



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 3, 2008—9:00 A.M.

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

Commissioners Present:

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

Commissioners Absent: None

Others Present:

County Manager Terry Wheeler, County Attorney Bobby Outten, Katie Smith—Clerk to the Board

Action:

AGENDA AMENDMENT—REMOVE ITEM 11 UNTIL LATER DATE — **Approved**

PROCLAMATION—2008 GREAT AMERICAN SMOKEOUT — **Adopted**

PROCLAMATION—NATIONAL HOME CARE AND HOSPICE MONTH — **Adopted**

PROCLAMATION—NATIONAL FAMILY CARE GIVER MONTH — **Adopted**

PRELIMINARY PLAT REVIEW—LAKE BURNSIDE SUBDIVISION — **Approved**

JOSEPH KIELY CUP APPLICATION FOR GROUP DEVELOPMENT — **Approved**

IG HOLDINGS LLC CUP APPLICATION FOR GROUP DEVELOPMENT — **Approved**

BARRY CRUM C-3 ZONING TEXT AMENDMENT REQUEST FOR PUBLIC HEARING 12.1.08 — **Approved**

RENEWAL OF SOLID WASTE CONTRACT AND SUBORDINATE AGREEMENTS WITH REPUBLIC SERVICES — **Approved**

CAPITAL PROJECT ORDINANCE AMENDMENT FOR COA ROANOKE ISLAND CAMPUS PROJECT — **Approved**

RESOLUTION SUPPORTING SAND REPLACEMENT AT JENNETTE'S PIER — **Adopted**

CONSENT AGENDA — **Approved**

- Approval Of Minutes

BOARD APPOINTMENTS — **Approved**

- Nursing Home Community Advisory Committee
- Fessenden Center Advisory Board
- Dare County Youth Council

RESOLUTION SUPPORTING NATURAL AND ECONOMIC RESOURCES OF COASTAL NC — **Approved**

REQUEST FOR SUBMISSION OF 3 APPOINTEE APPLICANTS FROM ALL DCTB ENTITIES — **Approved**

LAND OF BEGINNINGS

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Chairman Judge called the meeting to order at 9:00 a.m., invited Vice-Chairman Burrus to lead the group in prayer, and then led the pledge of allegiance to the flag.

ITEM 1 – AGENDA AMENDMENT

Chairman Judge explained that Partner Ocean Builders and Stanford Holdings requested Item 11 – Stanford Holdings LLC request to amend Dare County Sign Ordinance be stricken from the agenda and placed on a later agenda, and to allow the County Manager an introduction.

MOTION

Commissioner Vice-Chairman Burrus motioned to strike Item 11 from the agenda and allow the County Manager an introduction.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 1A – INTRODUCTION

County Manager Wheeler introduced Tim White, Parks and Recreation Director, who came forward to introduce Susan Evans, as the new director of Extension Services. Mr. White gave a brief description of her work to date with the County. Ms. Evans then spoke regarding the current activities of Extension Services, as well as future plans for their programs.

ITEM 1B – PRESENTATION OF COUNTY SERVICE PINS

1. Michelle Spelts, EMT LT, received her 10 year pin from Skeeter Sawyer, EMS Director.
2. Dave Cheesman, Deputy Sheriff Master Officer, received his 25 year pin from Rodney Midgett, Sheriff.

ITEM 2 – EMPLOYEE OF THE MONTH

Neal Dennis, Landfill Equipment Operator, received the Employee of the Month Certificate from Edward Lee Mann, Director of Public Works.

ITEM 3 – PUBLIC COMMENTS

1. Michelle Pharr, Vice-President of Landmark Hotel group, came before the Board to speak about damage and beach erosion at the Comfort Inn South in Nags Head and throughout the Outer Banks. Beach erosion, made worse by storms in September and October, currently threaten the hotel structure. She requested support from the Board for an improved Shoreline Management Plan. She thanked the Board for their support and resolution to allow property owners the ability to continue protecting their property with sandbags. However, she explained that CAMA has sent letters ordering property owners to remove sandbags. She asked that the Commissioners do what they can to stop the order to remove sandbags until a beach nourishment program could be in place. She requested the Commissioners sit down with Senator Basnight, Representative Spear, and town council members to come up with a plan that will effectively help prevent further beach erosion and, in turn, save the properties that are currently threatened by the Atlantic.

ITEM 4 – PRESENTATION FROM THE CREATE THE FUTURE COMMITTEE

Paul Tine, Create the Future Committee, appeared before the Board to speak about the effects of the financial circumstances on our current economy. He explained that he appreciated the recent meeting of the local officials in the Economic Summit. He shared his plans of encouraging the diversification of our local economy in order to help deal with the economic effects Dare County is currently experiencing. His plan includes four areas: the development of a vision based on community input through a collaborative website to share ideas; the active coordination of the existing resources within our county; assisting the education system to foster skill sets that are needed for 21st century jobs and to integrate these into a knowledge based economy; and finally, improving the information technology infrastructure throughout the county. Mr. Tine noted that the committee will hire a coordinator to keep these 4 areas as a key focus. He thanked the Board for their time and asked their support of this plan.

Commissioner Shea asked Mr. Tine what he viewed as the greatest challenge. Mr. Tine noted two challenges: bringing the message to the greatest number of people possible, and getting all of the right people involved in discussion and committed to moving forward with the vision.

Vice-Chairman Burrus asked Mr. Tine what he was referring to when he stated “knowledge based economy.” Mr. Tine responded that every job segment is going to be expected to have a wider expanse of knowledge in their skill sets. He noted that when the IT infrastructure is in place, people will be able to increase their knowledge online or through our schools, thus allowing jobs to stay in this area versus being outsourced for the appropriate skill sets required. Vice-Chairman Burrus also noted that the length of the county is challenging when looking at getting internet access throughout. Mr. Tine explained that the fiber for internet is already laid, but the actual delivery from the fiber to the homes is the current issue.

Chairman Judge asked the Board to embrace this group and use the infrastructure that is in place now to show support for the committee. He noted how critical it is that we have cable television, internet, and cell phone towers in all parts of our county. He thanked the committee and everyone involved for the work that has already been done, and the work that is to come.

ITEM 5 – PROCLAMATION – 2008 GREAT AMERICAN SMOKEOUT

Lisa Phillips, Touch No Tobacco (TNT) staff member, came before the Board to make a presentation regarding the 2008 Great American Smokeout on November 20th. She explained that this year’s event would encourage smokers to give up smoking for one day in hopes that they will quit for a longer period of time. Hunter Trotman, Nistosha Murray, and Lauren Bateman, Peer Power Students from Manteo High School, as well as Casey Rollinson, Sommer Moore, and Kourtney Trott, Students Against Destructive Decisions (SADD) members from Manteo High School, gave a presentation on the various additives to cigarettes, it’s effects on smokers, and effects on those who breathe second-hand smoke. Reena Roberts, throat cancer survivor from the group Survivors and Victims of Tobacco Empowerment, read the proclamation.

MOTION

Commissioner Shea moved the adoption of Proclamation – 2008 Great American Smokeout.

Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 6 – PROCLAMATION – NATIONAL HOME CARE AND HOSPICE MONTH

Ms. Ellie Ward, Home Health and Hospice Nursing Director, thanked the Commissioners, Board of Health, Health Director Anne Thomas, and the community for their support of the program. She then introduced Norm Youngsteadt and daughter, Susan, who gave a presentation about receiving services from the program. Mr. Youngsteadt noted that family and friends tend to pull back once a diagnosis is made because they are unsure of what to say and even how to help. He stated that the Hospice program employees gave them the ability to get through life. Susan also explained how the hospice program was able to allow her to continue to function in life, and how the caregivers helped to alleviate the burden on her dad. Ms. Ward read the proclamation declaring November as National Home Care and Hospice Month.

MOTION

Commissioner Shea moved the adoption of Proclamation – National Home Care and Hospice Month.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PROCLAMATION – NATIONAL FAMILY CAREGIVER MONTH

Ms. Ellie Ward introduced Catherine Smith, Albemarle Commission Area Agency on Aging, who gave a presentation about the program and explained ways the community could support the program, its caregivers, and those in need. Ms. Ward read the proclamation declaring November as National Family Caregiver Month.

MOTION

Commissioner Shea moved the adoption of Proclamation – National Family Caregiver Month.

Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – PRELIMINARY PLAT REVIEW – LAKE BURNSIDE SUBDIVISION

Ray Sturza, Planning Director, presented a proposal for Lake Burnside Subdivision, a 6 lot minor subdivision to be located outside of Manteo on Roanoke Island.

MOTION

Commissioner Shea moved the approval of the preliminary plat for Lake Burnside Subdivision.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 9 – JOSEPH KIELY CONDITIONAL USE PERMIT APPLICATION FOR GROUP DEVELOPMENT

Ray Sturza, Planning Director, presented the CUP for a proposed 4-bedroom residence to be built on a lot with an existing residence. Because there will be more than one residence on the same lot, the proposal constitutes a group development and must undergo a conditional review.

MOTION

Commissioner Mike Johnson moved the approval of the site plan and draft CUP for Joseph K. and Kellie Kiely.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 10 – IG HOLDINGS LLC CONDITIONAL USE PERMIT APPLICATION FOR GROUP DEVELOPMENT

Ray Sturza, Planning Director, presented the CUP and site plan for IG Holdings LLC for a group development consisting of two buildings: 1) an existing retail building, and 2) a residential structure with the intended use of employee housing. Vice-Chairman Burrus noted that even with the conditions there have been violations. Commissioner Richard Johnson asked what could be done if the violations continue to occur. Donna Creef, Senior Planner, noted that while we do not have standards describing how merchants advertise their commodities, she did stress that she spoke with the developers regarding this issue. Attorney Outten noted that the conditional use permit states that the occupants can use the building as long as they go by the conditions stated. If they are in violation, the County can get an order from the court to close the business down until they came into compliance.

MOTION

Vice-Chairman Burrus moved the approval of the site plan and CUP for IG Holdings LLC.

Commissioner Mike Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 12 – BARRY CRUM C-3 ZONING TEXT AMENDMENT REQUEST TO ADD BIO-DIESEL FUEL PRODUCTION

Ray Sturza, Planning Director, presented a proposal to add biodiesel production facilities to the list of conditional uses for the C-3 zoning district. He presented Mr. Crum's request that the Board schedule a public hearing for December 1, 2008. Vice-Chairman Burrus asked if there were any industrial sites in Hatteras to which bio-diesel fuel production would be appropriate. Mr. Sturza responded that there was in fact one site located near the cement manufacturing site operated by Mr. Tillett. Vice-Chairman Burrus noted that one problem that arises is the determination of where a commercial site begins and ends, and the issue of integrating commercial and residential areas. Commissioner Shea asked that if this use was added to the C-3 zoning district in Hatteras, would it apply to the rest of the county. Mr. Sturza responded that it would in fact make this a use for C-3 zoning districts across the entire county.

MOTION

Commissioner Richard Johnson moved to schedule a public hearing for December 1, 2008, at 10:00 a.m. regarding adding biodiesel production facilities to the list of conditional uses for the C-3 zoning district.

Commissioners Shea and Dutton, and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

THE BOARD RECESSED FOR A BREAK AT 10:36 A.M. AND RECONVENED AT 11:06 A.M.

ITEM 13 – RENEWAL OF SOLID WASTE CONTRACT AND SUBORDINATE AGREEMENTS WITH REPUBLIC SERVICES

County Attorney, Bobby Outten, presented the Solid Waste contract and subordinate agreements with Republic Services to the Board. He noted the new agreement is for a term of 26 years, assuming Bertie County allows Republic to move forward with their planned expansion, and has been approved by all authorities. He noted other highlights of the contract regarding tipping fees, cost of living increases, fuel surcharges, a technological provision allowing for renegotiations of tipping fees if advances are made and cost is decreased by 80% or more, a transfer station agreement, and requirement to send all waste to Republic at Bertie County.

MOTION

Commissioner Shea moved the approval of the Waste and Disposal Agreement, Member Waste Management Agreement, and Agreement for Operation of Transfer Station and the authorization of Attorney Outten to clarify the chart on schedule D under fuel surcharge calculations as outlined, and the authorization for the Chairman and/or Manager to sign the contract on behalf of Dare County.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 14 – CAPITAL PROJECT ORDINANCE AMENDMENT FOR COA ROANOKE ISLAND CAMPUS PROJECT

David Clawson, Finance Director, presented an amendment to the capital project ordinance due to the Board lowering the project amount of the College of the Albemarle Roanoke Island Campus project by \$500,000 as a result of favorable bid results. The amendment reduces the project amount and amount to be financed by \$500,000. Chairman Judge noted that the tipping fees were in fact included in the contract.

MOTION

Commissioner Shea moved the adoption of the amendment to the capital project ordinance.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 15 – RESOLUTION SUPPORTING SAND REPLACEMENT AT JENNETTE'S PIER

County Attorney Outten presented a resolution supporting the sand replacement at Jennette's Pier due to beach erosion from recent storms. DOT is sponsoring a program to replace some of the sand to protect the site and the intersection from ocean over-wash and requested that the Board support their efforts. Commissioner Shea stated there are several areas that need sand replacement and asked that the Board look into expanding the project to include all areas of the beach that are currently affected. Attorney Outten noted this project is being conducted under an emergency permit obtained by DOT specific to the Jennette's Pier site, and is therefore limited in their ability to expand this project.

MOTION

Vice-Chairman Burrus moved the adoption of the resolution supporting sand replacement at Jennette's Pier.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 16 – UPDATE ON OREGON INLET BRIDGE

Vice-Chairman Burrus offered the Board an update on the Oregon Inlet Bridge. He noted he had spoken with Mr. Stan White, NCDOT Board member, who had indicated progress is being made and they hoped pilings would begin to go in around May/June.

ITEM 17 – CONSENT AGENDA

MOTION

Commissioner Shea moved the approval of the Consent Agenda:

1. Approval of Minutes

Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 18 – BOARD APPOINTMENTS

1. Nursing Home Community Advisory Committee

MOTION

Vice-Chairman Burrus motioned to appoint Steve Jeanette to fill the unexpired term of Jackie Wenberg.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

2. Fessenden Center Advisory Board

MOTION

Vice-Chairman Burrus motioned to appoint Steve Jennette to fill the unexpired term of Ken Wenberg.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

3. Dare County Youth Council

MOTION

Vice-Chairman Burrus motioned to appoint Blake Taft to serve a three-year term to fill the vacancy as a youth representative on Hatteras Island

Commissioners Tillett and Dutton seconded the motion.

VOTE: AYES unanimous

MOTION

Vice-Chairman Burrus motioned to reappoint Luke McDonald and Lauren Martinez for one-year terms as Youth Representatives, and to reappoint Hillary Netsch for a two-year term as a Youth Representative.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

MOTION

Vice-Chairman Burrus motioned to reappoint Gail Hutchison, Kerri Simmons, and Skipper Hines for one-year terms, and Kathy Burrus and Kat Irby for two-year terms.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

The Board will wait for a recommendation for the remaining vacant seat of Loretta Michael.

ITEM 19 – COMMISSIONERS’ BUSINESS

Chairman Judge began the comments by thanking Michelle Pharr for speaking to the Board about the very serious issue of our ocean front and the beach erosion that is occurring. He stated he would welcome the opportunity to send a letter to Sen. Basnight and Rep. Spear regarding what the state is willing to do to alleviate the roadblocks that are causing huge infrastructure issues in the ability of our county to recover our beaches from the erosion and storm damage. He spoke about what measures the county has taken to aide requests regarding beach erosion and explained the county’s involvement in a federal project for this issue. However, he noted that the Northern Dare Beaches project is permitted, engineered, has all it’s planning engineering design money, and has moved into the construction side of the congressional budget, but is not being funded. Chairman Judge has contacted Congressmen Mike McIntyre who recently received \$9 million in funding for their beach renourishment projects. He is attempting to schedule a meeting in order to seek advice on ways to obtain funding.

Commissioner Tillett

She began her comments with a reminder to vote. She announced the 2nd Annual Roanoke Island Freedmen’s Colony Helping Hand Toy Drive and encouraged the commissioners to bring a toy to the next meeting to offer their support.

Commissioner Richard Johnson

He shared his support of a resolution regarding beach erosion/beach nourishment for all of Dare County beaches. He noted property owners on lakes and river fronts are able to protect their property and feels it is wrong to restrict ocean front property owners from being able to protect their property.

MOTION

Commissioner Richard Johnson motioned to approve a resolution regarding beach erosion/renourishment and allow our ocean front property owners to continue to use sand bags to protect their property.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Vice-Chairman Burrus asked that this resolution circulate to all coastal counties.

Commissioner Richard Johnson also asked that all entities submitting applications for DCTB member give a minimum of 3 appointees with no preference of priority contingent upon the county attorney’s interpretation of the legislation requirements.

MOTION

Commissioner Richard Johnson made the motion as stated.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Commissioner Richard Johnson asked the Board move forward in seeking a replacement for the County Manager’s position due to Mr. Wheeler’s retirement in June 2009. He also noted he has been asking local business owners how their businesses are doing with the current economic conditions. The response was that no one is doing well. He suggested the Board look into freezing the budget and begin asking for employees to seek approval for travel expenses. He feels it is important for the county to do whatever we can do to help.

Vice-Chairman Burrus

He congratulated Neal Dennis for receiving the award for Employee of the Month. He expressed his appreciation for all of his hard work with not only Public Works, but also in Board of Elections. He shared that the Economic summit was enlightening and was a great start. He felt the next steps were to choose 4 or 5 items to focus on. He heard concrete problems in all sectors of the economy, but also heard avenues of hope.

Vice-Chairman Burrus noted he was very impressed by the students who took a stand against smoking by giving the 2008 Great American Smokeout presentation. He also announced he met with the Army Corps of Engineers regarding the Oregon Inlet waterways. He stated that acting on a resolution should be helpful, and the key issue is getting into the budget to start with - which is happening now. He added that it is easier to get things added once you are in the budget. He stated that there is money out there; we just need to be competitive and find it. He then asked if the entities sending in applications for the DCTB appointees choose not to recommend more than one person, could the Board choose not to appoint their applicant, thus causing the entity to not be represented on the DCTB. Attorney Outten stated that there is most likely a statute stating that an applicant must be appointed from every entity.

Commissioner Shea

He expressed his appreciation for the employees receiving service pins and for Neal Dennis. He stated everyone in the state and federal government should recognize the importance of our seashore. He noted it is a resource that we cannot afford to lose because this is a source of money that funds projects within both the state and federal governments. Losing this resource will diminish the income for necessary projects. We need to do everything we can to maintain our beaches.

Mike Johnson

He stated that CAMA encompasses such a broad spectrum that it often distorts the regulatory process. The beach issue is a state problem and it's the regulatory commission that is prohibiting our ability to do business. Instead of restricting us, the government should support us in what we can do to aid the issue.

He thanked the Department of Health for the Home Hospice presentation. He noted that hearing what this program does for our community makes everything worth it. He shared thanks from the fisherman for the Board's support in the recent issues with Spiny Dogfish. He explained that because of the Board's steadfast support, they gained success on their objectives in Delaware.

Commissioner Dutton

He expressed his appreciation of those receiving service pins, and congratulated Neal Dennis on being Employee of the Month. He also thanked the commissioners for their unwavering support on beach nourishment. He expressed his dismay in seeing the beaches in such a state of disrepair. He encouraged the Peer Power students to continue to move forward and present to as many people as possible. He agreed with Mr. Youngsteadt when he called the Hospice Homecare givers "angels." He agreed with Commissioner Johnson on operating on business critical in the budget. And finally, he asked everyone remember Tuesday November 11th in honoring veterans.

Chairman Judge

He announced that they will convene a smaller group from the Economic Summit to digest what occurred. This group will come back to the Board with a plan of action, schedule another Summit, or choose 3 or 4 items to assign a task force to focus on. He offered an update on the Joint Access Committee stating that Dorothy Toolan was tasked with creating a website concept for everyone to review. He noted both he and Commissioner Shea had written letters and sent ads to local newspapers regarding the access issue. He encouraged everyone to write letters or suggest ideas on the issue. He announced that March 1st is the earliest beaches might have limited access this year due to the pre-nesting season. He expressed urgency in action noting these potential closures would be 2 months earlier than last year.

ATTORNEY'S BUSINESS

None

MANAGER'S BUSINESS

None

ITEM 20 – UPCOMING BOARD APPOINTMENTS FOR DECEMBER

The upcoming Board appointments for December are:

1. Board of Equalization and Review
2. Parks and Recreational Advisory Council
3. Special Motor Vehicle Valuation Review Board
4. Tourism Board

AT 12:05 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON NOVEMBER 17, 2008.

(SEAL)

Respectfully submitted,

By: _____

Katie Smith, Clerk

APPROVED:

By: _____

Warren C. Judge, Chairman
Dare County Board of Commissioners