

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
September 7, 2004**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on September 7, 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.

Chairman Judge recognized the following: Mayor Paul Sutherland Town of Southern Shores; Commissioner Dan Shields, Town of Southern Shores; Mayor Sherry Rollinson, Town of Kill Devil Hills; Mayor Pro Tem Bill Pitts, Mayor Gene Schwartz, Town of Duck; and Commissioner Bob Oaks, Town of Nags Head.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

1. Gracie Featherstone, Office Asst. III, received her 10 Year Pin from Tammy Reber, Administrative Officer I.
2. T.J. Ketterman, District System Superintendent received his 10 Year Pin from Bob Oreskovich, Water Director.
3. Theresa Edwards, SS Supervisor, II, received her 15 Year Pin from Jay Burrus, Social Services Director.
4. Thomas Price, Sanitation Supervisor, received his 15 Year Pin from Edward Lee Mann, Public Works Director.
5. Connie Poole, Business Personal Property, received her 20 Year Pin from Greta Skeen, Tax Appraiser.
6. Joanne Pullen, Office Assistant IV, received her 20 Year Pin from Anne Thomas, Health Director.
7. Crystal Cox, Real Property Appraisal Technician, received her 25 Year Pin from Greta Skeen, Tax Appraiser.

ITEM 2 – EMPLOYEE OF THE MONTH

Sergeant Norman Johnson, Detective of Narcotics, received the Employee of the Month Certificate from Sheriff Rodney Midgett.

ITEM 3 – PUBLIC COMMENTS

1. Stan Zdziarski, Southern Shores, asked the Board to adopt a Code of Ethics since everyone benefits from the openness and it dispels the doom and gloom.
2. Ursula Zdziarski, Southern Shores, feels that no other beach nourishment studies were considered other than those by the Beach Nourishment Committee. She feels that structures could be torn down and beach

accesses could be built and higher density could be built in designated areas. If done fairly everyone could benefit. Man cannot stop the ocean but can become a model of how to do it right.

3. Michelle Pharr, Kill Devil Hills, spoke in support of the beach nourishment and the tax increase. The development of this program is on the table and all reports are involved. Emergency Medical Services are far better here than any in the state. Her colleagues are employed by the Clarion Hotel and Comfort South Hotel and are glad to be working there and be allowed to live in a beautiful area.
4. Sterling Webster, Kill Devil Hills, favored beach nourishment. The sand and the ocean are why we are all here. The people who work for the county, hospital, and schools are supported by the beaches. It is a small price to pay for this investment. Without the beaches, this community will fade away.
5. Alex Benson, Nags Head, stated that the beaches of North Carolina are pretty much who we are. If we allow ourselves to loose this beach and we aren't willing to put a few cents on the dollar, then how can we live with that decision. We have to look at what is going to happen. It is our duty to protect the area because these are our beaches.
6. Mark Martin, Chairman of OB Business Task Force, stated that beach nourishment is about protecting a way of life. Hurricane Isabel gave us a reminder of how we could loose this. There are thousands of people who are willing to help us pay and everyone benefits from the beach. We cannot stop Mother Nature but she needs our help. Let's move forward and protect our beaches.
7. Jim Hobbs, wondered why the urgency now in September. He called for factual information on the costs and a need to vote on taxation.
8. Randy Carlisle, Nags Head, stated he moved here a year ago but has been coming here for a number of years. His family came for the environment and the beaches, but it is a greater issue than that now. If we do not have the beaches, we do not have the economy. It is incumbent upon us to do something about it. The economy of Dare County is about the whole eastern part of North Carolina. Our beaches are the most beautiful in North Carolina.
9. Mike Kelly, Nags Head, the ocean and our beaches are the successive growth of North Carolina. With very few exceptions, Dare County is the leader in North Carolina. The majority of business and people do not own beach front property. Beach nourishment is important to Dare County. His employees live in Tyrrell County, Manteo, Nags Head, and lower Currituck and they all use the beach during the day. The beach and ocean are the main reason why we are all here.
10. Ann Kaplin, Kitty Hawk, stated that the primary reason tourists come to Dare County is the beach. She urged the Board to vote for beach nourishment and the sales tax.
11. Mary Ann Williams, Kitty Hawk, requested the Board to implement the 1% tax in January. Our beaches are what make the difference. It can be

properly constructed if properly financed. Timing is everything and January is the time to do it. We need to get a jump on this and it can successfully be done.

12. Bruce Hilpert, Kill Devil Hills, raised concerns that are based on economics. He questioned if the tourists would leave if we don't do anything about the beaches. He would like to see some studies done. The taxing option of sales tax is unjust. It is a welfare program for the rich living on the beach.
13. Ray Midgett, Southern Shores, member of the Beach Huggers of the Outer Banks, asked the Board to set a public hearing and have a referendum. It was done in Carteret County and can be done in Dare County.
14. Tom Lozopone, Kill Devil Hills and member of the Restaurant Association, spoke in opposition to the sales tax.
15. Gene Williams, Nags Head, stated that it is a no-brainer to pass the tax and move on.
16. Stewart Couch, Hatteras Island, stated that the Outer Banks Realtors support beach nourishment. If we don't do anything to our beaches we will go back to over wash plains and that would be bad for the county.
17. Russell Lay, read passages from The Outer Banks of North Carolina by David Stick. If you don't have the dune system and if you don't rebuild those dunes we will have over wash. He hopes the Board will endorse the sales tax.
18. John Hughes, Manteo, stated the Outer Banks economy is a business and depends on two customers - the satisfied visitor and the competent employer. We have seen the economy retreat twice. The primary reason investors and tourist put their money in Dare County is the beach.
19. Dan Bell, Colington, opposed to changing our natural beaches to controlled beaches and opposed to a tax increase. He feels that dredging is a waste of money and the beach will always be here.

THE BOARD TOOK A 10-MINUTE BREAK.

ITEM 4 – WORK FIRST COUNTY BLOCK GRANT PLAN (ATT # 1)

Jay Burrus, Social Services Director, explained to the Board that North Carolina law (G.S. 108A-27) requires each county to submit a County Work First Block Grant Plan every two years. By November 1, 2004, each county must submit a county commissioner approved plan for FY 2005-2007. There are two actions the Board of Commissioners must take to begin the planning process: (1) Determine whether the county desires to submit a Standard or an Electing Plan. The Board of Social Services recommends a Standard Plan. (2) Appoint a Dare County Work First Planning Committee. A list of proposed members is attached.

MOTION

Commissioner Byrd moved for Dare County to submit a Standard Plan and to appoint the attached list of proposed members and to appoint Commissioner Richard Johnson.

Commissioner Tilleff seconded the motion.

VOTE: AYES unanimous

ITEM 5 – TEEN COURT MONTH RESOLUTION (ATT # 2)

Michelle Pippin, Dare County Teen Court Director, presented the resolution for Board approval.

MOTION

Commissioner Cahoon moved the approval of Resolution #04-09-35 Proclaiming the Month of September as Dare County Teen Court Month.

Commissioner White seconded the motion.

VOTE: AYES unanimous

ITEM 6 – LITERACY MONTH PROCLAMATION

Lisa McCuiston with Children and Youth Partnership presented the proclamation for Board approval.

MOTION

Commissioner White moved the approval of Literacy Month of September Proclamation.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 7 – HEALTHY NORTH CAROLINA MONTH

Anne Thomas, Health Director, presented the Proclamation-Healthy North Carolina Month for Board approval. She also noted that Governor Easley has proclaimed September as Healthy North Carolina Month and is encouraging all 100 counties to participate by sponsoring activities throughout the month. The Dare County Board of Health has adopted Governor Easley's proclamation and is asking the Board of Commissioners to do the same here in Dare County. The Health Department has coordinated walking events in most local jurisdictions to celebrate. She welcomed and encouraged everyone one to attend one of these events. Visit www.healthync.com for a schedule of events.

MOTION

Commissioner Cahoon moved the approval of the Proclamation Healthy North Carolina Month 2004.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 8 – NRO PLANT – ARSENIC REMEDIATION PROJECT / TREATMENT PROCESS CONSTRUCTION PROJECT CONTRACT (ATT # 3)

Bob Oreskovich, Utilities Director, reported that on August 12th, with the assistance of the Finance Department, the Water Department opened three bids for the materials and installation construction of the treatment process to remediate the arsenic issue in the plant's product water. The low bid was submitted by Seaside Environmental Constructors, Inc. in the amount of \$3,812,000. Per the attached, water staff agrees with their engineer, Mr. Ian Watson, and his recommendation to accept the bid in the amount of \$3,807,000.

Mr. Watson was available to answer any questions of the Board. Seaside Constructors is the same company installing the present project to expand the plant process by the installation of two 1.0 MG RO units by January 2005.

MOTION

Commissioner Byrd moved to accept the low bid and sign the contract to allow the Water Department and their engineers to proceed with the project to complete the installation of the equipment to eliminate arsenic in the plant's product water in a timely manner and by the January 23, 2006 deadline imposed by the EPA and the State of North Carolina and to approve the budget amendment and the attached amendment to the capital project ordinance.

Commissioner White seconded the motion.

VOTE: AYES unanimous

ITEM 9 – AMENDMENT TO SERIES 2004 COPS CAPITAL PROJECT ORDINANCE (ATT # 4)

Dave Clawson, Finance Director, reported that the attached amendment to the previously adopted capital project ordinance amends the budget for the COP's financing sources and uses to actual amounts which were determined as of the sale date on 7/28/04. Attachments are the ordinance, the sources and uses page from the final numbers run and the sources and uses page from the previous numbers run.

MOTION

Commissioner White moved to adopt amendment to the capital project ordinance.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 10 – AUTHORIZATION TO USE GOVDEALS.COM FOR AUCTION OF SURPLUS PROPERTY (ATT # 5)

Dave Clawson, requested authorization to use GovDeals.com for auction of surplus property.

MOTION

Vice Chairman Hooper moved to authorize the County Manager to execute the Sellers Agreement.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 11 – NOTIFICATION OF TAX EXEMPT LOAN BY COLINGTON VFD (ATT # 6)

Dave Clawson, Finance Director, presented the financing of Colington's new fire apparatus in cooperation with the East Carolina Bank.

MOTION

Commissioner White moved to approve the tax exempt loan.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 12 – MANTEO ELEMENTARY SCHOOL LAND EXCHANGE (ATT #7)

Attorney Mills reminded that the Board previously approved the exchange of County-owned property on Driftwood Drive with property owned by Kellogg Supply adjacent to MES to make the Kellogg property available for expansion of MES. Of the 3.66 acres of County-owned property to be exchanged, 1.1234 acres is encumbered by old FAA deed restrictions which must be lifted to convey the property. Federal law requires that, as part of the lifting of the deed restrictions, compensation be paid to the Airport Authority for the fair market value of the encumbered property. This value is \$118,000.00.

MOTION

Commissioner Cahoon moved the adoption of the budget amendment transferring \$118,000 to the Airport Authority and amendment to the Capital Project Ordinance upon recordation by the FAA of the instrument releasing the deed restrictions.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 13 – WATER TANK CO-LOCATION MASTER AGREEMENT (ATT # 8)

Attorney Mills presented the proposed changes to the County's Master Cellular Agreement – Revised Proposal. She presented the revised changes. In summary, she along with the County Manager felt that these changes would strengthen the County's ability to structure agreements with future Licensee's (and even present ones should both parties agree) that better serve the County's needs at that time. They recommended the proposed changes in the attached Master Agreement, as outlined. Attorney Bobby Outten, representing Verizon, was present to answer any questions.

MOTION

Commissioner White moved the adoption of the revised Master Agreement.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 14 – RISK MANAGEMENT BOARD OF TRUSTEES

Manager Wheeler presented a request from the North Carolina Association of County Commissioners to appoint a commissioner from Dare County to serve on the Risk Management Pools Board of Trustees. The Board meets once every quarter (March, June, September & December) for two days a month. The member would take office at the December meeting.

MOTION

Vice Chairman Hooper moved to appoint Commissioner Byrd to serve on the Risk Management Pools Board of Trustees as an ex-officio appointment.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 15 - BOWSERTOWN LANDFILL PROJECT FUNDING RESOLUTION
(ATT # 9)**

Attorney Mills reported that the Manteo Rotary Club, in partnership with the UNC Coastal Studies Institute, has identified the need to conduct sampling at the Bowsertown Landfill in order to determine the level of contamination at the site. Such a study is necessary to fully evaluate the costs for the total reconstruction project. The study is estimated to cost approximately \$18,000. State funds are available from the Division of Water Resources on a 50% match basis. The Board approved \$10,000 in the current budget for this study, which will serve as the County's match. She presented the resolution requesting the state grant funds.

MOTION

Commissioner Tillett moved the adoption of Resolution #04-09-36 Requesting Water Resources Development Grant for Preliminary Feasibility / Engineering Study.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 16 – RESOLUTION OPPOSING WIDENING OF NC 12 (ATT # 10)

Chairman Judge presented a request from the Towns of Duck and Southern Shores to adopt a resolution opposing the widening of NC 12 through those towns.

MOTION

Commissioner Byrd moved the adoption of Resolution #09-04-37 Opposing the Widening of NC 12 through the Towns of Duck and Southern Shores.

Commissioner Cahoon seconded the motion.

Commissioner White noted that he has been on record that he will oppose four laning the road but in the interest of serving the traveling public DOT and he believe that a three-lane is imminent through both of those towns to protect the flow traffic. The resolution refers to opposing the widening of the road.

MOTION

Commissioner Byrd moved to excuse Commissioner Stan White from voting since he is a DOT member and the resolution presents a conflict.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

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

Commissioner Cahoon stated that with the price of real estate in Dare County it might behoove the Board of Commissioners to have DOT do a general analysis of how much it would cost to acquire additional right of ways, if any and apply that money to the new Mid Currituck County Bridge. The Board concurred.

ITEM 17 – UPDATE ON OREGON INLET BRIDGE

Commissioner White reported that last week DOT held its monthly meeting and he approached the Secretary regarding the lack of communication and insisted we start having a monthly meeting concerning Oregon Inlet Bridge. Sec. Tippet instructed the senior staff members to copy biweekly by email but have a staff meeting in Raleigh at same of our Board meeting. They had scheduled a merger team meeting on Aug. 11th and canceled the meeting since all members

concurrent they would sign off on adding the short version to the initial study. As of Thursday, September 2nd, two co-chairs had not signed off on it. Verbally, they indicated they would sign. DOT has assured Commissioner White that they are moving forward with their plans because they have been assured of the signage. The bad news is that the project appears to have been pushed back by a couple of years. The completion project was 2010 and now it might be 2012. He is working to get it back on the 2010 track, which was the purpose of these meetings.

ITEM 18 – CONSENT AGENDA (ATT # 11)

MOTION

Commissioner Byrd moved the adoption of the Consent Agenda:

- A. Approval of Minutes – July 19 & August 2, 2004
- B. Amendment to Capital Project Ordinance for Skyco Well # 9
- C. Health Department Clinic Fee Schedule
- D. Budget Amendment for Carolinian Circle Soccer Complex in Nags Head

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 19 – BOARD APPOINTMENTS

- A. INDUSTRIAL BONDING AUTHORITY – TABLED UNTIL SEPT. 20TH
- B. NURSING HOME COMMUNITY ADVISORY COMMITTEE

MOTION

Commissioner Cahoon moved the reappointment of Peggy Thank to serve a three year term on the Nursing Home Community Advisory Committee.

VOTE: AYES unanimous

- C. STUMPY POINT COMMUNITY CENTER BOARD

MOTION

Commissioner White moved the reappointments of the following to serve a three year term on the Stumpy Point Community Center Board: Roger Best, Louise Hooper, Naomi Midgett, and Jeff Griffith.

VOTE: AYES unanimous

ITEM 20 – COMMENTS BY COMMISSIONER JOHNSON

- Status of Bike Path Committee – Commissioner Cahoon responded that the Bike Path Committee has been meeting this past year on Hatteras Island in hopes of securing Scenic Byways funding. Vice Chairman Hooper responded that the group wears two hats – the Dare County Bike Path Committee and the Outer Banks Scenic Byway Committee. He noted that the Bike Path group has met with Commissioner White in hopes of getting on the Transportation Improvement Plan (TIP). Commissioner Cahoon noted that the county has asked for right of ways from DOT and DOT is presently studying the Colington area. Efforts are being made to look throughout the county. The main issue is funding. DOT does require that a bike path be placed behind the ditch area and in some cases there

is not enough room. It is more likely to get a path by widening the highway rather than going behind the ditch area.

- Monthly Report on Schools – He asked for a Monthly Report on School Funding to be placed on the agenda each time beginning in October. This would be similar to the Oregon Inlet Bridge Update.

ITEM 21 – COMMENTS BY COMMISSIONER TILLET (ATT # 12)

- Rest Area at the foot of Manns Harbor Bridge

MOTION

Commissioner Tillett moved to instruct the County Attorney to draft Resolution #04-09-38 and authorize the Chairman to sign NCDOT to transfer ownership title of the highlands of the old rest stop to Dare County on the north end of Roanoke Island.

Commissioner Johnson seconded the motion.

Commissioner Tillett explained that Parks & Recreation Department would like to use part of it as well as having an informational booth for the Native American Activity and the Freedman's Colony Activity. The area would serve under the auspice of Parks & Recreation Department.

VOTE: AYES unanimous

- Standing water in Dare County – She reported on numerous calls regarding the standing water throughout the county.
- Senior Center for Roanoke Island – She reminded the Board that she continues to receive calls regarding a senior center for Roanoke Island.
- Street lights on Roanoke Island – Manager Wheeler responded that there are lights on county property that the county must maintain.

ITEM 22 – COMMENTS BY COMMISSIONER WHITE

- Standing water in the county – He noted that water has been a real problem everywhere in the northeast. He said that District 1 has one ditch cleaning tractor, which will be used in Dare County within the next few days. He has also requisitioned another tractor to be stationed in this area for clean-up.
- Boats in Stumpy Point – He referred to boats on the shoulder of the road in Stumpy Point and questioned how to resolve this problem. Attorney Mills responded that they could use the county ordinance and if they are in a public right of way, they can be removed with charges to the owner.
- County Lines Issue – He referred to an article in the County Lines Newspaper about New Hanover County lowering property taxes for qualified senior citizens and wondered if Dare County has ever attempted to do same for their elderly population. Attorney Mills will review.

ITEM 23 – COMMENTS BY CHAIRMAN JUDGE

- Standing water in the county – He reported that the County Engineer is working on this county wide issue.
- Storm Water Working Committee – He reported that Senator Basnight would like to form a Storm Water Working Committee together to include –

a representative from Currituck and Dare Counties, representatives from the six towns, representatives from CAMA, and Water Quality. He would like to focus on retention, collection, retain water quality, collect it if you can, treat it, reuse it if you can and once used to discharge. (CONTINUED IN ITEM 27).

- School Board Memo – He referred to a package from the School Board to the Town of Manteo. The Town of Manteo has annexed the new Manteo Middle School Woods Tract into the Town of Manteo and has taken the conditions Dare County recommended. The School Board is asking the Town of Manteo for some different considerations.
- Committee to look at grants for different agencies – He asked Board members to contact him if they would like to serve on such a committee so as to be able to appoint the group at the next meeting or first meeting in October.
- BOE – He would like to form a committee to explore how the County and School Board could work together in a joint venture in grounds keeping and ball field type maintenance, thus combining the maintenance departments.
- Jennette's Pier – He reported the Memorandum of Agreement on Jennette's Pier is in its final draft. The big issue is now that the pier has been destroyed, that there be some language regarding the replacement of the pier. The county's funding was to be used for the pier, pier house and the three lots. They are moving towards completion and the funding issue has been resolved.

ITEM 24 – COMMENTS BY VICE CHAIRMAN HOOPER

- Hurricane Alex – He thanked Commissioner Cahoon, Sandy Sanderson, Attorney Mills and NCDOT for the clean up on Hatteras Island.

ITEM 25 – COMMENTS BY COMMISSIONER BYRD

- Zoning status – She questioned the zoning efforts in Manns Harbor, East Lake, Wanchese, and Skyco and asked that a report be given at the next board meeting by the Planner and in the meantime to email the commissioners. Manager Wheeler will handle.

ITEM 26 – COMMENTS BY COMMISSIONER CAHOON

- Hurricane Alex – She complimented DOT for doing a good job in Kitty Hawk as well as Highway 12.
- Compliments to Public Relations Director – She referred to a letter from the Town of Southern Shores complimenting Dorothy Toolan for her coordination during the hurricanes. She is a great asset to Dare County.
- Dredging of OIWC – She understood that Oregon Inlet would be dredged this week and asked if there was a possibility they could do anything to enhance the project by giving more sand from the inlet to Highway 12. Commissioner White reported they had identified 986,000 cubic yards of sand that can be pumped out of the designated area. The COE will take

the funding from next year's budget and dredge a minimum amount of about 300,000 cubic yards. Hopefully there will be a TIP amendment to get funding from federal highway or from DOT. The COE is paying \$1.3 million to mobilize the dredge and \$3.50 - \$4.00 a yard to pump the sand down on Pea Island. It is a great opportunity for DOT to do some advanced protection of Highway 12 if they could put another \$2 million in it. He met with the Secretary of DOT with Chief Engineer, Federal agencies, last Thursday and thinks they have planned a way for DOT to participate. The contractor must deal directly with the funding source and also be responsible to get permission from USFWS to place the sand. Everything is done that can be done right now. Commissioner Cahoon would like to have a report by the next meeting.

Vice Chairman Hooper felt they should partner with DOT and let those engineers handle the paper work where we could reimburse the county. If necessary, the Board could call a special meeting.

- Senior Byways Clean-up - On Oct. 2nd. The Scenic Byways Committee has put together a clean sweep for Hatteras Island. The NPS has become a good partner in helping with preparations. She welcomed volunteers to come and help with the beaches and roadways of Hatteras Island.
- Telephone calls – She made it clear that calls are returned and are not just initiated.

ITEM 27 – COMMENTS BY MANAGER WHEELER

- Storm Water Working Group - Manager Wheeler referred to his conference call this morning with Senator Basnight's office regarding the formation of a Storm Water Working Group. It would consist of the following: representatives of all Dare County Municipalities; a representative from Currituck County and Dare County. The representatives from Currituck and Dare would not be elected officials. A possibility would be the Currituck County Planner and the Dare County Engineer. There will be representatives from the Division of Environmental Health, Water Quality, Water Resources, Coastal Management, and NC DOT. This group would begin meeting immediately. Nancy White, Coastal Studies Institute, would Chair the Committee. One of the immediate concerns is to set a schedule and make recommendations as soon as possible about how to finance these water projects because of these will not be in the DOT arena. They will be looking at storm water district for those who choose to participate in any of the projects or possible a storm water fee. He wants these appointments now. Manager Wheeler recommended Steve Shriver, County Engineer, as Dare County's representative to serve on this committee. He reiterated that the Senator wanted to talk about retention, collection, treatment, reuse, & discharge and assured that the state agencies would be participating.

ITEM 21 – UPCOMING BOARD APPOINTMENT FOR OCTOBER – Older Adult Services Advisory Council

ITEM 22 – CLOSED SESSION – LAND MATTERS**MOTION**

Vice Chairman Hooper, pursuant to NCGS 143-318.11, moved that the Dare County Board of Commissioners go into closed session to instruct the County Staff or negotiating agents concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

AT 12:20 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED INTO CLOSED SESSION AND EXITED AT 12:50 P.M.

Attorney Mills reported that no action was taken in closed session that would require action in open session.

AT 12:55 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS RECESSED UNTIL 3:00 P.M. FOR A BEACH NOURISHMENT WORKSHOP AT FESTIVAL PARK FILM THEATER.

ITEM 23 – BEACH NOURISHMENT WORKSHOP AT FESTIVAL PARK FILM THEATER (ATT #)

The Dare County Board of Commissioners met in a Beach Nourishment Workshop at 3:00 p.m. 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.

Ray Sturza, Planning Director, presented an overview beginning with the 1965 Ash Wednesday Storm until present.

Bill Pitt, Kill Devil Hills Commissioner, presented a current economic statistics and gave a brief look at the current physical status of the beaches. He reviewed the original plan and presented the alternatives: retreat, do nothing (no vote, no tax, no businesses), wait for federal funding, work hard to get good lobbyists, tax residents, or downsize the project.

In summary, Ray Sturza stated that shoreline management is a long term issue. Previous efforts have been stalled. Reliable sources of income have been secured and there are short and long term alternatives.

There was Board discussion.

Commissioner Byrd stated that whether or not beach nourishment was a good idea, the method of funding was not. We are placing more burdens on the people here and those coming and why should the population as a whole pay. She feels they need more answers and they have not sold the project to the public.

Commissioner Johnson felt the Board needed to move forward with the project and to ask for the Corps of Engineers' assistance.

Vice Chairman Hooper spoke in support of beach nourishment. He felt that it should be a county project and that the short term was a good idea. He mentioned there were two hotspots on Hatteras Island.

Commissioner White stated it was no easy decision to raise taxes but thousands of people come to work in Dare County. They have the opportunity to do beach nourishment and it is in the best interest of the county. This is a tough decision for the Board members.

Commissioner Tillett has concerns and feels there is still time to educate the public.

Commissioner Cahoon questioned the eight years of funding since their easements are for 50 years of the project. Mr. Lee Wrenn responded that they are acquiring easements that are perpetual in nature.

Bob Muller, Mayor of Nags Head, stated that the county can deal with beach nourishment today or put it off, but the erosion will not go away.

Chairman Judge stated the Board needed to bring this to a close. He does not want to change the scope of the project and is hoping to accomplish the project with or without federal funding. The county needs to move forward. He recommended scheduling a meeting with Senator Dole, Senator Edwards, and Congressman Jones in Washington, DC and bring forth Dare County's request. He would like for the Board to reflect on the recommendations and be prepared for their next step to take. He also recommended asking the Corps of Engineers to duplicate a morning session and go through this process again, which may help.

Sherry Rollason, Mayor of Kill Devil Hills, expressed appreciation to the Board for enlightening the public on the history of beach nourishment. She is totally for beach nourishment and is ready to move forward.

**AT 5:45 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
ADJOURNED UNTIL 3:00 P.M. ON SEPTEMBER 20, 2004.**

(SEAL)

Respectfully Submitted,

By:

Frances W. Harris
Clerk to the Board

APPROVED:

By:

Warren Judge, Chairman
Dare County Board of Commissioners