



# COUNTY OF DARE, NORTH CAROLINA

District 1: Roanoke Island & Mainland; Dist 2: Nags Head, Colington, Kill Devil Hills; Dist. 3: Kitty Hawk, Southern Shores, Duck; Dist. 4: Chicamacomico, Avon, Buxton, Frisco, Hatteras; Dist. 5: At Large

## THE DARE COUNTY BOARD OF COMMISSIONERS MEETING

November 16, 2009—5:00 P.M.

Dare County Administrative Building  
PO Box 1000, Manteo, North Carolina 27954

### **Commissioners Present:**

Chairman Warren Judge, Dist. 3; Vice-Chairman Burrus, Dist. 4; Virginia Tillett, Dist. 1; Jack Shea, Dist. 5; Richard Johnson, Dist. 1; Max Dutton, Dist. 2.; Mike Johnson, Dist. 2

### **Commissioners Absent:** None

### **Others Present:**

County Manager Bobby Outten, Dorothy Toolan — Public Information Officer, Dave Clawson — Finance Director, Ray Sturza — Planning Director, Katie Smith—Clerk to the Board

### **Action:**

BUDGET AMENDMENT OLDER ADULT SERVICES — **Approved**

CONSENT AGENDA — **Approved**

- Approval of Minutes (10.27.09 & 11.2.09): **One typing error corrected in 11.2.09 minutes)**

INCLUSION OF THE TOWNS OF NAGS HEAD, KILL DEVIL HILLS, KITTY HAWK & SOUTHERN SHORES IN DARE COUNTY'S HAZARD

MITIGATION PLAN — **Approved**

CLOSED SESSION: LITIGATION — **Held**

LAND OF BEGINNINGS

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Chairman Warren Judge called the meeting to order at 5:00 p.m., invited Commissioner Mike Johnson to share a prayer and then led the Pledge of Allegiance to the flag.

County Manager Outten provided the Board an update on the situation on Hatteras Island. He stated the work on the roads is continuing and DOT is working diligently to have two (2) lanes open by the end of the week. In addition, he noted the dredging project to create ferry docks in Rodanthe and Stumpy Point is complete and a ferry will begin running from Stumpy Point to Rodanthe allowing access to the island. He stated this would begin on November 17 with priority given to essential service vehicles.

**ITEM 1 – WIND STUDY PRESENTATION (Att. 1)**

Dr. Harvey Seim, Professor of Marine Science at the University of North Carolina Chapel Hill, gave a presentation on a feasibility wind study which was requested by State legislature in the Summer of 2008. He explained this study was passed on to UNC by the General Assembly to carry out and Carolyn Elfland was designated as the lead of the project. She assembled a team that initially studied the Pamlico and Albemarle Sounds, and eventually studied off-shore areas. He described the details of the project including a graphic depiction of the design of the turbines, the best placement of these turbines and their potential power output. He also discussed ecological and cultural impacts and the resulting use conflicts based on turbine placement. He detailed the foundations of the turbines, the process of installation and construction, locations for transmission lines and substations for the power generated by the turbines, and the determination that the eastern half of the Pamlico Sound and areas off-shore were the best locations. Lastly, he detailed the benefits to North Carolina including new jobs and capital for local economies. The Commissioners then asked Dr. Seim questions regarding the potential for economic, ecological and cultural impacts of the pilot study and any future wind farms and their placement, as well as the turbines' durability and long-term use plan for power and their potential to offset the State requirement of Renewable Energy Credits. Clarification was also given on the responsible party for maintenance and removal of the turbines should it be necessary. Commissioners Mike Johnson and Dutton specified they would like to see the wind study pilot project placed off-shore where future wind farms may be located so that proper durability tests and results can be measured. Chairman Judge shared the Board's appreciation of Ms. Elfland and Dr. Seim's time and presentation.

***RECESS 6:35 P.M. – 6:57 P.M.***

**ITEM 2 – PUBLIC COMMENTS**

- 1) Manny Medeiros, Kitty Hawk resident, expressed his concerns and opposition to wind energy and environmental extremism.

**ITEM 3 – BUDGET AMENDMENT OLDER ADULT SERVICES (Att. 2)**

County Manager Outten explained the Baum and Dare County Centers are in need of cleaning staff. He stated they would like to eliminate the office support specialist position that is currently vacant and replace it with two (2) part-time cleaning positions. He noted this item would be budget neutral.

**MOTION**

Commissioner Shea motioned to approve the budget amendment.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 4 – CONSENT AGENDA (Att. 3)**

**MOTION**

Commissioner Shea motioned to approve the Consent Agenda with one correction to the November 2, 2009 minutes (ie. under Commissioner Shea's Business: change of "Jim" to "GEM")

1) Approval of Minutes (10.27.09 & 11.2.09)

Commissioner Richard Johnson seconded the motion.

VOTE: AYES unanimous

#### **ITEM 5 – COMMISSIONERS' BUSINESS**

Commissioner Tillett thanked Chairman Judge and County Manager Outten for visiting the new site for the roundabout to ensure parking was not being hindered at the Head Start program building. She announced JCPC will be sending invitations for their annual luncheon to take place on December 7. She noted the Outer Banks Marathon was very successful and asked Chairman Judge to provide more details during his business. She noted the upcoming Wags and Whiskers Gala to be held on November 20 at the North Carolina Aquarium by local animal groups. She stated anyone interested could call the Aquarium for more details. She shared her appreciation for Chairman Judge's great job in responding to the various emails that come to the Commissioners. She explained she was approached about getting sidewalks in the Burnside area which is part of Dare County. She asked County Manager Outten to research the process for obtaining sidewalks for the area. She noted the difficult time the Hatteras Island citizens have experienced and shared how strong they are as people with their ability to work together. She shared her appreciation for everyone's work on the situation. She noted DOT, the County, Commissioner Mike Johnson and emergency personnel have done all they can to try and get the road passable. She shared she knows it has not been easy and appreciated the citizens understanding.

Vice-Chairman Burrus thanked DOT, Dorothy Toolan, Sandy Sanderson and all who have spent so much time answering phone calls and getting out the most up to date information on events dealing with the recent situation on Hatteras Island. He noted this is very difficult and often bad information gets out. However, these people have spent a lot of time following up to ensure good and correct information was getting out to everyone. He stated S-curves has been a problem, but DOT has done a marvelous job working for the past four (4) days. He thanked his fellow Commissioners who attended the recent Board of Education meeting. He stated there was a bridge meeting with Mr. James Trogdon, Chief Operating Officer with NCDOT, who gave an update via phone on the bridge process and also answered everyone's questions including explaining why some things are taking extra time. The Record of Decision was moved to January and they are working with Federal Highway to meet criteria in case there are any injunctions. He also spoke to the different areas and their contractors and hopes by this time next year there will be pilings. Vice-Chairman Burrus noted environmental rules and regulations have a lot to say about what is done. He spoke to the Adaptive Management Plan and EIS and the ability to adaptively manage the problems that arise when there is a breach or some other event. He noted we have not had this before. He noted the regular EIS is still there and can be a supplement. He felt Mr. Trogdon was very open and honest about their answer to the committee's questions as well as the media's inquiries. He noted Hatteras Island is a unique place that has gone through a difficult time. He encouraged everyone to continue to work together through the problems. He thanked Charlie and the Ferry Division for getting the ferries running to move the great number of people. He noted people do need to drive slower through the water on the roads in Hatteras Village. He noted Hatteras Island is a great place to live and felt like the recent troubles were just the price for living in paradise. He thanked his fellow Commissioners and all those who work for Dare County.

Commissioner Shea shared his hopes that the most recent isolation of Dare County citizens on Hatteras Island will spur the Federal and State agencies to begin the construction of the bridge and the relocation of Highway

12 in that area. He noted he attended the Board of Education meeting last Tuesday at Hatteras Secondary School. There were a number of students and staff honored for their accomplishments and he announced Ray Gray as Principal of the Year.

Commissioner Richard Johnson – None

Commissioner Mike Johnson – None

Commissioner Dutton agreed with Commissioner Shea in his hopes that the recent situation would encourage the Federal and State agencies to remedy the problems on Hatteras Island with the bridge and the S-curves. He enjoyed attending the Board of Education meeting as well and noted the instructional highlights with Nancy Griffin really show how much the schools are doing with the students. He shared his appreciation of the teachers and students for their hard work. He also announced Annie Grace Gray, Cape Hatteras senior, was selected as a PSAT National Merit Scholarship semi-finalist along with First Flight Senior Patrick Gray. He noted the results would be given in April 2010. He announced also Cape Hatteras Secondary eighth grade art students Olivia Gaskins and Savannah Brown won first place Best in State at the General Federation Women's Club of North Carolina Annual Art Show in Winston-Salem.

Chairman Warren Judge gave a brief report on the 4<sup>th</sup> Annual Outer Banks Marathon. He stated it was a tremendous event with the best weather of all the marathons thus far. He explained 4,300 ran in the half marathon, 2,200 in the full marathon and over 1,500 in the Fun Run and 8k. A new organization entitled the Outer Banks Sporting Events emerged and hopes to expand these types of events throughout the year and throughout the County. He thanked the hundreds of volunteers, County Manager Outten, Dare County Sheriff's Department, Public Works, EMS, Parks and Recreation, County staff and volunteers, the Towns for this participation along the route and the residents for supporting the runners. He thanked the group who brainstormed this event five (5) years ago and made it come to life. He stated Vice-Chairman Burrus gave a good report on the bridge situation and noted Jim Trogdon, Chief Operating Officer, is a high ranking official with NCDOT who coordinates his schedule to be able to participate in the Bridge Committee meetings via telephone. He noted he had appeared before the Commissioners before he was deployed to Iraq. He thanked him for his participation and for keeping the County on the very forefront on all of the most up to date information regarding what is taking place in Raleigh and at the Federal Highway Administration. He echoed his fellow Commissioners' comments in appreciating County staff, Ferry Division staff and DOT for working to get the road passable, moving people around and providing assistance to those in need. He noted the helicopter could not fly Thursday night and the Coast Guard came and made a rescue for someone in need. He thanked the volunteer Fire Departments in Rodanthe for transporting patients from one EMS truck through the area where there was no road to an EMS truck on the other side. He noted there were too many people to name, but thanked everyone for their hard work serving the residents and people of Dare County.

#### **MANAGER'S/ATTORNEY'S BUSINESS**

County Manager Outten announced the Towns of Nags Head, Kill Devil Hills, Kitty Hawk and Southern Shores have asked to be included in Dare County's Hazard Mitigation Plan.

#### **MOTION**

Commissioner Shea motioned to approve and authorize the inclusion of the Towns of Nags Head, Kill Devil Hills, Kitty Hawk and Southern Shores in the Dare County Hazard Mitigation Plan.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**MOTION**

Pursuant to the provisions of NCGS 143-318.11, County Manager Outten asked for a motion for the Dare County Board of Commissioners to go into Closed Session to: consult with an attorney employed of retained by the county in order to preserve the attorney client privilege between the attorney and the County.

Commissioner Shea made the motion.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

AT 7:28 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 8:20 P.M.

Chairman Judge reconvened the meeting. After returning from Closed Session, County Manager Outten reported the Board consulted with the County Attorney and took no other action.

AT 8:21 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON DECEMBER 7, 2009.

(SEAL)

Respectfully submitted,

APPROVED:

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

By: \_\_\_\_\_  
Katie Smith, Clerk

