

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
September 17, 2007**

The Dare County Board of Commissioners met in a regular session at 5:00 p.m. on September 17, 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. Chairman Judge called on Ken Simpson, Pastor of Manteo Baptist Church, to offer the opening prayer followed by the pledge of allegiance to the flag.

ITEM 1 – PUBLIC COMMENTS

No one came forward to speak.

ITEM 2 – PROCLAMATION – CONSTITUTION WEEK / SEPTEMBER 17-23, 2007

County Manager Terry Wheeler, on behalf of the Daughters of the American Revolution, presented and read the proclamation.

MOTION

Commissioner Shea moved the adoption of Proclamation designating September 17-23, 2007 as Constitution Week.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 3 – DARE COUNTY EDUCATION FOUNDATION (ATT # 1)

Linda Wood, Chair Elect of Dare County Education Foundation, informed the Board that the Education Foundation was founded in 2002 and is a nonprofit organization that partners with individuals, businesses, and organizations within Dare County to enhance the education experiences of all the students and teachers. There are thirty-three other education foundations within school systems throughout North Carolina. She shared a unique opportunity to provide affordable housing for teachers. One of the goals of the education foundation is to recruit and retain quality teachers in Dare County. It is this goal that has the DCEF poised and ready to act on the opportunity to provide affordable housing for teachers.

Amy Montgomery, Executive Director of DCEF, noted that the statewide teacher shortage coupled with the lack of affordable housing only compounds the growing problem to put and keep highly qualified teachers in the classrooms. Teacher housing is one of the top three reasons that good teachers leave Dare County Schools. Dare County hires about 50 new teachers every year and 69% of them come from outside Dare County and 60% reported they would be interested in renting affordable 2 bedrooms 2 baths apartments. She noted that the State Employees Credit Union Foundation is offering the DCEF the opportunity to apply for a 15 year multimillion dollar interest free loan in the form of a grant to build affordable apartment units for teachers on Board of Education owned land in Kill Devil Hills and or Hatteras Island. Once the 15

year loan is paid off all rental income minus expenses will provide income to the DCEF to benefit local students and teachers. This project has been completed in Hertford County.

Monica Allen, Vice President of the Dare County Branch of the State Employees Credit Union showed a picture of the apartments (24) in Hertford County. The State Employees Credit Union hopes to expand the project statewide and offer other counties the opportunity.

They believe this project will help in recruiting and keeping quality teachers in Dare County classrooms. She asked for support of the resolution. They plan to keep the Board informed of the planning and project details.

MOTION

Commissioner Shea moved to adopt the Resolution #07-09-26 Supporting Efforts to Provide Affordable Housing for Teachers in Dare County.

Commissioner Tillett seconded the motion.

Commissioner Richard Johnson stated that he is on the Affordable Housing Committee and supports affordable housing. If everyone is going in different directions that it should be operated through one committee. He does not like singling out one group and feels affordable housing should be open to the general public. He feels this is unfair. It is benefitting one group more than others. He felt that if the government is going to do affordable housing it should be open to anyone who has lived and worked in Dare County.

Vice Chairman Burrus stated that having been on the Board of Education and constantly watch very good teachers leave year after year, he applauded the effort today. It has been a real source of problems. He is thankful for the opportunity to help the teachers.

Commissioner Tillett felt that it is a very nice program and glad that the Foundation is working on the project. She believed the citizens will understand that it might take 50 years from today but the goal is to meet the needs of all low income folks and it must be done in stages.

Commissioner Dutton supported the project and that it is a start of what needs to happen for Dare County.

Commissioner Shea understood Commissioner Johnson's feeling for affordable house to EMT's, deputies, etc but they should move forward with this opportunity.

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

NOES (1) Richard Johnson

ITEM 4 – FLORA COLONY SUBDIVISION – PRELIMINARY PLAT REVIEW

Ray Sturza, Planning Director, presented the Flora Colony Subdivision on Roanoke Island for preliminary plat approval. The total site area is 5.68 acres with 10 proposed lots. The smallest lot area is 15,035 square feet

MOTION

Commissioner Tillett moved to grant preliminary plat approval.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 5 – NORTHARD HILLS SUBDIVISION – PRELIMINARY PLAT REVIEW

Ray Sturza, Planning Director, presented the Northard Hills Subdivision Preliminary Plat for approval. This is a proposed 6 lot subdivision in Avon. The total site area is 2.982 acres with 6 proposed lots and the smallest lot being 15,492 sq. ft.

MOTION

Vice Chairman Burrus moved to approve the preliminary plat.
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 6 – CONTRACT FOR ARCHITECTURAL SERVICES FOR ROANOKE ISLAND SENIOR CENTER (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)

Dave Clawson, Finance Director, presented the contract for Oakley Collier to provide architectural services for the Roanoke Island Senior Center. It has been reviewed and changed by the County Attorney and the Finance Director. The proposed fee is \$153,000 or 7.6% of the project budget less the proposed fee, which is reasonable.

MOTION

Commissioner Tillett moved to approve the contract and authorize the Chairman to execute the same.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 7 – CONSENT AGENDA

MOTION

Commissioner Shea moved the approval of the Consent Agenda.

1. Approval of Minutes

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 8 – COMMISSIONERS' BUSINESS

COMMISSIONER MIKE JOHNSON

- No Comments

COMMISSIONER MAX DUTTON

- Affordable Housing – He is pleased with the proposal. This will be a stepping stone for all of Dare County.

COMMISSIONER VIRGINIA TILLETT

- Freedman's Colony - She invited everyone to the celebration on September 21st from 10:00 – 3:00 p.m.

COMMISSIONER RICHARD JOHNSON

Explanation of Island Farm at the North End of RI – Ray Sturza, Planning Director, stated the item was tabled. The property had been owned by Allen Daniels who submitted a letter for approval to move across the property. Since that time the property has changed hands and it was tabled so the current property owner, the State of North Carolina, can verify that an easement has been granted for purposes of traversing across it to enter the subject property.

VICE CHAIRMAN BURRUS

Day of the Docks – There were approximately 2500 attending. There was lots of seafood, educational areas, marine life, good music, and blessing of the fleet. This

was a fine day. It is important for people to contact their congressman and senators at the state and federal levels to begin to look at the fishery issues. The idea is to bring focus on the issues that the Working Waterfronts and fishermen are dealing with such as laws and restrictions.

- Cancer Meeting - They met with representatives from UNC, Albemarle Hospital and Outer Banks Hospital. Soon the group will be coming before the Board to start the process for the cancer community.
- Storm water runoff – They will meet on Thursday at COA and need to be looking at it because Dare County will benefit in a number of ways.
- Health Board - They elected new officers - Steve Evans as Chairman and Mr. Murray as Vice Chairman. The environmental testing that is going on in the waters.
- Trash cans per house – The County Attorney will look into it.
- OB Scenic Byway Committee will be meeting in Hatteras on Wednesday and will be working to facilitate some grants.
- Oregon Inlet Bridge – At the present they are receiving advice from Washington, DC. They know Dare County wants their bridge and assuring the county they are working in that direction. They are reaching out to other homeowners in other states to get them to talk to their representatives. A billion dollars has been approved that would facilitate some work on the bridge.
- Working Waterfronts – The group has received \$20 million dollars from the state and they are working on the criteria and are in contact with people involved who are working on a couple of issues for Dare County

COMMISSIONER JACK SHEA

- Affordable housing – He felt the Board was taking a step in the right direction in affordable housing.

CHAIRMAN WARREN JUDGE

- Oregon Inlet Bridge – The letters to the CEQ and Attorney General have been mailed.
- Working Waterfronts – He asked the Board for permission to get in line for the acquisition for money and land.

MOTION

Commissioner Shea moved to send a letter in an effort to start the application process for the Working Water Fronts funding both for acquisition of some land that is targeted in several spots in the county.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- Durant's Point - This property is owned by NC State University and use to be a Research Facility for them. This property sits on a little island east of Oden's Dock and across from the old weather station and Tillman's Fish House.

MOTION

Commissioner Shea moved to authorize the County Attorney to draft a letter asking the state to keep the property and give to Fish & Wildlife Services, Marine Fisheries, or Coastal Institute that would preserve it in an effort to keep it from going on the open market.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- Message Board (Fireworks Ordinance) at Whalebone Junction – The Board adopted a resolution and have not heard from DOT. He suggested permission to investigate a restricted fund grant opened through September 30th from the Tourism Board. Possibly they could get a 50% matching grant from the Tourism Board to fund it. Attorney Outten felt that DOT had not had time to review the resolution. Attorney Outten will check into it.

MOTION

Commissioner Shea moved to investigate a restricted fund grant from the Tourism Board which has a window open through September 30th should the Board need to take this route.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- Day at the Docks – Great Day
- Freedman's Colony – September 21st
- Heritage Day in Kitty Hawk – September 29th

ATTORNEY BOBBY OUTTEN

- Assessments for Kitty Hawk Water Line Project – Asked to schedule a public hearing.

MOTION

Commissioner Shea to schedule a public hearing for October 15, 2007 at 5:30 p.m.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- Immigration / English language resolutions – He asked for a consensus on the resolutions and what the Board wants. Some of the members thought they were fine while others did not. There is a statute that says the English language is the official language of the state of North Carolina. There is no enforcement in the statute. He will re-circulate the resolutions.

ITEM 9 – CLOSED SESSION – PERSONNEL MATTER AND APPROVAL OF MINUTES

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 and to approve the minutes of the last meeting.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

AT 6:15 p.m. THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 7:00 P.M.

Attorney Outten reported the Board approved the minutes of the last closed session and talked about the initial terms of employment for the Assistant County Manager.

AT 7:05 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS RECESSED FOR A WORKSHOP TO BEGIN AT 7:50 P.M.

ITEM 10 – WORKSHOP – ROANOKE ISLAND / WANCHESE WATER SYSTEM (ATT # 2)

Chairman Judge took a minute to recap what has happened over the last few years regarding this initiative.

- In May 2005, the Roanoke Island Volunteer Fire Department came before the Board to talk about the need for a water system to protect lives and property. Staff began investigation and study. Proposed system and financial impact was brought to the Board. Two public meetings were held earlier this year and this workshop is for the Board to determine how they would like to proceed. Many people came to the public meetings and shared their thoughts.
- Chairman Judge said that the Board has a responsibility to look into the future as to what demands will be down the road. They heard an interesting presentation in August from Dr. Spruill with East Carolina College who will continue to work with the county to study the Roanoke Island aquifer. Water is a valuable resource. Chairman Judge asked Ken Flatt, Water Director, to keep Dr. Spruill on regular attendance as there looks to be some exciting things ahead, including the possibility of storage underground. He then opened the meeting for discussion as staff is looking for direction.
- Commissioner Shea said that the Board has the responsibility to provide potable water for all of the residents of Dare County. Dr. Spruill had indicated that there was no salt water intrusion into the wells. There has been salt water intrusion in Wanchese. He would hate to think in times of drought the county would have people with water below potable standards.
- Commissioner Richard Johnson spoke in support of the water. There are people who are struggling to get water. He suggested putting out a non binding referendum and let the people speak. He feels that the majority rules.
- Commissioner Tillet said that at the workshop a large crowd voiced their opinions and ¾ of the citizens did not come to the meetings and did not speak up. The word "mandatory" upset a lot of the people. She hoped that the Water Department would work through that term. The Roanoke Island Fire Department has given us an option to help pay for the water system. We need to do more on educating the citizens on the cost. She is hoping the Board will look into these issues. We need to look at grants and working more closely with the RI Fire Department and explore further before they say yea or nay.
- Commissioner Max Dutton attended the Manteo meeting and appreciated their comments. We need to give the fire departments the tools they need. In 5 years they will need a system and if we don't do something now we will be in trouble. He concurred with Richard on the non binding referendum and the need to continue to study the issue.
- Commissioner Mike Johnson said he agreed with Dutton on the referendum and has a problem telling the ones on Roanoke Island what to do since he lives in Kill Devil Hills. The problem is how to get there from here.
- Commissioner Shea said that a lot of people have wells and think they have good water but they are depriving their children of the fluoride they so need.

Also the wells can go bad at any time. It is our responsibility that all of the citizens in Dare County have potable water.

- Vice Chairman Burrus asked how can they make people pay when they say they don't want it. He is for water but has a problem of giving it at a cut rate and also forcing it on people who don't want it. He felt the climate now is very negative.
- Commissioner Tillett asked if there might be a way of removing the mandatory and making the impact fee reasonable. She asked for information so she has a feel for what each area has paid. This would help her understand the issue.
- Dave Clawson, Finance Director, presented the attached sheet. He was asked again to explore and look at all of the different scenarios for financing the system.

The Board agreed this was enough to get started. Information will be emailed to Board members and will then be scheduled on a future agenda. Another workshop is tentatively set for November 5th.

AT 8:50 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON OCTOBER 1, 2007.

(SEAL)

Respectfully Submitted,

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

APPROVED:

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