

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
November 15, 2004**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on November 15, 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 called for silent meditation followed by the pledge of allegiance to the flag.

ITEM 1 – PUBLIC COMMENTS –SPECIFIC TO TODAY’S AGENDA ITEMS

There were no speakers.

**ITEM 2 – GRAVEYARD OF THE ATLANTIC MUSEUM RESOLUTION
(ATT # 1)**

Joe Schwarzer, Executive Director of Graveyard of the Atlantic Museum, noted that it has been recommended that Hatteras Village apply for recognition as a Preserve America Community. In order to be eligible, a community must protect and celebrate their heritage, use their historic assets for economic development and revitalization, and encourage the public to experience and appreciate local historic resources through education and heritage tourism programs. Those directly involved in the program feel Hatteras Village more than qualifies. The benefits of such a designation include White House recognition and many more. Such designations will also enhance applications for federal and state funding of relevant projects. Mr. Peter Sandbeck of the State Historic Preservation Office has been notified and has expressed full support. In order to proceed with the process, a resolution of support from the County is required. He presented the resolution. Commissioner White asked whether there are any regulatory requirements associated with this recognition and Mr. Schwarzer said that he is not aware of any.

MOTION

Commissioner Tillett moved the adoption of Resolution #04-11-44 Preserve America Community.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 3 – HATCHELL CONCRETE INC. – ROANOKE ISLAND ZONING MAP
AMENDMENT – REQUEST FOR A PUBLIC HEARING**

Donna Creef, Senior Planner, reminded the Board that the item was deferred last month at the request of the applicant. Derek Hatchell, on behalf of Hatchell Concrete Inc., has submitted a rezoning a request to amend the Roanoke Island zoning map. Hatchell Concrete owns a 1.7 acre tract on Driftwood Drive that is

currently classified as R-2, residential. The applicants have requested that this property be re-classified to I-1, industrial to accommodate the relocation of their company office from its current location on US 64. A copy of the rezoning application and other information submitted by the applicant in support of their request is included. The applicant is being represented by local attorney, Chris Seawell.

MOTION

Commissioner Johnson moved to schedule a public hearing to amend the Roanoke Island zoning map for December 6, 2004 at 10:00 a.m.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 4 – DARE COUNTY BOARD OF EDUCATION – CUP FOR MODULAR CLASSROOMS AT CAPE HATTERAS SECONDARY SCHOOL

Ray Sturza, Planning Director, presented a request from the Dare County Board of Education to authorize the use of 5 modular classrooms at Cape Hatteras Secondary Schools on a temporary basis during renovations and construction at the school site. Under Section 22-69 of the Dare County Zoning Ordinance, the use of modular units may be authorized "temporarily" during construction of permanent facilities. Such use is subject to approval by the Board of Commissioners as a conditional use. Authorization for the use of modular units is subject to three conditions: (1) the modular units are anchored according to NC State building codes (2) required parking is provided and (3) the units are occupied for no more than one year. Additional time (up to one additional year) may be granted by the Board of Commissioners if economic and climatic conditions prevent completion in one year. It was pointed out that the Board of Education will definitely need more than one year to complete the construction project.

MOTION

Commissioner Byrd moved to authorize conditional use permit for use of temporary modular classrooms at Cape Hatteras Secondary School.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 5 – COLINGTON POINTE GROUP HOUSING DEVELOPMENT – CUP AND SITE PLAN REVIEW

Donna Creef, Senior Planner, presented a site plan and conditional use permit application for the proposed Colington Pointe group housing development. This is the site that was rezoned by the Board earlier this year from R-2B to R-3 to allow redevelopment of the site with multifamily structures. The group housing development features a mixture of single family residential structures and multifamily structures as depicted on the site plan attached.

MOTION

Commissioner White moved that the site plan and CUP for the Colington Pointe group housing project be approved and that the developer pays for the relocation.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED TO ITEM 8 AND ITEM 9 – PUBLIC HEARINGS

ITEM 6 – STONEHAVEN, INC. – PRELIMINARY PLAT REVIEW

Donna Creef, Senior Planner, explained that the proposed division is part of an impending transfer of ownership of the Hatteras Island plaza (Food Lion shopping center in Avon). A lot to the rear of the tract is proposed for division. The new owners plan to construct employee housing for Food Lion on the new tract.

Wastewater will be provided from the Kinnakeet Shores central treatment plan. Access to the rear lot will be through the existing shopping center parking lot. No new road improvements will be necessary. Site plans for the apartments will be submitted at a later date. The overall size of the tract prevented the proposed division from administrative review unanimously to recommend approval

MOTION

Vice Chairman Hooper moved to grant preliminary plat approval.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 7 – FAMILY HOUSING INCENTIVE STANDARDS – REQUEST FOR PUBLIC HEARING

Donna Creef, Senior Planner, reminded that the Board received a package of recommendations from the Affordable Housing Committee. The Board instructed staff to forward the package to the Planning Board and also indicated that the housing committee should draft a proposal of fee reductions for consideration in conjunction with the draft regulatory standards. On November 4, the committee discussed a schedule of fee reductions and waivers to accompany the draft zoning ordinance amendments.

MOTION

Commissioner Johnson moved to schedule a Public Hearing on draft proposals for December 6, 2004 at 10:00 a.m.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 8 – PROPOSED TEST AMENDMENT TO C-2H FOR BOAT BUILDING AND BOAT REPAIR FACILITIES

AT 3:30 P.M. , THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE TEXT AMENDMENT REQUEST TO AMEND THE TEXT OF THE C-2H DISTRICT TO ADD "BOAT BUILDING AND REPAIR FACILITIES" TO THE LIST OF CONDITIONAL USES. Attorney Mills conducted the hearing and invited the public to speak. There were no speakers.

Chairman Judge closed the hearing at 3:40 p.m.

MOTION

Vice Chairman Hooper moved that the C-2H text be amended to include boat building and boat repair facilities as a conditional use with the specific conditions drafted by the Planning staff.

Commissioner White seconded the motion.

VOTE: AYES unanimous

ITEM 9 – DARE COUNTY HAZARD MITIGATION PLAN (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)

AT 3: 40 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE DARE COUNTY MITIGATION PLAN.

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

Chairman Judge closed the hearing at 3:45 P.M.

MOTION

Commissioner Cahoon moved the approval of the Hazard Mitigation Plan.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

Sandy Sanderson, Emergency Management, showed the Board of Commissioners live video of Mirlo Beach in Rodanthe from a camera in the location that went into operation on Friday. He is pleased with the outcome and asked the Board for approval in providing a link from the Dare County website so residents and visitors can see conditions at Mirlo Beach. This provides a great resource for those on Hatteras Island who want to monitor over wash conditions.

MOTION

Commissioner Cahoon moved to approve the request to link the video feed to the Dare County home page.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

Mr. Sanderson thanked Commissioners Cahoon and Hooper for their work with Emergency Management during some very trying times (Hurricane Isabel).

THE BOARD MOVED BACK TO ITEM 6.

ITEM 10 – HURRICANE ISABEL STREAM DEBRIS REMOVAL (ATT # 2)

Steve Shriver, County Engineer, reminded that in September, the North Carolina DENR (Water Resources) awarded \$50,000 to Dare County for the purpose of removing stream debris caused by Hurricane Isabel. Areas identified in the application needing work include streams/ditches in Buxton, Avon, Stumpy Point, and Kitty Hawk. Since the project cost will be below the competitive bid threshold, staff is planning to solicit informal bids from contractors.

MOTION

Vice Chairman Hooper moved on the following:

- (1) to proceed on the project by notifying affected property owners and soliciting informal bids from contractors
- (2) to authorize a bid and to execute a contract and
- (3) to adopt attached budget amendment reflecting receipt of Water Resources grant in the amount of \$50,000.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

Commissioner White asked if additional funding could be provided from Oregon Inlet and Waterways Commission to expand the scope of work for the project. He referred to a mosquito ditch in Wanchese that is clogged. Mr. Shriver will look into this to find out if it is possible. Commissioner Tillett pointed out that there is an area in Manteo that also needs to be addressed.

ITEM 11 – ADOPTION OF THE 2005 SCHEDULE OF VALUES (ATT # 3)

Greta Skeen, County Assessor, in accordance with G.S. 105-317, requested that the Board considered approval and adoption of the schedules of values, standards, and rules to be used for the 2005 county-wide property revaluation effective January 1, 2005.

MOTION

Commissioner Byrd moved the approval and adoption of the 2005 Schedule of Values.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 12 – REAPPOINTMENT OF THE 2005 SCHEDULE OF VALUES

Attorney Mills, pursuant to G.S. 105-294 and G.S. 105-349, recommended that the Board reappoint Greta Skeen to the office of Dare County Assessor and Michelle Evans to the office of Dare County Tax Collector, both appointments for terms of four years expiring July 2008.

MOTION

Commissioner Tillett moved the appointment of Greta Skeen to the office of Dare County Assessor and Michelle Evans to the office of Dare County Tax Collector, both appointments for terms of four years expiring July 2008.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 13 – TRANSPORTATION STUDY FUNDING MATCH (ATT # 4)

Attorney Mills reminded that on October 18th the Board approved a request to NCDOT to fund 90% of the cost of a transportation study to be performed by NCSU ITRE under the direction of the Transportation Task Force. The total cost of the study is \$73,000 with the local match amount equaling \$7,300. The local government members of the Task Force have each committed to 1/8 of the local match, or \$912.50 each. Dare County's share would also be \$912.50. As Dare County is serving as the sponsor of the study, the other participating local governments will reimburse the County for their respective shares of the local match.

MOTION

Commissioner Byrd moved to approve the budget amendment of \$7,300 local match for transportation study of which \$912.50 is to be paid by Dare County and the remainder to be reimbursed to the County by other local governments.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

Commissioner Johnson asked whether a water tax would be considered and according to Commissioner Byrd all means of public transportation will be addressed in the study. She noted that public forums seeking input for the plan will be announced in the local papers.

ITEM 14 – VEHICLE USE POLICY (ATT # 5)

Attorney Mills reported that the Transportation Advisory Committee has been reviewing the County's policies with regard to the use of County-owned vehicles by volunteers and non-profit organizations that may use a vehicle for non-County business, or which may be driven for County business by an individual who is not a County employee. She presented the attached draft policy which has been developed with input from the TAC and County Department Heads, and would provide consistent policies and guidelines for the use of any County-owned vehicle driven by a volunteer or used by a non-County entity.

MOTION

Commissioner Byrd moved to adopt the County Vehicle Use Policy with the one change on the last page – modifying Section 7 C to state "Dare County Transportation System Vehicles that are partially funded by NC DOT."

Commissioner White seconded the motion.

VOTE: AYES unanimous

ITEM 15 – MANTEO MIDDLE SCHOOL CUP

Attorney Mills reminded the Board that on August 10, 2004, the Town of Manteo accepted the Board of Education's petition to annex the new Manteo Middle School property into the Town's jurisdiction. In so doing, the Town issued a Conditional Use Permit consistent with the Town's exercise of its zoning jurisdiction over the annexed property. As the County is the title-holder of the property (as required by the COP's financing), the County is technically a party to the CUP and must execute it along with the Town and the Board of Education.

MOTION

Commissioner Byrd moved to approve the Town of Manteo Conditional Use Permit for the Manteo Middle School site.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 16 – BUXTON GROINS RESOLUTION (ATT # 6)

Attorney Mills presented the resolution Urging Repair of Protective Groins in Buxton. Commissioner Byrd questioned whether the issue should be addressed by the County rather than the Coast Guard or other agencies such as DOT.

Board members expressed that the issue needs to be addressed and it appears

that the County will have to take a leadership role since none of the other agencies are addressing it.

MOTION

Commissioner Hooper moved the adoption of Resolution #04-11-45 Urging Repair of Protective Groins in Buxton.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 17 – UPDATE ON OREGON INLET BRIDGE

Attorney Mills reported she has received no new information from DOT since the last Board meeting. Commissioner White said that things are moving ahead – the monthly meetings have helped because work is now taking place in the field. DOT is doing everything to get back on schedule.

ITEM 18 – CONSENT AGENDA (ATT # 7)

MOTION

Commissioner Byrd moved the approval of the Consent Agenda:

- A. Approval of Minutes – November 1, 2004
- B. Albemarle Mental Health – Quarterly Fiscal Monitoring Report
- C. Parks & Recreation Department Budget Amendment
- D. Road Request – Lindberg Berry Road, Manteo

Commissioner White seconded the motion.

VOTE: AYES unanimous

ITEM 19 – PUBLIC COMMENTS – 5:30

THE BOARD MOVED TO ITEM 19 – COMMENTS BY COMMISSIONERS

ITEM 20 – COMMENTS BY COMMISSIONER JOHNSON

- Airport Authority – He noted that the Coastal Studies Institute has proposed what they would like to do at the airport. He has some concerns because they have expressed an interest in being closer to the airport than previously discussed. He asked that a letter be sent to the CSI to clarify the matter – letting CSI know that the county expects them to be as far north on the site and as far from the Airport as possible. Attorney Mills will handle.
- He thanked Commissioners Cahoon and Hooper for their service to the County. He noted that they have become good friends.

ITEM 21 – COMMENTS BY COMMISSIONER TILLET

- She also thanked Commissioners Cahoon and Hooper and said that they would stay in touch.

ITEM 22 – COMMENTS BY COMMISSIONER WHITE

- He thanked Commissioners Cahoon and Hooper for their services and said that even though they did not always agreed on some issues, that was the democratic process.
- Legislative Goals – He will be going to Raleigh to continue their work on the Legislative Goals. At present there are 54 goals that will have to be narrowed down to 10. Medicaid is the number 1 issue.
- Standing water – He met with folks in Duck about their water problem in Tuckahoe. They are looking for a long term solution that will allow traffic to flow.
- Half milepost markers – He noted that DOT has received additional funding to place half-milepost markers on the beach in Kitty Hawk, Kill Devil Hills, and Nags Head. He noted the Uppowoc Street project is moving forward.

ITEM 23 – COMMENTS BY COMMISSIONER BYRD

- She thanked Commissioners Cahoon and Hooper for doing their fair share and more for Dare County. She hoped they would enjoy their new found free time.
- Forum – She agreed with Commissioner Cahoon in a previous meeting for some kind of neutral forum to discuss shoreline protection with a neutral party running the meeting.
- Shoreline website – She note the website www.beachreclamation.com presents some useful ideas for hot spot areas on a trial basis. She would like to look into these options further.
- Task Force for Elderly – She asked the Chairman to establish a task force to coordinate and address needs for the senior citizens. Chairman Judge stated that he and Commissioner Tillett, who serves on the Older Adult Advisory Board, support additional funding to provide more trips for Alzheimer's patients to Adult Day Care. Commissioner Byrd said that the transportation study will address this issue and others. Their goal is to expand services. The current plan is over five years old and needs to be updated by the state. Commissioner Tillett asked for dates of TAC meetings so the TAC and DCOAS could work together. They will meet the first Wednesday in February at 8:30 a.m.

ITEM 24 – COMMENTS BY VICE CHAIRMAN HOOPER

- He thanked OBPA for their hard work on fighting the piping plover designation. They were successful in having the designation overturned.
- He noted that this has been an interesting 4 years and quite an honor to serve Dare County. Two things that stand out are (1) the school capital projects that have been funded have allowed Dare County to move ahead and (2) the way Dare County stepped up following Hurricane Isabel and Alex and thanked the County for coming to the rescue. Hatteras Island thanks the County.
- He noted that it has been a frustrating time with the challenges of the Bonner Bridge, Highway 12 and beach nourishment.

- He thanked the County Manager for the wonderful job he does in providing county services. He thanked other staff – the Finance Director, the Parks & Recreation Director, the Planning Director, and Social Services Director. He also thanked the three new employees – the County Attorney, the County Engineer, and the Mosquito Control Director. He wished his successor the best of luck and will stand ready to help. It has been a great honor for him to have served Dare County this past 4 years.

ITEM 25 – COMMENTS BY COMMISSIONER CAHOON

- She noted that her time on the Board has been interesting and a pleasure. She realized there were some tough tasks ahead as the Board tackles revaluation and the new tax rate. There are many upcoming issues – zoning, remaining school projects, She is proud to have been a part of Emergency Management. Many new things have been implemented to improve communication by working with business associations. She feels these are great improvements. She thanked the Emergency Management team and Manager Terry Wheeler and all of the staff for their excellent work. She will not miss the mean spirited comments that are often made in public forums. She thanked Dorothy Toolan for her tremendous help. Chairman Judge thanked the Commissioners and wished him the best of luck.

ITEM 26 – COMMENTS BY COUNTY ATTORNEY

- Attorney Mills thanked Commissioners Cahoon and Hooper for their kind remarks. She had no business to report.

ITEM 27 – COMMENTS BY COUNTY MANAGER

- He expressed appreciation for the positive comments about the County staff and wished the Board and their families a Happy Thanksgiving.

THE BOARD RECESSED AT 4:50 UNTIL 5:30 PUBLIC COMMENT PERIOD.

ITEM 19 – PUBLIC COMMENTS – 5:30 P.M.

1. Linda Sharpe, Kitty Hawk, Woods, asked for extension of the Dare County waterlines into her area. She has presented this request three times. She reminded that Kitty Hawk has recently sent the request back to the County Manager and the County Attorney. Due process and consideration is needed to move this forward.
2. Linda Hamby, Kitty Hawk, handed out two water bills from Culligan which she needs in order to not have water that is black, They have replaced faucets and have spent \$20,000 in the past five years. She urged the Board to do their best to get them water.
3. Greg Hamby, Kitty Hawk, noted that he and his wife operate and Bed and Breakfast in Kitty Hawk Woods and they need good water. They salt content is in the water and is slowly working on the metal parts of the

plumbing. Homes in the wooded areas present fire hazards and this could lead to a large fire in Kitty Hawk Woods. Their subdivision has been platted since 1965. He asked the Board to treat it like other areas and provide water to the subdivision.

4. John Wander, a board member of the Build the Bridge – Preserve Our Roads, discussed information that has been completed with the help of local Realtors, professionals and nonprofessionals. Key finds have come from the report. He noted that 3, 772 properties would be harmed or destroyed if the road is widened from Southern Shores north. He stated that 40-50% of businesses in Duck would be affected. He recommended that the Governor look into the study and have it completed within the next two years and also to ask the state to conduct a parallel financial feasibility analysis for a toll bridge by the Toll Bridge Authority.
5. Attorney Mills addressed the water issue for Kitty Hawk Woods. She noted that the matter was tabled at the request of the Town of Kitty Hawk Town Council last December. Two presentations have been made to the Town of Kitty Hawk since then by the County Attorney and the Water Director. The Town of Kitty Hawk has just recently agreed to have the water lines extended into these areas. Their request was received less than a week ago and there is staff work that needs to be done before it comes to the Board of Commissioners. It will be scheduled on the Board's agenda the 1st meeting in January.

ITEM 28 – DECEMBER 20TH MEETING CANCELED

MOTION

Commissioner Johnson moved to cancel the December 20th meeting and to have only one meeting in December, which would be December 6th at 9:00 a.m.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

AT 5:50 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
ADJOURNED UNTIL 9:00 A.M. ON DECEMBER 6, 2004.

(SEAL)

Respectfully Submitted,

By:

Frances W. Harris
Clerk to the Board

APPROVED:

By:

Warren Judge, Chairman
Dare County Board of Commissioners