

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
September 4, 2007**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on September 4, 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. Also present were County Manager Terry Wheeler and County Attorney Bobby Outten. Chairman Judge called the meeting to order. A moment of prayer was led by Captain Omie Tillett followed by the pledge of allegiance to the flag.

**ITEM 1 – AMEND AGENDA**

**MOTION**

Vice Chairman Burrus made a motion to remove Item 12-5 Planning Board appointment from the agenda and place it on October 1, 2007 agenda.

Commissioner Mike Johnson seconded the motion.

VOTE: AYES unanimous

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

1. Billy Essick, Deputy Sheriff, Master Officer received his 10 Year Pin from Rodney Midgett, Sheriff.
2. Angela Picataggi, Social Worker III, IA&T, received her 10 Year Pin from Sandy Brookshire, Social Worker Supervisor III.
3. Buddy Shelton, Chief Building Codes Inspector, received his 20 Year Pin from Ray Sturza, Planning Director.
4. John Willis, EMT Paramedic, received his 20 Year Pin from Skeeter Sawyer, EMS Director.

**ITEM 2 – EMPLOYEE OF THE MONTH**

Karen Aubaugh, EMT Paramedic, received the Employee of the Month Certificate from Skeeter Sawyer, EMS Director. Karen is a very good paramedic. She is kind and compassionate and very capable at anything she does with patient care. Karen comes to work with an attitude to be here to work, to serve the county and any patients that need her. She is always upbeat and it is wonderful to have her as an employee. He is very proud of the work that she does for Dare County.

**ITEM 3 – PUBLIC COMMENTS**

1. Dewey Pharr, Buxton, came forward and spoke about his health care. As of July 1<sup>st</sup> he and his wife (at ages 76) have found that his former employer has placed them in Medicare Advantage Program private fee for service. As a result of this they cannot access their Medicare unless they go through a private company. They have no primary care on Hatteras Island and if they have an emergency they will be taken to a hospital that will not recognize their insurance, mainly

Outer Banks Hospital. He asked the Board for a temporary waiver that they can go around the Outer Banks Hospital and go to Albemarle Hospital or Sentara Hospital where his insurance is accepted. He asked them to please take this under advisement.

2. Helen Ford, updated the Board on the Food for Thought Program. This year they served breakfast and lunch on weekends for 244 elementary students. A total of 34,960 meals were packed and served. All of the funds have come from contributions and grants and more than 98 cents of every dollar was spent directly for food for these children. She thanked the community, businesses, churches, community groups, and private citizens who have joined together in the effort. There have been more than 200 volunteers, 13 organizations and 10 other community partners helping to pack bags. More than 250 individuals attended the fish fry in Manteo recently. She thanked the parents of these students for stepping forward and allowing their children to participate. This year Food for Thought plans to meet the needs of 3 and 4 year olds in the Head Start Program.
3. Duke Geraghty, Outer Banks Homebuilders Association, came forward to speak about a new building code problem and insurance issue windborne debris region being expanded. He has served on a task force to study the issue. This campaign has been going on for about 6-7 years now and has been promoted by the insurance industry. He will be happy to answer any questions.

#### **ITEM 4 – NATIONAL LITERACY MONTH PROCLAMATION**

Susan Estrella, Co-Chair of the Dare Literacy Council presented the proclamation. The council evolved from a group of friends in the 80's to teach people to read. They have trained over 100 tutors and partner with different agencies in the county DC Library, COA, YMCA, and churches. She invited everyone to become involved and to attend their next workshop on October 13<sup>th</sup> at 10:00 – 4:00 p.m.

#### **MOTION**

Commissioner Shea moved the adoption of National Literacy Month Proclamation. Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

#### **ITEM 5 – SUBSTANCE ABUSE PRESENTATION AND ALCOHOL / DRUG ADDICTION RECOVERY MONTH PROCLAMATION**

Sheila F. Davies, Substance Abuse Project Manager, informed the Board that this year marks the 18th Annual National Alcohol and Drug Addiction Recovery Month and the 1<sup>st</sup> Annual Celebration in Dare County. Recovery Month celebrates and recognizes the valiant efforts of people who are in recovery from substance abuse disorders, as well as those who are their biggest supporters. This year's theme, "Join the Voices for Recovery: Saving Lives, Saving Dollars" takes notice of the financial and human costs associated with substance abuse disorders, and the benefits that investing in treatment can have on those who enter recovery, their families, and the larger community. Jim Harrison of the Recovery Month Celebration presented the proclamation.

#### **MOTION**

Vice Chairman Burrus moved the adoption of Alcohol/Drug Addiction Recovery Month Proclamation.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – PUBLIC HEARING - PUBLIC WORKS / C&D CELL # 4 TO AMEND FACILITY PLAN**

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE C&D CELL # 4 TO AMEND FACILITY PLAN.

In general, the permit modification increases the C&DLF capacity by infilling between existing and proposed landfill phases, which will effectively increase the life of the facility. The modification does not authorize lateral expansion beyond the original landfill perimeter, infringe on existing property boundary buffers, change the tonnage rate, or the characteristics of the waste stream. 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. No action was requested.

**ITEM 7 – PLANNING - CHAPTER 521 AMENDMENTS**

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE CHAPTER 521 AMENDMENTS.

Donna Creef, Senior Planner, informed the Board that in July the Planning staff was instructed to schedule a public hearing on amendments to Chapter 152 of the Dare County Code of Ordinances. These amendments, if adopted, would address building height for all structures and maximum building size for commercial structures in the remaining unzoned portions of unincorporated Dare County and those commercially-zoned areas of the County that do not include gross floor area limitations in their village zoning regulations. Currently, East Lake is the only village in unincorporated Dare County that is unzoned and the SP-C district that applies in Stumpy Point is the only commercial district which does not include gross area limitations. All zoned areas of the County are covered by building height limits that vary according to the zoning district and geographic location. See attached for more details.

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

- Heidi Leo, East Lake, stated that she and her husband own and operate East Lake Heavy Equipment Painting located at 19421 Highway 64 in East Lake. They have plans to expand their painting services to accommodate taller and larger trucks than those they can service in their existing building. They plan to construct an additional building that will need to exceed the proposed height limit of 35 feet that is under consideration for the unzoned area of East Lake. Their initial discussions with the building contractor indicate that a height of 40-45 feet will be needed for their new building. She requested that language be added to Chapter 152 that would exempt their business similar to the exemption for boat building facilities that is under consideration in Alternative D.
- Duke Geraghty, Outer Banks Homebuilders Association, stated that it is about time they revisited the 35 foot height limit. There are some very serious storm water issues coming up in Manteo on September 20<sup>th</sup>. He is not sure if East Lake needs the 35 foot height limit. We need to see if the 35 foot height limit is

restricting us and it is time to move on. There is a whole new type of building going on and with the new flood zones, houses will be raised higher. We have recognized that on Hatteras Island. It is time to look at it a little closer and not just exempt boat building businesses.

Chairman Judge closed the hearing at 10:15 A.M.

Commissioner Richard Johnson felt the Board needed to give the citizens of East Lake a chance to set their own height limit and made aware of being involved in the Land Use Plan. Since this is the last unzoned area, East Lake may be filled with huge metal buildings and he is not sure the people of East Lake will want that. He feels the 35 foot height limit is sufficient.

Commissioner Mike Johnson stated the 35 foot deal has always been a problem to him. Maybe 40 feet would make under the house and roof line work, plus engineers have said that the flatter the roof the more uplift it has and makes the building safer. He supported 40 foot height.

Commissioner Tillett concurred with Commissioner Mike Johnson on the 40 foot height limit.

Chairman Judge felt it would be best to zone East Lake before it begins to grow.

Commissioner Dutton stated that the planning must come first.

**MOTION**

Commissioner Shea moved to table the issue until November 5, 2007.

Commissioner Dutton seconded the motion.

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

NOES (1) Richard Johnson

THE BOARD TOOK A 10 MINUTE BREAK.

**ITEMS 8 – PUBLIC PARTICIPATION PLAN FOR DARE COUNTY LAND USE PLAN UPDATE (ATT # 1)**

Donna Creef, Senior Planner, informed the Board that as part of the 20-county coastal area, Dare County is required to adopt a land use plan and update this plan on a five-year basis. The last update was certified by the NC Coastal Resources Commission in 2003. The update process usually takes 12-18 months which means the County needs to begin the update process now. Attached is a copy of a Public Participation Plan (PPP) prepared by the Planning Department. This PPP details the activities that will be scheduled throughout the update process to facilitate public input during the drafting of the update. See attached for details.

**MOTION**

Commissioner Shea moved that the Public Participation Plan as prepared by the Planning staff be adopted and that the Planning staff be instructed to begin the update process as detailed in this Plan.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – APPOINTMENT OF A.B.C. BOARD CHAIRMAN**

**MOTION**

Vice Chairman Burrus moved the appointment of Carl Hayes to serve as Chairman of the A.B.C. Board

Commissioner Dutton seconded the motion.  
VOTE: AYES unanimous

**ITEM 8 – UPDATE ON OREGON INLET BRIDGE (ATT # 2)**

Vice Chairman Burrus reported that it has been an interesting time since August 20th. Everyone was quite surprised when the Dispute Resolution Board made a decision to concur and not disagree on certain issues but also not to give permits. The realms of the permits are as follows: the US Coast Guard, Army Corps of Engineers, Coastal Management, US Fish & Wildlife Services, State Division of Water Quality, Department of Environmental & Natural Resources, National Park Service. Once permitting is completed there are environmental agencies that have decided they need to take the issue to the federal government and CEQ and see if they can stop the whole process again. According to different sources, Commissioner Burrus feels they cannot request anything from CEQ. This has led Dare County to a lot of problems. The Senatorial people for North Carolina feel good about the process. He noted that the Build Our Bridge group is gearing up to go on an offensive to these groups.

Chairman Judge read a detailed document regarding Oregon Inlet Bridge. (See attached).

**MOTION**

Commissioner Shea moved to go on record that the Dare County Board of Commissioners has done everything they can do to get the various agencies to agree and undertake the construction of the Bonner Bridge replacement as soon as possible. Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

The Board asked the County Attorney to draft a letter to the Attorney General asking him to draft a letter to the Southern Environmental Law Center and Audubon Society requesting a copy of their donor list and a copy of their expenditures. The Board also asked the County Attorney to draft a letter to James Connaughton of CEQ and ask that he not choose to entertain the suggestion from the Southern Environmental Law Center to intercede and to review the very process that was followed. Chairman Judge urged everyone in Dare County to call or email their congressmen urging them to support the replacement of the Bonner Bridge.

**ITEM 9 – CONSENT AGENDA (ATT # 3)**

**MOTION**

Commissioner Shea moved to remove #8 from the Consent Agenda and then to approve the Consent Agenda:

1. Approval of Minutes
2. Albemarle Mental Health Center Quarterly Fiscal Monitoring Report
3. Health Department – Disparity Funds
4. Outer Banks Scenic Byway NC DOT Grant
5. Agreement to Provide Accounting Services to the Dare County Airport Authority
6. Acceptance of money from the Town of Manteo for skate board park construction

7. Detention Center Contract for Managed Care Services
8. Public Works / Renewing Farm Lease (removed)
9. Public Works / Sanitation Contracts
10. Application Service Provider Agreement with Tyler Technologies, Inc.
11. Amended Contract for Hatteras Island Volunteer Rescue Squad
12. Contracts for Community Center Special Districts
13. Revisions to County Travel Policy for Insurance & Risk Management
14. Stumpy Point Boat Ramp Breakwater

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

## **ITEM 10 – BOARD APPOINTMENTS**

### **1. DARE DAY COMMITTEE**

#### **MOTION**

Commissioner Shea moved the reappointments of Melva Garrison and Virginia Tillett to serve a four year term on the Dare Cay Committee.

VOTE: AYES unanimous

### **2. JUVENILE CRIME PREVENTION COUNCIL**

#### **MOTION**

Commissioner Tillett moved the appointment of Kimberly Pellini (District Attorney Appt.) to serve a two year term on the Juvenile Crime Prevention Council.

VOTE: AYES unanimous

### **3. LAND TRANSFER TAX APPEALS BOARD**

#### **MOTION**

Commissioner Burrus moved to appoint Doug Remaley to serve a four year term on the Land Transfer Tax Appeals Board.

VOTE: AYES unanimous

### **4. NURSING HOME COMMUNITY ADVISORY COMMITTEE**

#### **MOTION**

Commissioner Tillett moved the reappointment of Frank Hester to serve a three year term on the Nursing Home Community Advisory Committee.

VOTE: AYES unanimous

### **5. PLANNING BOARD - TABLED UNTIL OCTOBER 1st AGENDA**

## **ITEM 11 – COMMISSIONERS' BUSINESS**

### **1. COMMISSIONER JACK SHEA**

- English language – Commissioner Shea requested the Board of Commissioners to go on record to urge the state and federal government to make English the official language in conducting all interactions between federal, state, local governments, citizens and residents. A resolution will be drafted and placed on the next agenda.

### **2. COMMISSIONER MIKE JOHNSON – NO COMMENTS.**

#### **• COMMISSIONER MAX DUTTON**

- Oregon Inlet Bridge – He appreciated all the comments made by Chairman Judge and Vice Chairman Burrus regarding the frustrations of building the Bonner Bridge.

- County Service Pins – He congratulated those people who received their pins today and commended them for their service to Dare County.
- Roanoke Island Senior Center – He met with Commissioner Tillett and the group and was pleased to be a part of the group.
- Cape Hatteras Secondary School – The new school is open and it's beautiful.
- COMMISSIONER VIRGINIA TILLET
- Invitation – She invited everyone to attend the Roanoke Island Freedman's Colony Remembrance Celebration on September 21<sup>st</sup> at Cartwright Park from 10-3:00 p.m.
- Calls – She thanked everyone for their calls and concerns when her husband was ill.
- Boards/commissions – She is working on the term limits for these boards and will be working on it for a while.
- Dewey Pharr's requests – She hoped the Board would be able to help Mr. Pharr.
- Social Services Director – She thanked Jay Burrus for the help he has given to a very needy family in Dare County.
- Bonner Bridge – She thanked Chairman Judge and Vice Chairman Burrus for their passionate plea for help to keep this on the front burner. Each of us needs to do all that we can and not just leave it to our officials and let everyone keep up the good work.
- Opening of Schools – She asked everyone to drive safely.
- COMMISSIONER RICHARD JOHNSON
- Affordable housing – The committee has been looking at ways of doing the Land Transfer to the CDC to give the land to them. The only way is to give the land but the county will lose control of how the buildings are constructed. The only way to maintain control of the project legally is to form its own housing authority. Attorney Outten stated that in order to have control of the construction process and the use of the funds, one way is to place control under the Planning Department, or another way would be to create a housing authority with a petition signed by 25 residents and a finding of fact. It will be placed on October 1<sup>st</sup> agenda.
- VICE CHAIRMAN ALLEN BURRUS
- Dewey Pharr's request – He wanted everyone to know that staff has been trying to address these issues and take care of them. It is deplorable that his employer (state) changes his insurance at retirement time.
- Outer Banks Scenic Byways – He received a memo regarding cemeteries and trying to get them worked into the system. He asked for a committee to be formed to work with the Scenic Byways Committee in locating these cemeteries and getting them on site plans, etc. A number of people can document the grave sites.
- New insurance - He will fax to the Board members.
- Storm water runoff hearings – They will take place September 20<sup>th</sup> and he will fax info to the Board.

- Cultural of tolerance – He is glad that Ms. Davies pointed that out during her Substance Abuse Presentation. He asked everyone to think of ways to begin to change huge cultural tolerance.
- Bonner Bridge – He felt they needed to look at some ads in Washington’s Congressional Record and the News & Observer explaining our views that these people are not representing the people of Dare County or their visitors.
- **CHAIRMAN WARREN JUDGE**
- Jennette’s Pier – They had a Committee Advisory Meeting last week. It looks like the project is ready to go on September 11<sup>th</sup> and the Aquarium Society will be asking the Counsel of State to take the property into the state’s ownership. The proposal is for a concrete pier, a bridge to be built 1000 feet into the water with pier house and other facilities. It will be run and operated by the NC Aquarium. There are tremendous educational/recreational programs designed and very family oriented aimed at education and children. Creative wetlands, fishery management, how to fish. It will be great.
- Roanoke Island Senior Center – The contract will be ready for Board approval at the next meeting. The CIP Committee will move forward on the project and keep Board members posted every step of the way.
- Cape Hatteras Secondary School Ribbon Cutting – The school projects are winding down and he urged everyone to visit all of the beautiful schools.
- Oregon Inlet Bridge – He expressed appreciation on all of the comments regarding the Oregon Inlet Bridge. They need everybody’s support and help on getting the bridge built and need to speak up and be heard.
- Roanoke Island/Wanchese Water System Workshop – At the next Board meeting at 5:00 p.m. on September 17<sup>th</sup> the agenda will be kept short and the Board will recess after the meeting and convene a Roanoke Island Water Workshop at the conclusion of the Board meeting. The time will be advertised at no less than 30 minutes after the board meeting and not before 7:00 p.m. It is a Board workshop and there will not be public comment at the workshop.

**COUNTY MANAGER TERRY WHEELER**

Energy Issues – Senator Marc Basnight has stated he would like for the Board to do an energy analysis of the new buildings (Justice Facility and Administration Building) and there might be a lot of area when the county could save money through improvements. The person in state government has been in contact and will be working with the County’s Risk Manager. They will begin the process shortly and will pass on the findings from that analysis.

**2. ITEM 12 – CLOSED SESSION – PERSONNEL MATTERS & APPROVAL OF MINUTES OF LAST CLOSED SESSION (ATT # 4)**

**MOTION**

Vice Chairman Burrus, pursuant to the provisions of NCGS 143-318.11, moved that the Dare County Board of Commissioners go into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

AT 12:35 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED  
CLOSED SESSION AND 1:15 EXITED AT TIME.

Attorney Outten reported the Board approved the minutes of the last closed session and  
discussed personnel issues and took no other action.

**MOTION**

Vice Chairman Burrus moved to approve the Second Amendment to Employment  
Agreement for the County Manager Terry Wheeler and the added language would be

6. WORK SCHEDULE: Employee serves at the pleasure of the Board and will work  
the hours necessary to perform the duties and responsibilities of County  
Manager as set forth by the Board. As such, the employee will not work a set or  
normal schedule and will not earn or use vacation leave, sick leave, holiday time,  
or compensatory time.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

AT 1:20 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED  
UNTIL 5:00 P.M. ON SEPTEMBER 17, 2007.

(SEAL)

Respectfully Submitted,

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

APPROVED:

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