

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
MARCH 19, 2007**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on March 19, 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 prayer was offered by former Chairman Moncie "Punk" Daniels followed by the pledge of allegiance to the flag.

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

1. Wendy Hemilright, Prepared Food and Beverage Adm., received her 15 Year Pin from Michelle Evans, Tax Collector.
2. Donna Andrews, Tax Office Manager, received her 20 Year Pin from Greta Skeen, County Assessor.
3. Robin Etheridge, Land Records Technician, received her 20 Year Pin from Greta Skeen, County Assessor.
4. Monroe Gaskill, Sanitation Truck Driver, received his 30 Year Pin from Edward Mann, Public Works Director.

**ITEM 2 – EMPLOYEE OF THE MONTH**

Shawn Hughes, Fleet Maintenance Technician, received the Employee of the Month Certificate from Edward Mann, Public Works Director.

**ITEM 3 – SHERIFF'S DEPARTMENT – PRESENTATION OF AWARDS**

1. Deputy C. Billy Essick received the Advanced Law Enforcement Certificate from Sheriff Rodney Midgett. Essick is School Resource Officer at First Flight High School. This Certificate is the most coveted award that a law enforcement officer can receive from the State of North Carolina recognizing both years of service and level of training.
2. Deputy David Cheesman received the Advanced Service Award from Sheriff Rodney Midgett. Cheesman is School Resource Officer at Manteo High School and also Manteo Middle School.

**ITEM 4 – PUBLIC COMMENTS**

1. Shirley Venente, Chairman of Dare County Older Adult Services Advisory Board, offered comments regarding the proposed Roanoke Island Senior Center. She stated that it was a simple matter but the Committee has turned it into something else-a community center for multigenerational use-which has already involved two years of complicated negotiations. In summary, she felt Manteo will get a community center, or a YMCA, and

Dare County taxpayers will be paying for it, reciprocity is just around the corner.

2. Bea Basnight, Representative for Roanoke Island Senior Center Committee, informed the Board that the Committee has studied the needs of the community and has evaluated 10 properties to determine the most cost effective, safe and accessible location for the center to be built for all Dare County people and for all areas of Dare County. Their research for the past two years supports the Justice Center site as the best location. She urged the Board to consider all Dare County citizens in choosing a site that is centrally located, cost effective, and land owned by the county.
3. George Mead, member of Rodanthe, Waves, Salvo Civic Association, informed the Board that they have adopted a resolution requesting the Board of Commissioners to adopt a fireworks ordinance banning the use of fireworks on Hatteras Island. The fireworks endanger the sand dunes, threatened their homes, and have caused brush fires.
4. Paulette Prodanchek, member of the Dare County Older Adult Services Board, stated that their only concern was that Roanoke Island and Mainland Dare County senior citizens would not be forgotten. She congratulated the Committee on their selection of the Justice Center site and hopes the future will show that this was the best location and that the needs of seniors from Roanoke Island and the nearby communities were satisfied.
5. Michael Daughtery, member of the Chicamacomico Volunteer Fire Dept, stated that their calls have increased every year due to the use of fireworks. They have had brush fires with one fire fighter being injured. He asked the Board to stop the use of fireworks before there is a disaster.
6. Bebe Woody, representing some of the citizens of Manteo, stated that they have heard good things about the Fessenden Center and they endorse the idea of a multiuse center being built in downtown Manteo because it would allow more flexibility.
7. Jimmy Brown, Manteo, felt that the proposed Justice Center location be the best site of the Roanoke Island Senior Center. This site would be accessible from Wanchese, Manteo, and Mainland.
8. Lynda Midgett, Manteo, thanked everyone for attending Saturday's meeting. She spoke in favor of a multigenerational center being at the Justice Center. She asked that the Board appoint someone from Roanoke Island and the mainland on the Older Adult Services Board if there is no one from these areas.
9. Pat Weston, Avon, presented a resolution of Greater Kinnakeet Shores Homeowners, Inc. urging the Board of Commissioners to enact an appropriate ordinance or modification to the current ordinance to allow properly permitted pyrotechnic displays for civic and special events, but otherwise ban fireworks on Hatteras Island.
10. Betty Mann, Chairman of the Site Committee for the Proposed Roanoke Island Senior Center, asked the Board to select the Justice Center area

- for the site of the senior generational center. She asked those in the audience to stand who favored the Justice Center location.
11. Malcolm Fearing, Manteo, thanked the Board for allowing this process for the Roanoke Island Senior Center and noted that Mrs. Doris Young began the process in 2001. He believes that the Justice Center is an appropriate location for the center. He thanked the Board for allowing them to do the work for the Board of Commissioners.
  12. Johnny Robbins, Skyco, spoke about the proposed Roanoke Island Senior Center. He indicated that the majority of the people wanted it located at the Justice Center and that the flexibility of determining a program is far better at that site for a multigenerational center.
  13. John Robbins, Jr., Manteo outside spoke about a plan that was developed for the Town of Manteo that determined the Justice Center site as the best location for an intergenerational facility. The site in downtown Manteo that the County owns could be used for a public-private partnership to develop affordable housing.

#### **ITEM 5 – NORTH CAROLINA COOPERATIVE EXTENSION REPORT TO THE PEOPLE**

Ann Ward, NC Cooperative Extension Director, shared the highlight of their 2006 programs. Cooperative Extension is an educational outreach of both NC State and VC A&T State Universities with the purpose of bringing the expertise and educational resources of both universities to the people of North Carolina. As a county department, their programs focus on the needs of county residents in an effort to help make Dare County a safe and healthy community. The goal of Cooperative Extension is to teach the importance of protecting the county's fragile environment, thus preserving the wonderful and abundant natural resources of the area. Educational programs focus on youth development and promoting, family stability, thus making Dare County a pleasant and enjoyable place to live and visit which is so important for the year-round residents and the visitors who support the tourism industry of the county. The programs are as follows: Agriculture Extension, Family and Consumer Science, and 4-H Youth. For more information, e-mail [ann\\_ward@ncsu.edu](mailto:ann_ward@ncsu.edu). Chairman Judge expressed appreciation for their presentation.

#### **ITEM 6 – SECONDARY ROADS IMPROVEMENT PROGRAM (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)**

Anthony Roper, District Engineer, introduced the following: Sterling Baker; Division Maintenance Engineer; and Allen Russell, County Maintenance Engineer. He reviewed the Prior Fiscal Year Projects totaling \$135,000.00: Dixie Arrow Road, Old Post Office, Mac Oca Drive, Lovey Lane, SeaBreeze Court.

He then presented the New Fiscal Year 2007 Projects to be funded totaling \$203,219.04: Sportsman Drive, Henry Drive, Amberjack Court and Liberator Way and by policy they are required to set aside an amount for Spot Stabilization, Countywide Surveying, and Contingency/Overdrafts. For information, he

presented the Projects Proposed for Spending Authorization in Calendar Year 2007 totaling \$2,157,000.00.

He commented on the following:

Peter's Ditch would be completed by the end of the month.

Marshal Collins Road – will check on a timetable for the road.

Spot Safety project in Southern Shores is currently underway and be completed within the next three weeks.

Flooding on streets outside Manteo – Commissioner Tillett commended Mr. Roper for resolving some of the issues.

Colington Road – They are pursuing some spot safety funds and will report on the construction and scheduling of timeframes on that.

AT 9:30 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE SECONDARY ROAD IMPROVEMENT PLAN.

Attorney Outten conducted the hearing and invited the public to speak.

No one came forward to speak.

Chairman Judge closed the hearing at 9:35 a.m.

Chairman Judge questioned the status of reworking the intersection on Marshal Collins Road from the Justice Center. Plans are to make that 4-way traffic lighted controlled intersection. He asked about a lane in and out of the Justice on the new Highway 64.

Mr. Roper assured that the planning is in progress and showing a right of way acquisition in 2008 and construction in 2010. The lane on Highway 64 into the Justice Center has not been resolved. Staff is looking at realigning the intersection at Burnside and Bowsertown roads.

Colington Road – They are pursuing some spot safety funds and will report on the construction and scheduling of timeframes on that.

#### **MOTION**

Commissioner Burrus moved to approve the Secondary Roads Improvement Program.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

#### **ITEM 7 – PUBLIC HEARING - MANTEO OUTSIDE / SKYCO AREA ZONING REGULATIONS**

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVED INPUT FROM THE PUBLIC REGARDING THE MANTEO OUTSIDE / SKYCO AREA ZONING REGULATIONS.

Ray Sturza, Planning Director, presented the draft zoning alternatives. (See Attached Summary from the Planning Department).

Attorney Outten conducted the hearing and invited the public to speak.

1. James Cahoon, owner of Midway Automotive, spoke in support of the C-3 zoning.
2. Luther Daniels, Jr., Skyco, stated he was trying to build some apartments in Skyco and he would propose C-3 zoning that would allow him to do that. This area desperately needs housing.

3. Luther Daniels, Sr., Manteo, informed the Board that he bought property in Skyco in the 1980's and asked the Board to maintain C-3 zoning for the multifamily dwellings.
4. John Robbins, Skyco, stated he was familiar with C-3 as were the eight property owners. They made their wants known earlier in the year when staff was zoning Wanchese. He urged the Board to approve C-3 zoning.
5. Malcolm Fearing, Manteo, stated that he owns property in Skyco and he supports C-3 zoning.
6. Jo Ann Baum Clift, resident of Skyco, felt that it was important to keep this under the Skyco neighborhood commercial. She said that everyone who has spoken their uses could be used except extremely multi-dense family housing. The Planning Board voted 6-1 in favor of the Skyco neighborhood community plan. She hoped that soon the Board would be working on the wellhead protection ordinance.

Chairman Judge closed the hearing at 10:35 a.m.

Commissioner Shea believed they should approve zoning that is consistent with Land Use Plan.

Chairman Judge felt that if they are referring it back to the Planning Board they need language that protects the existing businesses.

**MOTION**

Commissioner Johnson moved to refer this item (the SNC District) back to the Planning Board and staff for additional attention to address the inclusion of multifamily structures at a density of 4-6 units per acre, to change the "grandfather" clause so that existing structures are permanently covered, and to exclude uses that might threaten the County's water supply wells located in the vicinity.

Mr. Sturza explained that the well point ordinance is a separate ordinance which should achieve the goals of protecting the well points. Also the Skyco Neighborhood Commercial Zoning District has a 50 year grandfather clause on every existing use so there is a protective mechanism in place.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

THE BOARD TOOK A BREAK AT 11:00 A.M. AND RECONVENED AT 11:15 A.M. THEY ADDRESSED ITEM 5.

**ITEM 8 – HOLLY HEIGHTS SUBDIVISION – PRELIMINARY PLAT REVIEW**

Donna Creef, Senior Planner, presented a request for a preliminary plat for Holly Heights Subdivision on Roanoke Island. The area is zoned R-1. Total site area is 6.15 acres with 10 lots proposed and the smallest lot being 20,672 square feet.

**MOTION**

Commissioner Tillett moved to grant preliminary plat approval as recommended by the Planning Board.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – 800 MHz TRUNKED RADIO SYSTEM – MICROWAVE vs. FIBER OPTIC DISCUSSION**

Sheriff Rodney Midgett informed the Board that in September 2006, a presentation was made to the Board by CTA Communications about the emergency communications systems here in Dare County. During that presentation a recommendation was made by the county to change its radio system to an 800 MHz trunked system. The engineer who made the recommendation discussed linking the various tower sites in the county with microwave. Recognizing that the geography of Dare County is unique and past experience with the reliability of microwave, there is some skepticism about the use of microwave. He introduced Mr. Harold Meacombs, a net working specialist with the N.C. Highway Patrol, who presented some pros and cons for both the use of microwave, and fiber optic connections between the tower sites. Mr. Meacombs said that microwaves are being used for the state Viper system because of variables with terrain across the state. It is impossible to have fiber statewide. There is sometimes fading associated with microwave in the eastern part of the state. On a day to day basis, fiber would be more reliable but it would be expensive. He spends a lot of time on microwave design. He said the Viper system is totally controlled by the state. They are not dependent on someone else to get them up and running. Back in 1999 when he was in the trunking business, eight sites were connected with T1 lines through private companies. He said it worked fairly well but there were timing issues with rerouting circuits. Now they have replaced all of that with microwave and there has never been an outage since. The quote for the upgrade for the communications system that is included in the Capital Improvements Plan is based on a microwave system. No action was requested.

Chairman Judge expressed appreciation for the presentation.

**ITEM 10 – ALBEMARLE MENTAL HEALTH CENTER – LOCAL BUSINESS PLAN REVIEW AND LETTER OF SUPPORT**

Sandra Jordan-Leigh, Local Management Entity Director (LME), informed the Board that the Albemarle Mental Health Center is required by the Department of Health and Human Services to develop and submit a local business plan regarding the mental health, developmental disabilities, and substance abuse needs for the citizens within the six-county catchment area. This business plan expands over a period of three years and provides a blue print to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS) on how Albemarle Mental Health Center will manage and provide services to the community. During the last nine months, they have met with our sister/local government agencies (social services, law enforcement, county managers, schools, health department, etc.) and consumers to assess the needs of the community. See executive summary attached summarizing community needs and goals for the next three years. In addition she advised the Board of their pending merger and transition with Tideland Mental Health Center. Albemarle Mental Health Center's catchment area will expand from a six county

catchment area to a ten county region that will encompass Hyde, Washington Tyrrell, and Martin Counties.

Lee Walton, private consultant, spoke about the work that he has been doing for the region. He completed a crisis plan for all 10 counties that addresses some of the issues. The proposal is for the Crisis unit to establish a 9 bed facility detox in Martin County and it could work in conjunction with the facility that is being planned for Dare. In order to do that, the General Assembly is being asked to provide construction money for the facility in Martin County and operating funds, along with offices in counties just joining (\$4.5 million for construction and \$1.6 million for operations of the facility). The facility would allow for walk-ins.

Commissioner Richard Johnson, who serves as the Board's representative on Albemarle Mental Health, spoke about the challenges faced by Mental Health. Dare County's program is an experimental program that will be able to operate outside a lot of the rules and regulations that have to be followed by Albemarle Mental Health. He explained that Dare County is merging with 5 counties because the state is requiring it. In the long run this will be good for Dare County and the region.

Discussion was held. Vice Chairman Burrus stated concerns about the plan and the way it is written. He said it is difficult to support the plan because it doesn't outline what the agency is able or unable to do. There is a lack of understanding as to where the holes are. He said it is an injustice to accept the plan as presented today because the Board needs a clear understanding of exactly what services are being provided to the people of Dare County.

Lee Walton says the county will be getting a detailed summary before the end of July.

The Board concurred to schedule a special meeting on March 28<sup>th</sup> at 11:00 a.m. to consider the plan. Sandra Jordan-Leigh will forward a more detailed plan to the Clerk for distribution to Board members.

THE BOARD RECESSED FOR LUNCH AT 12:15 P.M. AND RECONVENED AT 1:45 P.M.

#### **ITEM 11 – DARE COUNTY TOURISM BOARD**

Carolyn McCormick, Outer Banks Tourist Bureau Director, presented a request for the Board to approve Dare County Tourism Board expenditures of \$40,000 from restricted fund line item 4503 (Infrastructure) for materials needed to operate US Weather Bureau Station in Hatteras Village as a welcome center. The building is owned by US Department of Interior/NPS.

#### **MOTION**

Commissioner Mike Johnson moved the approval of DCTB expenditures of \$40,000 from restricted fund line item 4503 (Infrastructure) for materials needed to operate US Weather Bureau Station in Hatteras Village as a welcome center. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

#### **ITEM 12 - ROANOKE ISLAND SENIOR CENTER SITE SELECTION**

Commissioner Richard Johnson stated that he has liked the Manteo site and suggested doing a cost analysis of doing it on both the Manteo site and Justice Center site. He wanted to make sure there is enough money once they prepare the Justice Center property.

Commissioner Shea stated that he has been a supporter of having the Manteo site for the facility. He reminded they were within their budget and he is a believer of living within a budget.

Vice Chairman Burrus supported the Justice Facility site because it is centrally located.

Commissioner Dutton stated that he attended Saturday's meeting and learned that the ingress and egress will be handled by DOT. He favored the Justice Center site and reminded it was important to stay within the budget.

**MOTION**

Commissioner Burrus moved for the Roanoke Island Senior Center to be built at the Justice Center site.

Commissioner Dutton seconded the motion.

VOTE: AYES (6) Burrus, Dutton, Judge, Johnson, Tillett, & Johnson

NOES (1) Shea

Commissioner Tillett requested proposals from different architects by staff.

**ITEM 13 – PUBLIC SCHOOL CAPITAL BUILDING FUND (ADM FUND)  
WITHDRAWAL (ATT # 1)**

Dave Clawson, Finance Director, informed the Board that the School Debt Repayment Plan calls for a \$1,250,000 withdrawal from the ADM Fund to be used for FT 2006-07 debt service. The attached application identifies the 12/1/06 interest payment for the Series 2002 and 2005 COPs as the use of the funds.

**MOTION**

Commissioner Shea moved to authorize the Chairman to execute the application.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – LOTTERY FUND WITHDRAWAL (ATT # 2)**

Dave Clawson, Finance Director, informed the Board that the School Debt Repayment Plan calls for a withdrawal for the ADM Fund to be used for fiscal year 2006-07 debt service. The attached application identifies the 12/1/2006 interest payment for the Series 2004 COPs as the use of the funds. The withdrawal is equal to the amount of collections to date.

**MOTION**

Commissioner Burrus moved to authorize the Chairman to execute the application.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – PRESENTATION OF CAPITAL IMPROVEMENTS PLAN  
REQUESTS FOR FY'S 2008-2012 (ATT # 3)**

Dave Clawson, Finance Director, informed the Board that the requests for the new capital improvements plan ("CIP" for fiscal years 2008 through 2012 have been received. The total of the request for the five years of the CIP is \$75,189,405. See attached for details.

Mr. Clawson noted that based upon an updated projection of land transfer tax revenues, current fiscal year collections will not be sufficient to fund the items approved in the 2007-2011 CIP. Mr. Clawson will report to the Board at the 4/2 Board meeting on potential actions to be taken to address the revenue decrease. The major action will be to possibly reduce the current year contribution to the School Debt Repayment Plan which has benefited by property tax and sales tax growth greater than projected. No action was taken.

**ITEM 16 – LOCAL CURRENT EXPENSE PER PUPIL CALCULATION FOR FISCAL YEAR 2007-08 (ATT # 4)**

Dave Clawson, Finance Director, reported on the preliminary per pupil calculation for school operating funding (local current expense). See attached for details.

**ITEM 17 – FINANCIAL FEASIBILITY REPORT FOR WATER SYSTEM EXPANSION ON ROANOKE ISLAND (ATT # 5)**

Dave Clawson, Finance Director, informed the Board that Raftelis Financial Consulting has been working with County Staff and have completed two work items.

- First is a rate model showing projected financial results for the Roanoke Island water expansion project on a stand alone basis, including projections of operating revenues and expenses, debt service, necessary impact fee levels and connection policy.
- Second is the incorporation of the Roanoke Island rate model into the rate model maintained for the entire County water system in order to evaluate the impacts upon debt service coverage and cash set aside for capital improvements, and whether there is any system capacity to change any of the projected requirements for Roanoke Island expansion, specifically impact fee levels and connection policy.

See attached summary for more details. No action was taken.

Dc will get with the Utilities Director and begin the process.

**ITEM 18 – REPORT ON SALE OF SERIES 2007 COPs AND BUDGET AMENDMENT (ATT # 6)**

Dave Clawson, Finance Director, reported that the County sold the Series 2007 COPs on February 20 and 21. It was a successful sale with an unusually large amount of bonds being sold at retail on the 20<sup>th</sup> - \$10.5 million or 57% of the issue. The balance was sold to institutional buyers on the 21<sup>st</sup> on an off day for the market forcing staff to raise the offered rates on the longer term bonds by 3 basis points. In comparison to past COPs sales the County achieved its lowest interest rates ever. In comparison to other County sales the TICs (true interest cost) were in 2007 – 4.27% as compared to 1991 – 6.67%. As expected the

original issue discount structure and interest rates were different than the projection, so the cost of issuance budget amounts need amending.

**MOTION**

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

Commissioner Richard Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 19 – RESOLUTION APPROVING FINANCING BY MANNS HARBOR VOLUNTEER FIRE DEPARTMENT, INC. (ATT # 7)**

Dave Clawson, Finance Director, informed the Board that Manns Harbor Volunteer Fire Department, Inc. has determined to finance an amount of up to \$194,000.00 for one Rescue Pumper Truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the County Board must first approve the financing. On March 15, 2007, the VFD held a public hearing on the financing after published notice, as required by the Code. A sample of the resolution adopted by the VFD is attached. See attached for more details.

**MOTION**

Commissioner Burrus moved to adopt Resolution #07-03-11 approving the VFD's entering into the financing and approving the VFD's conduct of the required public hearing.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 20 - FIREWORKS ORDINANCE FOR HATTERAS ISLAND (ATT # 8)**

Bobby Outten, County Attorney, presented the fireworks ordinance. He noted that he prepared it for Hatteras Island only, that restricts the use, sale and possession of all fireworks, even the fireworks that are exempted from the state regulations. He noted the ordinance is as restrictive as he could make it.

Commissioner Shea suggested they put out educational signage that visitors are alerted that fireworks are prohibited. It may be possible to place the signs on DOT property if approved by DOT. The Public Relations Director will follow up with emails and notices to hotel/motel owners, Tourist Bureau, and the Chamber of Commerce. They discussed designating the Fire Marshal to handle permits.

**MOTION**

Commissioner Shea moved the adoption of the ordinance effective June 1, 2007. Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 21 – UPDATE ON OREGON INLET BRIDGE**

Vice Chairman Burrus reported there are two scheduled meetings March 28<sup>th</sup> at the Justice Center and March 29<sup>th</sup> at the Rodanthe, Waves, Salvo Community Center. The state will be taking comments on the different alternatives for Bonner Bridge Replacement and they have until May 15<sup>th</sup> to meet and refer to the state on their decision and the state has a year.

**ITEM 22 – CONSENT AGENDA (ATT # 9)****MOTION**

Commissioner Shea moved the adoption of the Consent Agenda:

1. Approval of Minutes
2. Social Services Budget Amendment – Day Care Funding
3. Social Services Budget Amendment – Albemarle Commission Funding
4. Budget Amendment – Water Department Utilities & Treatment Chemicals
5. Resolution #07-03-12 Regarding the Graveyard of the Atlantic Museum
6. Contract for Hatteras Satellite Office Construction
7. Approval of Government Access Channel Budget
8. HUD CDBG Grant Close-out

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 23 – BOARD APPOINTMENTS**

1. PARKS & RECREATION ADVISORY COUNCIL

**MOTION**

Vice Chairman Burrus moved the reappointment of Mel Covey to serve a three year term on the Parks & Recreation Advisory Council.

VOTE: AYES unanimous

2. STUMPY POINT COMMUNITY CENTER BOARD

**MOTION**

Commissioner Burrus moved the appointment of Linda Barbee to fill the unexpired term of Louise Hooper.

VOTE: AYES unanimous

3. COMMUNITY DEVELOPMENT CORPORATION BOARD – COMMISSIONER APPOINTEE

**MOTION**

The Board moved the appointment of Commissioner Max Dutton to serve on the Community Development Corporation Board as the Commissioner Appointee.

VOTE: AYES unanimous

**ITEM 24 – COMMISSIONERS' BUSINESS**

1. COMMISSIONER JACK SHEA

- Board of Education – He and Commissioner Dutton met with Board of Education Chairman Dave Oaksmith, and board members Nick Nuzzi, and Skip Saunders to become acquainted and talk about issues in general. They listened to their views on the state of education in Dare County and their ideas of ongoing needs. They talked about areas where there may be possible savings. They are in the process of early planning for affordable housing for teachers and staff on school property they currently own. They are thinking about 40 units both townhouse and rentals. They were given copies of the new proposed budget for 2007/08.
- Letter with petitions to State Engineer DOT regarding the State's intention to abandon property along Highway 64 near the old Manns Harbor Marina.

The petition contained concerns (1) moving the existing road bed will have negative impact on runoff (2) current front paved area was used for parking for fishermen, swimmers, and birdwatchers. There is no justification for the abandonment. (3) possible construction of new septic fields presents possible contamination of the adjacent waters (4) want public forum or referendum concerning the selling of the right of way and suggested developing another Land Use Plan.

## 2. COMMISSIONER MAX DUTTON

- Board of Education – He and Commissioner Shea will meet on a regular basis with the above mentioned board members. The School Board's official budgeting process begins this week on Thursday evening at 6:00 p.m.
- Gem Center – He visited the Gem Center and commended Gail Sonesso for the great work she is doing there with the adults.
- Calendar - Aging Population Seminar will be held on April 30<sup>th</sup> at the Ramada Inn.
- Outer Banks Hospital – Today they are celebrating their 5<sup>th</sup> year anniversary.

## 3. COMMISSIONER VIRGINIA TILLET

- Status of Closing of Hwy 12 in Ocracoke – Commissioner Burrus explained that DOT will close HWY 12 on Ocracoke Island from January – May. There may be some 4 wheel drive access but they are not sure they can guarantee it. The biggest problems are going to be for vendors, residents with medical appointments, and school children participating in sports. It will be a mess if all goes well, if not it may take longer.
- OLF- She referred to an email regarding the noise level from the planes and asked if the Board had taken a stand. Chairman Judge indicated the Board had not taken a stand. Commissioner Mike Johnson responded they were different jets even though it was still noisy.
- Beach nourishment – She asked what part is the county was playing in Nags Head Beach Nourishment. Chairman Judge indicated Dare County is playing no part in that. Last year the Board of Commissioners did make an allocation out of the 1% occupancy monies that have been being collected since October 2002 for the purpose of beach restoration. The Shoreline Commission will come before the Board next month to present a plan of sand fencing and grass planting.
- Alternative School for Parks & Recreation – Attorney Outten responded that he has been in touch with BOE's Attorney and the last correspondence is they will do whatever the county wants to do. That process is moving along.
- Personal attack on Mr. Malcolm Fearing – She apologized to Mr. Fearing on the personal attack made this morning from members of a Board that the Commissioners appointed. They do not want anyone to be attacked.
- Dare County Older Adult Services Board – She asked for permission to speak with Mrs. Conway who was planning to resign and ask her to reconsider.

- Juvenile Crime Prevention Council will make a presentation at the next meeting.
- Roanoke Island Senior Site Committee – She thanked the group for serving on the committee. They will continue to work on programs. She asked DCOAS Director and Parks & Recreation Director to check with other counties in planning for new programs.
- NACo in Washington, DC. She enjoyed the conference.
- North Carolina Black Summit will meet April 26-28 in Raleigh, NC. This is a group of black elected officials for North Carolina. She plans to attend and welcomed Board members to join her.

#### COMMISSIONER RICHARD JOHNSON

- Status of Manns Harbor Bridge – Attorney Outten explained that DOT has a specific statute to follow to get rid of surplus property. For moving a road or abandon a right of way, they have another process and that process requires the title must go to the property owner of the adjoining property. There is a distinction between the two.
- Boards/appointments/committees – He recommended taking a serious look at the boards and making sure they have clear guidelines to operate.
- Roanoke Island Senior Center – He felt that since the senior center would be located at the Justice Center the CIP should be looking at the Dare County Administrative Building and surrounding buildings for possible uses or something.

#### COMMISSIONER ALLEN BURRUS

- East Lake wells – Some of the residents are saying their wells are going dry and asked if the Utilities Director could look into it.
- OIWC – He and a group met with senatorial and congressional legislators in Washington, DC looking for help for Oregon Inlet. They visited with Virginia, South Carolina and Tennessee people. He is hoping they can pick up \$3M needed for this year and hoped they can get to a more permanent solution.
- Buxton Coast Guard Station – He had good luck in DC and has received emails and hoping to further that along.
- State of the Senior – He would like to see a program for the seniors similar to the State of the Child and begin to identify the issues. We could see what the rest of the state is doing.

#### CHAIRMAN WARREN JUDGE

- Dare County Bombing Range Advisory Council – They are asking the Board recommend that the manual updating is needed. Every time they change commanders they want to change the rules. Being able to use the Commissioner Johnson can carry to the meeting the consensus of the Board that this Board support we want what was laid out for the start that we follow the rules and procedures what was originally promised. Commissioner Johnson stated that the new EIS the Air Force and Navy are beginning to shut down usage for the game lands. Not they are talking about putting new gates and blocking Dare County residents from the range. Our people have hunted, fished, and bird watched on that range for

ever and the state pays game land money for that. More and more planes are blocking off the range completely. He suggested asking the Air Force to operate under the originally guidelines.

**MOTION**

Commissioner Shea moved to send a letter to the Air Force asking them to operate under rules that Dare County of Commissioners established for the Bombing Range originally.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

- Albemarle Mental Health Special Meeting

**MOTION**

Commissioner Tillett moved to schedule a special meeting with Albemarle Mental Health on March 28<sup>th</sup> at 11:00 a.m.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

- Presentation of budget – The Finance Director will present the budget on May 7<sup>th</sup>. Workshops are set for Monday, May 14<sup>th</sup> from 2-5:00 p.m. and Monday, May 21<sup>st</sup> from 2-4:00 p.m.

**ITEM 26 – RESOLUTIONS (ATT # 10)**

Attorney Outten presented the resolutions.

**MOTION**

Commissioner Burrus moved to adopt Resolution #07-03-14 Supporting Legislation to Exempt Hotels Converted to Condominiums from the Provisions of NCGS 143-151.42.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner Shea moved to adopt Resolution #07-03-13 Accepting the Donation of Lots 48 and 49 Revised Holiday Shores, Rodanthe.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 26 UPCOMING BOARD APPOINTMENT FOR APRIL**

The upcoming board appointment for April is the Airport Authority.

**12:00 NOON – LUNCH WITH NORTH CAROLINA COOPERATIVE EXTENSION SERVICE**

AT 4:20 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 11:00 A.M. MARCH 28, 2007 FOR A SPECIAL MEETING WITH ALBEMARLE MENTAL HEALTH.

THE NEXT REGULAR MEETING IS 9:00 A.M. ON APRIL 2, 2007.

(SEAL)

Respectfully Submitted,

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

APPROVED:

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