

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
June 21, 2004**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on June 21, 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 with silent meditation followed by the pledge of allegiance to the flag.

**ITEM 1 – AMEND AGENDA**

**MOTION**

Commissioner Cahoon moved to remove Item 16-2 Consent Agenda - Community Care Clinic of Dare from the agenda and to place on the August 2<sup>nd</sup> agenda.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 1A – PRESENTATION OF COUNTY SERVICE PINS**

1. Toni Midgett, Assistant Register of Deeds, received her 10 Year Pin from Barbara Gray, Register of Deeds.
2. Henry Stock, Air Operations Supervisor, received his 15 Year Pin from George Speake, Airport Director.

**ITEM 1B – PRESENTATION OF AWARD**

Chairman Judge recognized Bonnie Bennett, Friends of Youth, for having been awarded the Governor's One on One Volunteer Program Rebecca Eagles Director of the Year Award. This is an award given annually by the Governor's One on One Program to recognize outstanding leadership in program direction. The Governor's One on One Program operates through fifty-four programs state wide. The Friends of Youth is Dare County's One on One Program. Mrs. Bennett has been Dare County's Director for eleven years and has been with Dare County sixteen years. Dare County's Friends of Youth serves approximately sixty-five children per year including forty of them matched with mentors. This program involves approximately fifty volunteers a year. Program activities include mentoring, beach clean-ups, visits to local nursing homes and other various group activities for youth within the community including scholarships for participation in various programs. This award recognized Mrs. Bennett's tremendous contributions both as a local director as well as her leadership statewide. She serves as Eastern North Carolina Technical Assistance Consultant for the One on One Program conducting training for new directors,

and providing guidance and leadership for new programs. Chairman Judge expressed how proud the Board and staff are of her achievements and thankful for her tremendous services both to Dare County and the state as a whole.

**ITEM 2 – DARE COUNTY TOURISM BOARD REQUEST (ATT # 1)**

Tim Midgett, Chairman of Dare County Tourism Board of Directors, requested the Board's concurrence for the proposed distribution and allocation of FY2004-2005 Dare County Tourism Board income according to Chapter 177 of the NC General Assembly. Chapter 177 of the General Assembly of North Carolina 1992 Session Laws provides for the setting aside of twenty-five percent (25%) of the Dare County Tourism Board income from a one-percent (1%) tax levied upon occupancy and prepared meals receipts with Dare County and further provides that the Dare County Tourism Board may expend funds so set aside, after receiving the concurrence of the Dare County Board of Commissioners.

**MOTION**

Commissioner Hooper moved to approve the proposed FY 2004-2005 short-term restricted fund projects are as follows:

1. Wright Brothers Memorial Bike Path, sponsored by Town of Kitty Hawk
2. Curlew Street Beach Access, sponsored by Town of Nags Head
3. Spindrift Trail Multi Use Path, sponsored by Town of Southern Shores
4. Salvo Day Use Center, sponsored by Rodanthe, Waves, Salvo & NPS

and to approve proposed FY 2004-2005 allocation of Long term funding for the following:

Long term dedicated funding:

1. Infrastructure 20%
2. Natural, Historic and Cultural Resources 30%
3. Multi purpose facility 50%

Projects:

1. Expansion and renovation of Aycock Brown Welcome Center \$300,000
2. Permanent Traffic Message Board \$30,000

Commissioner White seconded the motion.

**VOTE: AYES unanimous**

The proposed appropriations are in accordance with the mission and vision as set by the State of North Carolina HB225 and in spirit of the Dare County Tourism Board's long term vision. Since 1993, positive improvements have been seen throughout the County of Dare through the Outer Banks Visitors Bureau's short-term and long-term restricted fund program. This program has enabled both the citizenry of Dare County and their visitors to benefit by easier access to our beaches, pedestrian friendly roadways, and new accesses to the sounds, public restrooms and waterfront beautification. To date an estimated seven (7) million dollars for capital improvements to Dare County's Outer Banks have been appropriated.

**ITEM 3 – COLINGTON POINTE LLC REZONING REQUEST**

Ray Sturza, Planning Director, reminded the Board that last month a public hearing was conducted on this rezoning request and a motion to approve was tabled to allow the various homeowners association in the Colington area to consider the range of permitted and conditional uses in the R-3 zone. A letter of support was submitted by 6 homeowners associations (Baum Bay Harbor, Colington Harbour, Swan View Shores, Cliffs of Colington, WatersEdge, and Baycliff) but there was some concern that the groups had not been aware of the entire range of uses in the R-3 zone and understanding that if the property is rezoned to R-3 any of the uses may be located on the site and not what the developers have discussed as their intentions.

Mr. Sturza indicated that it was his understanding that the groups have met with Colington Point LLC representatives and are still supportive of the rezoning request.

**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.

Jerry Ravlin, representing the Colington Island Homeowners Association, spoke in support of the proposed zoning change and urged the Board to approve this proposal.

Commissioner Cahoon expressed concern about displacing eleven families in order to give a greater density and economic return.

Commissioner Byrd felt they needed to provide affordable housing and needed multi family development.

Sandy Davenport, Chesapeake, Va., spoke against the rezoning request because there is no deliberation about the safety of Colington Road. It is not in accordance with the Land Use Plan and does not meet the county's land classification map.

Commissioner Johnson concurred with Commissioner Cahoon in not supporting the rezoning request.

Vice Chairman Hooper supported the rezoning request because the community has spoken.

VOTE: AYES (5) White, Tillett, Byrd, Judge & Hooper  
NOES (2) Cahoon & Johnson

**ITEM 4 – EMERGENCY RESPONSE TO CONCRETE SHORTAGE (ATT # 2)**

Ray Sturza, Planning Director, reminded that at the June 7<sup>th</sup> meeting there was discussion about the recent difficulties the construction industry has experienced from the nationwide (and perhaps worldwide) shortage of concrete materials.

This shortage has lead to delays in the completion of paved parking improvements at residential construction sites. The Dare County Zoning Ordinance requires paved parking improvements at residential sites. Staff was instructed to consider procedures that could be implemented to address this situation and avoid delays in the certificates of occupancy for those projects currently underway in construction. Mr. Sturza noted that the Outer Banks

Homebuilders Association described the concrete shortage as short-term and resolving itself within 2-3 months. The temporary certificate of occupancy would be for 6 months conditioned upon the completion of the paved parking improvements before the expiration of the temporary CO.

**MOTION**

Commissioner White moved to adopt Resolution #04-06-29 Authorizing Provisions for the Issuance of Emergency Temporary Certificates of Occupancy raising the performance bond from 10% to 25% and change application date from 2 months to 3 months.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – HEALTH AND WELLNESS TRUST FUND (HWTF) TOBACCO GRANT (ATT # 3)**

Anne Thomas, Health Director, reported that the UNC NC Institute for Public Health (NCIPH), on behalf of the Northeast North Carolina Partnership for Public Health (NENCPPH) has been awarded a two-year grant in the amount of \$844,817.00 from the HWTF to implement a youth tobacco prevention program within the 18-county region. The Dare County Health Department is a member of the NENCPPH and will hire two employees through subcontract with the NCIPH. For the first year, \$121,753.75 is budgeted to employ a Marketing Specialist and a Youth Tobacco Prevention Coordinator.

**MOTION**

Commissioner Johnson moved to approve budget request for two new positions. Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – PUBLIC HEARING FOR SERIES 2004 CERTIFICATES OF PARTICIPATION**

AT 4:00 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE EXECUTION AND DELIVERY OF THE CONTRACT, THE DEED OF TRUST, THE SCHOOLS TO BE FINANCED THEREBY AND THE COUNTY'S ACQUISITION OF THE MIDDLE SCHOOL SITE.

Attorney Mills conducted the hearing and invited the public to speak. There were no speakers.

Chairman Judge closed the hearing at 4:02 p.m.

**ITEM 7 – RESOLUTION APPROVING AN INSTALLMENT PURCHASE CONTRACT (ATT # 4)**

Dave Clawson, Finance Director, presented the resolution (See attached) after explaining the amended notice of public hearing and the debt service numbers as approved by the Local Government Commission.

**MOTION**

Commissioner Byrd moved the adoption of Resolution #04-06-30.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – COMPENSATION AND HOLIDAY TIME BALANCES PAYOFF FOR SHERIFF, DETENTION CENTER, COMMUNICATIONS AND EMS (ATT # 5)**

Dave Clawson, Finance Director, presented two budget amendments for approval. Based upon Board discussion during the budget workshop, the County Manager asked Finance to determine what amount would be required to payoff, during the current fiscal year, overtime compensation balances and holiday pay time balances for the Sheriff (law enforcement only), the Detention Center, Communications and EMS.

**MOTION**

Commissioner Cahoon moved to adopt the budget amendment in the amount of \$557,184 to clear the books of compensation and holiday time pay for the departments listed above.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – REPORT ON HURRICANE ISABEL COSTS AND BUDGET AMENDMENT FOR DISASTER RECOVERY FUND (ATT # 6)**

Dave Clawson, Finance Director, presented a budget amendment for the Disaster Recovery Fund. He stated that all hurricane-related items are final with the exception of a final invoice from PBS&J for sand removal and a FEMA field audit which has been requested.

**MOTION**

Commissioner White moved to approve the budget amendment.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

THE BOARD TOOK A 10-MINUTE BREAK.

**ITEM 10 – ADOPTION OF FY 2004-05 DARE COUNTY BUDGET (ATT # 7)**

Manager Wheeler presented the budget for approval. He referred to a handout as a result of the Budget Workshop.

Commissioner Byrd did not support \$10,000 for Chicamacomico Historical Association. She referred to other organizations that needed funding before this one.

Commissioner Tillett questioned the denial of the League of Women's Voters request for \$500. Manager Wheeler explained that last year the group was offered to place the guide on the county web site and refused. They could have reached a larger number of people at no expense to them. The Board felt that was an excellent opportunity for the group.

**MOTION**

Commissioner White moved the adoption of FY 2004-05 Dare County Budget including the changes in the handout.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – ADOPTION OF 2004-05 THROUGH 2008-09 CAPITAL IMPROVEMENTS PLAN (ATT # 8)**

Dave Clawson, Finance Director, reminded that he presented the recommended CIP on 5/17 and held a public hearing on the CIP on 6/7. He asked for Board approval of the CIP with any changes the Board desired. Staff recommended moving the Detention Center Generator replacement Project from 2006-to 2005.

**MOTION**

Commissioner Cahoon moved the adoption of Capital Improvements Plan budget.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – UPDATE ON OREGON INLET BRIDGE**

Commissioner White reported that not a lot has happened since the last meeting. He did receive a call from the Governor's office indicating that the Department of Transportation is moving forward at looking at the 1993 Plan which ran parallel to the existing bridge to the west side and landing in the approximate same vicinity as the existing bridge.

**ITEM 13 – BOARD APPOINTMENTS – DARE COUNTY TRANSPORTATION ADVISORY BOARD****MOTION**

Commissioner Byrd moved the reappointment of Anne Thomas, Dare County Health Department, and the appointments of Pat Morrissey, Roanoke Island Historical Association; Pete Groom, Hatteras Island Representative; and Kenny Lee, Employment Security Commission, to serve a four-year term on the TAB.

VOTE: AYES unanimous

She hopes to have the replacements for the DC Motel/Hotel Association, DC Restaurant Association, and Hatteras Island Business Community.

**ITEM 14 – ESTABLISH AND APPOINT MEMBERS TO AN OUTER BANKS TRANSPORTATION TASK FORCE (ATT # 9)**

Commissioner Byrd reported that last year the Chamber of Commerce formed a committee of interested local government representatives and business people to explore transportation options for Dare County's work force and visitors. From that came the Transportation Task Force, which has met five times since January 2004. The mission of this Task Force is to quantify the transportation needs of the Outer Banks community and to identify feasible methods for reducing the traffic on Dare County roads and for transporting residents, employees and visitors to their destinations by more efficient methods rather than personal vehicles. In order for the Task Force to receive grants from public and private organizations inside and outside the County, they must have official status as an appointed governmental entity. She asked for Board approval on the establishment of the Task Force and appointment of its members.

**MOTION**

Commissioner Byrd moved to establish the Outer Banks Transportation Task Force and to appoint as members the persons listed on the attached page and to include a representative from Hatteras Island and NCDOT Public Transportation Representative.

Commissioner Johnson seconded the motion.

Commissioner Byrd noted that if the Board members know of anyone who would like to serve to let her know since this Board is very flexible and will need a lot of help. Pat Morrissey's name will be added to the list.

VOTE: AYES unanimous

#### **ITEM 15 – SITE SELECTION FOR ADMINISTRATION BUILDING**

Dave Clawson, Finance Director, presented information about reuse of the old Courthouse in downtown Manteo. He presented five schemes. Discussion was held.

Commissioner Byrd would like to keep the Commissioners' meeting room in downtown Manteo in the old Courthouse.

Commissioner Cahoon supported keeping a presence in downtown Manteo and endorsed the old Courthouse for the Commissioners' meeting room.

Commissioner White noted that he has been a proponent to move the facility to midway intersection. He noted that downtown Manteo was becoming more commercial but he did not have a problem with using the old Courthouse for Commissioners' meeting room. He emphasized that there is no potential for growth and the Board must remember that the Administrative Buildings are county wide functions and all of the county should be considered and parking is better out there. The facility needs to be out there where growth can be provided and there is an opportunity to expand for the future of Dare County. He would support the Administrative function at the midway intersection and support some function in the old Courthouse to keep as a functional building. He does believe if the County should dispose of their present property then the parking disappears and the lack of parking will become a struggle.

Commissioner Tillett raised concern about not enough space for building and parking in downtown Manteo for the Administrative function. At midway intersection there is ample space and parking. She felt that things are going to change for Manteo and in the next 5 years if the Board chose the Manteo site (no space and no parking) they would wonder why they made that choice.

Vice Chairman Hooper supported using the old Courthouse for the Commissioners' meeting room but he is undecided on the Administrative building.

Commissioner Byrd referred to a letter from the Roanoke Island Business Association requesting the county offices remain downtown but she supported the midway intersection because there was more room for expansion.

Chairman Judge supported utilizing the old Courthouse for the Commissioners' meeting room. He would like to see the administrative site in downtown Manteo redeveloped. He is not in favor of disposing of the land where the administrative building sits. Should the Board not develop the site, there are two buildings that could be used for other county functions.

Commissioner Cahoon is a proponent keeping the administrative facility in downtown Manteo. This would help to encourage a healthy economy. She is a proponent of maintaining historic downtown Manteo. This would help to create traffic downtown.

Commissioner White felt this Board had a much broader responsibility and served all of Dare County and the people need a facility with adequate parking. The parking downtown is not adequate. There are more folks outside Manteo. He felt they owed it to Dare County to make the administrative building more accessible.

Commissioner Johnson supported the old Courthouse for the Commissioner's meeting room. He felt they should consider the county seat when making a decision for the administrative facility. He would like to hear from the Town of Manteo and the citizens.

Commissioner Byrd noted the Town of Manteo would encompass the old Courthouse in years to come. She felt they could solve the problem for commissioner parking at the old Courthouse but could not solve the problem of the future. She felt they needed to be sensible and there is no room for growth in downtown Manteo.

#### **MOTION**

Commissioner Byrd moved to pursue planning for the Board of Commissioners Meeting function in the Town of Manteo in the old Courthouse building and directed staff to begin the process with utilizing the historic old Courthouse. Vice Chairman Hooper seconded the motion.

VOTE: AYES (6) Byrd, Hooper, Judge, Cahoon, Johnson, &  
NOES (1) Tillett

There was discussion about holding another workshop regarding the Administrative Facility before any decision is made. It was suggested that the Board heard from the whole county. Chairman Judge suggested holding a meeting in October. The Board concurred.

#### **ITEM 16 – CONSENT AGENDA**

##### **MOTION**

Commissioner Cahoon moved the approval of the Consent Agenda.

1. Approval of Minutes – June 7, 2004

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

#### **ITEM 17 – PUBLIC COMMENTS (ATT # 10)**

1. Jennifer Frost, Nags Head, noted that a few years ago there was proposal for a parking garage for downtown Manteo and asked the Board not to give up on the idea. She also felt there needed to be more structure for the public to offer comments during Board meetings and to possibly have public comments during intervals.

2. Manager Wheeler read the letter from Pat Morrisey, Roanoke Island Business Association, requesting that the Dare County offices remain in downtown Manteo.

**ITEM 18 – COMMENTS BY VICE CHAIRMAN HOOPER (ATT # 11)**

- Height restrictions – He met with folks in Hatteras Village and it was obvious that 35' was too restrictive and too compressive and presented a 45' alternative to be advertised as another option.

**MOTION**

Vice Chairman Hooper moved to advertise a third alternate (building height of 45") for July 19, 2004 at 3:30 p.m.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 19 – COMMENTS BY COMMISSIONER BYRD**

- Re-entry procedures – She wondered why property management employees were included in the re-entry before residents. Commissioner Cahoon explained that the emergency workers restoring essential services would need a place to stay.

**ITEM 20 – COMMENTS BY COMMISSIONER CAHOON**

- Re-entry procedures – She reported the Control Group has presented new tiers for reentry which can be seen on the County website. They are now working on agreements with Department of Transportation so that all of Highway 158 will be controlled by NC Highway Patrol during emergencies.
- Jennette's Pier – She reported there is a group moving forward on the facility even though the Memorandum of Understanding is not complete.

**ITEM 21 – COMMENTS BY COMMISSIONER JOHNSON**

- New Manteo Middle School – He learned that the School Board may make application to the Town of Manteo for incorporation to get sewage for the new school. The title will soon be transferred to the County for financing. It is unsure whether the town or the county should make application.

**MOTION**

Commissioner Johnson moved to authorize the County Manager, County Attorney, and Chairman to make application on behalf of Dare County if it is necessary.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

- School maintenance – He recommended that the County provide the outside maintenance of the schools in Dare County (yard work, roofs, etc.). He asked the Commissioners to work with School Board members and try to reach a consensus and that a Committee be appointed to work with the School Board on this matter.

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**ITEM 19 – CLOSED SESSION – POTENTIAL LITIGATION**

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 Byrd seconded the motion.

VOTE: AYES unanimous

**AT 6:35 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 6:40 P.M.**

Attorney Mills reported that no action was taken in Closed Session that required action in open session.

**AT 6:40 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 3:00 P.M. ON JULY 19, 2004.**

Respectfully Submitted,

By:

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Frances W. Harris  
Clerk to the Board

APPROVED:

BY:

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