

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
October 18, 2004**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on October 18, 2004, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Virginia Tillett, Cheryl Byrd, and Richard Johnson. Stan White was absent. 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 amend the agenda to remove Item 6 - Hatchell Concrete Inc. – Roanoke Island Zoning Map Amendment – Request for a Public Hearing until next month.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

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

Melvin Walston, Deputy Sheriff, received his 15 Year Pin from Rodney Midgett, Sheriff.

**ITEM 2 – PUBLIC COMMENTS (SPECIFIC TO TODAY'S AGENDA ITEMS)**

There were no speakers.

**ITEM 3 - HATTERAS SEAFOODS – CONDITIONAL USE PERMIT AND SITE PLAN REVIEW**

Ray Sturza, introduced Nick Baum, Zoning Enforcement Officer, who will be working at the Planning office in Buxton.

Donna Creef, Senior Planner explained that Jeff Aiken (Hatteras Seafoods) has submitted a conditional use permit application and site plan for expansion of his existing business in Hatteras village. Mr. Aiken leases property at the Hatteras Harbor Marina and operates a wholesale seafood operation. Mr. Aiken plans to expand his business to include retail seafood sales. The property is zoned (C-2H) and retail seafood markets are conditional uses in this district. The site plan depicts the proposed building addition and parking configuration for the property leased by Mr. Aiken. Planning staff recommends approval.

**MOTION**

Vice Chairman Hooper moved to approve the site plan and conditional use permit application for Hatteras Seafoods.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 4 – ALDER BRANCH SUBDIVISION – PRELIMINARY PLAT REVIEW**

Donna Creef, Senior Planner, presented the Alder Branch Subdivision preliminary plat for board approval. The subdivision is located on Roanoke Island and the area is zoned R-1. The total site area is 18.56 acres with 32 proposed lots. The smallest lot area is 20,000. The Planning Board recommends approval.

**MOTION**

Commissioner Byrd moved the approval of the preliminary plat.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – BUDDY FOSTER – C2H TEXT AMENDMENT APPLICATION – REQUEST FOR A PUBLIC HEARING**

Donna Creef, Senior Planner, presented an application from Buddy Foster to amend the text of the C-2H zoning district to add boat building and boat repair facilities to the list of conditional uses in this district. Currently, the C-2H district permits boat sales and displays as a permitted use. Mr. Foster was granted approval for a boat sales and display facility earlier this year for property he owns in Hatteras village. Mr. Foster owns a boat building facility in Frisco and will display some of his work at the Hatteras site once completed. He wishes to expand the scope of his operations at the Hatteras site to include boat building and repair services. His property is located across NC 12 from the Teach's Lair Marina. The Planning Board conducted a public hearing on this matter in September and there were no speakers. Staff has visited the site and concluded that the location of a boat building operation would not negatively impact the adjoining property which is approximately 200 feet from the building.

**MOTION**

Commissioner Hooper moved to schedule a Public Hearing on text amendment request for November 15, 2004 at 3:30 p.m.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – HATCHELL CONCRETE INC. – ROANOKE ISLAND ZONING MAP AMENDMENT – REQUEST FOR A PUBLIC HEARING – TABLED**

The item was removed from the agenda until next month.

**ITEM 7 – AFFORDABLE HOUSING COMMITTEE UPDATE (ATT # 1)**

Donna Creef, Senior Planner, gave an update on the progress and activities of the Affordable Housing Committee. She noted that the Affordable Housing Committee was appointed at the end of 2003 by the Board of Commissioners. She named the committee: Commissioner Johnson, Commissioner John Robert Hooper, Commissioner Stan White, Planning Board Chairman Elmer Midgett, Community Development Corporation Bo Taylor, Community Development Corporation Director Chuck Poe, County Attorney Norma Mills, Planning Director Ray Sturza, Senior Planner Donna Creef, Kevin Schwartz Rep. of Outer Banks

Homebuilders Association, and two citizens, Mr. Tom White of Roanoke Island and Mr. Todd Merriss of Hatteras Island. The group has met several times over the past several months. They came up with 8 or 9 alternatives and from those they voted and ranked them based on what they thought was politically acceptable and have the opportunity to be accepted by the public and generate some interest in the private sector. They narrowed down the original list to 4 alternatives which were emailed to the Board members last week.

They also did extensive work into the HUD Standards and developed definitions that the committee adopted that they established as the eligibility standards for the income levels for the rent and the sales. The alternatives are Mixed Use Projects and Duplexes/Triplexes. The alternatives are proposed as conditional uses in the zoning districts so that would subject them to Planning Board review and Board of Commissioners approval. They talked briefly on fee reductions for the alternatives but the committee felt that was more of a policy decision and did not take a stand on that. Eligibility standards must be met in order to live in any of the alternatives.

Attorney Mills reiterated that the basic intent of the ordinance which is to provide incentives for developers to build affordable housing for working families in Dare County. They are following the methodology that HUD uses which makes it easier for the developers to use federal and state financing mechanisms. She commended the committee for their hard work in developing these standards. Commissioner Cahoon asked about resale and making sure units remain affordable. According to Ms. Creef, a 30 year time period is set forth in the standards and the CDC would monitor this to make sure guidelines are adhered to.

Commissioner Johnson said the committee has worked hard and will still meet and adopt regulations for the other 6 or 7 ideas they had. They may be coming back and asking the Board for water tap fee reductions to give added incentives. They wanted to get housing that was the fastest and quickest way to get affordable units built and these were the areas that the committee identified. He hoped the Board would look at it favorably and send it to the Planning Board. Commissioner Byrd stated that she liked the diversity because it offers various ways to tackle the issue.

Chairman Judge would like to see a year's time limit once it has Board approval with the opportunity to be expended if progress is being made.

Chuck Poe commended the committee for being in tune with the Community Development Corporation. They could not be happier about the way things are going.

Kevin Schwartz noted that once the ordinance is adopted then they will send it to the towns.

Chairman Judge suggested letting the committee continue forward and look at fee structures.

Ms. Creef stated the matter will be placed on the Planning Board Agenda in November.

**ITEM 8 – FUNDING FOR DETENTION CENTER GENERATOR REPLACEMENT (ATT # 2)**

Charles Henderson, Procurement Officer, presented an additional request of \$41,047 for generator replacement at the Detention Center. It has been determined that more generator power is needed at the Detention Center. The proposal includes a larger generator, transfer switch, fuel tank, and increased wiring cost.

**MOTION**

Commissioner Cahoon moved to increase Detention Center Generator Replacement Account #615520-737418-60236 by \$42,547 budget amendment and capital project ordinance. Change budget amendment  
Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – PUBLIC WORKS / ENGINEER FOR C & D CELL #3 (DOCUMENTS FILED PUBLIC WORKS DIRECTOR)**

Edward Lee Mann, Public Works Director, presented the contract to hire Camp Dresser & McKee Inc. as engineer for the C&D Cell #3 for board approval.

**MOTION**

Commissioner Tillett moved the authorization of the Chairman to sign the contract.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – HOMELAND SECURITY GRANT (ATT # 3)**

Sandy Sanderson, Emergency Management Director, presented the grant award for Federal FY 2004 Homeland Security Grant Program. The program is 100% funded to be used in the 911 center to develop an interoperable communications capability during disaster operations.

**MOTION**

Commissioner Byrd moved to approve the grant and adopt the budget amendment.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – PRESENTATION OF THE 2005 SCHEDULE OF VALUES (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)**

Greta Skeen, County Assessor, and representatives from the Department of Revenue's Ad Valorem Division presented the schedule of values, standards, and rules to be used for the 2005 countywide property revaluation effective January 1, 2005.

Ms. Skeen recognized her staff who were in attendance at the meeting and commended them for their hard work.

She reviewed the Schedule of Values and said that the Department's work is thorough, the documentation is comprehensive and the conclusions are based on solid analysis and not speculation. Every property in Dare County has been

visited at least once (improved properties at least twice) and 100% effort has gone into the revaluation process. The schedule of values is not a list of property values – the schedule of values spells out the analyses that have been done over the past two years. The staff has analyzed over 13,000 sales and many hours have gone into the process. There have been many changes in market values over the past few years. The goal is to establish the fair market value of a piece of property as of January 1, 2005. It is not an exact science.

Ms. Skeen reviewed the schedule for implementation and discussed the appeals process that will begin in mid-January and could continue through the middle of next summer, depending on the number of appeals.

Michael Brown, NC Department of Revenue, Property Tax Division came forward and thanked County Manager Terry Wheeler who serves as Chairman of the State Property Tax Commission. Mr. Brown said that revaluation is required every 8 years by state law. He reviewed the new schedule of values and feels it is very thorough. North Carolina is a market value state-property is at 100% of real values as of the last reappraisal. The sales ratio study for 2004 shows Dare County at approximately 40%.

The presentation met the statutory requirements under G.S. 105-317 that the standards be submitted for the Board of Commissioners' review at 21 days prior to the meeting at which they will consider the Schedule for adoption. A public hearing must be conducted prior to adoption of the Schedule of Values. 2045 and update on where they are in the process.

**MOTION**

Commissioner Hooper moved to schedule the Public Hearing on 2005 Schedule of Values for 10:00 am on Monday, November 1, 2004.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – REVENUES, COSTS AND BUDGET FOR HURRICANE ALEX (ATT # 5)**

Dave Clawson, Finance Director, noted this item is to establish a budget for costs and revenues related Hurricane Alex (1<sup>st</sup> attachment). He noted that staff has waited until now in order to have the debris cost numbers, which were received 9/27 (2<sup>nd</sup> attachment). Hurricane Alex was a State declared emergency, meaning that the State will pay for 75% of eligible costs. The County incurred total costs of \$298,800. Of that amount, \$68,077 will be paid by insurance, \$170,984 will be paid by the State and \$59,739 will be paid by the County.

**MOTION**

Commissioner Cahoon moved the adoption of the budget amendment.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – UPDATE ON OREGON INLET BRIDGE**

Attorney Mills reported there has been no significant update since the last agenda.

**ITEM 14 – CONSENT AGENDA**

**MOTION**

Commissioner Tillett moved the approval of the Consent Agenda: Approval of Minutes – October 4, 2004.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – BOARD APPOINTMENT – JUVENILE CRIME PREVENTION**

**COUNCIL**

**MOTION**

Commissioner Tillett moved the appointment of Christen DeGabriel to fill the unexpired term of Joan Ashley (Asst. DA or designee); Bonna Meadows to fill the unexpired term of Jim Southern (Director AMH/DD/SA or designee); Eddie Lynch to fill the unexpired term of Bill Teague (Member of Business Community) Betty Selby to fill the unexpired term of Anthony Bartolotta (Co. Commissioner Appointee) and George Smith to fill the vacant seat (Co. Comm. Appointee).

VOTE: AYES unanimous

Commissioner Cahoon noted that Mr. Lynch does not live in Dare County but would like to serve on this council. Attorney Mills had researched the matter and it is not a problem. The Board concurred.

**THE BOARD SKIPPED TO COMMISSIONERS COMMENTS**

**ITEM 17 – COMMENTS BY COMMISSIONER JOHNSON**

- Affordable Housing – He wanted to be sure the Affordable Housing Draft was on the Website so the builders could see it. The Public Relations Director will handle.

**ITEM 18 – COMMENTS BY CHAIRMAN JUDGE**

- BOE- He reminded that the Town of Manteo has annexed the new Manteo Middle School site and the BOE and Town of Manteo have not come to an agreement on the conditional use permit for the site. Hopefully negotiations will be resolved after the first of the month. The BOE has not agreed to all of the conditions yet and they are working with the Town of Manteo on that.
- MMS & NHES – He was assured that the Builders Risk Insurance for schools under construction will be in place sometime this week.

**ITEM 20 – COUNTY ATTORNEY / REQUEST FROM DOT (ATT # 6)**

- BOE – She noted that BOE was notified on July 1 that they would need to obtain builder's risk insurance. If they have not obtained it this week, she requested permission to send a formal letter to remind the BOE of their obligation. The Board concurred.
- Attorney Mills presented a request that the NCDOT Public Transportation Division participate with the Outer Banks Transportation Task Force in funding 90% of the cost of a proposed study to be conducted by the

NCSU Institute for Transportation Research and Education. The estimated cost of the project, as indicated in the attached proposal, is approximately \$73,000.

**MOTION**

Commissioner Johnson moved to draft the letter and forward to Department of Transportation.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner Cahoon moved for Vice Chairman Hooper and Commissioner Tillett to be excused from the public comment period at 5:30 p.m. since they have an engagement.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED TO PUBLIC COMMENTS.

**ITEM 16 – PUBLIC COMMENTS – 5:30 P.M.**

There were no speakers.

AT 5:35 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS  
ADJOURNED UNTIL 9:00 A.M. ON NOVEMBER 1, 2004.

(SEAL)

Respectfully Submitted,

By:

Frances W. Harris  
Clerk to the Board

APPROVED:

By:

Warren Judge, Chairman  
Dare County Board of Commissioners