



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

SPECIAL CALLED MEETING
DARE COUNTY BOARD OF COMMISSIONERS
DARE COUNTY ADMINISTRATIVE OFFICES – RM. 185
954 MARSHALL C. COLLINS DRIVE, MANTEO
JANUARY 26, 2009 – 5:00 P.M.

The Dare County Board of Commissioners met in a special meeting on January 26, 2009. The following Commissioners were present: Chairman Warren Judge, Vice-Chairman Allen Burrus, Richard Johnson, Mike Johnson, Virginia Tillett, and Max Dutton. County Manager Terry Wheeler, Dorothy Toolan, Public Relations Director, and Katie Smith, Clerk, were also present. Commissioner Jack Shea was unable to attend due to illness.

Chairman Judge called the special meeting to order at 5:00 p.m. He explained the meeting had been properly announced and the County Attorney notified. He stated the purpose of the meeting was to address two items: 1) Outer Banks Scenic Byway Committee for Dare County, and 2) Rodanthe Public Beach Access and Oceanfront Park Land Acquisition. He explained due to the time sensitivity of these items and the cancellation of the regularly scheduled meeting on January 20, 2009, because of inclement weather, the special meeting was necessary to address these issues.

OUTER BANKS SCENIC BYWAY COMMITTEE

Mary Helen Goodloe-Murphy, Outer Banks Scenic Byway Committee member, gave a brief presentation on the request for the Board to approve a professional services contract for survey, design, engineering and permitting a pathway along Buxton Back Road and construction management of a portion of that pathway. She explained on January 6, the committee allowed submission of applications for the engineer for the project and received 3 (three) from outside the area and 4 (four) from within Dare County. The committee reviewed the applicants and selected 4 (four) for interviews on January 14, 2009. Attending the interviews were 3 (three) members of the committee, representatives from the Child Obesity Project, and 2 (two) county staff members. Following the interviews, the committee recommended Albemarle & Associates, LTD as the engineer for the project. She noted the money to fund the project would come from a Childhood Obesity grant.

MOTION

Vice-Chairman Burrus motioned on recommendation from the Outer Banks Scenic Byway Committee, Dare County's purchasing agent and the County's Public Health Department, that the Board of Commissioners select Albemarle & Associates Ltd. as the engineer for the Buxton Back Road pathway project and authorize Dare County administrators to negotiate and sign a contract for the project. The motion was seconded by Commissioners Mike Johnson and Max Dutton.

Discussion: Commissioner Richard Johnson inquired about the requirement of the County to maintain the pathways. Ms. Goodloe-Murphy explained a government entity is required to sign an encroachment agreement and would be responsible for the maintenance of the pathways. As a result, the committee

recommends using concrete as the medium. While it is a more expensive material, the long term maintenance is less. Additionally, the committee will be pursuing the installment of a program in which portions of the pathway could be adopted for public maintenance. Commissioner Richard Johnson noted the cost and labor involved in upkeep of current pathways throughout the county and the possibility that many areas within the county would then request similar pathways. Vice-Chairman Burrus spoke to several municipalities who say there is very little expense involved. He suggested the Board approve the item and request Dave Clawson, Finance Director, to work with his Department and the State to project the long term costs. Commissioner Mike Johnson suggested the use of inmates to maintain the pathways. Chairman Judge agreed with Commissioner Richard Johnson in that the county cannot afford at this time to build pathways throughout all the unincorporated areas of the county. However, this project is being considered because of a grant from the Health Department to aid in the fight against obesity. This allows for a funding source to be used in lieu of the General Fund. Commissioner Tillett asked if the committee discussed the long term maintenance issue in their meetings. Ms. Goodloe-Murphy responded this issue was discussed and brought to the Public Works Department for their opinion on the cost. Public Works also felt the cost would be low. The committee discussed solutions such as grants, special tax districts, and programs that would allow the public to adopt portions of the pathways to maintain. Commissioner Tillett thought the project was worthwhile; however, she was concerned about the expense on an already extremely stressed budget. She noted the Board's agreement endorse new expenses for the year. Discussion followed noting most of the costs would be long term maintenance and would not affect county budget for many years. Commissioner Dutton reiterated the possibility for groups to volunteer for maintenance which would help with this expense. Vice-Chairman Burrus also noted the maintenance would only be required for the surface of the pathways, not the area between the pathways and roadways. Vice-Chairman Burrus also gave an affirmative response to Commissioner Richard Johnson's question regarding this agreement and its infinite term of responsibility.

VOTE: AYES unanimous (6-0)

Ms. Goodloe-Murphy asked the Board to authorize the committee to apply for a Safe Routes to School grant and approve the resolution supporting this application. She noted this grant requires no matching funds and is reimbursable. She noted the Childhood Obesity grant would radiate pathways from the school to allow for safe walkways for kids. These pathways would additionally open the maritime forest for research by the secondary school and would pave areas in front of the school to the Post Office. The committee would apply to the Dare County Tourism Board to pay for paving the area to the Post Office, thus completing the project. She noted the grant application is due January 30, 2009. Commissioner Richard Johnson asked if the County would be liable and if insurance would need to be purchased for the project. County Manager Terry Wheeler stated typically these construction projects are bonded. Ms. Goodloe-Murphy noted the total grant is for \$275,000 and the matching funds would come from the Dare County Tourism Board. Vice-Chairman Burrus noted these items would be reviewed by Mr. Clawson who would make sure all the requirements were met.

MOTION

Vice-chairman Burrus moved that the Dare County Board of Commissioners:

- (1) Support and authorize application for a \$275,000 Safe Routes to School Infrastructure

- (2) Designate the County's Finance Officer to serve as the contact person for the grant
- (3) Authorize the Finance Officer to sign the grant application stating that, should Dare County receive the grant, it is willing to enter into a reimbursement agreement with NCDOT with a commitment to finance, manage and complete the proposed infrastructure project
- (4) Authorize the chairman to sign a resolution to this effect, and
- (5) Adopt the resolution

Commissioner Richard Johnson and Virginia Tillett seconded the motion.

Discussion: Commissioner Mike Johnson asked the minutes and motion reflect the request for the Finance Officer to take into consideration bonding or other considerations that would free the County of liability.

Vice-Chairman Burrus moved to amend the motion to include this addition.

Commissioner Richard Johnson and Virginia Tillett seconded the amended motion.

VOTE: AYES unanimous (6-0)

RODANTHE PUBLIC BEACH ACCESS AND OCEANFRONT PARK LAND ACQUISITION

Chairman Judge presented the request for reimbursement for land acquisition from the N.C. Parks and Recreation Trust Fund (PARTF) to develop a public beach access to the Atlantic Ocean in Rodanthe. The project site is approximately 6.67 acres. The planned improvements include access road to the ocean, public parking, a public bath house with restrooms and outside showers, a picnic area, a gazebo, playground equipment, a walkway leading to the ocean, and a volleyball area. This project will provide the only beach access to the Atlantic Ocean in Rodanthe. He noted because the application is due by February 2, 2009, the item needed to be addressed in this special called meeting. Commissioner Tillett asked if additional money was required by the County. Chairman Judge responded no addition funding was required.

Commissioner Tillett motioned to have Chairman Judge sign 2008-09 Basic Facts and Assurances sheet, and to have County Attorney Outten sign Attorney's Certification of Site Control.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (6-0)

The meeting was adjourned at 5:33 p.m. until February 2, 2009, at 9:00 A.M.

(SEAL)

Respectfully submitted,

By: _____
Katie Smith, Clerk

APPROVED:

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