

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
November 21, 2005**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on November 21, 2005, in the Dare County Administrative Annex in Manteo. Commissioners present were: Stan White, Warren Judge, Richard Johnson, and Cheryl Byrd. Mac Midgett, Mike Johnson and Virginia Tillett were absent. 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 – PUBLIC COMMENTS (SPECIFIC TO TODAY’S AGENDA)**

1. Carol Meyer, Colington Harbour, spoke on behalf of the Alzheimer’s group. She is a Care Giver and has been a part of the group since 1999. She expressed gratitude to the Board of Commissioners for supporting the GEM Center. She explained that Alzheimer’s is a terminal disease and there is no cure and it is more than just a memory loss. It is a physical loss as well. She noted that the Support Group has given them a chance to validate their feelings of grief, anger, sorrow, and to learn how to overcome this. It gives them a chance to laugh and be among people who are going through the same situation.

**ITEM 2 – PROCLAMATION – NATIONAL ALZHEIMER’S MONTH OF NOVEMBER**

Gail Sonesso, Executive Director of GEM Adult Day Services, Inc., explained that the GEM Center is a small local non-profit providing care during the day for adults at risk if left alone.

Jean Basnight, Kill Devil Hills, came forward to speak about her volunteer work at the GEM Cottage. She noted that the program is beneficial as well as Social Services and their part in the community to help with terrible disease. She thanked the Board for their support.

**MOTION**

Commissioner Judge moved the approval of Proclamation National Alzheimer’s Month of November.

Commissioner Byrd seconded the motion.

**VOTE: AYES unanimous**

**ITEM 3 – PROCLAMATION – HOME CARE & HOSPICE MONTH FOR DARE COUNTY**

Ellie Ward, Assistant Health Director, presented the proclamation to promote community awareness about Home Care and Hospice services, and the positive difference this care can make for individuals and their families.

**MOTION**

Commissioner Judge moved to proclaim November as Home Care and Hospice Month for Dare County.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED TO ITEM 6.

#### **ITEM 6 – OVERVIEW OF SOCIAL SERVICES IN-HOME SERVICES PROGRAM**

Teresa Edwards, Adult Services Supervisor, provided a brief summary of the Social Services In-home Services Program. She noted that in 1991 Social Services was licensed as a Home Care Agency which is also the first year that North Carolina licensed home care. They have received Older Americans Act Funds to provide in-home services for over three decades and are the lead agency in Dare County for providing the Leading Alternative Program for Disabled Adults. They are very proud of the productivity and effectiveness of their program.

#### **ITEM 4 – AIRPORT QUARTERLY REPORT / INTRODUCTION OF NEW DIRECTOR**

Dr. Connie Brothers, Chairman of the Airport Authority, presented a short verbal update on the Airport Quarterly Report. She noted they needed a new authority member and asked that applications be sent to the Clerk. She introduced Tom Long, Director of the Airport who came to Dare County from Salem, Oregon. Mr. Long thanked the Board for the opportunity to be in Dare County and invited them to attend the Annual Candy Bomber display on December 17<sup>th</sup> & 18<sup>th</sup>. The C-54 will fly around Kitty Hawk on the 17<sup>th</sup> and on the 18<sup>th</sup> will be flying Santa Claus and parachuting drops of candy to local kids at the airport. Chairman White welcomed Mr. Long to Dare County.

#### **ITEM 4 A – PUBLIC WORKS DEPARTMENT / CERTIFICATE OF APPRECIATION**

Carter Dozier, Workforce Development Director for the Northeastern Workforce Development Board, presented a Certificate of Appreciation Plaque to Edward Lee Mann, Public Works Director for their work in assisting Hyde County during Hurricane Isabel. Mr. Mann explained that after the flood Dare County provided Hyde County with a vehicle and other equipment.

#### **ITEM 5 – OREGON INLET & WATERWAYS COMMISSION UPDATE**

Michael Davenport, Chairman of the OIWC, presented an update on the current conditions of Oregon Inlet, the lack of adequate Federal funding for dredging, the long term plan to keep Oregon Inlet open, safe, & navigable. He discussed a proposed Economic Study of the full monetary benefits that Oregon Inlet provides to Dare County. He noted that Bob Peele and he traveled to Washington, DC when they heard the conferees had been named to negotiate with Energy and Water Appropriations. They made 16 visits to the North Carolina

Congressional offices and hopefully laid groundwork for future visits. They were encouraged that a message would be carried to one of the conferees on the importance of Oregon Inlet and the promise from the CEQ to dredge in lieu of the jetties. He was told there is no additional funding for Oregon Inlet. The President's budget provides \$7.855 million dollars. From that amount, the completion of dredging at the bar with the hopper dredge totaled \$1.1 million dollars making the channel 17' deep and 400' wide. Interior channels from the bridge all the way back to Wanchese is scheduled for December and will total \$5 million dollars. Surveying and engineering work will cost \$1 million dollars. This funding does not include their biggest problem area which is known as the Spit next to the bridge. The Currituck Dredge is working there and those funds come from OIWC budget. The problem the COE has is the lack of funding. Every year they are getting the same amount of funding budgeted to the COE to do the dredging but with the cost of dredging escalating every year and is ending up with less funding and less dredging.

He asked the Board that if there is a possible reduction in the future funding or if there is no funding and Oregon Inlet should close where do they go from there? He hopes the Board will support an economic analysis of Oregon Inlet. They have three proposals and would like to bring to the Board in the near future. They also have concerns about the 17 mile bridge. He hopes DOT will take a look at the cost of dredging that might be incurred if the rocks are removed and if the inlet shifts ½ mile south over the next 20 years. He is very concerned about what the future holds for Oregon Inlet with the lack of funding to keep the channels open. Commercial boats as well as party boats are having difficulty going through the inlet. He noted that if the Coast Guard pulls its navigational buoys because it is unsafe then every boat that goes through Oregon Inlet is uninsured which puts the Captains and everyone at high risk.

The Board concurred to bring the Economic Study to the next Board meeting.

#### **ITEM 6 – OVERVIEW OF SOCIAL SERVICES IN-HOME SERVICES PROGRAM**

Teresa Edwards, Adult Services Supervisor, provided a brief summary of the Social Services In-home Services Program.

#### **ITEM 7 – MARITIME RIDGE SUBDIVISION – PRELIMINARY PLAT REVIEW**

Ryan Simmons, Planner, presented a four lot residential subdivision in Frisco, NC for approval subject to the submittal of restrictive covenants.

#### **MOTION**

Commissioner Judge moved to approve the Maritime Ridge Subdivision Preliminary Plat subject to the submittal and review of draft restrictive covenants by Planning Staff.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

#### **ITEM 8 – ED NUNNALLY – HATTERAS VILLAGE ZONING MAP AMENDMENT**

Donna Creef, Senior Planner, presented an application from Mr. Ed Nunnally requesting the rezoning of two parcels he owns in Hatteras village located on NC 12. The property is currently zoned R2-AH and he is seeking a new classification of C-2H. The Nunnally property is bordered to the north by C-2H zoned property. The majority of property with frontage on NC 12 is zoned C-2H except for a small area which includes the Nunnally property and the area platted as the Hatteras Landing Subdivision which is designated RS-1. She asked the Board to schedule a public hearing to consider the rezoning request.

**MOTION**

Commissioner Byrd moved to schedule a public hearing on the Nunnally request to amend the Hatteras village zoning map for January 17, 2006 at 3:30 p.m.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – CHRISTOPHER COLEMAN / WILLIAM COMBS – CUP  
APPLICATION FOR HOME OCCUPATIONS**

Donna Creef, Senior Planner, noted that Planning staff had assisted Colington Harbour Association with several zoning violations within the Colington Harbour Subdivision. One of these complaints involved a marine construction business owned and operated by Mr. Christopher Coleman. Colington Harbour is zoned R-4, a residential district. As a result of staff's efforts Mr. Coleman submitted a CUP application for a home occupation for his residence. Home occupations are permitted as conditional uses in the R-4 district. (See attached).

**MOTION**

Commissioner Judge moved to approve draft CUPs for Coleman and Combs as recommended by the Planning Board.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – SED-1 ZONING DISTRICT AMENDMENTS**

Donna Creef, Senior Planner, noted that for the past several months the Planning Department has struggled with assisting property owners in Buxton and Frisco who own property located in the SED-1 zoning district. The problems involve the strict regulations of the SED-a district and the prohibition on mobile homes within this district. The SED-1 zoning district was adopted by Dare County in 1988 to protect the shallow aquifer located underneath the Buxton Woods forest. At that time, this aquifer was the only water source for the four southern villages of Hatteras Island. In the mid 1990s the County acquired the resources of the Cape Hatteras Water Association and built a reverse osmosis plant to service the four southern villages of the island. The reliance on the shallow aquifer was decreased with the construction of the reverse osmosis plant. Since 1987, when the SED-1 was first adopted, land values have skyrocketed and competition for undeveloped land has become extraordinary. The need for more flexibility in the SED-1 zoning district has increased as more property owners seek to construct residences on their property and run into difficulties with the regulations of the SED-1 district. In an effort to better assist the citizens of

Hatteras Island, staff is requesting the Board's consideration of amendments to the SED-1 district as detailed:

1. Creation of a new district entitled SED-1A that would include less strict wetland filling and wetland buffer standards than the current SED-1.
2. Add mobile homes to the list of permitted uses in the SED-1 and the new SED-1A district.
3. Wetland Filling Prohibition.
4. Wetland Buffer.

**MOTION**

Commissioner Johnson moved that a public hearing on the proposed amendments to the SED-1 and the SED-1A district be scheduled for January 17, 2006 at 3:30 p. m.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

THE BOARD TOOK A 10-MINUTE BREAK.

**ITEM 11 – CONSENT AGENDA**

**MOTION**

Commissioner Byrd moved the approval of the Consent Agenda – Approval of Minutes, November 7, 2005.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – BOARD APPOINTMENT – LIBRARY BOARD / REGIONAL**

**MOTION**

Commissioner Judge moved the appointment of Betty Swanson to serve the unexpired term of Paul Charron on the Library Board – Regional.

VOTE: AYES unanimous

**ITEM 13 – COMMENTS BY VICE CHAIRMAN JOHNSON**

- Channel 20 – He commended staff of Channel 20 for doing a good job.

**ITEM 14 – COMMENTS BY COMMISSIONER JUDGE**

- Wished everyone a Happy Thanksgiving and a safe holiday.

**ITEM 15 – COMMENTS BY COMMISSIONER BYRD**

- Midway intersection – She knew that DOT was struggling with whether or not to have a flyover at the Midway Intersection. She suggested that NCDOT take a look at a redesign of the intersection as a possible way of moving traffic. The redesign is a part the draft reports.
- Oil & Gas Drilling - Noted the Energy Forum will hold a meeting at COA on November 22<sup>nd</sup> and felt the Board needed to move on that issue fairly soon and suggested it be placed on the agenda for conversation. She liked Commissioner Judge's idea for a resolution regarding energy conservation as well as oil and gas resolution.

- Board/commissions - She will be leaving the Board on December 18<sup>th</sup> and would like to have a chance to send materials to the new appointees.
- New Administration Building – She felt they needed to take a look at the utilities in the new building since the Health & Social Services and the new Courthouse have been very costly.
- New flood zone tables – She asked if the Board would need to vote on them to adopt them. The Planning Director will handle the matter.

#### **ITEM 16 – COMMENTS BY CHAIRMAN WHITE**

- Dare County Board of Commissioners in Recognition of Outstanding Support of Elementary and Secondary Schools... for establishing an excellent working relationship and for diligent effort toward creative funding of education – He and Commissioner Judge accepted the award last week in Greensboro from North Carolina School Board Association.
- Oil and gas – The two letters that he received last week from Cape Hatteras School students carried one in support and one in opposition.
- Recognition of Finance Director Dave Clawson – Mr. Clawson reported that Moody's will release before 5:00 p.m. today an upgrade for Dare County to Double A3. Chairman White commended the Finance Director and staff.
- Retirement for Coastland Times Staff – He wished Dave Schulty well on his retirement after 20 years. Dave and Family will move back to Missouri.

#### **ITEM 17 – BEACH RENOURISHMENT ENGAGEMENT LETTER / FIRM OF POINTER & SPRUILL**

Attorney Outten noted the Board had discussed retaining the Firm of Pointer & Spruill to assist in the condemnation actions with regard to beach renourishment. He presented their engagement letter for Board approval and the County Manager's signature.

#### **MOTION**

Commissioner Judge moved to engage the firm as recommended by the County Attorney to authorize the Manager to sign the contract and to fund out of the 1% occupancy tax for shoreline protection.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

#### **ITEM 18 – RIGHT OF WAY EASEMENT WITH TIDELAND ELECTRIC**

Dave Clawson, Finance Director, presented a Right of Way Easement with Tideland Electric for an underground power line along Cub Road going to new Solid Waste Transfer Station.

#### **MOTION**

Vice Chairman Johnson moved to approve the Right of Way Easement.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – CLOSED SESSION – LAND MATTER AND APPROVAL OF MINUTES  
MOTION**

Vice Chairman Johnson, pursuant to the provisions of 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 negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease and to consult with an attorney employed or retained by the county in order to preserve the attorney client privilege between the attorney and the county in the matters of Snow versus Dare County and to approve the minutes of the last closed session.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

AT 5:15 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 5:55 P.M.

Attorney Outten reported that the Board of Commissioners gave the County Attorney direction with regard to a real estate matter, discussed the litigation of Dare County versus Snow, approved minutes from the last closed session and took no other action.

**ITEM 15 – PUBLIC COMMENTS (5:30 P.M.)**

1. Jennifer Snow, Manteo, came forward to bid Commissioner Cheryl Byrd farewell. She congratulated the Board on their plaque for education. She noted that Camden County needs help with funds for school construction. She said that North Carolina now has a lottery in the making with a Director appointed and it is especially designated to benefit education in North Carolina. She asked Dare County to be proactive and generous to their Camden neighbors by recommending to Gov. Mike Easley that lottery funds not to exceed \$6 million dollars in 2006 be designated to Camden County for school construction so that Camden does not have to accept a massive toxic dump in order to get money for schools. North Carolina does not deserve to be a dump.

AT 5:58 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS  
ADJOURNED UNTIL 9:00 A.M. ON DECEMBER 5, 2005.

(SEAL)

Respectfully Submitted,  
By:

Frances W. Harris,  
Clerk to the Board

APPROVED:

By:

Stan White, Chairman,  
Dare County Board of Commissioners