

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
August 2, 2004**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on August 2, 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 - UPDATE ON TROPICAL STORM ALEX

Sandy Sanderson, Emergency Management Director, updated the Board on Tropical Storm Alex off South Carolina coast. Hopefully some steering currents will take it off the coast of Hatteras by Tuesday night and that it will stay off shore. He is not anticipating any major problems with the storm and will keep the Board updated.

ITEM 1A – PRESENTATION OF COUNTY SERVICE PINS

- A. Laurie White, PHN Supv. 1, received her 10 Year Pin from Anne Thomas, Health Director.
- B. John Doughtie, Deputy Sheriff Master Officer received his 15 Year Pin from Rodney Midgett, Sheriff.
- C. Talmage Willis, Computer Aided Dispatch Administrator, received his 15 Year Pin from Sheriff Rodney Midgett.
- D. Marcy Twyne, Land Transfer Tax Adm., received her 20 Year Pin from Michelle Evans, Tax Collector.
- E. Deanie Ward, Tax Processing Spec., received her 25 Year Pin from Norma Mills, County Attorney.

ITEM 2 – EMPLOYEE OF THE MONTH

Holly Meekins, PHN and Clinical Coordinator, received the Employee of the Month Certificate from Anne Thomas, Health Director.

ITEM 3 – PUBLIC COMMENTS

1. Ray Midgett, Southern Shores and representing the Beach Huggers of the Outer Banks, expressed their opposition to the beach nourishment project. He recommended that the Beach Nourishment Commission which was appointed by former Chairman Geneva Perry be replaced with a Blue Ribbon Committee.

ITEM 4 – ELIZABETH CITY STATE UNIVERSITY PRESENTATION

Dr. Mickey L. Burnim, Chancellor of Elizabeth City State University, made a presentation. He believes that it is incumbent upon him to ensure that the citizens of this region are both aware of and understand ECSU's important role in the Albemarle Area. He feels that, as the elected officials of Dare County, the members of the Dare County Board of Commissioners are the most important people with which to begin that communication. He shared some of the exciting things that are happening on the campus with their academic programs: School of Education and Psychology, School of Business and Economics, School of Arts and Humanities and School of Mathematics. Most of all they are committed to the success of students. One recent addition to their programs is Aviation Science, Marine and Environmental Science and Music Industry Studies. Research is something the faculty is engaged in. Another plus for ECSU is they received \$25 million from the State to construct a building for the School of Pharmacy and they will work in conjunction with UNC Chapel Hill. They are also doing a number of other things to enhance the quality of life for their students such as a new Student Union Center, new dormitories, and other buildings. Chairman Judge expressed appreciation for Chancellor Burnim's remarks.

ITEM 5 – COMMUNITY CARE CLINIC OF DARE

Anne Thomas, Health Director, explained that the members of the Access to Health Care Task Force of Healthy Carolinians of the Outer Banks will make a presentation on the progress made toward increasing access to healthcare for Dare County residents without health insurance. The Dare County Health Department, the Outer Banks Hospital, and the Albemarle Hospital are working in partnership to establish a local non-profit healthcare organization to be known as the Community Care Clinic of Dare. The clinic will operate at (4) convenient locations. Grant funds from several funding sources are currently being sought to provide start-up monies for clinic operations.

ITEM 6 – AMENDMENT TO INTERLOCAL SHARED USE AGREEMENT FOR CHANNEL 20 (ATT # 1)

Dorothy Toolan, Public Relations Coordinator, reported that the Town of Duck has requested to become a participating member of Government Access Channel 20. In order for this to be approved, the Board of each current participating community must adopt the amended Interlocal Shared Use Agreement adding the Town of Duck. With Duck's participation, member fees for FY2004/2005 will decrease from \$1,147.50 to \$983.57 per member and all six municipalities and the County will become partners in the Channel's operation.

MOTION

Commissioner Johnson moved to approve the Channel 20 amendment adding the Town of Duck to the Interlocal Shared Use Agreement.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PARKS AND RECREATION / YMCA JOINT SKATE BOARD PARK

Cliff Ogburn, Parks and Recreation Director, reported that the Parks and Recreation Department would like to work jointly with the Outer Banks Family YMCA in order to construct a skate board park at the Fessenden Center. Sheila Foster, Executive Director of the Outer Banks YMCA, presented what their level of involvement in the collaborative effort will entail. They are willing to engage in discussions about the partnership. For the record, Commissioner Tillett wanted to make sure the Hatteras students were credited for initiating the skate board park. She is also partial to the Fessenden Center for the park since they have the facilities there. Commissioner Byrd expressed concern about the cost of construction and how it will be operated such as a set of plans, budgetary guidelines and capital expenses. The Board concurred for the Parks and Recreation Department and the Outer Banks Family YMCA to work together to construct a skate board park at the Fessenden Center and bring back to the Board for final approval.

THE BOARD TOOK A 10-MINUTE BREAK.

ITEM 8 – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR FFHS PER DARE COUNTY BOARD OF EDUCATION (ATT # 2)

Dave Clawson, Finance Director, asked the Board to adopt the attached amendment to the capital project ordinance for FFHS per the attached request from the Dare County Board of Education. It will move funds among line items and does not change the total.

MOTION

Commissioner Byrd moved to adopt the amendment to the capital projects ordinance.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 9 – REPORT ON SALE OF SERIES 2004 CERTIFICATES OF PARTICIPATION

Dave Clawson, Finance Director, reminded that the sale dates are 7/27 (retail) and 7/28 (Institutional) and provided a short report on the sale. Attachments are the current version of the School Capital Reserve Fund projection/repayment plan. Both show the 2004 debt at 25 years, fixed rate, & layered principal and the 2005 debt at 20 years, fixed rate & level principal. The first shows the fund status with no property tax increase and a cash deficit as of FY 2009. The second shows a property tax increase in FY 2005-06 with no cash deficits. He noted this was a report only and the Board will be asked to amend the capital project ordinance for actual financing sources and uses on 9/7 as the numbers will not be available to get into the 8/2 agenda books.

ITEM 10 – ANNUAL SETTLEMENT AND CHARGES TO THE TAX COLLECTOR (ATT # 3)

Michelle Evans, Tax Collector, reported on the unpaid taxes and made settlement for the 2003 taxes.

Dare County 2003 Bills	Levy	Collected
C99 Only (County)	\$29,752,672.84	\$29,482,943.76
	Uncollected	% Collected
	\$269,729.08	99.09%

The Board praised the Tax Collector and Tax Department for their outstanding collection rate.

MOTION

Commissioner White moved to charge the Tax Collector to collect 2003 taxes. Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 11 – NATIONAL FLOOD INSURANCE PROGRAM RESOLUTION (ATT # 4)

Attorney Mills reminded that during the Public Comment at the July 19th Board meeting, the Commissioners requested to send a resolution to the NC Commissioner of Insurance and the NC Attorney General asking for an investigation into NFIP claims difficulties still being experienced by property owners in Dare County as a result of Hurricane Isabel. She presented the attached resolution.

MOTION

Commissioner Cahoon moved to adopt Resolution #04-08-33 Urging State Investigation of NFIP Claims.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 12 – EMERGENCY MAINTENANCE DREDGING – RODANTHE HARBOR (ATT # 5)

Attorney Mills reported that the Rodanthe Harbor has experienced shoaling and requires dredging in order to be utilized, if necessary, during the upcoming peak of hurricane season as an emergency ferry dock. The estimated cost of the dredging project is \$10,000. The State has been contacted to secure a 80%/20% water resources grant to fund the project. No state permitting is required as the harbor is federally authorized. The project will yield approximately 1653 cubic yards of material, most of which can be used by the County as fill for its helicopter pad project at that site, thus saving as much as \$40,000 in cost on that project.

MOTION

Commissioner White moved to approve Resolution #04-08-33 Emergency Request for Water Resources Development Grant Funds.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 13 – EMERGENCY MANAGEMENT ORDINANCE UPDATE (ATT # 6)

Attorney Mills presented a memorandum outlining proposed revisions and updates to the County's Emergency Management Ordinance. A public hearing is not required in order to consider and take action on the proposed revisions.

MOTION

Commissioner Cahoon moved to adopt proposed revisions to the County's Emergency Management Ordinance.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 14 – PROPOSED CHANGES IN MASTER CELLULAR AGREEMENT

Attorney Mills presented the proposed modifications to the County Master Cellular Agreement. She felt that after discussing the company's concerns and considering the County's current and future needs, the County Manager and she are of the opinion that some modifications to the Master Agreement are appropriate and in the County's best interest. (See attached).

MOTION

Commissioner Byrd moved to approve the proposed modifications to County Master Cellular Agreement with the adjustments that were made.

Commissioner White seconded the motion.

VOTE: AYES unanimous (The motion was rescinded after Attorney Outten's proposal).

Attorney Bobby Outten spoke on behalf of Verizon Wireless. The \$2800 does not work for them. Verizon has offered to place generators in each of the phone sites on the tower they would be looking at and they are looking at four sites that have been approved by Verizon and if approved by the county they would be in Duck, Colington, Southern Shores and Avon. They would also be looking at the Hatteras Tower once it is completed. They would make this available to the county which would be important to the county during the emergencies and would make sure the cell phone service is available during emergencies. They would be putting in \$300,000 and are prepared to do so. He explained that Verizon is willing to pay \$2200 dollars and not \$2800 and provide the generators. He asked the Board to consider that change.

The Board concurred that they were not prepared to negotiate on the floor and this request needed to be brought back to the Board.

Attorney Mills and the Manager Wheeler will work with Verizon and prepare another set of revisions for the Master Agreement.

Commissioner Byrd rescinded her motion. The Board concurred.

ITEM 15 – ALBEMARLE HOSPITAL AUTHORITY PRESENTATION

Sharon Tanner, Albemarle Hospital President and CEO; Trish Blackmon, Executive Director of Regional Medical Services; and Anna Sadler, Albemarle Hospital Authority Board of Commissioner Member, updated the Board on happenings both in Elizabeth City and Regional Medical Center in Kitty Hawk. Ms. Tanner talked about the hospital – new services, new equipment, breast education center, and outpatient heart failure. There are a wealth of jobs in health care and encouraged the young people to explore them There are new pediatric rooms, a new fast tract in the emergency hospital, new camp for asthma kids, installation of a new phone system, new physicians,

Ms. Blackmon enlightened the Board on all of the new activities at Regional Medical Center in Kitty Hawk. She compared their growth to the growth in Dare County. They have completed a 22,000 square foot addition to their older building and an additional 27,000 square foot building. They are on track to do 2000 surgeries this year which is a 15% increase. Chairman Judge expressed appreciation for their report.

ITEM 16 – OREGON INLET BRIDGE UPDATE

Attorney Mills reported she had spoken with Gail Grimes, DOT, since the last meeting and there is a Merger Team meeting scheduled for next week and the purpose of that meeting is to get the signatures on the concurrent document to initiate the conducting supplemental EIS on the short bridge alternative. The study timeframe would take approximately 9 months of work. Then the document would go back through the merger team process for concurrence as was done last fall when the 17 mile bridge was determined to be the main study option. There is not a fully revised schedule of the entire bridge project yet. The opening date for the 17 mile bridge was 2010. They will be building a new schedule once they receive concurrence from the merger team at next week's meeting. Then will move forward once they have the authorization to proceed. Within a month there will be a fully revised schedule for the short bridge alternative including the ultimate estimated construction date if the short bridge alternative is approved by the merger team. The meeting is scheduled for Aug 11th & 12th.

ITEM 17 – CONSENT AGENDA (ATT # 7)

Attorney Mills presented an amendment to Item B. She received word after the packets were completed that the \$20,000 allocation for the county has been increased to \$50,000. She handed out a revised version and the only change is the feed of streams that would be able to be cleaned up and a revised list of projects.

MOTION

Commissioner Byrd moved the approval of the Consent Agenda as amended by the County Attorney for B- Hurricane Isabel Stream Clean-up.

- A. Personnel Manual Update
- B. Hurricane Isabel Stream Clean-up
- C. C&D Cell Resolution #04-08-34
- D. Annual Report: Community Child Protection Team
- E. Capital Project Amendment for Various School Improvements
- F. Social Services Budget Amendment – Emergency Food/Shelter Funding

Commissioner White seconded the motion.

VOTE: AYES unanimous

ITEM 18 - BOARD APPOINTMENTS

- A. ADVISORY COMMITTEE FOR DARE COUNTY YOUTH CENTER

MOTION

Commissioner Cahoon moved the reappointments of Mary Ellen Hawthorne, Stu Golliday, Katherine Irby, and Amy Huggins and the appointment of LaTonya Murray to serve a three year term on the ACDCYC.

VOTE: AYES unanimous

MOTION

Commissioner Cahoon moved to appoint Becky Keith to fill the unexpired term of Jenna Jenkins.

VOTE: AYES unanimous

B. NORTHEASTERN REGION WORKFORCE DEVELOPMENT BOARD

MOTION

Commissioner Byrd moved to appoint Beatrice Bravo to serve a two-year term on the NRWD Board. She will fill the vacancy left by Lucy Halterman.

VOTE: AYES unanimous

C. PLANNING BOARD

MOTION

Vice Chairman Hooper nominated Beth Midgett.

Commissioner Byrd nominated William Wheeler.

VOTE: Midgett (5) Hooper, Judge, Cahoon, White & Tillett

Wheeler (2) Byrd & Johnson

Beth Midgett was appointed to serve a three year term on the Planning Board.

D. A.B.C. BOARD

MOTION

Commissioner Tillett moved the reappointment of Ray White to serve a three year term on the A.B.C. Board.

VOTE: AYES unanimous

ITEM 19 - COMMENTS BY CHAIRMAN JUDGE / BEACH NOURISHMENT

- Jennette's Pier MOU – He announced that maybe sometime soon the Board will have a Memorandum of Understanding on the Jennette's Pier. Some funds have been forthcoming in the budget and the problem between DOT/Clean Water Trust over financial problems has been solved. He hopes to have the document by the 2nd meeting in September.
- Beach Nourishment – He addressed the beach nourishment issue. This part is verbatim. We are very fortunate people. Quite a few folk who live here and are born here and are able to claim many generations of having their families here in Dare County. There are those of us who have followed careers and have moved here to pursue our livelihood. Those that have fallen in love with Dare County while they vacation and chose to retire here or chose to give up the rat race of the big city and move here and pursue their profession. There are others who have chosen Dare County as a place they want to raise their children – good school systems, natural beauty, outdoor sports, plenty of history, great opportunities to raise their children in a safe environment. We have a very robust economy - a billion dollar plus, certainly a shining bright light in Northeast North Carolina and it puts us on the map with the bigger areas and bigger cities and bigger counties in this state. Our economy is due to tourism. Now

there are those of us that realize that we need to reach out and try to seek diversity and find additional means to generate business and economic commerce but what we have today is tourism. And our tourism is because of our beach. Our jobs are because of our beach. We have many men and women that work in restaurants and retail hotels, construction industry and they hang sheet rock they wire houses, they plumb houses they all make a living and a good living and they raise their family and provide for their family. We have people that have done exciting things with taking kite flying and hang gliding and water sports and water craft sports to a new height and have blended the commerce of selling a kayak with the environmentally sensitive experience of going up our canals and our creeks and taking advantage of what Mother Nature has to offer. There has been a lot said in the last couple of weeks a lot of criticism about beach nourishment and I have a great deal of respect of the seven of us sitting on this Board and are elected and what that means. I have a great deal of respect for everybody to have the right to their own opinion and to whether it is pro or con on any issue that I support or I am against and I appreciate that. It is your right. It is one of the few places on earth where you can ridicule and criticize your elected leaders and still be a valuable partner or person in your community. I think we need to set some facts out for so many of the people in Dare County who may just not be hearing the whole story and the complete story. We have several problem areas in Dare County. One is pretty much the whole town of Kitty Hawk. A second one is the northern half of Kill Devil Hills and the middle and southern half of Nags Head. Then we have four troubled spots very troubled spots on Hatteras Island. I even got an email this week from a lady asking if we would come and if there were monies available to come nourish the beaches on Roanoke Island Soundside because of extreme erosion and I told her that that was the purpose of the one percent occupancy tax to not only fund the maintenance of the proposed beach nourishment project but several years down the road to be able to go anywhere in the county to spend the money on any of those types of projects. The current beach nourishment plan has been in progress since the early 1990's is a congressionally authorized and congressionally designated construction plan. It is the most mature plan that we have in county right now. It does cover just a little bit north of the Kill Devil Hills Kitty Hawk line down to about mile post 7 1/2 in KDH and picks up again about mile post 12 and carries it down to where Nags Head and the NPS share a common southern boundary line of Nags Head. This is an engineered project. This is not a bunch of trucks pulling up and dumping loads of sand on the beach and going out there and spreading it around. This is an engineered project now. What does engineered mean? Well, engineers build bridges, tunnels, skyscrapers, airplanes, and space craft. Engineers have put man on the moon and have landed robotic devices on Mars and have a device circling Saturn today. I would say that an engineered beach is more than just fools play. On an engineered beach a dune is built, a berm is widened

and a beach is laid out before it. And yes, some of that sand will wash away and that is the engineered part of it. It is designed to wash sand away so that the forces of the storm have something to do and that is carry sand away and that is why after the construction phase you have a maintenance phase. The Federal Government as the Feasibility and Reconnaissance Study went on during the 90's the federal government had a very strict criteria about return on the federal dollar investment and mark my word the federal government (congress) would not have authorized this project if it was merely for people to lay beach blankets out on the beach if it was merely to protect individual property. The congressional approval is based on the fact that it is an important investment to protect the shore line not just in Dare County but all up and down the coast line in this country as many projects have before us. We have very two close by two very significant and very successful projects – Wrightsville Beach and Virginia Beach. You can go see those for yourselves and see that they work and they are successful. But the return investment is not protecting just that house that sits on the ocean front but the house that sits behind it , the street, the telephone poles, the businesses, the other utilities, the houses in between the highways. It takes the total picture of our economy and looks at the real estate and the improvements and the infrastructure that is protected and has turned into a return on investment ratio. Kitty Hawk – there was a comment this morning that Kitty Hawk was excluded because Kitty Hawk did not agree to pay for lobbyists. There was also a comment about a lobbyist being hired in 2001. A different lobbyist was hired in 2001. We had had a lobbyist prior to that working on this project. Kitty Hawk has always been a part of the beach nourishment committee and Kitty Hawk received no action taken against them because they refused to participate in any sort of payment. They have sat on that committee. The major part of Kitty Hawk that is not in the current northern Bodie Island beaches project is because at the time the feasibility study was done there was a different set of criteria used as far as the infrastructure in Kitty Hawk and it did not pass the economic test by the Army Corps of Engineers. They used calculations based on the fact there was discussions with DOT that possibly Highway 12 would be relocated and not replaced in its current location if there was extensive damage to it. That has changed and that feasibility study and economic study will be redone. Kitty Hawk was not left out of anything. I am sure my comments today will be all over internet websites and will be the reason for people to write new letters to the editor and send us more emails. I welcome that. I urge you to call and ask questions if you have questions so we have the facts that we debate the facts and not debate myths. The congressional project that is approved today if it was funded by Congress today the construction local share of that will be paid for an assessment on properties east of 158 in the project zone, a million dollar contribution from the Tourist Board, the maintenance of that project (the 50 year project) would be paid for out of the one

percent occupancy tax that is being collected since October 2002. So we are not asking the general population of Dare County to pay for anything in that. It is very specific who pays for that. Several months ago the beach nourishment committee came before the Board of Commissioners and said we want to throw an idea out and that idea is this – what if we don't get congressional funding for some years to come and we know there are problems right now with federal funding. The Iraq War is taking an exceptional amount of money out of our federal tax dollars. And this project is just not getting funded because there is not much money up in Washington. The idea was - let's explore is there a revenue stream that we can find that if we had it we could in fact pay for the federal share of the beach nourishment project until such time as we can get the congressional monies. I am sure as most of you all know this passed a resolution our first choice was the land transfer tax and what we wound up with was a local bill authorizing this Board after deliberation after a public hearing if it so chose to do so to enact a one percent sales tax. That sales tax could be in effect up to 8 years. This Board has not acted yet on that and this Board would have to conduct a public hearing before it acted on that and I would recommend to this Board that what we do is we get a very in depth presentation and we have directed staff to do this at our meeting in September. We need to make sure that everybody on this Board understands what we are talking about and that is not to say that none of us don't understand. We need to know what it means today and for the next 50 years. We need to work with the Army Corps and make sure they are willing to participate in this as a managing partner and most importantly we need to sit down with the state and make sure that they will match as they do on all federal beach nourishment projects – Dare County beach nourishment project. So I wanted to share some of those facts today with all of you. This program is well watched. Please call, anybody, if you have questions. If you have any questions, please call any of us and we will be glad to take about it and answer the questions. I just wanted to make sure that we got information out to you all to better explain and clear up some of the comments that have been made. Thank you.

ITEM 19 – COMMENTS BY COMMISSIONER CAHOON

- Beach Nourishment – She echoed his comments. She has had some calls from committee members asking that they be allowed to rework the numbers and look at and see how any item fits within the perimeters of the project. She thought his idea was well taken.
- Parks & Recreation Department Report – She asked that it be reprinted with a larger font. They have done a lot of work on it and it deserves to be well read. She looks forward to it coming before the Board for a vote.

ITEM 20 – COMMENTS BY COMMISSIONER JOHNSON (ATT # 8)

- Oregon Inlet & Waterways Commission – OIWC would like to get Dare County's stamp of approval on the letter going out to congressional

delegation. The federal government is trying to remove the Shallowbag Bay project (jetties) from the federal government's list which is not a good thing.

MOTION

Commissioner Johnson moved to authorize the Chairman to sign letter and send to the congressional delegation.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

- Beach Nourishment – He questioned how the committee is made up. Chairman Judge explained that the committee is made up of an elected seat from each town, staff seat from each town on the beach, County Commissioner, representative of the Tourist Industry, two representatives from the real estate industry, an engineer position, Hatteras Island seat, and is chaired by Ray Sturza, Planning Director. There are a good percentage of new faces since it began.

ITEM 20 - COMMENTS BY COMMISSIONER WHITE

- Department of Transportation - He attended the retirement party for Don Conner last week who was most appreciative of Dare County's resolution honoring him.
- One% Sales Tax – He reminded that a public hearing is required and a date has not been scheduled. He asked if a presentation would be made at the next meeting and then schedule a public hearing. He felt that a lack of education was the biggest obstacle they had to overcome because the public does not seem to understand why people come to the Outer Banks – the beach. The education process is extremely important. He also felt time was critical and they did need to move forward as soon as possible.

ITEM 21 – COMMENTS BY COMMISSIONER BYRD

- Beach Nourishment – She felt there was a legitimate concern about composition of the beach nourishment committee and that there is no real representation from the community at large nor is there representation from people who might not totally be enthralled with the idea so you are only hearing consistently one side of the issue without any of the pros and cons associated with either side.
- School funding – A question has been raised as to why she has supported schools without a bond referendum but feel that any taxes for beach nourishment need to be subjected to a public vote. She feels they are two very different public issues. The North Carolina Constitution does require us an adequate basic education to all of the students and educated citizens are the bedrock on which any Democratic form of government is built and sustained. The community recognized that schools were overcrowded to the point that education of students was being negatively impacted. Some folks put their children in private schools. Some schooled or moved out of the county as a result. Other young adults simply delayed plans to relocate here until the schools issues were resolved. Political

officials argued for more than 10 years about where schools should be built. One bond referendum failed and no schools were built. This situation could not be allowed to continue. She believes in educational opportunity for everyone in the community and this Dare County community is better today than it was 20-25 years ago because the average level of our education for our populous is higher. For those who complain about taxes for schools when you have no children she asked who do you think paid for your education. Other than private schools, it was the taxpayers. Those who support beach nourishment and various methods of levying taxes to pay for have not made their case to the citizens of this county. Since the last meeting she has received more phone calls and emails on these issues than any other issue she has addressed to this Board for a long time. Universally except those with large business interest tied to the ocean front residents are telling her that they want to vote on any taxes levied here for beach nourishment. She said that sometimes as public officials they can act on behalf of the constituents and when we cannot. This issue is in her opinion a no brainer and let's move ahead more intelligently than we have in the past on this matter.

- Community enhancement grants- She would like to establish a committee to screen the applications and set criteria for who should receive funding or not. She believes this is important and should not be delayed.
- Public Comment Period – She feels they do not need to have public comments at the beginning of each meeting so people have an opportunity to address any agenda items. This is more vital at the second meeting of the month.
- Emergency Medical Services / Sheriff's Department– She expressed concern about the number of vacancies in the EMS and Sheriff's Department. She did not know what the Board could do about it.
- New Manteo Middle School – She referred to correspondence from the Town of Manteo relative to their levying more requirements for access to the new MMS site in Manteo. She knows that the Board has agreed with Manteo to improve traffic issues. If the town is going to be levying requirements that the Board would not have levied, she wonders where do they start to pick up some of the cost. Some of these requirements are on the edge of being nit picky.
- Wanchese Water – She noted that the Water Department is continuing to replace failed wells in Wanchese. She recommended that the Board take a hard look at bringing Wanchese onto the water system. Water quality has been a problem there for a long while. The problem cannot be ignored.

ITEM 22 – COMMENTS BY CHAIRMAN JUDGE

- Town of Manteo Annexation – He noted the town was planning a public hearing in Manteo regarding the annexation. The hearing happened and the town council adjourned not taking any action because there had been a modification to the deed there by rendering the annexation application

invalid and no resolution was made on those issues. They are meeting again on August 11th and hopefully it will be resolved. Anything the Town of Manteo can do to cooperate would be appreciated. This Board would have a hard time if an unfunded mandate came back through for us to have to deal with.

ITEM 23 – COMMENTS BY COUNTY ATTORNEY (ATT # 9)

- Interlocal Agreement / Carolinian Circle Recreation Area Project She received an email from Mike McCrea, Town Attorney for the Town of Nags Head; this satisfies Nags Head's audit requirements for their payment of reimbursement to the county for the cost of site clearing and prep at the Carolinian Circle Complex. She reminded that the Board entered into a Shared Use Agreement with the Town of Nags Head about a year ago for the construction of the recreational facility in Nags Head with the state parted grant. Under the Shared Use Agreement the Town of Nags Head agreed to pay for the cost of the site clearing work. That was bid a part of the project so the county is the contractor and the Town is not party to the contract. The Town requested the Board's adoption of the Interlocal Agreement to satisfy their audit requirements so they can make payment to the county. The work has been completed and closed out. This will allow the Town to write the checks for those costs.

MOTION

Commissioner White moved to approve the Interlocal Agreement.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

- Walter Slough Navigation Project – She reported that Walter Slough will be dredged this fall. She had up a draft project cooperation agreement and will bring to the Board for formal approval at Sept. 7th meeting. The Corps of Engineers is working on an accelerated time frame and putting the bid package together prior to Sept. meeting. Under the agreement the entrance into the Oregon Inlet Fishing Center basin and basin itself will be the County's responsibility to maintain and the Corps will maintain the federal channel. There is dredging that is needed at the entrance and OIWC is aware of that ongoing problem. The county estimates that the cost for the dredging of that entrance area is about \$20,000 and it is within the OIWC budget. The Corps has offered to do the work for the county and the county would reimburse the Corps for those amounts. In order to be able to include that part of the project in the overall bid packet the Corps needs a letter from the County formally requesting that. She noted they did not want to miss a window of opportunity for the project to move forward at some cost savings to the county. She handed up a letter to Colonel Alexander from Chairman requesting that the county's portion of this project be included in their overall bid packet.

MOTION

Commissioner Johnson moved approval of the letter to Colonel Alexander.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 24 - COMMENTS BY COUNTY MANAGER

One Cent Sales Tax for Beach Nourishment – He referred to the Finance Director's weekly update regarding the Department of Revenue requirement of ninety days advanced notice to collect the one-cent sales tax and it has to take affect on a January or July. If your intent is to get it in affect by January you have to deal with it during the month of September. By October 1st it has to be in place. The Board will meet twice in September and must hold a public hearing so give strong consideration if that is the intent of the Board to impose that tax. The time line is very important and a referendum is not an option for the Board. The law states by vote of law by the Board of County Commissioners. He felt they would have to get the General Assembly to change the law to allow for the referendum which that cannot be done before next summer. Commissioner Byrd felt they needed a sense of how the voting public feels about the tax.

ITEM 25 - UPCOMING BOARD APPOINTMENTS FOR SEPTEMBER

The following are upcoming board appointments for the month of September are Industrial Bonding Authority and Nursing Home Community Advisory Committee.

AT 12:30 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
ADJOURNED TO ATTEND A LUNCHEON FOR FIRST SERGEANT CRAIG
GARRISS AT THE JUSTICE CENTER.
THE NEXT REGULAR MEETING IS 9:00 A.M. ON SEPTEMBER 7, 2004.

(SEAL)

Respectfully Submitted,

By:

Frances W. Harris
Clerk to the Board

APPROVED:

By:

Warren Judge, Chairman
Dare County Board of Commissioners