

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
MAY 7, 2007**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on May 7, 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 was County Attorney Bobby Outten. County Manager Terry Wheeler was absent. A moment of prayer was offered by Tom O'Neal, Human Resources Director, followed by the pledge of allegiance to the flag.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

1. Andrew Creech, Deputy Sheriff Master Office, received his 10 Year Pin from Sheriff Rodney Midgett.
2. Charles Watson, EMS Deputy Director, received his 25 Year Pin from Skeeter Sawyer, EMS Director.

ITEM 2 – EMPLOYEE OF THE MONTH

Merry Kocian, Telecommunicator, received the Employee of the Month Certificate from Sheriff Rodney Midgett. She has been with the Sheriff's Department for six years. She is a pleasure to be around and has a way to handle anything that comes along. She is excellent at multitasking and keeps calm at the same time to assist callers. She is very comforting and does an excellent job. Last week she received the fire call about Lone Cedar Restaurant and handled the situation exceptionally

ITEM 3 – PUBLIC COMMENTS

Sandy Semans Ross, Stumpy Point, came forward on behalf of the Stumpy Point Civic Club and expressed her frustration regarding the proposed Stumpy Point Wastewater Collection and Treatment System Project. She understood that the authority will convene this morning and hoped that there are some answers forthcoming. The weekly updates are not coming in as said. The last update was April. There have been a lot of projects in Dare County that have been accomplished in these four years while the water project is not permitted yet. She asked that the authority be reformed with at least one member of the Stumpy Point community to help with the process.

ITEM 4 – PROCLAMATION – NATIONAL HOSPITAL WEEK – MAY 6-12, 2007

Van Smith, President of Outer Banks Hospital, spoke about the Outer Banks Hospital and their efforts to provide the best care possible to the Outer Banks community. Joining him was Bob Middlebrooks, Chairman of the OBH Board, and Jeri Ebert, Director of Marketing. The celebration of National Hospital Day began May 12, 1921 which was on Florence Nightingale's birthday. The event

gained popularity and then expanded to National Hospital Week in 1953. It was continued that week in honor of her impact and that of the nursing profession of the hospital industry. This is the fifth anniversary of the Outer Banks Hospital. Attorney Outten then presented the proclamation declaring May 6-12, 2007 as National Hospital Week.

MOTION

Commissioner Burrus moved to adopt the proclamation declaring May 6-12, 2007 as National Hospital Week.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 5 – ELDER ABUSE PREVENTION MONTH DESIGNATION

Jay Burrus and Theresa Edwards, on behalf of the Dare County Elder Abuse Collaborative, presented a proclamation declaring May as Elder Abuse Prevention Month in Dare County. Teresa spoke about how the Collaborative was formed and stressed the importance of prevention.

MOTION

Commissioner Shea moved the adoption of Proclamation declaring May as Elder Abuse Prevention Month in Dare County.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 6 – RESOLUTION SUPPORTING CLEAN WATER ACT OF 2007 (ATT# 1)

Ray Sturza, Planning Director, presented a Resolution of Support for the Clean Water Act of 2007. He referred to a letter from Billy Ray Hall, President of the North Carolina Rural Economic Development Center, Inc. asking for the Board's help to secure passage of critical clean water legislation before the General Assembly. The letter states that North Carolina's water and wastewater systems are failing. The infrastructure is aging, much of it dating back 40 years. At the current rate, with every year that passes, North Carolina is falling another half billion dollars behind in needed investments to install, upgrade, or replace water and sewer infrastructure. The counties must act now to make sure the General Assembly provides funds for each community throughout North Carolina to address each county's critical infrastructure needs. (See attached for more details).

MOTION

Commissioner Shea moved to adopt Resolution #07-05-14.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 7 – RESOLUTION OPPOSING SENATE BILL 831 (ATT # 2)

Ray Sturza, Planning Director, presented a Resolution in Opposition to North Carolina General Assembly Senate Bill #831 Wireless Telecommunications Facilities. He referred to a letter from Mayor Ray Sturza of the Town of Kill Devil Hills noting that if approved, this bill strikes at the very heart of the responsibilities

of local government: it will remove the rights and responsibilities we have to make the best decision we can on the issue of location of wireless communications towers by transferring those rights and responsibilities to another level. Local governments will no longer have approval over the location of these towers and we will no longer be able to establish review fees for such commercial projects. The issues are far-reaching and could initiate the beginning of other actions to take away local authority and place it at a level unfamiliar with the unique nuances that define each entity.

MOTION

Commissioner Shea moved the adoption of Resolution #07-05-15.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 8 - PUBLIC HEARING – “CAP’N B’S” TRAVEL TRAILER –
PRELIMINARY PLAT & CUP REVIEW**

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC.

Ryan W. Simons, Planner, informed the Board that the preliminary plat and conditional use permit application were reviewed and approved March 12, 2007 by the Planning Board for a 56 lot travel trailer park in Buxton, NC. The item was reviewed by the Board of Commissioners on April 16, 2007, and tabled so that a public hearing may be scheduled.

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

No one came forward to speak.

Chairman Judge closed the hearing at 10:05 a.m.

MOTION

Commissioner Burrus moved that the preliminary plat and draft CUP recommended by the Planning Board for “Cap’n B’s” Campground be approved. Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED TO ITEM 12.

ITEM 9 – STUMPY POINT WATER AND SEWER AUTHORITY UPDATE (ATT # 3)

MOTION

The Board moved to recess the Dare County Board of Commissioners and convene the Stumpy Point Water and Sewer Authority Board.

VOTE: AYES unanimous

Ray Sturza, Planning Director, introduced Gary Hartong of Wooten Company who provided the status of outstanding permits, permits that have been secured, and options for addressing mitigation issues associated with the N.C. Division of Water Quality and the U.S. Army Corps of Engineers. This included the potential authorization of a payment to the NC Ecosystem Enhancement Program (EEP) in the amount of \$24,367.00. A list of permits acquitted and permits pending were included.

Gary Hartong, Consulting Engineer, explained what has happened since January and referred to the project schedule. Eleven permits are required and five permits have been secured to date. Six more permits are in the review stage and most are in the final stage.

- Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were completed last fall.
- Engineering Design – Was completed in January.
- Permitting –
 - #10 – USFWS Encroachment Agreement – being processed in Atlanta. Had to amend it twice and is expected to be issued in late May.
 - #11, 12, 13, - These permits are all tied together.
 - #11 – The payment of the NCEEP or a private wetlands mitigation bank is the least time consuming and the least expensive alternative to pursue at this time. If the payment is approved today NCEEP would satisfy the requirement and allow the permit to be obtained.
 - #12 – The review of the permit is complete. Once 401 is issued, it will take approximately 3 weeks to draft the permit by mid to late June.
 - #13 – This permit requires the most work. ACE 404 permit is not dependent on the other permits but the Corps wants additional information about the impacts. The development of the undeveloped lots may cause additional wetlands disturbance and require mitigation efforts. It will take about 30 days to get the information submitted to the Corps and another 30 days for the Corps to review it and make a decision by the end of June.
 - #14, 15 – They involve review of engineering documents regarding the pressure sewer application. The permit is under review and comments will be discussed Tuesday, May 8th. Once resolved a permit will be issued for the collection system the end of May and treatment system permit near the end of June.

In summary, Mr. Hartong said that five permits of the eleven have been obtained. Two permits (USFWS and Pressure Sewer Application) are delayed but are expected by the end of May. The payment to ecosystem enhancement will allow the 401 water quality certification to be issued while will in turn allow the CAMA major permit to be issued. The ATC permit construction of wastewater treatment plant is on schedule for the end of June and the 404 permit is delayed and will require some additional work but may be attainable within the schedule. He said the critical path of the project has not changed and construction dates have remained the same.

#16, 19 Construction and close-out – Those items have not been amended since the previous schedule.

Chairman Judge asked if all the permits would be issued by the end of June. Mr. Hartong responded that it would depend on the Corps but he does feel the end of June would be a reasonable time schedule. Chairman Judge asked for an update should any unforeseen thing happens. Mr. Hartong will continue to send weekly updates.

Commissioner Richard Johnson suggested the Board appoint a Stumpy Point community person to the authority and supply aerial photos to Mr. Hartong.

MOTION

Vice Chairman Burrus moved to authorize payment to the Ecosystem Enhancement Program (EEP) in the amount of \$24,367.00 to off-set mitigation issues with the N.C. Division of Water Quality.

Commissioner Richard Johnson seconded the motion.

VOTE: AYES unanimous

Attorney Outten noted that one of the things that is required is an easement across some private property owners' property. The issue has been resolved in terms of location and size of the easement. The property owners want a couple of things in order to grant the county the easement. They want a payment of \$3000, a promise to clean and keep clean the ditch that runs parallel to the easement and a promise to clear and keep clear the culvert at the termination of this easement.

MOTION

Vice Chairman Burrus moved to authorize payment of \$3000, clean the ditch, and work with DOT to clear out the culvert.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

MOTION

The Board moved to adjourn the Stumpy Point Water and Sewer Authority and reconvene the Dare County Board of Commissioners.

Commissioner seconded the motion.

VOTE: AYES unanimous

ITEM 10 – PRESENTATION MANAGER'S RECOMMENDED 2008 AND PLANNED 2009 BUDGETS (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)

Dave Clawson, Finance Director, presented the Manager's recommended 2008 and Planned 2009 budgets. The proposed budget was started in early January and it has taken the last two months to prepare the document that is presented today. This is the eight biennial budget. The grand total is \$137,597,670, including the general fund of \$99,428,381 and eight special revenue funds. The general fund is \$99.4 million. There were a lot of revenue constraints to address. The proposed budget does not include a tax increase.

Chairman Judge reminded the Board of a budget workshop on Monday, May 14, 2007 at 2:00 p.m.

MOTION

Commissioner Shea moved to schedule a public hearing at 10:00 a.m. on June 4, 2007.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 11 – PRESENTATION OF RECOMMENDED 2008-2012 CAPITAL IMPROVEMENTS PLAN (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)

Dave Clawson, Finance Director, presented the new CIP per the recommendation of the Capital Improvements Planning Committee.

MOTION

Commissioner Shea moved to schedule a public hearing at 10:00 a.m. in June 4, 2007 in conjunction with the budget public hearing.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 12 – UPDATE FROM CHARTER COMMUNICATIONS (ATT # 6)

James Ray, NC/VA Government Relations Manager for Charter Communications provided an update about local cable services and also answered questions from Commissioners. Sam Scialabba, former Regional Operations Manager was in attendance along with Tom Ross who is now serving as the Regional Manager since Mr. Scialabba is moving to Hickory.

Commissioner Richard Johnson asked why Hatteras Island has to share one channel for Government and Education. He said that each channel should be on the air 24 hours a day. Mr. Scialabba will look into this and try to make this change.

There are currently no pass through franchise fees for Dare County. Mr. Scialabba suggested that an amendment be made for this. There were questions about program tiers and service calls for Hatteras Island. Mr. Scialabba explained that during the off season, service calls are only made a few days a week and should be a four hour window. A number of questions were raised regarding service and reception. Mr. Scialabba said that Charter will be implementing a new program for rental property management companies to accommodate non resident property owners.

Commissioner Mike Johnson asked Charter to look at the connections for emergency management traffic cameras to see if consideration can be given to lower the rate (currently over \$250 month for each camera) since a couple of cameras will be added in the near future.

Commissioner Tillett asked them to give some thoughts about a limited package for the aging population with limited income.

Chairman Judge expressed appreciation for the annual update and Tom Ross looks forward to working with the Dare County community.

THE BOARD TOOK A RECESS 10:50 A.M.

THE BOARD MOVED BACK TO ITEM 10 - BUDGET

ITEM 13 – UPDATE ON OREGON INLET BRIDGE

Vice Chairman Burrus reported that the Merger Team meeting will be held in Raleigh on May 23rd. This is a critical meeting since a decision needs to be made in order for things to move forward. The Bridge Committee is meeting regularly and the e-mails that Board members have received recently are an effort to let

leaders know how important this decision is. If the group in Raleigh makes a decision in May, they will meet again in August to make a final determination.

ITEM 14 – CONSENT AGENDA (ATT # 7)

MOTION

Commissioner Shea moved the approval of the Consent Agenda:

1. Approval of Minutes – April 16, 2007
2. Health Department Budget Amendment – Family Planning
3. Older Adult Services Budget Amendment – Senior Games
4. Social Services Budget Amendment – TANF DV Funds
5. Annual Participation Agreements for NCACC Insurance Pools

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 15 – BOARD APPOINTMENTS

1. NURSING HOME COMMUNITY ADVISORY BOARD

MOTION

Commissioner Tillett moved to appoint Frank Hester to fill the unexpired term of Peggy Thank on the Nursing Home Community Advisory Board.

VOTE: AYES unanimous

2. BOARD OF ADJUSTMENTS

MOTION

Vice Chairman Burrus moved the reappointments of Thomas Murphy and David E. Jones, Jr. to serve a three year term on the Board of Adjustment.

VOTE: AYES unanimous

3. HEALTH BOARD

MOTION

Commissioner Tillett moved the reappointment of Commissioner Allen Burrus and the appointment of Dr. Christian Ligé to serve a three year term on the Health Board.

VOTE: AYES unanimous

ITEM 16 – COMMISSIONERS' BUSINESS

COMMISSIONER JACK SHEA

- New Hatteras School – He was very pleased to see that the school is designed to accommodate handicap people. The school is a spacious facility.
- Transportation Task Force Meeting – He attended the meeting and this group is overseeing the transportation needs in the county and will plan to contact Chairman Judge to seek guidance on feasibility of introducing a bus/trolley system in Dare County.

COMMISSIONER MIKE JOHNSON

- Herbert Bonner Bridge Emails – They are doing a good jobs sending emails to everyone.
- Field trip to Coast Guard Base in Elizabeth City – He took a field trip to the Coast Guard Base. The Hurricane Hunter Aircraft was in town and varied

display of life saving and weather predicting equipment. He also met the new director of the Hurricane Center. The 4th Grade Class from Cape Hatteras Elementary School was in attendance and they were the best behaved students he had ever seen.

COMMISSIONER MAX DUTTON

- New Hatteras High School – He attended the School Board Meeting at the high school on April 17th. It was a very productive school board meeting and he both Finance Directors (BOE and Dare County) on a great job in budgeting during tough times.
- CDC – Chuck Poe with CDC had surgery which was very successful. He wished him the best.

COMMISSIONER VIRGINIA TILLET

- Alliance of North Carolina Black Officials – She attended the summit and it was very educational. She attended workshops on crime and justice, education, health care, and environmental and economic problems. This was very well attended and she met some of the legislators. She has literature to share with everyone.
- Gallop Funeral Services – She thanked Sheriff Midgett for working with Gallop Funeral Services in an effort to work out solutions to the concerns that she brought before the Board over a year ago.
- Women Elected Officials Luncheon – She attended the 20th Anniversary League of Women Voters luncheon and was a very informative affair. They did an outstanding job.
- College of the Albemarle Graduation – May 10th at the Elizabeth City Campus at 6:00 p.m. There is a Dare Campus Graduate at 11:00 a.m. luncheon at the Hilton Gardens Inn in Kitty Hawk. Board members are invited to attend.
- Parks & Recreation – They are changing their locations for their meetings in an effort to try and serve all of the citizens of Dare County. Their next meeting will be held at the Fessenden Center in Buxton.
- League of Women Voters – They have asked to Board to please support their publication next year.
- Leash laws – A concerned citizen would like to have someone contact her regarding the leash laws for dogs, etc. Commissioners Mike Johnson will handle the matter.
- Henderson County Resolution – They are having similar problems regarding mental health services as Dare County. We might need to stay in touch to see how they are handing their services.
- Happy Mother's Day to all of the mothers in Dare County.

COMMISSIONER RICHARD JOHNSON

Richard – He asked if the Finance Director how will the county's budget be affected if the state takes back Medicaid / Medicare funding. He said that Dare County is not one of the counties projected to exceed their cap. If the state does not keep the cap in place Dare County will be affected in 2009. The county would be doing a two year catch up cost.

MOTION

Commissioner Richard Johnson moved to instruct the County Attorney to draft the appropriate language to keep the cap in place.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

VICE CHAIRMAN BURRUS

- US Coast Guard housing – He asked about the status of rezoning that area. Mr. Sturza responded that it can be rezoned. The county is continuing to meet with GSA. He instructed the Planning staff to refer the issue to the Planning Board for a recommendation. The Board concurred. Attorney Outten informed the Board that to rezone the area they must find reasons to rezone it for the public good and public purposes.
- Groins status – Mr. Sturza reported that the groin permit is on hold pending the expenditure of funds.
- EMS – He commended Charlie Watson, EMT, for receiving his 25 year pin.
- Serendipity on Highway 12 – That is the place where they are filming the movie Nights in Rodanthe. It is also the place where there is storm water run over today. He has asked NCDOT to look at making some kind of overture condemning the house and blocking the driveway where all of the water runs on to the road. They have made no progress. He wondered if the Board could draft a letter to the transportation people asking them to relook at the area. The area can stop all traffic going to and from Hatteras Island. It is a constant problem. If the state would step in and begin the process it would be a win/win situation and can the Board look at sending a letter asking DOT to follow up. The Board concurred to send a letter and Ray Sturza, Planning Director, will handle the matter.
- Older Adult Conference – He would like for the Board to begin to plan an older adult conference that focuses on making Dare County an older adult friendly county. The increase of older adults increase is staggering within five to ten years. The County Manager will look into the matter and start the process.
- Oregon Inlet – They have been working on the channel for the Coast Guard and the Fishing Center. The Army Corps of Engineers is willing to dredge and he asked if a staff person or OIWC staff could keep up with the permits throughout the county.
- Board of Education – Chairman Judge and Vice Chairman Burrus met at the Hatteras School along with Commissioners Shea and Dutton and the gentlemen braved the weather going home and he appreciated it. The people on Hatteras Island appreciated the commissioners' attendance.
- County Government Week – He expressed appreciation for all the county employees do for Dare County up and beyond what they are asked to do.

COMMISSIONER RICHARD JOHNSON

Flood Insurance – He noted that home insurance went up 25% for wind damage. Chairman Judge reminded the Board they approved a resolution opposing taking the authority from the Insurance Commissioner. They decided to ask Fletcher Wiley to update the Board at the next board meeting about the insurance rates.

CHAIRMAN WARREN JUDGE

- Older Adult Conference – He attended the New Directions Conference last week on caring for the elderly and focused on dementia. Some interesting statistics are that by 2030 Dare County is predicted to have 17,000 plus residents 65 and older which will place a huge demand on Social Services and older adult care issues. Interesting Dare County will have about 12% residences 17 and under. This is a great idea and the issue is not going away.
- Budget Workshop – May 14, 2007 at 2:00 p.m. – 5:00 p.m. followed by a reception at the airport.
- Budget workshop – May 21st 12:30 p.m. – 2:30 p.m. and regular Board meeting at 3:00 p.m. followed by Public Hearing in Manns Harbor at 7:30 p.m.
- Welcomed Ken Mann, former TV who is helping out today.

ITEM 17 – UPCOMING BOARD APPOINTMENTS FOR JUNE

Upcoming Board appointments for June are: Hatteras Community Center Board; Library Board – Dare; Manns Harbor Community Center Board; Oregon Inlet & Waterways Commission; Roanoke Island Community Center Board; Social Services Board; Dare County Transportation Advisory Board and Juvenile Crime Prevention Council.

**ITEM 18 – REMINDER: BUDGET WORKSHOP / MAY 14, 2007 –
2:00 P.M. – 5:00 P.M.
BUDGET WORKSHOP / MAY 21, 2007 –
12:30 P.M. – 2:30 P.M.**

AT 12:40 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
ADJOURNED UNTIL 3:00 P.M. ON MAY 21, 2007.

(SEAL)

Respectfully Submitted,

By: _____
Frances W. Harris,
Clerk to the Board

APPROVED:

By: _____
Warren Judge, Chairman
Dare County Board of Commissioners