

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
JANUARY 2, 2007**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on January 2, 2007 in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, Virginia Tillett, Allen Burrus, Richard Johnson, Mike Johnson, Max Dutton and Jack Shea. Also present were County Manager Terry Wheeler and County Attorney Bobby Outten. A moment of silence was held in memory of former President Gerald Ford and prayer was offered by Reverend Don Tears followed by the pledge of allegiance to the flag.

**ITEM 1 – AMEND AGENDA / RESOLUTION**

**MOTION**

Commissioner Richard Johnson moved to amend the agenda to add Item 7A Resolution to Issue the Series 2007 Certificates of Participation which will finance the Administration Building and Old Courthouse, the Hatteras Satellite Office and the purchase of land in Kitty Hawk.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

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

1. Michelle Harris, Detention Officer, received her 10 Year Pin from Rodney Midgett, Sheriff.

**ITEM 2 – EMPLOYEE OF THE YEAR – 2006**

Maria Heifferon, Spanish Interpreter, received the Employee of the Year 2006 from Mary Moynihan, Physicians Extender II.

**ITEM 3 – EMPLOYEE OF THE MONTH - JANUARY 2007**

Jeffrey Mitchell, EMT, received the Employee of the Month Certificate from Skeeter Sawyer, EMS Director.

**ITEM 4 – PUBLIC COMMENTS**

No one came forward to speak.

**ITEM 5 – INTRODUCTION OF OBX SPCA ANIMAL CARE & CONTROL**

**DIRECTOR**

Manager Wheeler introduced Denise Lambiotte, Director of OBX SPCA Animal Care & Control, to the Board.

Ms. Lambiotte served over 22 years in Mecklenburg County and is pleased to be a member of the Dare County community.

**ITEM 6 – DARE COUNTY TOURISM BOARD (ATT # 1)**

Barb Connery, Vice Chairman of Tourism Board, presented a request to have the Board of Commissioners approve expenditures of \$70,000 from restricted fund line item 4520 (Natural, Historic and Cultural Resources) for Graveyard of the Atlantic Museum and \$76,725 from short term restricted fund for fiscal year 2007/08 capital projects in the Towns of Manteo and Nags Head and the Hatteras Village Civic Association.

**MOTION**

Commissioner Mike Johnson moved the approval of the following:

1. Graveyard of the Atlantic Museum \$70,000.00
2. FY 2007/08 Short Term Restricted Fund Projects \$76,725.00

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – RESOLUTION EXEMPTING COMMERCIALY REGISTERED VESSELS BE EXEMPT FROM THE COASTAL RECREATIONAL FISHING LICENSE (ATT # 2)**

Commissioner Mike Johnson, on behalf of Jamie Reibel, Member of the Board of Directors for NC Watermen United, presented the resolution.

**MOTION**

Commissioner Burrus moved the adoption of Resolution #07-01-1 and send to the Coastal Counties, Tim Spear and the Legislative Group.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 7A – RESOLUTION TO ISSUE THE SERIES 2007 COP'S TO FINANCE THE ADMINISTRATION BUILDING AND OLD COURTHOUSE, THE HATTERAS SATELLITE OFFICE AND THE PURCHASE OF LAND IN KITTY HAWK (ATT # 3)**

Dave Clawson, Finance Director, presented the resolution. The resolution is the first step to issue the Series 2007 Certificates of Participation which will finance the Administration Building and Old Courthouse, the Hatteras Satellite Office and the purchase of land in Kitty Hawk. The next steps in the process will be a meeting of the Dare County Public Facilities Corporation on January 16, the holding of a public hearing by the Board of Commissioners on January 15, and the adoption of the final resolution on February 5. The sale dates are scheduled for February 20 (retail) and February 21 (institutional). Closing is scheduled for March 8.

**MOTION**

Commissioner Tillett moved the adoption of Resolution #02-01-2 and to schedule a public hearing for January 16 at 5:30 p.m.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR JUNE 30, 2006 (ATT # 4)**

Dave Clawson, Finance Director, introduced Bob Taylor, Partner, Potter & Company, who presented the results of the audit for the fiscal year ended June 30, 2006. See attached summary which indicates that it was an unqualified report with no findings or questioned costs and no management letter comments were issued. According to Mr. Potter, there was good use of Dare County resources. Dave Clawson then presented the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2006. See attached presentation. No action was required.

**ITEM 9 – HURRICANE ISABEL RECONSTRUCTION WAIVER REQUEST (ATT # 5)**

Ray Sturza, Planning Director, presented a request from Tim Midgett and Terry Coyle concerning the reconstruction of a project in Hatteras Village. The Board has previously extended the original staff directive authorized 2003 and that extension expired on December 31, 2006. The applicants have experienced delays at both the State and Federal level. Staff concurs that their on-going efforts to secure supplemental permits have encountered delays. An additional one year extension should bring the permit phase of this project to a conclusion.

**MOTION**

Commissioner Burrus moved to approve the extension request.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD RECESSED AT 10:30 A.M. IN REVERENCE TO THE FORMER GERALD FORD FAMILY AND RECONVENED AT 11:00 A.M.

**ITEM 10 – BUXTON GROINS / COAST GUARD BASE – ADDITIONAL STAFF INSTRUCTIONS (ATT # 6)**

Ray Sturza, Planning Director, reminded that at the workshop on December 18, 2006, the Board instructed staff to schedule this item for discussion at the January meeting in reference to reuse of the former Coast Guard base and the repair/reconstruction of the groins. (See attached for details).

1. CAMA Permit Application for Groin repair Work
2. Memorandum of Agreement with National Park Service

**MOTION**

Commissioner Burrus moved that the budget amendment to fund the completion of the design work for the proposed Buxton Groins CAMA Permit Application be authorized.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner Burrus moved that the County Attorney be authorized to begin negotiations with the National Park Service on a Memorandum of Agreement for the transfer of the Buxton Coast Guard Base to Dare County.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

In summary, these two actions will put the County in a position to secure re-use of the former base and continue to pursue the preferred shoreline stabilization alternative (groin reconstruction). In the event the groin reconstruction alternative ultimately fails, dune reconstruction and/or the relocation of the wastewater treatment plant remain as additional alternatives the Board can evaluate.

**ITEM 11 – HEALTH DEPARTMENT BUDGET AMENDMENT (ATT # 7)**

Trish Blackmon, Community Development Specialist I, informed the Board that the Health Department has been designated to receive continued grant funding in the amount of \$20,442.00 from the State of North Carolina, Office of Minority Health & Health Disparities. The funds will support costs associated with the continued development and updating of communications with the Spanish-speaking population of Dare County.

**MOTION**

Commissioner Dutton moved the approval of the budget amendment.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – PETER'S DITCH PROJECT – AGREEMENT WITH DOT (ATT # 8)**

Steve Shriver, County Engineer, informed the Board that the Peter's Ditch Project includes the upgrading and replacement of culvert pipes at ten (10) roadway crossings along this drainage ditch in the village of Buxton. The purpose of the project is to improve drainage in the area. Dare County is requesting the Department of Transportation to perform the work at seven (7) locations where private roadways cross the ditch. DOT will also be replacing the culverts at three (3) locations where state maintained road cross the ditch. The funding for this project was secured through a 2/3 State-1/3 County grant from the Division of Water Resources of NCDENR. A total of \$221,000 has been previously budgeted for this project.

**MOTION**

Commissioner Burrus moved to approve the Agreement between the Department of Transportation and the County of Dare.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

The County Engineer hopes to have an estimate on the culverts in the near future.

**ITEM 13 – NCACC DISTRICT 1 LEGISLATIVE LIAISON PROGRAM**

Manager Wheeler informed the Board that the North Carolina Association of County Commissioners is requesting that all 100 counties appoint one county commissioner as its Legislative Liaison. Each County's Legislative Liaison will serve as a conduit of information between the Association (via District 1 Director Matt Wood of Pasquotank County) and Dare County Board of Commissioners.

**MOTION**

By acclamation, the Board moved the appointment of Commissioner Richard Johnson as its Legislative Liaison.

VOTE: AYES unanimous

**ITEM 14 – UPDATE ON OREGON INLET BRIDGE**

Vice Chairman Allen Burrus reported that the supplement to the EIS is complete and will go to federal review panel early this month. The schedule for public hearings will be forthcoming.

**ITEM 15 – ROANOKE ISLAND SENIOR CENTER POSSIBLE SITES (ATT # 9)**

Betty Mann, Site Chair for the Roanoke Island Senior Center Complex, reviewed the process that has been used to identify potential sites for the project. She said that the group has come to an impasse as none of the county sites that they have researched are available; most recently land on the north end of Roanoke Island that is owned by the Airport. She then presented a list of possible sites for the Roanoke Island Senior Center's location. The three maps showed potential sites for the future center (See attached). All are currently listed for sale and the listing agents have contacted a member of the Roanoke Island Senior Center Committee to suggest these sites as possible center locations. The Committee would like to be given direction by the Board and approval to begin negotiating land purchase. The Board asked staff to provide County owned sites on Roanoke Island that are available. The Board made a commitment to address available land for the project as expeditiously as possible so the project can move forward. Several County owned sites will be considered in addition to the three – Justice Center site, site of current Administration building in downtown Manteo, and Bowsertown property. The County Attorney then reviewed reasons why the property owned by the airport that was previously considered for the project will not work. He said that there were a number of impediments in getting the property released.

Commissioner Tillett thanked the committee which is about 15 citizens throughout Dare County. The Board will have a discussion with the group after closed session. (CONTINUED IN ITEM 20).

**ITEM 16 – CONSENT AGENDA (ATT # 10)**

**MOTION**

Commissioner Shea moved the approval of the Consent Agenda:

1. Approval of Minutes
2. Social Services Budget Amendment – Crisis Intervention Program Funding
3. Public Works / Amendment to Southern Shores Sanitation Contract
4. Athletic Field Lighting for Manteo Middle School

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 17 – COMMISSIONERS BUSINESS**

**VICE CHAIRMAN ALLEN BURRUS**

Fire on Pine Ridge Road between Xmas and New Year's Day – There are no fire hydrants nearby and he will meet with the Fire Marshal, the Water Department, and fire chiefs to find out if anything can be done. He is appreciative that no one was seriously hurt. There are 20 houses in the area with no access to water for firefighting.

Working Waterfronts Committee will meet next week in New Bern. The group is trying to identify ways for funding.

False fire alarms – Attorney Outten will move forward on the matter.

Condolences to the Family of Maude Daniels who passed away this weekend.

COMMISSIONER MIKE JOHNSON

Happy New Year to everyone.

COMMISSIONER MAX DUTTON

He looks forward to a productive year in 2007.

COMMISSIONER VIRGINIA TILLET

Proposal for a cancer center – She read a letter from Senator Basnight regarding the proposed cancer center. Dr. Roper will make a presentation at one of the future meetings.

JT Daniels Home place on Burnside Road – She is still concerned about the speed limit on the road. Manager Wheeler will contact Anthony Roper with DOT.

Peter's Ditch – There is a similar situation on Fernando St and asked if anything can be done to assist. Manager Wheeler will talk with DOT.

CHAIRMAN WARREN JUDGE

Reinforce lack of water hydrants – The lack of water hydrants needs to be addressed. He later noted that the lack of water hydrants on Hatteras Island dates back to the previous water system is not a reflection on the County Water Department.

#### **ITEM 18 – UPCOMING BOARD APPOINTMENTS FOR FEBRUARY**

Upcoming Board Appointments for February are Aging Advisory Council for the Albemarle Commission and the Planning Board.

#### **ITEM 19 – CLOSED SESSION – APPROVAL OF MINUTES OF LAST CLOSED SESSION**

Commissioner Shea, pursuant to the provisions of NCGS 143-31811, 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 and to approve the minutes of the last closed session.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

AT 11:50 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 12:30 P.M.

Attorney Outten reported the Board approved the minutes of the last closed session and gave the County Attorney guidance with regard to real property.

**ITEM 20 – CONTINUED FROM ITEM 15 ROANOKE ISLAND SENIOR CENTER**

The Board reviewed four county sites as possibilities for the Center:

1. Bowsertown site with the old existing transfer station
2. the Skyco site
3. the Justice Center site
4. the site of the current Administration Building in downtown Manteo

A site planner will look at locating a 15,000 sq. ft. proposed building on the Justice Center site and also on the site in downtown Manteo while pursuing the land discussed during closed session. The Board would like this back on the agenda either the 1<sup>st</sup> or 2<sup>nd</sup> meeting in February.

**ITEM 21 – LETTER (ATT # 11)**

Chairman Judge read into the record a response from the NC Department of Cultural Resources regarding tenants on Buzzy Lane in Manteo written to Senator Marc Basnight.

AT 1:00 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS  
ADJOURNED UNTIL 5:00 P.M. ON JANUARY 16, 2007.

(SEAL)

Respectfully Submitted,

By: \_\_\_\_\_  
Frances W. Harris,  
Clerk to the Board

APPROVED:

By: \_\_\_\_\_  
Warren Judge, Chairman  
Dare County Board of Commissioners