

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
February 7, 2005**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on February 7, 2005, in the Dare County Administrative Annex in Manteo. Commissioners present were: Stan White, Warren Judge, Virginia Tillett, Cheryl Byrd, and Mike Johnson, Mac Midgett and Richard Johnson. Also present were Manager Terry Wheeler and Attorney Bobby Outten. Chairman White called the meeting to order followed by silent meditation and the pledge of allegiance to the flag.

ITEM 1 – AMEND AGENDA – CLOSED SESSION

MOTION

Commissioner Judge moved to amend the agenda to include a Closed Session for a land matter.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 1A – AMEND AGENDA – ITEM 4 - WESTERN DARE LLC SUBDIVISION
– PRELIMINARY PLAT / REMOVED FROM THE AGENDA**

MOTION

Commissioner moved to withdraw Item 4 from the agenda.

Commissioner seconded the motion.

VOTE: AYES unanimous

ITEM 1B – WELCOME - INTERIM COUNTY ATTORNEY BOBBY OUTTEN

Chairman White welcomed County Attorney Bobby Outten to the Dare County Employee Staff as interim attorney.

ITEM 1C – PRESENTATION OF COUNTY SERVICE PINS

1. Willer Spencer, Income Maint. Caseworker II, received her 10 Year Pin from Bonnie Drewery, Income Maintenance Supervisor.
2. Eugene Grissom, Detention Assistant Shift Leader, received her 10 Year Pin from Sammy Pledger, Detention Center Officer.
3. Sandra Brookshire, Social Worker Supervisory III, received her 15 Year Pin from Jay Burrus, Social Services Director.
4. David Daniels, Air Operations Supervisor, received his 15 Year Pin from George Speake, Airport Director.
5. Illa Mae Ambrose, Custodian, received her 20 Year Pin from Tom O'Neal, Human Resources Director.
6. Wayne Dunn, Business Personal Property App., received his 20 Year Pin from Greta Skeen, Tax Appraiser.

ITEM 2 – EMPLOYEE OF THE MONTH

Amy Miller, Finance Accountant, received the Employee of the Month Certificate from Dave Clawson, Finance Director.

ITEM 3 – PUBLIC COMMENTS

1. Mikey Daniels, Wanchese, told the Board there was a major problem at Oregon Inlet and outlined some ideas for making some changes. He reminded that in 1989 when he served on the Board that the bridge was stabilized on the north side, but the stabilization has been detrimental to the inlet. He suggested teaming up with the Town of Nags Head in an effort to resolve the problem. Nags Head is losing a lot of land. This horizon needs to be broadened to more than commercial fishing. He noted that this past weekend he passed one hundred boats and trailers from Roper to the Midway Intersection which proves that more people are using the inlet other than commercial fishermen. He has been asked by one of the fisherman, James Craddock, to assist the commissioners to protect its beaches and to continue dredging.
2. Joan Liston, Co Chairman of the League of Women Voters, presented the updated 2005 Citizens Guide. She thanked the staff and especially the County Manager for placing the document on the County website. The guide has updated voter information, current national, state and local officials. It lists all of the town and county meetings. The guide is now up to 10,000 hard copies thanks to the businesses and municipalities who provided funds.
3. Jim Fletcher, Wanchese, reported that he had spoken with the US Coast Guard and was told there was 10 1/2 – 11 foot of water on the bar but the seas were running 10 feet. Basically there is no water on the bar. He noted that the commercial fishermen have been trying since 1960 to get a decent way through the inlet. It is shameful that no one from the National Park Service personnel and no one representing the people are backing the problem. He felt there is nothing really the commissioners could do unless they take a totally different stand. One way may be to look at beach nourishment in a different manner. If the state and federal government will not assist, then the county should take the lead. It may be time that somebody starts looking at either private individuals to take the lead or the county comes forth. It does not have to cost as much as what the federal wanted to spend. There is a way with a Cadillac or a wheelbarrow and bicycle. Maybe the county needs to look at the wheelbarrow and bicycle way.

**ITEM 4 – WESTERN DARE LLC SUBDIVISION – PRELIMINARY PLAT /
REMOVED FROM THE AGENDA**

ITEM 5 – DARE COUNTY REGIONAL AIRPORT HEIGHT RESTRICTION ZONING ORDINANCE

Donna Creef, Senior Planner, reported that the Dare County Airport Authority has updated its existing 1978 height restriction zoning ordinance. A copy of this ordinance and an executive summary is attached. The executive summary details the need for the update and explains the ordinance in simple terms. This ordinance is applicable to proposed structures that would exceed 50 feet in height in the surrounding areas of the Dare County Regional Airport on Roanoke Island. It is important to note that the building height for the areas surrounding the Dare County Regional Airport is 35 feet. Therefore, this draft ordinance will not impact any proposed new construction projects that complies with the building height limit of 35 feet and is not retroactive for any structure in existence that may exceed 50 feet in height. Telecommunications towers would be impacted by the airport ordinance but such structures would need a variance from the height limit under the current zoning regulations regardless of the existence of the airport overlay district. The draft ordinance has been prepared by the Airport Attorney and Dare County Attorney. The FAA regulations require that the ordinance be updated.

The draft ordinance is written as a separate document from the zoning ordinance however a reference to the airport ordinance will be added to the zoning ordinance to increase public awareness for those reviewing the zoning regulations. Therefore, this item has been submitted for review by the Planning Board and Board of Commissioners for approval similar to any other proposed zoning text amendment. Planning Board recommended adoption.

MOTION

Vice Chairman Johnson moved to schedule a Public Hearing on April 4, 2005 at 10:00 a.m.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

ITEM 6 – LEE WRENN AND ASSOCIATES REPORT AND RESOLUTION (ATT # 1)

Ray Sturza, Planning Director, presented a Progress Report and a Resolution concerning the easement and acquisition work being done by Lee Wrenn and Associates in anticipation of the Northern Dare Beaches Erosion Control and Storm Protection Plan. (See attached). In order to fulfill the contract agreement executed with Dare County, Wrenn and Associates must complete easement agreements involving 554 individuals with only 31 remaining unresolved. Mr. Wrenn explained the use of eminent domain powers as he made his presentation. He said that if the resolution is adopted today, there will still be approximately 30 day to continue to work with these property owners to resolve issues before condemnation proceedings begin.

MOTION

1. Commissioner Judge moved the adoption of Resolution #05-02-5 Authorizing the Institution of Condemnation Proceedings for the Acquisition of Perpetual Beach Renourishment Easements for the

Northern Dare Beaches Shore Protection Projects on Those Properties Described in the attachment.

Commissioner Midgett seconded the motion.

VOTE: AYES unanimous

THE BOARD TOOK A 10 MINUTE RECESS.

ITEM 7 - KITTY HAWK WOODS SUBDIVISION WATER EXTENSION (ATT # 2)

AT 10:40 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING REGARDING THE KITTY HAWK WOODS SUBDIVISION WATER EXTENSION.

Manager Wheeler reminded that on 1/3/05 the Board adopted a Preliminary Assessment Resolution and set a public hearing to initiate the extension of water service to certain properties in the Kitty Hawk Woods Subdivision.

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

1. Brian Newman of Kitty Hawk owns several of the lots in the area. He supports the water line going into the area; however, he requested that the county improve the right of way area before the work is done so that water lines are off the pavement. He suggested some revisions in the positioning of the water lines so that service is available only on one side of each property. He also mentioned that there are some lots in the general area that will not be serviced by these water lines, but they should be looked at so that the system can be expanded at a later date.
2. Linda Sharpe, Kitty Hawk Woods Extension, noted that she had signed the petition more than 2 years ago and it is time to proceed with this and now is not the time to extend the right of way. She asked the Board to make this happen now.

Chairman White closed the hearing at 10:50 a.m.

Ken Flatt, Utilities Director, stated that the relocation of lines referred to by Mr. Newman have been included in the assessment fees that have been quoted. In addition, it was clarified that the lines being used are large enough to enable future expansion of the system.

MOTION

Commissioner Judge moved to adopt Final Assessment Resolution #05-02-03.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 8 – PROCLAMATION – VIOLENCE FREE ZONE

Gail Hutchison, Sexual Assault Services Coordinator, and Laura Martier, Special Events Coordinator with Hotline presented the proclamation.

MOTION

Commissioner Tillett moved the adoption of the proclamation.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

ITEM 9 – ADOPTION OF MINORITY BUSINESS PARTICIPATION OUTREACH PLAN AS REQUIRED BY G.S. 143-128.2 (DOCUMENT FILED IN CLERK TO THE BOARD’S OFFICE)

Dave Clawson, Finance Director, reported that changes made by the General Assembly to the Minority Contracting Statutes require the County to develop a Minority Business Participation Outreach Plan for construction projects greater than \$300,000. The Plan, drafted by Purchasing & Finance, meets all of the requirements of G.S. 143-128.2 and uses the 7% participation goal adopted by the Board in 1992.

MOTION

Commissioner Judge moved to adopt the Plan.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 10 – PRESENTATION OF FINANCIAL & BUDGETARY POLICIES DRAFT (DOCUMENT FILE IN CLERK TO THE BOARD’S OFFICE)

Dave Clawson, Finance Director, explained that Dare County currently has a set of financial and budgetary policies in place. These policies vary in format with some formalized and Board adopted, some informal and Board implemented, some formalized and finance office developed, some informal and finance office developed, and some formalized by State law. He noted that formalization of these policies into one document and that document’s adoption by the Board is a favorable action in the eyes of the debt rating agencies. Also, the County’s next publicly sold debt issues, approximately \$50 million in late spring of this year, has been approved to be partially composed of variable rate demand obligations which create the requirement of a formal policy related to variable rate debt. Additionally, GASB statement 40, effective for the current fiscal year, while not requiring the adoption of a formal investments policy, does require a disclosure if one is not in place, a negative disclosure that one does not wish to make. He emphasized that the vast majority of this draft is a formalization of existing County policies. (See attached). The Board concurred to place the draft on the next agenda for discussion and future adoption.

ITEM 11 – SCHOOL CONSTRUCTION REPORT (ATT # 3)

Dave Clawson, Finance Director, reviewed the report.

ITEM 12 – MOSQUITO CONTROL 2004 SEASON SUMMARY (DOCUMENT FILED WITH MOSQUITO CONTROL DIRECTOR)

Tim McGonegal, Mosquito Control Director, gave a power point presentation summarizing the 2004 season. He noted that overall it had been a good season with a little help from Mother Nature. In early and mid season the low rain kept salt march mosquito population low. The trapping surveillance trapping increased last year and the field surveillance will be continued this year.

THE BOARD RECESSED AT 12:10 P.M. AND RECONVENED AT 1:30 P.M.

ITEM 13 – UPDATE ON OREGON INLET BRIDGE (ATT # 4)

Chairman White presented a Status Report for the Bonner Bridge Replacement from DOT: Tasks accomplished in January 2005, Task Scheduled for February 2005, Project Schedule. He said that he met with project managers last week and that all is on track, the project is on schedule. He noted that DOT is having some financial problems and he has encouraged DOT to proceed with the short version to save money. The merger team will meet to discuss both alternatives (short and long) at the end of this month.

ITEM 14 – CONSENT AGENDA (ATT # 5)**MOTION**

Commissioner Judge moved the approval of the Consent Agenda:

- A. Approval of Minutes – January 18, 2005
- B. Albemarle Mental Health Audit Report for June 30, 2004
- C. Social Services Budget Amendment
- D. Civil War Marker Trail

Commissioner Midgett seconded the motion.

VOTE: AYES unanimous

ITEM 15 – BOARD APPOINTMENTS**A. ADVISORY COMMITTEE FOR THE DARE COUNTY YOUTH CENTER****MOTION**

Commissioner Tillett moved the appointments of Megan Brinkley and Amber Walton to serve a three year term on the Advisory Committee for the DC Youth Center.

VOTE: AYES unanimous

B. AGING ADVISORY COUNCIL FOR THE ALBEMARLE COMMISSION**MOTION**

Commissioner Judge moved the reappointments of Brandi Rheubottom and Bel Pitcher to serve a two year term on the Aging Advisory Council for the Albemarle Commission.

VOTE: AYES unanimous

C. ALBEMARLE REGION RESOURCE CONSERVATION BOARD**MOTION**

Commissioner Tillett moved the appointment of Leon Daniels to serve a four year term on the Albemarle Region Resource Conservation Board.

VOTE: AYES unanimous

D. PLANNING BOARD**MOTION**

Vice Chairman Richard Johnson nominated John G.B. Meyers, III for the At Large seat.

Commissioner Mike Johnson nominated Robert Lewis, Jr. for the District 2 seat.

Commissioner Judge nominated Beth Midgett for the District 4 seat.

Commissioner Byrd nominated Joann Baum Cliff for the At Large seat.

Chairman White nominated Marcia Parrott for the District 2 seat.

VOTE: John G. B. Meyers, III – (6)

Jo Ann Clift (1)
 Beth Midgett - unanimous
 Marcia Parrott – (1)
 Robert Lewis – (6)

John G.B. Meyers, III and Beth Midgett were reappointed and Robert Lewis, Jr. was appointed. All will serve a three year term on the Planning Board.

E. DARE COUNTY TRANSPORTATION ADVISORY BOARD

MOTION

Commissioner Judge moved the appointments of Robert Woodard, Randy Carlisle, and Amy Etheridge to serve a four year term on the Dare County TAB.
 VOTE: AYES unanimous

ITEM 16 – COMMENTS BY COMMISSIONER JUDGE

- Item 4 – Western Dare LLC Subdivision – Preliminary Plat Review
 He went on record giving the matter his full support.
- USCG Housing – He reported that Captain Thomason has responded that the CG will be following up with a decision regarding the housing in Buxton.

ITEM 17 – COMMENTS BY COMMISSIONER MIDGETT

- Beach nourishment – He reported on the big erosion problem on Hatteras Island all weekend and suggested a plan for beach nourishment would be to try to get a 2 cents gas tax to pay for it. This could be used for all beaches in the county. He said that the jetty on south side of Oregon Inlet has ruined Hatteras Island. If they had built the second jetty on the north side that would have solved the problem. He also thought that possibly they could receive some help from the National Park Service.
 Chairman White noted that the legislature has looked at a lot of resources and a large portion goes to DOT and if there is a gas tax it would be for transportation and not beach nourishment.
 Commissioner Judge responded that they do not want to stop trying to get federal funding and to continue the effort in congress and continue to look at the problem ourselves. He also noted that people that can afford to buy beach property can afford the taxes

ITEM 18 – COMMENTS BY COMMISSIONER BYRD

- Beach Nourishment – She noted that the NPS to some extent loses its control over the shoreline on Hatteras Island, too and almost all of Rodanthe there is almost no NPS beachfront land available so when we are looking at any kind of shoreline protection projects we should be looking at those areas as well. She discussed some of the various options to beach nourishment. One is to capture sand in the beach areas where they are installed rather than having to bring sand in and by capturing that sand does not go in and fill Oregon Inlet. She is concerned that if you dredge sand out of Oregon Inlet or offshore and renourishment all of these beaches then you are furnishing a bigger supply of sand to go into Oregon

Inlet and creating a bigger problem for ourselves. She said the Board needs to be creative not only in the funding and not so stuck on what we have considered for the last 15 years. The Board needs to look at new technologies and pilot projects are needed to find out what will work.

- Revaluation – She had spoken with some constituents who live on the oceanfront year round and have commented that it does not seem fair that they have the same valuations as those who use their properties for a more commercial purpose. The County Manger responded that state law applies and the Board of Commissioners does not have anything to with this process.
- Status of Zoning for Wanchese – Planning Director Sturza responded that the zoning for Wanchese would be coming forward in the first quarter of the year. He also noted that the Planning Board wants to know that they have the support of the commissioners before they start zoning Manns Harbor and East Lake and the Chairman of the Planning Board will come forward and ask for a workshop before moving forward.
- Boards/Committees – She asked concerns for the Chairman to announce the appointments to the various boards and committees.
- Saltwater Fishing License – She has received a number of calls about this issue and would like for the Board to work with the industry to perhaps draft some resolutions so a better piece of legislation is forth coming.
- Status of flood zone maps – Planning Director Sturza responded that the State agency is doing it and will be forth coming.
- Exercise room in new administrative building – She felt for the welfare and health of county employees that an exercise area should be considered in the new administrative building. Health wise In the long run it would pay off.
- Purple Martins – She reported that the group does not believe it will cost ½ million dollars to fence a portion of the bridge. An estimate of \$30,000-\$50,000 is believed to be more reasonable.

ITEM 19 - COMMENTS BY COMMISSIONER MIKE JOHNSON

- Erosion problems – He noted there were a lot of problems with Oregon Inlet and everyone is looking for solutions to the erosion problems. Everyone needs to get behind the effort so that it can move forward. There are many small boats using the inlet as well as commercial fishermen.

ITEM 20 – COMMENTS BY VICE CHAIRMAN RICHARD JOHNSON

- Commercial fishermen/Oregon Inlet – He referred to public comment period when the fishermen came noting there is a big problem for those folks to leave their work and come before us. He asked Mikey Daniels to take his ideas to the OIWC. He noted that the NPS is supportive of pumping the sand out of the inlet.
- League of Women Voters – He expressed appreciation to them for Citizens Guide. It contains a lot of information.

- Board of Education / College of the Albemarle – He noted that the lease agreement between COA and MMS needs to be resolved. He asked that the Capital Improvements Committee look into it.
- Monofilament nets - He reported that the National Fisheries is trying to do away with the use of monofilament nets and asked the County Attorney to draft a resolution in support of the fishermen who are struggling to earn a living on this beach.

ITEM 21 – COMMENTS BY COMMISSIONER TILLET

- OIWC – She referred to an article regarding the work at Rudy Inlet and wondered how that area could get something done while Oregon Inlet could not. She suggested the Board work closely with Mikey Daniels to Move forward on the project.
- Manns Harbor Volunteer Fire Department Appreciation Dinner – She attended and was told that Manns Harbor needs a fire truck and all the financial help they could get.
- Information Technology – She thanked the County Manager and IT staff for their assistance getting computers ready for the tutoring program that will be taking place at the Head Start building.
- February Black History Month – A number of activities are going on: Feb. 19th & 20th Civil War Weekend and Freedman’s Colony, Blues Review, and Chicamacomico Life Saving Station.

ITEM 22 – COMMENTS BY CHAIRMAN WHITE (DOCUMENT FILED WITH COUNTY MANAGER)

- Manns Harbor Volunteer Fire Department Appreciation Dinner – It is good to get back into that community. They had a wonderful feast.
- Lobbying for Dare County – Former Governor Hunt will be doing some lobbying for Dare County. He offered that information.
- OIWC – He noted that Chairman of OIWC Michael Davenport was contacted by the Corps that there will be a dredge on the bar the first week in March. The USCG in Norfolk has contacted the aids to navigation division in Hatteras and asked them to place some new markers Oregon Inlet to mark channel across the bar. It remains a very dangerous situation.
- Flyover - He noted that a flyover is planned at the Midway Intersection and could begin late next year. The Town of Manteo expressed a desire not to have a flyover. He asked for the Board’s input on whether or not the Twiford Road and Berry Road needed to be closed.
- Boards/committees – He asked the Clerk to fax/email the appointments.
- Interim County Attorney – He reminded that the Board directed him to ask Attorney Bobby Outten to come on an interim basis to replace Attorney Norma Mills to take a state position. His agreement is similar to the previous contract he had in the past.

MOTION

Commissioner Judge moved to authorize the Chairman to execute and accept this contract.

Commissioner Midgett seconded the motion.

VOTE: AYES unanimous

ITEM 23 – COMMENTS BY COUNTY MANAGER (ATT # 6)

Manager Wheeler presented a request for the North Carolina Shore and Beach Preservation Association. There has been some dredging money that has been eliminated by federal authorities. The only funds were allocated for Oregon Inlet. The resolution is asking that federal funds be restored to maintain those channels and waterways in other areas of North Carolina as well as in Dare County.

MOTION

Commissioner Johnson moved to adopt Resolution # 05-02-04 to attempt to try to restore federal funding and with a caveat that states “Dare County appreciates the funding that has been received for Oregon Inlet”.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

ITEM 24 – CLOSED SESSION – LAND MATTER

MOTION

Vice Chairman Johnson, pursuant to NCGS 143-318.11, moved that the Dare County Board of Commissioners go into closed session to instruct the county staff or negotiating agents concerning the position to be taken by or on behalf of the county in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

AT 2:40 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 2:55 P.M.

Attorney Outten reported that the Board took no action that required action in open session.

ITEM 17 – UPCOMING BOARD APPOINTMENTS FOR MARCH

There were none.

AT 3:00 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 3:00 P.M. ON FEBRUARY 21, 2005.

(SEAL)

Respectfully Submitted,

By: _____

Frances W. Harris
Clerk to the Board

APPROVED:

By: _____

Stan White, Chairman
Dare County Board of Commissioners