

**DARE COUNTY  
NORTH CAROLINA**

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

The Dare County Board of Commissioners met in a regular session at 5:00 p.m. on July 16, 2007 in the Dare County Administrative Annex in Manteo.

Commissioners present were: Warren Judge, Virginia Tillett, Allen Burrus, Richard Johnson, Mike Johnson, Jack Shea and Max Dutton. County Attorney Bobby Outten was present. County Manager Terry Wheeler was absent. A moment of prayer was offered by Cindy Kelly, Board of Elections Assistant, followed by the pledge of allegiance to the flag.

Chairman Judge informed everyone that the County Manager Terry Wheeler was in Raleigh on behalf of the Board attending the North Carolina State Senate. The Senate is scheduled to take action on Medicaid relief to the counties. Most of the scenarios the Board has seen have not been beneficial to Dare County. Manager Wheeler will call and report to the Finance Director. (CONTINUED IN ITEM 15).

**ITEM 1 – AMEND AGENDA**

**MOTION**

Commissioner Shea moved to amend the agenda to remove Item 6 – Presentation for Roanoke Island Senior Center Architectural Services and Item 9 – Amendment No. 3 to Wooten & Co. Agreement and place them on the August 6, 2007 agenda.

Commissioner Richard Johnson seconded the motion.

VOTE: AYES unanimous

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

1. Veronica Brickhouse, Library Assistant, received her 15 Year Pin from Jonathan Wark, Librarian.
2. Sandy Farrow, Leisure Programs Supervisor received her 10 Year Pin from Cliff Ogburn, Parks & Recreation Director.
3. Jennifer Wooten, Friends of Youth Program Assistant, received her 10 Year Pin from Bonnie Bennett, Friends of Youth Director.
4. Sandra West, Risk Manager/Safety Coordinator, received her 10 Year Pin from Dave Clawson, Finance Director.

**ITEM 2 – EMPLOYEE OF THE MONTH**

Suzanne Stark, Fitness Coordinator on Hatteras Island, received the Employee of the Month Certificate from Cliff Ogburn, Parks & Recreation Director. Ms. Stark works mainly with older adults and is improving life styles on a daily basis. She is influencing people and making a difference in their lives. One adult said, "Suzanne is the answer to all of our exercise dreams. She makes it a pleasure to come to class. She explains in detail all we do and the benefits to be gained. She is a ray of sunshine. We are privileged to have her."

**ITEM 3 – PUBLIC COMMENTS**

1. Steve Hutchins, Hutchins Yachts Sales and partners with Holton Custom Yachts and Dare Decor, came forward to say they were in the yacht building industry in Dare County and they were interested in being located in the Wanchese Seafood Industrial Park. He asked the Board's advice on some guidelines for moving in the area. Holton Custom Yachts today has about 45 employees. It is a rapidly growing business. Yacht building in Dare County is very large. There are at least 50 -55 large boats being built with price tags of \$2 million dollars plus. Hutchins Yachts Sales sells these boats and Dare Décor provides the interior. He understands that Wanchese Seafood Industrial Park was put there with low rents and has a central location to promote this business. Their experience in getting in the park is you have to be there for a long time. It seems to them if a business is going out of business in the park then that area should go to a primary provider of services. Bob Peele, Manager of the Park, had informed them they might want to get in the political process and that there is no waiting list. He asked the Board for some guidelines as to how the opportunities are decided in the Wanchese Seafood Industrial Park. (CONTINUED IN ITEM 15).

THE BOARD MOVED TO ITEM 10 – AUDIT COMMITTEE  
RECOMMENDATIONS

**ITEM 4 – PUBLIC HEARING / BUXTON ZONING MAP AMENDMENT –  
COAST GUARD HOUSING (ATT # 1)**

AT 5:30 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A  
PUBLIC HEARING TO RECEIVE INPUT ON THE ZONING FOR THE COAST  
GUARD HOUSING.

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

1. Werner Quast, Buxton, stated that he and his neighbors live behind the Coast Guard housing and are concerned about the uses for the Coast Guard housing and asked for a better explanation. They are also worried about property values. Chairman Judge closed the hearing at 5:40 p.m.

Ray Sturza, Planning Director, informed the Board that the proposal is to amend the Buxton zoning map to designate the Coast Guard housing site as NH, natural historic. A copy of the map and the NH regulations are attached. The property is currently unzoned. He handed up letters from concerned citizens.

Chairman Judge reminded that the Board had instructed staff to negotiate with the National Park Service to acquire the base and with the GSA to negotiate and acquire the base housing. This was a concept endorsed by a previous Board in 2004 and has been working on ever since. Since the Coast Guard was relocating further south the idea was to reuse the buildings. There is a big need on Hatteras Island for government infrastructure buildings, public work, etc. The concept for the housing was to try to create affordable housing rental unit.

There is no wastewater treatment for the houses on site. The Board is concerned what might happen with the site should it not transfer from one government to another and be sold into the public private sector.

Vice Chairman Burrus stated that it was in the best interest of the county to move forward with the project.

Chairman Judge stated that it was not the intent of this Board to increase the use of the land there. Their intent is to acquire the base for county offices (COA, CSI, and other agencies that work with and for the county) and the housing to become affordable rentals for approximately forty people who met the criteria. The purpose of the zoning is for the County to have some control should they not be successful and the property goes into private hands.

**MOTION**

Commissioner Shea moved that the Coast Guard housing site be zoned NH as recommended by the Planning Board and find that this action to be consistent with the objectives and policies for growth and development contained in the 2003 Land Use Plan or other officially adopted plans of Dare County that are applicable in the public interest of Dare County and that it furthers the public health, safety, and welfare of Dare County.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – RURAL OPERATING ASSISTANCE PROGRAM (ROAP)  
APPLICATION (DOCUMENT FILED WITH DARE COUNTY  
TRANSPORTATION SYSTEM)**

AT 5:45 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE ROAP APPLICATION.

The Rural Operating Assistance Program (ROAP) consolidates the Elderly & Disabled Transportation Assistance Program (EDTAP), the Work First (WF) Transportation, and the Rural General Public (RGP) into one application. Dare County is applying for funds that may be as much as \$138,612. The EDTAP and RGP funds will be allocated to the Dare County Transportation System, Older Adult Services. The WF funds will be allocated to the Department of Social Services. The county's match for the RGP funds only is 10%. No county dollars are needed at this time. The funds will be used for operating expenses.

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

No one came forward to speak.

Chairman Judge closed the hearing at 5:50 P.M.

**MOTION**

Commissioner Tillett moved to approve the grant application.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – PRESENTATIONS FOR ROANOKE ISLAND SENIOR CENTER  
ARCHITECTURAL SERVICES**

The item was tabled until August 6, 2007.

**ITEM 7 – REAL KITEBOARDING REVISED SITE PLAN AND CUP AMENDMENT**

Donna Creef, Senior Planner, informed the Board that earlier this year the Board approved a site plan for the Real Kiteboarding group development in Waves, NC. Shortly after this proposal, staff was notified that the approved site plan did not depict a cemetery that was on the site. Staff advised the project engineer that a revised site plan depicting the cemetery should be submitted for additional review by the Planning Board and Board of Commissioners. This site plan depicts the cemetery. An amendment to the original CUP has been drafted to address access to the cemetery and maintenance of the cemetery. The Planning Board reviewed this item on April 9, 2007 and voted unanimously to recommend approval of the revised site plan and the amended CUP with the following conditions attached.

**MOTION**

Commissioner Richard Johnson moved to approve revised site plan and CUP amendment as recommended by the Planning Board.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – CHAPTER 152 PLANNING AND DEVELOPMENT – PROPOSED AMENDMENTS (ATT # 2)**

Donna Creef, Senior Planner, reminded the Board that last month Planning staff was instructed to review the County's land use ordinances to ensure that all areas, both zoned and unzoned, have building height and gross floor area limitations. The only area in Dare County that is unzoned is East Lake. Chapter 152, Planning and Development, of the Dare County Code of Ordinances includes language to address the height of structures. See attached.

Staff also prepared a summary of the various building heights and gross floor area standards that apply in the zoned areas of the County. The only commercial zoning district that does not include any gross floor area limitation is the SP-C district which applies to Stumpy Point. The revised Chapter 152 features language that will address the Stumpy Point area. Ms. Creef reported the results of Planning Board's July 9<sup>th</sup> meeting and their recommendations for exemptions to include hotels, motels, and governmental buildings. There was Board discussion.

**MOTION**

Commissioner Shea moved to schedule a public hearing on amendments to Chapter 152 on Tuesday, September 4, 2007 at 10:00 a.m. and to advertise alternatives. The first alternative is as recommended by the Planning Board which exempts hotels, motels, and county and government buildings from the gross floor area limitation. The second alternative includes the Planning Board's language with boat building facilities proposed for exemption from both the build height and gross floor area limitation.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – AMENDMENT NO. 3 TO WOOTEN & CO. AGREEMENT (ATT # )**

The item was tabled until August 6, 2007.

**ITEM 10 – AUDIT COMMITTEE RECOMMENDATIONS FOR NONPROFITS AND SPECIAL DISTRICT FINANCIAL REPORTING (ATT # 3)**

Commissioner Shea informed the Board that the Audit Committee is requesting the Board's approval for the implementation of the financial reporting requirements which would apply to nonprofits and special tax districts, who have received either direct or indirect funding from the county. These requirements are designed to assure a greater degree of accountability than is presently the case. Dave Clawson, Financial Director, informed the Board that over several meetings the Audit Committee has developed a set of recommendations for the Board for nonprofits and special districts that the County either funds or for which the Board of Commissioners levies a property tax. (See attached).

**MOTION**

Commissioner Shea moved to approve recommendations and instruct staff to currently implement for special districts and to implement for nonprofits with fiscal year 2008.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**THE BOARD MOVED BACK TO ITEM 4 – BUXTON ZONING MAP  
AMENDMENT – COAST GUARD HOUSING****ITEM 11 – RESOLUTION REQUESTING NCDOT TO PROTECT NC HIGHWAY 12 AT THE NORTHERN END OF RODANTHE (ATT # 4)**

Vice Chairman Burrus offered the resolution to be presented to the NC Highway Division in this area for a constant flooding problem at Serendipity in Mirlo Beach Subdivision. There are 5,000 rental units that will be affected by these 3 or 4 lots. He feels the state should move quickly and this is the first step in the process.

**MOTION**

Vice Chairman Burrus moved to adopt Resolution # 07-16-21 Requesting NCDOT to Protect NC Highway 12 at the Northern End of Rodanthe.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – UPDATE ON OREGON INLET BRIDGE**

Vice Chairman Burrus informed the Board that the Merger Team Meeting (scheduled for July 19<sup>th</sup>) for concurrence has been postponed until late August. He read into the record a letter written by Chairman Beth Midgett of Build a Bridge Now. In summary she stated that the Bonner Bridge is a clear and present danger to the public as it exists this present time. He stated that DOT is moving very slowly and in August when they meet if they can't concur they will move it up to a Committee of Men and Women that can concur. At least it is moving – either concurrence or turn it over to another group that will make a decision. It is very disappointing.

**ITEM 13 – CONSENT AGENDA (ATT # 5)****MOTION**

Commissioners Shea moved to approve the Consent Agenda:

1. Approval of Minutes
2. Social Services Budget Amendment – Special Children Adoption Funds
3. Minor Revision of Travel Policy
4. Updated Endorsement of Conceptual Plans for Off-Road Paved Pathways on Hatteras Island Res. # 07-16-22
5. Stumpy Point Canal Breakwater Resolution #07-16-23
6. Reimbursement Res. FY2007-08 Vehicle & Equipment Financing #07-16-24
7. Budget Amendment for End of Computer Lease

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – BOARD APPOINTMENTS****1. AIRPORT AUTHORITY****MOTION**

Commissioner Burrus moved the reappointments of George Henderson, Linda Willey and George Wood to serve a four year term on the Airport Authority:

VOTE: AYES unanimous

**2. EAST LAKE COMMUNITY CENTER BOARD****MOTION**

Commissioner Shea moved the reappointment of Craig Burgess to serve a three year term on the East Lake Community Center Board.

VOTE: AYES unanimous

**3. GAME AND WILDLIFE COMMISSION****MOTION**

Commissioner Shea moved the reappointments of Timmy Midgett, Mike Johnson, and Bill Walker to serve a three year term on the Game and Wildlife Commission.

**4. JUVENILE CRIME PREVENTION COUNCIL****MOTION**

Commissioner Shea moved the reappointments of Amber Davis, Nancy Griffin, F.T. D'Ambra, Sherri Ellington, Bonnie Bennett, Virginia Tillett, Jeanine Evans, Edgar Barnes, Anne Thomas, Jay Burrus, Katherine Irby and Loretta Michael and the appointments of Doug Oberbeck, Tom Waite, Jane Midgett, Renee Welch and Richard Martin.

VOTE: AYES unanimous

**5. LAND TRANSFER TAX APPEALS BOARD****MOTION**

Commissioner Shea moved the reappointment of James F. Perry to serve a four year term on the Land Transfer Tax Appeals Board.

VOTE: AYES unanimous

**6. OREGON INLET AND WATERWAYS COMMISSION****MOTION**

Commissioner Tillett nominated Heather Maxwell.

Vice Chairman Burrus nominated Robin Mann.

VOTE: Maxwell (1) Tillett

Mann (6) Burrus, Shea, Dutton, Judge, R. Johnson, & M. Johnson, Robin Mann was appointed to serve a two year term on the Oregon Inlet and Waterways Commission.

#### 7. PARKS AND RECREATION ADVISORY COUNCIL

##### MOTION

Commissioner Burrus moved the reappointment of Mitchell Bateman to serve a three year term on the Parks and Recreation Advisory Council.

VOTE: AYES unanimous

#### 8. REGION R EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

##### MOTION

Commissioner Shea moved the reappointment of William "Skeeter" Sawyer, Sandy Sanderson, and Doug Remaley to serve a two year term on the Region R Emergency Medical Service Advisory Council.

VOTE: AYES unanimous

#### 9. WANCHESE COMMUNITY CENTER BOARD

##### MOTION

Commissioner Tillett moved the reappointments of Rosie Davenport, Thomas Baum, Patricia Austin, Jimmie Williams, and John B. Beasley to serve a two year term on the Wanchese Community Center Board.

VOTE: AYES unanimous

#### 10. WORKFORCE DEVELOPMENT BOARD

##### MOTION

Commissioner Richard Johnson moved the appointment of Robin Mann to serve a two year term on the Workforce Development Board.

VOTE: AYES unanimous

### **ITEM 15 – COMMISSIONERS' BUSINESS**

#### 1. COMMISSIONER MIKE JOHNSON

- Resolution for Message Board at Whalebone Junction for Hatteras Island
- Resolution for Colington Road Construction

Plans for the Colington Road are as follows: (1) Left turn lane at Baum Bay will be completed by next summer. (2) Elevation of the road in the flood area between the Go Cart Path and Blue Crab is underway and slated to be finished by next summer. (3) The curve in the road at the Methodist Church on Colington Road will be straightened out and construction will start in 30-60 days.

##### MOTION

Commissioner Mike Johnson moved to draft a resolution supporting the spending of small construction funds to put the message board South of Whalebone Junction that is going in and to support a project at Colington Road using small construction funds and authorize the Chairman to sign it.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

## 2. COMMISSIONER MAX DUTTON

- Audit Committee – He appreciated the work of the Audit Committee for getting all of the checks and balances in place for all of the nonprofit requests. It was very important to get that project completed.
- Community Development Corporation –The CDC is led by Chuck Poe and he was pleased to announce the construction of 20 town homes called Nature's Walk which is being developed by the Lone Cedar Land Development and Outer Banks Community Corporation. They will be built on Corrigan Street. Construction and groundbreaking will be July 30<sup>th</sup>. This is one of the first affordable housing projects. Starting price will be between \$170,000 and \$225,000. Financing will be through OBX Bank and the homes will allow Outer Banks workforce to have affordable housing in Dare County. Contact CDC Office 480-2507 for a list of requirements. Phase 1 should be completed by December.

## 3. COMMISSIONER VIRGINIA TILLET

- Ditches/drainage problems – She met with Sydney Fleming, Soil and Water Director, to discuss the drainage problems throughout the county. During the last two rains the water was very high in front of the Health and Social Services Buildings. She will keep the Board informed on the matter.
- Community Care Clinic – She met with the directors of the clinic and they are trying to come up with ways of informing the citizens who would benefit from these services.
- Collins Park - Town of Manteo has established an Advisory Committee for Collins Park and she has been asked to serve on that committee.

## 4. COMMISSIONER RICHARD JOHNSON

- Wanchese Seafood Industrial Park – He referred to the Public Comment time and the gentleman needing assistance regarding the Wanchese Seafood Industrial Park. He recommended that they ask the board members of the WSIP to establish a list of the boat builders and come up with a fair way for everyone applying to have an equal opportunity. He also suggested reinstating the old Commercial and Industrial Park Committee that was looking at ways to help businesses in Dare County and making property available in the East Lake area. He also suggested putting some of the boat builders on the committee.
- Newspaper article / Theodore Roosevelt's idea on immigration - He recommended sending a resolution to the state and federal government asking them to address the illegal immigration issue. With the tight budget, it is time to address the issues. The problem will only get worse. We have to hire special employees to work in the Health Department. This is not fair to the taxpayer. Vice Chairman Burrus felt that the problem lies with the employer who should be requiring paper work on the employee. He felt in order to help the taxpayer it would be better to go after the employers who are doing illegal matters.

## MOTION

Commissioner Richard Johnson moved to adopt a resolution to send to our elected leaders (Governor Easley, Senator Basnight, Representative Spear,

Congressman Jones, Senators Byrd and Dole) asking the federal government to enforce the laws that already exist and authorize the Chairman's signature. The resolution will also be sent to NCACC asking them to send to all the resolution to the other 99 counties.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- Water for Roanoke Island issue – He asked for an explanation of the mandatory hookup. Attorney Outten responded that the Board has the authority under the statute to assess and to put the water system in place but the Board is not required to assess under the statute. The Board has the authority to require mandatory hookups if they want to. Dave Clawson, Finance Director, responded that the only case where the Board has chosen to have mandatory hookups was with the new construction in Rodanthe, Waves, and Salvo. He explained that the only reason they presented it as mandatory was that is the only way it will work financially. If hookups were allowed on a wanted basis, the system does not have the capacity to cover the debt. Commissioner Johnson suggested holding a non binding referendum to put the issue to a vote and give the people a chance. He feels that the best way to find out what they people want is to have a vote. He asked to find out the cost to have a referendum. Commissioner Tillett stated that she attended both the Wanchese and Manteo meetings and head that the residents are concerned about the mandatory hookup and the cost. Chairman Judge agreed with finding out the cost for a referendum. He also suggested scheduling a workshop to discuss the two meetings. Vice Chairman Burrus and Commissioner Mike Johnson did not concur with a workshop.

#### **MOTION**

Vice Chairman Burrus moved to not to put it to a vote and set the plan aside.

Commissioner Mike Johnson seconded the motion.

VOTE: AYES (3) Tillett, Burrus, & Mike Johnson

NOES (4) Richard Johnson, Judge, Shea, & Dutton

THE MOTION FAILED.

#### **5. VICE CHAIRMAN ALLEN BURRUS**

- Hatteras Weather Center Opening – The Visitors Bureau opened the Hatteras Weather Center as a Visitor Center giving them a presence on Hatteras Island. It will be a weather museum in the future.
- S Curve – He appreciated the Board's support for the resolution regarding the flooding on Highway 12 north of Rodanthe.
- Dean Drive in Rodanthe – There are some houses that have been built that it will be difficult to access for fire and EMS purposes. The Board needs to look at how to address this issue.
- Oregon Inlet dredging – He is thankful they are dredging there. He thinks there is a long term need to look at someone to handle permits so they are kept up to date. There needs to be someone responsible for these issues

on a daily basis, a liaison with the federal government and various agencies for issues and permits.

**6. COMMISSIONER JACK SHEA**

- Nonprofits and Special Districts – He expressed appreciation to Dave Clawson for efforts with financial reporting standards for nonprofits and special districts that were presented today.

**7. CHAIRMAN WARREN JUDGE**

- County Service Pins – He commented on the great bunch of people who work for Dare County.

**8. ATTORNEY BOBBY OUTTEN – COMPUTER RENTAL RENEWAL (DOCUMENT FILED WITH INFORMATION TECHNOLOGY)**

**MOTION**

Commissioner Burrus moved to approve the computer rental renewal information.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**9. DAVE CLAWSON FINANCE DIRECTOR – MEDICAID**

Dave Clawson, Finance Director, presented information on Medicaid proposals being considered by the Senate. Current proposal looks as if it will work out okay for Dare County. In most years, as currently proposed, Dare County will realize a gain. This is much better than what he has hearing a year ago. It is based on a House Bill, so the assumption is that it will pass.

**ITEM 16 – UPCOMING BOARD APPOINTMENTS FOR AUGUST**

The following board appointments will come up in August: A.B.C. Board, Jury Commission, and Stumpy Point Community Center Board.

AT 7:50 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS  
ADJOURNED UNTIL 9:00 A.M. ON AUGUST 6, 2007.

(SEAL)

Respectfully Submitted,

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

APPROVED:

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