

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
NOVEMBER 19, 2007**

The Dare County Board of Commissioners met in a regular session at 5:00 p.m. on November 19, 2007 in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, Virginia Tillett, Allen Burrus, Richard Johnson, Jack Shea and Max Dutton. Mike Johnson was absent. Also present were County Manager Terry Wheeler and County Attorney Bobby Outten. Chairman Judge called the meeting to order. He called on Reverend Tom Wilson of All Saints Church to offer prayer followed by the pledge of allegiance to the flag.

ITEM 1 – PUBLIC COMMENTS

No one came forward to speak.

ITEM 2 – 2007 NC AWARD FOR OUTSTANDING VOLUNTEER SERVICE

Five Dare County Volunteers received the NC Award for Outstanding Volunteer Service and each group/individual received an award and pin from Governor Easley's office , with a letter of recognition from Governor Easley. Bonnie Bennett, County Coordinator of the NC Awards for Outstanding Volunteer Service and Brandi Rheubottom, Chair of the Awards Selection Committee presented the awards/pins. The Selection Committee was in attendance as well. An additional award, new to 2007 was acknowledged, the Medallion award and the Dare County award recipient was recognized as well. The five awards went to the following: Dare Respite Care Volunteers (Renate Macchirole), Monday Night Alive (Betty Selby), Warren Davis, John H. Tucker, Jr. Debra Tierney.

ITEM 3 – PROCLAMATION – NATIONAL ALZHEIMER'S MONTH – NOVEMBER

Gail Sonneso, Executive Director of GEM Adult Day Services, Inc. stated that Dare County is very rich in volunteers ad she commended those who received awards in Item 2. One of her Alzheimer's participants said that GEM helps him be the person he should be and another one said that GEM gives him something for my hands to do, someone to love, and something to look forward to. Alzheimers is a disease and can hit anyone. GEM invites the community to come in and share laughter and tears with their participants. She invited everyone to visit GEM and see that even though it is a terrible disease people with Alzheimer's can still have a very high quality of life. She invited everyone to come and see this program and see there is a better way to handle Alzheimer's and help her and GEM find a niche in Dare County so this program can be in a home and not in an institution. Attorney Outten read the proclamation.

MOTION

Commissioner Shea moved to adopt Proclamation Alzheimer's Disease Awareness Month – 2007.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 4 – BUDGET FOR ADMINISTRATION SITE UNDERGROUND STORAGE TANK REMEDIATION (ATT # 1)

Dave Clawson, Finance Director, informed the Board that the County has been notified by the Underground Storage Tank Section (UST) of the NCDENR that the Midway UST site at the Administration Building is currently eligible for UST Trust Fund funding for evaluation of the need for remediation procedures. (Actual remediation would also be eligible for UST Trust Fund funding if remediation is determined by the State to be necessary.) For more details, see attached.

MOTION

Commissioner Shea moved to adopt the amendment to the Administration Building Capital Project Ordinance.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 5 – REPORT FROM CIP COMMITTEE CONCERNING EOC / E911 AND CSI (ATT # 2)

Dave Clawson, Finance Director, informed the Board that that the CIP Committee met on the issue of the request that had to look at a new EOC / 911 Center in conjunction with CSI campus. He was asked to make the presentation. He showed a copy of the Capital Reserve Fund Balance when the Board adopted it for the 2008 CIP.

Chairman Judge noted the CIP had met on the request and looking at all projects in the CIP as well as items removed from the plan the committee decided not to come with a recommendation but question how could they push this ahead when there are other projects that are being delayed and taken out of the budget to balance the budget most specifically how they are going to work 800 Mhrz System \$12 million dollars.

Vice Chairman Burrus stated that one problem has to give someone else a promise and it is difficult to tell them at this point that the Board can do this. The 800 Mhrz is another problem.

Commissioner Dutton concurred with Vice Chairman Burrus and it is a wonderful opportunity but impossible at this time.

Commissioner Shea felt they need a priority list and to honor that list as they go forward.

Commissioner Tillett concurred with Commissioner Shea and felt the concept sounded wonderful but also felt it was unfair to bump other projects.

Commissioner Richard Johnson felt the project should be listed according to merit rather than length of time they have been listed. He did not support the Mhrz 800 and felt there are other answers other answers other than 800 Mhrz. He said that they are missing an opportunity and cannot support a \$4 million dollar deficit.

He recommended a letter be sent to CSI stating the Board cannot make a commitment at this time and a resolution be sent to state legislators, Governor, NCACC, and federal legislators regarding the 800 Mhrz that it should not be allowed to be an unfunded mandate and should be a cost sharing project. The Board concurred.

ITEM 6 – UPDATE ON OREGON INLET BRIDGE

Vice Chairman Burrus reported that what he is seeing and hearing from Senator Basnight's office and DOT that everything seems to be on go. They have a Design

Team who is working hard on the bridge and are working with different agencies to make sure the design is something that will be accepted. The review process of the design may have to be changed some. The EIS is also moving along fairly well and they say the bridge will be ready by 2013 but we are hoping that it will be completed quicker than that.

Chairman Judge shared some words about a presentation by the Scenic by Way Project people. He read that Elsie Hooper's 100 year old house and the four generations of her family that live in Salvo, Waves, and Rodanthe is about Lucy Stowe and Jenny Gray who worked at the Hatteras Weather Bureau, it is about Rodanthe's Old Schoolhouse and the new Buxton campuses, about pop bottle cars, watermen who make a living on the water, about family gravesites, about Brick creek and Black Bottom and Muddy Bottom, about all the stuff that makes our villages "villages". There are no words to describe the worth and value of Hatteras Island to Dare County and to the rest of this state. Approximately 25% of the consumer taxing revenue (sales, occupancy, meals tax, comes from Hatteras Island. The land value that is taxed is over \$17 million dollars (roughly 20% on Hatteras Island) Even if the Oregon Inlet Bridge shut down or go to one lane of traffic what it would do to impede the commerce of that island and life on that island would be devastating. He reminded everyone and those who live north of Oregon Inlet and live on Roanoke Island, mainland to think back in 1990 when the span was hit by the barge and how overnight it affected everyone for the point of commerce. It will affect the school systems. It is time we all understand that it is just not a Hatteras Island issue. It is an issue for all who live in Dare County and northeast North Carolina. He reported that he has not heard from the Southern Environmental Law Center and did receive a response from The NC Audubon Society saying they will not release the names of their donors but have invited the Board to meet with them to discuss how to move forward in harmony on the issue of the bridge. The most important thing is that the bridge needs to be replaced and it needs to be replaced now. We need to continue to support the elected leaders in Raleigh and Washington as they move forward in bring the permits and funding so this bridge can happen. We need for everyone in Dare County to share the concern of how dire this situation is.

ITEM 7 – CONSENT AGENDA (ATT # 3)

MOTION

Commissioner Shea moved the approval of the Consent Agenda:

1. Approval of Minutes
2. Amendment to Capital Project Ordinances for Manteo High School and Hatteras Secondary School
3. System Safety Program Plan (SSPP), NCDOT Public Transportation

Vice Chairman Burrus Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 8 – BOARD APPOINTMENTS

1. AIRPORT AUTHORITY – The Board concurred to remove from the agenda and wait for a recommendation from the Airport Authority.
2. DARE COUNTY YOUTH COUNCIL

MOTION

Commissioner Tillett moved to appoint Mary Kat Keith (to replace Kasey Rabar), reappoint Tyler Reber, Kathy Kiddy, and Loretta Mihcael, and appoint Gail Hutchison (to replace L'Tanya Murray) and appoint Luke McDonald (to replace Cory Smith), Lauren Martinez (to replace Mary Claire Hardy) and Hilarey Netsch (to replace Michael Blanchard).

VOTE: AYES unanimous

No recommendation to replace Justin Farrow at this time.

ITEM 9 – COMMISSIONERS' BUSINESS

1. COMMISSIONER RICHARD JOHNSON

- Information on Roanoke Island Water – He wanted to know if there will be another meeting. Attorney Outten responded the Board could not do anything formally through the Elections Board with their equipment but the Board could do whatever they think the people want but not through the elections process.
- Mosquito Control Report – He felt they should have something in place that deals with nuisances. Attorney Outten and the Planning Director will handle the issue and bring back to the Board.

2. VICE CHAIRMAN ALLEN BURRUS

- League of Women Voters – He attended their meeting dealing with the community safety net. Social Services, Hotline representatives, Substance Abuse representatives, were all represented. It is interesting that there is a huge network in the community that is trying to identify the problems.
- Thanksgiving – He thanked the programs Meals on Wheels, Cancer Foundation, and Locomotion Group that are raising money and helping many people on Hatteras Island.
- Working waterfront – There is been \$20 million dollars set aside by the State but it does not look like the funding will go to working waterfronts but instead the commercial fishermen. It concerns him that the State is not dealing with the fishermen's problem which is over regulation. He will make a report in December on the issue.
- Storm water issue- He feels like the initial crisis is over but they need to look at it locally. The County Attorney and Planning Director are working on the issue.
- Dare County Respite Caregivers – This group has reached out in a lot of different ways from Duck to Hatteras Island. He cannot say enough good things about the organization.
- S-curves – He cannot understand how the owners can continue to rent Serendipity which is a house at the north end of Rodanthe. There is an over wash there most of the time. The situation needs to be handled in a better way. He feels that the State should condemn and buy the property in order to remedy the over wash situation.
- US Fish and Wildlife Services – He expressed his frustration with the birds at Pea Island being gassed. This is not in keeping with their program or with the views of the environmental groups.

- Volunteer awards – He expressed thanks and appreciation to the individuals who received awards today and thanked those who are assisting the Alzheimers patients.
- 3. COMMISSIONER JACK SHEA
 - Volunteer Awards – He thanked those who received awards today and those who are caregiver to the Alzheimers patients.
- 4. COMMISSIONER MAX DUTTON
 - Eagle Scout - Conner Winstead, son of Vince and Cathy Winstead, will soon become an Eagle Scout. He invited the Board members to the Dedication Ceremony of the Dare County Commercial Fishermen's Monument on Saturday, December 1st at the Roanoke Island Welcome Center commemorating fishing heritage in Dare County.
 - Board of Education – He attended the meeting at the Kitty Hawk Elementary School and commended the geometry students on their completed special projects. He spoke about the More at Four program and for those interested to contact Judy Hornbeck at 480-888 ext.1928.
 - General assembly of NC - The bill to ensure safety of the children will become effective December 1st.
 - Thanks to all of the volunteers and Happy Thanksgiving.
- 5. COMMISSIONER VIRGINIA TILLET
 - Thomas A Baum Senior Center will be celebrating their 20th Anniversary on Friday, December 7th from 10:00 am to 2:00 pm.
 - Veterans Day Ceremony – She attended the ceremony hosted by the Town of Manteo. She told the Board that Frank and Linda Hester have gotten school children involved and they would like to come before the Commissioners to share their efforts to make children in Dare County aware of veterans.
 - Parks & Recreation – The sign up for basketball has been extended until November 30th.
 - OBX Marathon - She commended Mike Kelly and his group which brought a lot of people to Dare County.
 - Volunteers – She congratulated all volunteers and noted that Dare County is a giving community.
 - Sewer system – She cannot understand why Dare County does not have a sewer system. Currituck and Camden Counties have begun the process. She will share more information with the Board members at another meeting.
 - Loss of a 20 year employee – She noted that Jerome Selby had passed away. She appreciated his services to Dare County.
- 6. CHAIRMAN WARREN JUDGE
 - Affordable housing committee – There will be a meeting tomorrow and they plan to move forward on the Bowsertown project.
 - Stumpy Point Water & Sewer – The permits have been obtained this year and have one permit remaining and hopefully the permit will be forth coming. There is a meeting in Washington, NC on December 5th to try to work out details. The County Attorney has requested an extension on the grant. He hopes to have some good news in January.

- Cancer Initiative – Dr. Kevin Fitzgerald and a doctor from Chapel Hill will present the cancer initiative project to the Board members.
 - OBX Marathon – It was an exciting weekend including a great crowd, much enthusiasm, hundreds of volunteers, county staff, and towns' staff. He congratulated all of them.
 - Volunteerism – Dare County cannot underestimate the contribution those folks make for the care of those in need.
7. COUNTY ATTORNEY BOBBY OUTTEN (ATT #4)
- Holland and Knight Engagement Letter

MOTION

Vice Chairman Burrus moved to approve the engagement letter with Holland and Knight, the attorneys representing Dare County in connection with litigation regarding ORV use in Cape Hatteras National Seashore.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- Franchise agreement – He spoke about plans to bring state funding for channels 19 and 20 together to accomplish more for both the education and government channels.

ITEM 10 – CLOSED SESSION – APPROVAL OF MINUTES OF LAST CLOSED SESSION

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 approve the minutes of the last closed session.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

AT 7:00 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 7:05 P.M.

Attorney Outten reported that the Board of Commissioners approved the minutes of the last closed session and took no other action.

AT 7:10 P.M. THE DARE COUNTY BOARD OF COMISSIONERS ADJOUNED UNTIL 9:00 A.M. ON DECEMBER 3, 2007.

(SEAL)

Respectfully submitted

By: _____
Frances W. Harris
Clerk to the Board

APPROVED:

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