

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
OCTOBER 15, 2007**

The Dare County Board of Commissioners met in a regular session at 5:00 p.m. on October 15, 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. He called on Dwight Burrus to give prayer followed by the pledge of allegiance to the flag.

ITEM 1 – PUBLIC COMMENTS

1. Susan Saulsbury of Buzzy Lane in Manteo spoke about concerns for her home and the homes of her neighbors due to plans submitted by Outer Banks Conservationists for Farmstead Park. (Item 5 on the agenda.) She said this project will impact the residents of Buzzy Lane as 30,000 visitors each year are expected to visit. She asked Commissioners to delay their decision for a CUP until the state can be contacted and residents of Buzzy Lane can provide input.
2. Algie Campbell of Manteo spoke about the proposed Farmstead Park project that is proposed in the area of Buzzy Lane. Thirty thousand (30,000) annual visitors are anticipated and that means a lot of vehicles will be using the road and there is no proposed turning lane off of 64/264. This will cause the traffic delays on 64/264 and a headache for residents of Buzzy Lane. He asked the Board to think about these issues before approving the proposed project. He thinks residents of Buzzy Lane should be allowed to provide input to the state regarding the Park.

ITEM 2 – BOWSERTOWN TRANSFER SITE UPDATE

Tim Shearin and Malcolm Fearing with the Manteo Rotary Club provided an update about the Bowsertown Landfill Reclamation Project. The presentation included history, activities and recommendations. Passive recreation, public water access, and housing are the three use categories recommended from the input received during public meetings held earlier this year. They would like to phase the work so that changes can be made as the project moves forward. Jenny Jones, Administrator for Oregon Inlet Waterways Commissions, has agreed to work with them on the project.

MOTION

Commissioner Richard Johnson moved to grant approval for the Manteo Rotary Club to move forward to identify possible funding sources necessary to do the engineering or study for the project.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

The County Attorney was asked to assist the Rotary Club with documentation showing the County's support and involvement as plans move forward.

ITEM 3 – LIGHTHOUSE ASSEMBLY OF GOD CHURCH OF BUXTON – CUP APPLICATION (ATT # 1)

Donna Creef, Chief Planner, presented the CUP application for Lighthouse Assembly of God Church in Buxton. The Planning Board reviewed this site plan and CUP application on September 10, 2007, and voted unanimously to recommend approval. The fellowship hall is currently under construction and all proposed current and future improvements are in the C-3 zoning district and not the SED.

MOTION

Vice Chairman Burrus moved to approve the CUP and site plan with the following 10 conditions. Commissioner Richard Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 4 – PRESCOTT SUBDIVISION – PRELIMINARY PLAT REVIEW

Donna Creef, Chief Planner, presented the preliminary plat review for Prescott Subdivision in Avon. Findings of fact were necessary for the Board's consideration and so those people providing evidence took an oath before giving their sworn testimony. Rhonda Creef, Deputy Clerk, administered the oath to David Dixon, Attorney, Barbara Reardon, Ray Sturza and Donna Creef. The Planning Board reviewed this proposed subdivision on September 10, 2007, and voted unanimously to recommend denial based on the language found in Section 153.4(E)(1) and (E)(2) of the Subdivision Ordinance in that the current streets are ineligible for acceptance into the State road maintenance system and that the narrowness of width of the access ways (15' and 20' respectively) leading to the Prescott property represented safety concerns. It was also noted by the Planning Board that other divisions had previously been recommended for denial under the same standards in the Subdivision Ordinance.

Barbara Reardon of Avon lived on the property referenced from October 2000 to October 2004. She said the owners are concerned that the Planning Board is recommending denial based on safety issues. While she lived there, there was not an accident that she observed. An ambulance responded to a call at her property in 2004 and she understands that the fire department also responded. Many trucks have accessed the property and there has never been a problem. The state brought in a culvert for installation for Avon village and the equipment used was huge. That project was completed without complaints. A double wide was brought in without a problem and trash trucks have no problem accessing the property.

Attorney David Dixon stated that the Planning Board has turned down the project but he feels it is extremely unfair. This property is at the end of the road. The parcel is over 4 acres. It is larger than the lot next to it. This has been done on this street all along and the last lot to be subdivided is now being told they cannot do it. The other thing that seems unfair is that you could currently have 8 bedrooms, and if you subdivide you can have two houses with 4 bedrooms each. There is no difference in the number of bedrooms that can be built whether the property is subdivided or not. Ms. Reardon addressed the safety issues. He is not sure what is being reference as far as safety issues. He believes that if you look at the issue in entirety there are no safety issued to prohibit subdividing the property. The County attorney reviewed the section of the Subdivision Ordinance with the Board that was referenced by the Planning Board.

MOTION

Vice Chairman Burrus moved to disapprove the proposed Prescott Subdivision based on the narrowness of the road and easements leading to the proposed subdivision are less than the widths required by the NCDOT for acceptance into the secondary road maintenance system. The current layout of the access represents unacceptable risks to public safety. I recommend that the developers pursue efforts to increase the width of the easements consistent with the eligibility requirements for the NCDOT secondary road maintenance program.

Commissioner Shea seconded the motion.

VOTE: AYES (6) Judge, Burrus, R. Johnson, M. Johnson, Shea, Dutton
NOES (1) Tillett

ITEM 5 – FARMSTEAD PARK CUP – FACT SHEET (ATT # 2)

Ryan Simons, Planner, presented the CUP for Farmstead Park on Roanoke Island. The Planning Board recommends approval of the CUP.

The County Attorney answered questions regarding the easement and whether an easement is needed from the Council of State.

MOTION

Commissioner R. Johnson moved to approve the CUP with the addition of condition 7 which will require a satisfactory easement for the property before an occupancy permit for the project can be issued.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 6 – OBX MARATHON COLORS PROGRAM

Mike Kelly with the OBX Marathon informed the Board about the Marathon Colors Program, an initiative by the Marathon Organizing Committee, to involve all Dare County citizens in the second annual OBX Marathon on November 11th and promote community spirit. There will be between forty one hundred and forty five hundred runners this year.

ITEM 7 – MEMORANDUM OF UNDERSTANDING FOR RURAL TRANSPORTATION PLANNING ORGANIZATION (RPO) (ATT # 3)

Adrian Cox, RPO Planner, presented and requested approval of the Memorandum of Understanding between Dare County and the North Carolina Department of Transportation. He also requested approval of a minor change in the By-laws. Discussion was held regarding the area included in our RPO (10 counties and differences between those counties).

MOTION

Commissioner Richard Johnson moved to approve the MOU and changes in the By-Laws with the changes discussed and typos corrected.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 8 – RPF FOR DEBRIS MONITORING (ATT # 4)

Sandy Sanderson, Emergency Management Director, presented this item for approval of concept before issuing an RFP. He stated that Dare County would request proposals from qualified firms to provide disaster management, recovery and consulting services in the event of a natural disaster or man-made event. The County is seeking to enter into a contractual agreement with a firm to provide the services contained in this RFP.

MOTION

Commissioner Shea moved to approve the concept and authorize the County to seek proposals from qualified firms to provide disaster management, recovery and consulting services in the event of a natural disaster or man-made event.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Chairman Judge presented the Certificate to Dave Clawson, Finance Director. The Government Finance Officers Association of the United States and Canada has awarded Dare County the Certificate of Excellence in Financial Reporting for its comprehensive annual financial report (CAFR) for fiscal year ended June 30, 2006. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. The County's CAFR was judged by an impartial panel to meet high standards, including demonstrating a constructive "spirit of disclosure" to clearly communicate the County's financial story. This is the 16th consecutive year that Dare County has received this award. The first year was back in 1991, only one year after Dave Clawson became the County's Finance Director.

ITEM 10 – PROPERTY PURCHASE (ATT # 5)

Bobby Outten, County Attorney, advised that the County has negotiated a price and made an offer, as of this date assumed accepted, for the purchase of parcel #023121000 for \$160,000. The offer for the property, which is adjacent to the Manteo Library, was previously approved by the Board in executive session. Included in the agenda item is: 1) parcel data sheet; 2) GIS map showing the parcel; 3) a budget amendment to use fund balance from the Capital Reserve Fund (transferring it to the Capital Projects Fund; 4) a capital projects ordinance for the Capital Projects Fund for the purchase price of \$160,000 plus \$1,500 for closing costs; and 5) an updated 5 year projection of the Capital Reserve Fund fund balance.

MOTION

Commissioner Shea moved to approve the budget amendment and capital project ordinance.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 11 – CONSENT AGENDA (ATT # 6)

Commissioner Shea moved the approval of the Consent Agenda.

1. Groundwater Management Associates, Inc. Contract Approval
2. Amendment to Capital Project Ordinance for Unspent Funds

3. Budget Amendment for County Attorney/Asst. County Manager Hire
 Commissioner Dutton seconded the motion.
 VOTE: AYES unanimous

ITEM 12 – BOARD APPOINTMENTS

1. ALBEMARLE REGIONAL SOLID WASTE AUTHORITY

MOTION

Commissioner Richard Johnson nominated Gary Perry.
 Commissioner Dutton seconded the motion.
 VOTE: AYES unanimous

Gary Perry was appointed to replace Bob Muller on the Albemarle Regional Solid Waste Authority.

2. FIREMEN'S RELIEF FUND BOARD

MOTION

Commissioner R. Johnson nominated Vice Chairman Burrus.
 Commissioner Shea seconded the motion.
 VOTE: AYES unanimous

Vice Chairman Burrus was appointed to the Firemen's Relief Fund Board.

ITEM 13 – COMMISSIONERS' BUSINESS (ATT # 7)

- **COMMISSIONER VIRGINIA TILLET** – met with the Older Adult Services Board and they are cleaning up their by-laws and will bring them to the Board of Commissioners for final approval.
- The Nursing Home Advisory Committee is doing an excellent job and she appreciated the recent report from that committee reporting all facilities are currently in good shape.
- The GEM Center desperately needs a new location from which to operate.
- **COMMISSIONER RICHARD JOHNSON** – thanked the Board for their support of the Affordable Housing Committee. The Committee has met and the County Attorney is working on a draft MOU for review by the County Board and the CDC.
- **VICE CHAIRMAN BURRUS** – Asked the County Attorney for clarification on wind turbines and regulations that pertain to them in unincorporated areas.
- Albatross Fleet celebrated their 70th anniversary this weekend. Congratulations.
- HR2895 House Bill that includes money for affordable housing and he thought the Affordable Housing Committee might want to look into this.
- There will be a big celebration at the Skate Park on Hatteras this weekend. Proceeds will benefit substance abuse.
- He is thankful for the community support he received when his brother passed away last week. He reconnected to what is really important here, the people and our relationships. He appreciates all of the good wishes that he and his family received.
- **COMMISSIONER JACK SHEA** – condolences to Vice Chairman Burrus on the loss of his brother, Dale.
- Storm water issues – many are coliform related. He did water testing in Southern Shores as a volunteer several years ago. Fecal coliform on sound side beach was often above

acceptable limit and he wonders if this is from birds and animals. He would like for the state to determine this. There might be a remedy by some other action than proposed regulations. He asked that CSI be approached to undertake the study.

- **COMMISSIONER MIKE JOHNSON** – Storm water runoff – he thinks the County should come up with some best practices for our area that can be implemented , but we will have to move forward rapidly.
- Sea Grant’s funding has been reduced and it appears they may have to close their satellite offices and the organization will be run from Raleigh. This would be a great loss. Not having a person on the ground living here would be dangerous for us. He asked that a resolution be sent to Raleigh to show them that we need their help to fund this important agency. Sea Grant is a very important resource.

MOTION

Commissioner Mike Johnson moved to have the County Attorney draft Resolution #07-10-29 Requesting Sea Grant Coastal Offices Remain Open and to send to representatives in Raleigh and copy to coastal counties citing the great things that Sea Grant does in the community and to continue funding to keep field offices open.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

- Discussion was held about DOT message board for Whalebone. Latest update from DOT indicates they are moving forward with this effort and the sign will be in place next year.
- Colington Fire Department held their 20th anniversary celebration on Saturday and he thanked them for their service to the community.
- **COMMISSIONER MAX DUTTON** – he attended the School Board meeting last week at Cape Hatteras.
- Announced date for upcoming flu shot clinics.
- Congratulated Dave Clawson for receiving the Certificate of Excellence in Financial Reporting.
- **CHAIRMAN WARREN JUDGE** – received letter from Mary Margaret Collier who called 911 while on vacation. She mentioned the paramedics who assisted her and thanked them.
- Cancer initiative – an agreement for the Board to review will come forward in the near future.
- Senator Dole was in the area last week. Received a response from her regarding letter the board sent recently. She says Bonner Bridge is a priority.

MOTION

Commissioner Shea moved to request a meeting with DWQ to discuss storm water problems in Dare County and how to address them with a plan specifically for Dare County. The County Attorney will draft a letter to DWQ for the Chairman’s signature.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- COUNTY ATTORNEY – none
- COUNTY MANAGER – none

AT 7:40 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON
NOVEMBER 5, 2007.

(SEAL)

Respectfully Submitted,

By: _____

Rhonda L. Creef
Deputy Clerk to the Board

APPROVED:

BY: _____

Warren Judge, Chairman
Dare County Board of Commissioners