided by Kitty Hawk Town Manager Gary McGee. As a result of these meetings and review of relevant information, she outlined the concerns related to the proposed project. (See attached). In summary, Attorney Mills recommended referring the request back to the Town of Kitty Hawk to address issues outlined in attached staff memorandum.

**MOTION**

Commissioner Byrd moved to refer the request back to the Town of Kitty Hawk. Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

The County Attorney will keep the Board updated.

THE BOARD MOVED TO ITEM 20.

**ITEM 15 – CODE OF ORDINANCES RECODIFICATION AGREEMENT  
(DOCUMENT FILED IN COUNTY ATTORNEY’S OFFICE)**

Attorney Mills noted that the Dare County Code of Ordinances has not been comprehensively updated and recodified since the early 1990’s. She presented a request for American Legal Publishing Corp., the County’s current ordinance vendor, to provide the service. The attached proposal outlined the services and costs for a comprehensive update and recodification. The proposal also included installing the Code on the Internet with a search function so that the public may more easily access information and regulations within the Code. There is sufficient funding with the County Attorney’s budget to cover the full costs of the attached proposal.

**MOTION**

Vice Chairman Hooper moved to approve attached Codification Agreement for recodification of the Dare County Code of Ordinances and Internet installation services.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 16 – COASTAL RESOURCES COMMISSION**

Attorney Mills advised that there were upcoming vacancies on the Coastal Resources Commission (CRC) and they could solicit nominations from the local government for appointments to fill the vacancies.

Attorney Mills noted that there had been some confusion about the county’s opportunity to nominate candidates for appointment to the CRC. She confirmed with the Governor’s Office that:

- Dare County may nominate up to 4 candidates.
- Each candidate must be nominated in one of the 12 categories provided by statute.
- Two of these categories are not available for nomination this year; the remaining 10 categories are available.
- Doug Langford is eligible for renomination in any of these 10 categories for which he is qualified (i.e., he is not rendered ineligible for renomination

simply because the category in which he is currently serving is not available this year).

Attached is the list of categories.

**MOTION**

Commissioner Byrd moved to nominate the following:

Doug Langford – At Large

Bob Barnes – At Large

William Peele, Coastal Agriculture

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 17 – UPDATE ON OREGON INLET BRIDGE**

Attorney Mills reported that Commissioners went to Raleigh last week and one item discussed was the 17-mile bridge. Representative Culpepper will ask Governor Easley and the co-speakers of the House to meet to discuss the matter. She is still working to set up a meeting for the Commissioners with the Governor. Commissioner White reported there is some movement between DOT staff and the Governor's office to work toward finding a solution.

**ITEM 18 – EXTENSION OF UPPOWOC STREET (ATT # 6)**

Attorney Mills reminded that at its Joint Workshop with the Manteo Town Council on March 15<sup>th</sup>, the Board agreed to support the Town's efforts to extend Uppowoc Street to connect to Grenville Street. This extension project requires both adoption of the attached resolution requesting DOT extend Uppowoc, and approval of the attached Agreement between the County, the Town, and the current property owner to exchange certain parcels and dedicate right-of-way easements for the extension (both of which have been approved by the Town). A map is also attached depicting the proposed extension and the parcels to be exchanged.

**MOTION**

Commissioner Johnson moved to adopt Resolution #04-05-20 requesting DOT extend Uppowoc Street to connect to Grenville Street and that the extension be constructed and paved with state funds and approve the attached agreement to make property available for the extension of Uppowoc Street.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 19 – RESOLUTION ADVOCATING POLE ROAD REOPENING (ATT # 7)**

Vice Chairman Hooper presented a resolution advocating the re-opening of "Pole Road" in its entirety to its pre Isabel configuration and condition for approval.

John Couch, Outer Banks Preservation Association, non profit corporation, came forward to present information about the agenda item. He told the history of the OBPA, which promotes free and open access to the beaches for the public while preserving the environment. He asked that all accesses be restored to pre-Isabel conditions.

**MOTION**

Commissioner Cahoon moved to adopt Resolution #04-05-21.  
Commissioner Johnson seconded the motion.  
VOTE: AYES unanimous

THE BOARD MOVED TO ITEM 12.

**ITEM 20 – TEEN COURT RECOGNITION**

Attorney Mills introduced Christen DeGabrielle of the District Attorney's Office who presented the Teen Court members who recently won several awards at the regional Mock Trial Competition: Gradon Shaw, Sarah Dixon, Clay Dunwell, Michael Griffin, Dominique Selby, Ellen Edwards, Nicole Fagan, and Kevin Gracey. Following introductions, Sarah Dixon thanked Ms. DeGabrielle for all the time she spent coaching the team prior to the competition.

**ITEM 20 A – MANTEO MIDDLE SCHOOL APPRECIATION**

Bobby Hudspeth, Principal of Manteo Middle School, and Susan Winsted, Chairman of the School Improvement Team, came forward to thank the Board for the recent vote for the auxiliary gym and terrazzo floors for the new Manteo Middle School. Students, Leslie Hammil and Dana Springle, came forward and expressed their appreciation. Terry McGinnis, who will serve as principal at MMS, thanked the Board for their leadership in helping reach their goal. A parent from Nags Head who has been involved in the planning for the new school came forward to bring forth excitement to the parents in Nags Head.

**ITEM 21 – PUBLIC COMMENTS**

1. Howard Rooney, Hatteras Island, came forward to support the Resolution from the Hatteras Village Civic Association to reopen Pole Road. He also spoke as a concerned citizen to say that the NPS has failed in its leadership role in rebuilding the park to its pre-Isabel configuration. It seems that the NPS Superintendent's agenda is a plan that will only work in a vacuum. Residents and tourists are not part of the plan. It appears the NPS wants to take things away from the People. Mr. Rooney wants the elected officials to show their leadership by asking attorneys in DC to get the story out about what the NPS is doing because the beach is for public use and not a play toy for NPS. He feels it is time to make a stand and move forward.

THE BOARD MOVED TO ITEM 19

**ITEM 22 – CONSENT AGENDA (ATT # 8)**

**MOTION**

Commissioner Cahoon moved the approval of the Consent Agenda:

1. Approval of Minutes – April 20<sup>th</sup> and May 3, 2004
2. Albemarle Mental Health Center / Third Quarterly Fiscal Monitoring Report
3. Consulting Services Interlocal Agreement

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 23 - COMMENTS BY COMMISSIONER JOHNSON**

- Dare County Dance Recital – He commended the Parks & Recreational Department for an outstanding job.
- Beach Nourishment film – He announced the film was finished and will be aired soon.

**ITEM 24 – COMMENTS BY COMMISSIONER TILLET**

- Mainland – She went on record stating that the Mainland is trying to have a recreational program for their youth. The Director is working on the project and will bring back to the Board.

**ITEM 25 – COMMENTS BY VICE CHAIRMAN HOOPER**

- Canadian Hole – He reported that he has been working with NPS on the Canadian Hole and they have made some verbal commitments to establish a Canadian Hole type facility where the inlet was cut.

**ITEM 26 – COMMENTS BY COMMISSIONER BYRD**

- Dare County Transportation Board – She reported the subcommittee of the DCTAB is addressing very specific types of transportation issues. Funding is needed to pursue some of their projects and they are looking in grant opportunities and assistance from NC State. She will be asking that the Board formally recognize the group so that they can begin working to pursue some of their ideas.
- Charter Communications – She noted that the TV reception on Hatteras Island was still not good and asked the Public Relations Director to take a look at the issue.
- Transportation Advisory Board- There are two additional seats that need to be filled on the TAB (Restaurant Association and appointment from Hatteras Island).

**ITEM 27 – COMMENTS BY COMMISSIONER JOHNSON**

Charter Communications – He reported that the Public Relations Director has just finished the first feature film – Beach Nourishment and will be on TV.

**ITEM 24 – CLOSED SESSION – 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 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 White seconded the motion.

VOTE: AYES unanimous

AT 7:15 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS  
ENTERED CLOSED SESSION AND EXITED AT 7:20 P.M.

Attorney Mills reported that there was no action that required action in open  
board.

AT 7:20 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS  
ADJOURNED UNTIL 7:00 P.M. ON MAY 24, 2004 FOR A TOWN MEETING AT  
THE HATTERAS METHODIST CHURCH.  
THE NEXT REGULAR MEETING IS 9:00 A.M. ON JUNE 7, 2004.

(SEAL)

Respectfully Submitted,

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

APPROVED:

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