

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
October 4, 2004**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on October 4, 2004, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Virginia Tillett, Cheryl Byrd, Stan White, and Richard Johnson. 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 – PRESENTATION OF COUNTY SERVICE PINS

- A. Jenny Jones, Oregon Inlet & Waterways Adm., received her 10 Year Pin from Ray Sturza, Planning Director.
- B. Doug Remaley, Fire Marshal, received his 10 Year Pin from Ray Sturza, Planning Director.
- C. James McMurrin, Fleet Maint. Mech. received his 15 Year Pin from Edward Lee Mann, Public Works Director.
- D. Patsy Ambrose, In-Home Service Aid, received her 15 Year Pin from Sue Hewitt, In Home Serv. Aid. Supv.
- E. Fran Harris, Clerk to the Board, received her 20 Year Pin from Chairman Warren Judge.

ITEM 2 – EMPLOYEE OF THE MONTH

Sharon Sanderson, Transportation Coordinator received the Employee of the Month Certificate from Brandi Rheubottom, Older Adult Services.

ITEM 3 – PUBLIC COMMENTS

No one came forward to make public comments.

ITEM 4 – WALTER SLOUGH PCA (ATT # 1)

Attorney Norma Mills presented a request for Board approval of the Project Cooperation Agreement between Dare County and the Army Corps of Engineers for the construction of the Walter Slough Navigation Project. Mr. Chris Frabotta, Navigation Project Manager for the USACE Wilmington District presented an update on the project. He stated that at the current time there are two things that need to be approved: (1) the actual project itself and (2) PCA. The drop dead date for getting everything approved (the project, the PCA, federal funds appropriated, and contributed funds from the sponsor, which is the County of Dare) is by mid November and will exercise the option by the 29th of November. Commissioner Johnson commented that OIWC has been working on the project for years and to get a new project approved is almost unheard of, but maybe

because they have been working for so long that it will be done. After it gets on the maintenance project, from then on, Dare County will only fund the cost of dredging the boat basin at Oregon Inlet. Once they take it over as a project from then on, it will be done by the Corps of Engineers – the engineering and the dredging. Dare County will be out of the picture except for the boat basin at NPS. It will be a money saver. He noted that OIWC has dedicated the \$25,000 additional cost in their budget and have voted to approve as their top priority the digging out of 8-15,000 cubic yards. This will be OIWC's top priority. Mr. Frabotta noted that one other responsibility of the county's would be land easements and rights of ways for disposal, which is Island D. When this project is approved, PCA is executed, and the construction is done it will become part of the Manteo Shallowbag Bay Project including Oregon Inlet and the 25 miles of federal channels that go into Wanchese and Manteo. Funding for that maintenance will be federal, civil works, and operation/maintenance dollars. The funding is contingent on the administration and the legislation. He reminded that it could be a project and be non-funded by the administration. The Board is painfully aware of that.

MOTION

Commissioner Johnson moved the approval of the Project Cooperation Agreement between the USACE and Dare County for the construction of the Walter Slough Navigation Project. (Under the project, Dare County serves as the non-federal sponsor of the project, and would be obligated for 20% of the costs for the project if federal funding is appropriated).

Commissioner White seconded the motion.

VOTE: AYES unanimous

Attorney Mills reported that the addition of Walter Slough to Shallowbag Bay Project gives additional justification for why the county might want to continue fighting the efforts from the last congressional session to be authorized. While Mr. Frabotta is not in a position to advocate Congress for funds, this gives the Board members justification and reasoning for advocacy in Washington not only for Oregon Inlet but for Walter Slough.

ITEM 5 – FIRST QUARTER REPORT TO THE DARE COUNTY COMMISSIONERS FROM THE DARE COUNTY AIRPORT AUTHORITY (ATT # 2)

Constance Brothers, Ph. D. Chairman of the Airport Authority, presented the FY 2004/2005 First Quarter Report. The first quarter of the Dare County Regional Airport's new fiscal year began on July 15, 2004 with the first order of business being to update their Mission Statement, which is to manage the operation, maintenance, and improvement of air services and facilities for the use, convenience, and benefit of the air traveling public. The Authority shall (1) seek to improve the economy, safety, and welfare of Dare County and (2) endeavor to be the leading provider of airport service in eastern North Carolina. Six most important issues facing the Airport are (1) Runway approach safety issues (2) runway length to accommodate current users (3) height ordinance (4) fees, rules, and regulations (5) hangars and (6) food service/museum.

Chairman Judge expressed appreciation for the presentation.

ITEM 6 – PROCLAMATION – WEATHERIZATION DAY OCTOBER 30TH

Attorney Mills presented the proclamation.

MOTION

Commissioner Johnson moved approval of Proclamation Weatherization Assistance Program to proclaim October 30, 2004 as “Weatherization Day” in Dare County.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 7 – HEALTH DEPARTMENT ACCREDITATION IN NORTH CAROLINA (ATT # 3)

Anne Thomas, Health Director, reported that the Dare County Department of Public Health is one of six health departments in North Carolina to participate in pilot accreditation. They are now one of six newly accredited health departments in the state. As a result of the successful pilot accreditation process, the North Carolina Public Health Task Force 2004 has recommended state-level support for a mandatory system of accreditation for all local health departments and to fund health departments who participated. The Dare County Board of Health supports the statewide effort to accredit local health departments through a mandatory process and recommends that \$50,000.00 per year of on-going funding is provided to each health department to support accreditation and continuous quality improvement.

MOTION

Commissioner Cahoon moved to adopt Resolution #04-10-39 Promoting Health Department Accreditation in North Carolina.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 8 – ADMINISTRATION BUILDING & OLD COURTHOUSE – ISSUANCE OF A REQUEST FOR QUALIFICATIONS

Dave Clawson, Finance Director, reminded that the County obtained the attached local legislation in 2003 in order to allow alternate procurement methods for the Administration Building and the work to be done to the Old Courthouse. He along with staff recommends that a Request for Qualifications be issued and advertised for firms to provide “Design plus Construction Management at Risk” services for the project (exactly the same procedure the County used for the Justice Center). The alternate action would be to issue an RFQ for architectural services.

MOTION

Vice Chairman Hooper moved to direct staff to authorize that a Request for Qualifications be issued and advertised for firms to provide “Design plus Construction Management at Risk” services for the project (exactly the same procedure the County used for the Justice Center).

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 9 – DOT DEBRIS AGREEMENT (ATT # 4)

Attorney Norma Mills reminded the Board that during Hurricane Isabel, the County entered into letter agreements with DOT to perform debris removal along state and federal roads. This agreement was required by FEMA in order to make the costs for this debris removal eligible for reimbursement from FEMA since the County does not have the legal responsibility to maintain these (or any) roads. In order to be prepared for future storm events in which such an agreement may be required again by FEMA, she presented the attached agreement. The language is based on that contained in the letter agreements executed after Hurricane Isabel.

MOTION

Commissioner Byrd moved to approve attached Debris Removal Memorandum of Agreement between Dare County and DOT.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 10 – DISCUSSION OF PUBLIC COMMENT PERIOD FOR MID-MONTH MEETING

Chairman Judge opened the floor for discussion.

Commissioner Byrd supported two public comment periods for the following reasons (1) a public comment period at 5:30 p.m. does not allow anyone to address items on the agenda before they are discussed and deliberated and the public feels they are being left out and (2) an afternoon public comment is to allow the working force an opportunity to address items after their working hours. Commissioner Tillett questioned if they had two public comment periods if the same people would be allowed to speak at both. Commissioner Byrd responded that the first one would be limited to people who wanted to speak about items on the agenda and the second one would be dedicated to all other items.

Vice Chairman Hooper believed that two public comment periods are awkward and one is enough to do the job. He recommended having the public comment period at 3:00 p.m. instead of 5:30 p.m.

Commissioner White agreed with Vice Chairman Hooper regarding two public comment periods and suggested starting all of the board meetings at 9:00 a.m. and public comment period at 9:30 a.m.

Commissioner Johnson believes that the 3:00 p.m. meetings are convenient for those who are working. He would agree with any arrangement for public comment periods except for moving the second meeting back to 9:00 a.m.

Commissioner Byrd recommended moving the 3:00 p.m. meeting up to 5:00 p.m. and public comment period at 5:30 p.m.

Commissioner Cahoon felt that one public comment period was sufficient and if not then the second public comment period would be for a separate set of speakers.

Attorney Mills stated the Board, constitutionally, could limit the first public comment period to only comments on items on the agenda and the second public comment period for any and all other items.

MOTION

Vice Chairman Hooper moved to schedule the public comment period at 3:00 p.m. on the 3:00 p.m. mid month meetings.

THE MOTION FAILED FOR LACK OF A SECOND.

MOTION

Commissioner Byrd moved that the Board have a public comment period at the beginning of the 3:00 p.m. meeting to address items on the agenda only and to have a second public comment period at 5:30 p.m. to address any and all matters at the 3:00 p.m. meeting.

Commissioner Johnson seconded the motion.

Commissioner White questioned why the Board was not considering two public comments periods at the 9:00 a.m. meeting even though he was not advocating it.

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

NOES (3) White, Tillett, & Hooper

ITEM 11 - UPDATE ON OREGON INLET BRIDGE

Attorney Mills reported that nothing significant has happened since the last board meeting. Commissioner White reported that he will attend his first meeting on Wednesday regarding the continual update meetings that have been scheduled since the last board meeting. He agreed there is nothing new to report.

ITEM 12 – SCHOOL CONSTRUCTION REPORT (ATT # 5)

Dave Clawson, Finance Director, presented the Construction Report containing the Projects (schools), Financing, Budget, Actual, Remaining, and Notes regarding the projects. The total budget for currently active projects is just over \$126 million dollars. The difference between that and the \$137 million dollars is the Hatteras Elementary School which was closed out in FY 2004. The majority of the amount spent is on First Flight High School.

Commissioner Johnson noted that the Finance Director made a feature film on School Funding Issue for Channel 20 and encouraged everyone to see it.

Commissioner Byrd noted the county is very lucky to have Mr. Clawson's expertise on school funding and recommended distributing the film to other counties that are struggling with bond referendums and funding matters.

ITEM 13 – CONSENT AGENDA (ATT # 6)

MOTION

Commissioner Cahoon moved the approval of the Consent Agenda:

- A. Approval of Minutes
- B. Dangerous Dog Appeal Board Membership
- C. Health Department awarded additional Family Planning funds
- D. Health Department awarded additional General Aid funds

E. Health Department awarded additional WIC Client Services funds

Commissioner White seconded the motion.

VOTE: AYES unanimous

ITEM 14 – BOARD APPOINTMENTS

A. LIBRARY BOARD - DARE

MOTION

Commissioner Johnson moved the appointment of Amy Huggins to fill the unexpired term of Paul Charron on the Library Board – Dare. (6/03-6/06)

VOTE: AYES unanimous

B. OLDER ADULT SERVICES ADVISORY COUNCIL

MOTION

Commissioner Cahoon moved the reappointment of Annie Rose Wells to serve a four year term on the Older Adult Services Advisory Council.

VOTE: AYES unanimous

C. OREGON INLET & WATERWAYS COMMISSION

MOTION

Vice Chairman Hooper moved the appointment of Lee Tugwell to fill the unexpired term of Gilbert “Moon” Tillett on the OIWC. (6/03-6/05)

VOTE: AYES unanimous

ITEM 15 – COMMENTS BY COMMISSIONER HOOPER

- Big Sweep – The cleanup on Hatteras Island was a huge success and a great community effort.

ITEM 16 – COMMENTS BY COMMISSIONER BYRD

- Purple Martins / Motorists – She asked if Department of Transportation was working to mitigate the hazard on the Umstead Bridge as a result of the birds roosting there during July and August. Commissioner White responded that DOT has agreed to place warning signs during July and August.
- Kitty Hawk Water Lines – She reported that the County Attorney and Utilities Director have been working with the Town of Kitty Hawk regarding rights of ways for the water lines and issues have been resolved even though it is not a county issue. She appreciates the hard work
- Amendment One – She reported having done more research on the Amendment One issue that was adopted at the last meeting. She is still not in favor of adopting the resolution and is against the amendment. She feels that voter approval should be required and citizens should look at that carefully before voting in November.
- Groins at US Coast Guard Station – She referred to a letter by Vice Chairman Hooper to the National Park Service regarding the groins at the USCG Station. She questioned why the county got involved since the Coast Guard leases their land from the NPS. Vice Chairman Hooper responded that he met with the USCG and NPS to find out where they

stood on the groin issue before bringing it to this Board and the reason for the letter was for clarification of ownership.

- Beach Nourishment – She noted that she has tended to be critical of the Board members who have been proponents of beach nourishment and have beach front properties and she thinks it is appropriate for the public to know that Dare County's State Representative owns beach front property and is the initiator of the legislation that gave Dare County the sales tax opportunity.

ITEM 17 – COMMENTS BY COMMISSIONER CAHOON

- Big Sweep - She noted that the northern beaches were very successful as well as Hatteras Island. In Rodanthe a lot of debris is being uncovered as the dunes wash away and after the next storm the county needs to be more vigilant about people pushing up dunes while concrete is embedded in the dunes. As it is uncovered it becomes stumbling blocks for people on the beach as well as in the surf.
- Beach Nourishment – She proposed sponsoring a forum on beach nourishment with both pros and cons of beach nourishment including to better inform the public. She felt the meeting should be run by a mediator with no interest on either side and let the public ask questions. It would be an informative session about whether it is beneficial or not.

ITEM 18 – COMMENTS BY COMMISSIONER JOHNSON

- Beach Nourishment – He echoed Commissioner Cahoon's sentiments regarding an informational meeting on beach nourishment.

ITEM 19 – COMMENTS BY COMMISSIONER WHITE

- Affordable housing – He attended a meeting last week and reported the committee will be coming forward with some recommendations maybe by the next board meeting.

ITEM 20 – COMMENTS BY CHAIRMAN JUDGE (ATT # 7)

- Resolution Honoring Mayor Paul Sutherland upon his retirement as Mayor of Southern Shores

MOTION

Commissioner Byrd moved to adopt Resolution #04-10-40.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

AT 10:45 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS
ADJOURNED UNTIL 3:00 P.M. ON OCTOBER 18, 2004.

(SEAL)

Respectfully Submitted,

By: _____
Frances W. Harris

Clerk to the Board

APPROVED:

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