

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
APRIL 16, 2007**

The Dare County Board of Commissioners met in a regular session at 5:00 p.m. on April 16, 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 Reverend Jerry Cribb of Mount Olivet United Methodist Church followed by the pledge of allegiance to the flag.

**ITEM 1 – RECOGNITION OF STUDENTS – COUNTY GOVERNMENT WEEK  
ART CONTEST**

Gary Gross, Chairman of the County Government Week Committee, informed the Board that student involvement in civic issues is one of the goals of County Government Week. This year an art contest with an environmental theme of “Help Us Keep Dare County Clean and Beautiful” was created for the children in Dare County elementary schools. A winner was selected from each elementary school in Dare County. All of the winning artwork is being enlarged for display on recycling and sanitation trucks throughout Dare County. The original artwork will also be displayed in the new Dare County Administration building, now under construction. Dorothy Toolan, Public Relations Director, introduced the winning artists from each school:

Kalee Barnett, 3<sup>rd</sup> Grade, Cape Hatteras Elementary School  
London Carver, 2<sup>nd</sup> Grade, Manteo Elementary School  
Jenna Jacomet, 5<sup>th</sup> Grade, Kitty Hawk Elementary School  
Jay Lewis, 3<sup>rd</sup> Grade, First Flight Elementary School  
Chloe Utz, 4<sup>th</sup> Grade, Nags Head Elementary School

**ITEM 2 – PROCLAMATION - WEEK OF THE YOUNG CHILD - APRIL 22-28,  
2007**

Sheila Davies with the Children & Youth Partnership introduced Board members and staff who were in attendance at the meeting and then introduced a group of young children from Manteo Assembly of God Childcare Program who shared artwork and sang a song for Commissioners. Loretta Michael, Executive Director of the Partnership then came forward to provide an overview of the programs offered by Children and Youth Partnership to provide quality childcare for all children in Dare County. She provided statistics about young children and working parents in the area and talked about the challenges of having so many families dependent on reliable, quality childcare.

Teresa James, Dean of COA Dare Campus, provided information about the associate’s degree program in early childhood education that is offered locally. Cameron Seville of Cameron’s Childcare and Learning Center in Nags Head

then came forward to tell about the valuable opportunities that the Children and Youth Partnership has provided for the staff at her center. Cory Davies came forward as parent representative on the Children and Youth Partnership Board and talked about the challenges she faced when looking for childcare for her young daughter. She talked about how difficult it is to find quality childcare in Dare County and the importance of having it available for the community. Ms. Michael then told about the Smart Start programs that are available in Dare County and mentioned a pilot program for school readiness that is scheduled for next week.

**MOTION**

Commissioner Shea moved the adoption of Proclamation Week of the Young Child.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 3 – PUBLIC COMMENTS**

1. Dr. Walter Holton, Manteo, stated that he did not normally come before a Board of Commissioners and talk about things that are difficult but this issue is the greatest problem in Dare County today which is the total lack of mental health care. When linked with a rising drug problem, the problem increases. He urged the Board to do whatever they can to change this situation. He noted that he takes care of the population in the Dare County Detention Center and he knows what it is like to be pressured some days and not have a practicing psychiatrist. He has sent patients to Raleigh because there is no mental health care here. He spoke totally for himself and based his comments on his experience of 34 years. He noted the problem has been escalating on Hatteras Island, Manteo, the beach and the mainland. There are some good physicians but they cannot refer a patient to mental health. They have to give the patient up. When a patient is special with connections and has money it is easier to get the patient mental health care. When he calls mental health they want him to send the patients to Outer Banks Hospital. People in the county can get treated for heart attacks but cannot get treated with mental health care. They end up untreated and out of the system and into jail. They need the care very badly and are in the mainline of what is going on here. Everybody may think they are doing everything they can do but they are not. It is devastating to our community. The county may be going through a hard time but the mental health problems will get worse. We need to focus on what has happened to mental health in Dare County and figure out what will keep people out of jail and keep people working. This is the worst problem socially and medically for our county and we better start correcting it soon.
2. Patricia Nash of Manteo has two young grandchildren and a child in middle school and she is concerned about the drug problem. She has found a bag of crack in her yard and an empty bag of drug paraphernalia in her yard. She handed out copies of a map of her area showing the

elementary school and the corners where the drug dealers stand waiting for kids to and from school. She can attest to the fact and she feels she needs to speak up and make everyone aware of the problem. Our kids are our biggest investment in Dare County.

**ITEM 4 – DRAFT MANN'S HARBOR / MASHOES ZONING PROPOSAL**

Ray Sturza, Planning Director introduced Ryan W. Simons, Planner who provided background about the county's effort to zone all areas of unincorporated Dare County and most recent efforts to establish zoning in the Manns Harbor/Mashoes areas. He referred to a memorandum dated March 20<sup>th</sup>, which was issued to the Board of Commissioners along with a copy of the draft Manns Harbor/Mashoes zoning map and associated district regulations (including a reference to the Planning Board's recommendation for adoption). He informed the Board that staff was prepared for the Board to schedule a public hearing on the initiative, or refer the item back to the Planning Board to address specific issues that may need revision. For more detail see attached.

**MOTION**

Commissioner Shea moved to schedule a public hearing for 7:30 p.m. on May 21, 2007 at the Manns Harbor Community Center.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – "CAP'N B's" TRAVEL TRAILER PARK – PRELIMINARY PLAT & CUP REVIEW**

Ryan W. Simons, Planner, informed the Board that Preliminary Plat and Conditional Use Permit applications were reviewed and approved March 12, 2007 by the Planning Board for a 56 lot travel trailer park in the Village of Buxton. Total site area is 6.29 acres with 56 proposed travel trailer lots. The smallest lot area is 1,500 square feet.

**MOTION**

Commissioner Shea moved to hold a public hearing at 10:00 a.m. on May 7, 2007.

Commissioner Dutton seconded the motion

Attorney Outten pointed out that if the development meets the zoning guidelines, the Board must authorize the project regardless of comments received from the public. Commissioner Shea felt that the adjoining property owners should have an opportunity to speak about the project.

VOTE: AYES unanimous

**ITEM 6 – CAPITAL BUDGET ADJUSTMENTS FOR LAND TRANSFER TAX DECREASE (ATT # 1)**

Dave Clawson, Finance Director, informed the Board that fiscal year 2007 land transfer tax collections are now projected to be 36.5% lower than that of the prior fiscal year (following a 29.14% decrease in fiscal year 2006). That level of collections in combination with the currently approved 2007 CIP, would result in

negative fund balances of (\$1,337,660) in FY 2009, (\$1,582,608) in FY 2010 and (\$1,703,533) in FY 2011. See attached for further details.

**MOTION**

Commissioner Richard Johnson moved to approve the plan and authorize the County Manager to take the related capital budget actions.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – CONSENT AGENDA (ATT # 2)**

**MOTION**

Commissioner Shea moved the approval of the Consent Agenda:

1. Approval of Minutes – March 28, 2007 & April 2, 2007
2. Public Works / Bulk Fuel Purchases

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 8 - COMMISSIONERS' BUSINESS**

**COMMISSIONER RICHARD JOHNSON**

- Mental Health Center – He reminded the Board that he has been a member of Albemarle Mental Health for the past 10 years and for the past seven years he has made the Board aware of the cuts that have been made in mental health funding and legislative changes by the state. Albemarle Mental Health has done their best trying to keep services. By law, Albemarle Mental Health is required to refer some patients to private providers. They have to be very careful how they handle things according to state regulations and it is getting worse. Dare County contributes \$32,000 - \$36,000 to mental health treatment from the ABC tax and Dare County allocates \$8 million in arresting people. We have to refer people to private providers and we cannot admit people because the law requires us to encourage people to use private providers. That is the state's effort to get rid of direct services from mental health. We can only see the most severe cases and we cannot see people that are borderline anymore. When you can only see the most severe cases, it makes it difficult. Albemarle Mental Health is doing all that they can do within the law. To get services to people, Dare County will have to step up and help. He said that coming in and bashing the mental health center is not the answer. You have to go after the problem. The changes in the system make it very difficult. It is very frustrating for him because he does not see it getting better. Hopefully we can continue to fund Albemarle Mental Health and hopefully we can address our state representatives.
- Cap'n B's Campground – He referred to the public hearing for the campground project in Buxton that was approved by the Board and asked if it would be possible to allow the owner to move forward with some of the work so his project does not get held up for one season. Attorney Outten responded that not much can be done until the site plan is approved. The owner can only do what his ordinance allows.

#### VICE CHAIRMAN ALLEN BURRUS

- Cap'n B's Campground – He said that the Board's decision to hold a public hearing will cause them to loose the upcoming season.
- National Park Service – He has been meeting on regular a basis with the NPS Superintendent and would be more comfortable if there was a committee meeting with the Superintendent and not just him. He asked the Chairman to appoint a committee.
- Charter Communications – He has met with Charter Communications staff and has asked them to come before the Board. Manager Wheeler responded Charter reps would be present on May 7<sup>th</sup> and Board members will be provided a copy of the franchise agreement in the agenda packet. If the Board has questions, submit to the Manager so Charter can be better prepared for the meeting.
- Cape Hatteras School is looking good.
- Working waterfronts – A report was forwarded to all Board members and it will be presented on the 23<sup>rd</sup> in Raleigh to the joint legislative committee.
- Herbert C. Bonner Bridge meeting is May 23<sup>rd</sup>.
- Recycling Center – Invitations have been sent for the grand opening in Rodanthe.
- Fessenden Center Reception of all volunteers - Hopes all can attend both events.

#### COMMISSIONER JACK SHEA

- Commissioner Virginia Tillett was one of the honorees at a recognition banquet at Elizabeth City State University She was honored for her work and dedication to the citizens of Northeastern North Carolina.
- Outer Banks Senior Games will be held Friday, April 20<sup>th</sup> at the Thomas A. Baum Center.

#### COMMISSIONER MIKE JOHNSON

- National Hurricane Conference – He attended the conference and was informed that the center is expecting another active year even though Dare County was fortunate last year but no guarantees on this year. Attorney Outten, Edward Lee Mann, Sandy Sanderson, and Mayor Ray Sturza of Kill Devil Hills also attended. Every year they learn something new. This is his 3<sup>rd</sup> trip and when he returns he is always amazed that what he hears at the conference is something that Dare County is already doing. He commended the Emergency Management Department and those commissioners in the past who have helped to build the Control Group. They took a 3 hour bus tour of New Orleans and drove through Saint Bernard Parrish and the 9<sup>th</sup> Ward viewing the amount of devastation and abandonment there. There is nothing there still today. They were told that there are 145 square miles of the same sights and that the crime rate is up. These things have devastated their economy. This was a real eye opener to all of them and showed them what could happen to Dare County. He feels that Dare County is better prepared and there are a lot fewer people here than in New Orleans to care for.

- Working waterfronts – He referred to the report submitted by Vice Chairman Burrus and asked if the Board should draft a resolution or contact the legislators and senator to take over half of the salt water fishing license to address this issue of access and working waterfronts. This license is taxing no one but coastal North Carolina and the funds should not leave Coastal North Carolina. Vice Chairman Burrus will have a resolution ready for the next meeting.
- Channel 2 Legislative Review – He informed the Board that the school calendar change has passed the House and getting ready to go to the Senate. The residents in the middle part of the state are bringing the issue back up in force to change the school calendar again to allow for a longer school year into the summer and earlier start up of school which is not good for Dare County. The safety factor of having school buses on the roads during the tourist season is not good for Dare County as well as the other coastal counties. He is hoping the Board would not support that bill and send a resolution in opposition to the senator and give the chairman authority to sign before the next meeting.

#### **MOTION**

Commissioner Mike Johnson moved to support the current school calendar and oppose the proposed bill.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

#### **COMMISSIONER MAX DUTTON**

- County Government Week – He praised the students who were present this morning for their wonderful art work. Good things happening in our schools.
- Children and Youth Partnership – He thought the children and staff from the Assembly of God Pre School are doing good work.
- Finance – He commended the Finance Director and Board of Education Finance Director for having good budgeting practice.
- Beach Nourishment - He will be voting yes for the nourishment of our county tomorrow. He hopes this gets things started in Nags Head only to move forward to the hot spots in the county.
- Adult Care Program – This is sponsored by the GEM Center on April 30<sup>th</sup> at the Ramada Inn and hopes all can attend.

#### **COMMISSIONER VIRGINIA TILLETT**

- Dare Day – She reminded the Board they had one more day to submit a nomination for Dare County Citizen of the Year.
- Drugs – She noted that Patricia Nash who spoke about the drugs in Dare County is not exaggerating about the problem.
- County Government Week – She thanked the Public Relations Director for including the children in County Government Week.

#### **CHAIRMAN WARREN JUDGE**

- Budget Workshops - May 14<sup>th</sup> – 2:00 – 5:00 p.m. and May 21<sup>st</sup> – 12:30 p.m. – 2:30 p.m.
- Change time of second board meeting in May

**MOTION**

Commissioner Shea moved to change the May 21<sup>st</sup> board meeting time from 5:00 p.m. to 3:00 p.m.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- Indian Pow Wow will be held the last weekend in April on Hatteras Island. It is a great event and they will be honoring Indian heritage in Dare County.
- Alternative Building – The County Attorney is working on an agreement for the Alternative School so that Parks & Recreation can begin using the space. He will bring before the Board very soon.

**ATTORNEY BOBBY OUTTEN**

- Affordable Housing Committee – He informed the Board that the Committee is making progress. They are waiting on final documents from Duke University that will set forth parameters for the partnership for the Bowsertown property. They will ask the Board to enter into an agreement to show that the County is committed to providing the land for the project so they can get the ball rolling with the financing piece of the project.

**MANAGER TERRY WHEELER**

- Skateboard Park – Manager Wheeler informed the Board that the Town of Manteo will be making a proposal for a joint venture on a Skate Board Park at the former Manteo Middle School. The idea is to construct a park with the use of Town of Manteo funds on county property. There will be a public meeting at the Manteo Town Hall on Wednesday, April 18<sup>th</sup> at 4:00 p.m. and he hopes all can attend. He will bring more information to the Board in the future.

AT 7:15 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS  
ADJOURNED UNTIL 9:00 A.M. ON MAY 7, 2007.

(SEAL)

Respectfully Submitted,

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

APPROVED:

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