

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room May 2nd, 2007 at 7:30 p.m.

The following members were present: Mayor-John Wilson, IV
Commissioner Lee Tugwell
Commissioner David Farrow
Commissioner H.A. Creef, Jr.
Commissioner Hannon Fry
Commissioner Darrell Collins
Commissioner Edward Etheridge

The following member(s) were absent:

Also present at the meeting were: Town Manager-Kermit Skinner
Finance Officer- Shannon Twiddy
Town Clerk-Becky Breiholz
Planner Erin Trebisacci
Attorney-Daniel Khoury

Mayor Wilson called the Regular meeting to order at 7:30 followed by the Pledge of Allegiance

SUBJECT The Town Clerk has asked that the consent agenda be amended to add the approval of the April 18th meeting minutes that were included in the package but not on the agenda.

MOTION: Commissioner Creef seconded by Commissioner Tugwell to amend the consent agenda to include the April 18th minutes was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge, and Creef. Noes: none. Absent: none

SUBJECT: Adoption of agenda as presented or amended –Mayor Wilson would like to add to Item 11 another closed session for possible land acquisition

MOTION: Commissioner Farrow seconded by Commissioner Creef to amend the agenda adding a closed session was approved by the following vote: Ayes: Commissioners Farrow, Collins Tugwell, Fry, Etheridge, and Creef. Noes: none. Absent: none

SUBJECT: Consent Agenda – approval as amended

MOTION: Commissioner Farrow seconded by Commissioner Tugwell approve the consent agenda as amended was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge, and Creef. Noes: none. Absent: none

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to approve the minutes of the regular meeting of April 4th, 2007 with reference to certified copy of CD recording was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Collins, Fry, Etheridge, and Creef. Noes: none. Absent: none

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to approve the minutes of the recessed regular workshop meeting of April 11th 2007 with reference to certified copy of CD recording was approved by the following vote: Ayes: Commissioners Tugwell, Farrow, Collins, Fry, Etheridge, and Creef. Noes: none. Absent: none

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to approve the minutes of the recessed meeting of April 18th was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge, and Creef. Noes: none. Absent: none

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to approve dues and subscriptions NC Finance Officers Association was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none Absent: none

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to approve Resolution 2007-02 Opposition to NC General Assembly Senate Bill #831 was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none Absent: none

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to approve Resolution 2007-03 Support of the Clean Water Act of 2007 was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none Absent: none

PUBLIC COMMENTS –Manager Kermit Skinner asked anyone wishing to speak to the Board to please come forward at this time.

Judith Bowen-merchant at downtown Manteo and is here to talk about the public restrooms and finding a place to put them. “Other issue I have is, a question, I have had my store for almost 5 years now and I have asked for a handicap ramp sign, my question is it up to the landlord, up to the state or is it up to the Town.” “We have a handicap ramp, we have

seven businesses and we have no sign to say you can come up.” “I see grandmothers, fathers, mothers bringing their baby carriages up her front steps because there is no sign you can’t see the handicap ramp.” Mayor Wilson commented that if it is on private property it would be up to the businesses or the owner and is not aware of any law that requires a sign at a handicap ramp. Ms. Bowen: “You build a handicap ramp you should state that it is there, the trees are getting so tall you cannot see it and we are losing business from people in wheelchairs, people with baby carriages they are stopped, see the steps and go away.” “The other thing is a suggestion, the spot Mr. Farrow had said at the last meeting behind the Christmas tree; if you look over where John Harris is at the Kite place on the corner you have these kayaks and bicycles and is a huge space, the people from the boats, on the streets, it would be a perfect place to have an outdoor shower, have a nice facility for the people.”

(TOWN MANAGER AGENDA)

SUBJECT: Introduction of New Public Relations Contractor. Town Manager Kermit Skinner introduced Martha Wickre our new public relations contractor.

SUBJECT: Request for Budget amendment #7 from the Cemetery Board to fund the balance for the brick sidewalks in the new portion of the cemetery in the amount of \$34,075 and \$9,500 for the construction of the metal Manteo Cemetery sign using \$10,000 of funds currently appropriated in the budget for construction projects. Commissioner Tugwell would like this explained to him. Mayor Wilson commented that there is currently \$266,000 in the trust fund, there was \$40,00 budgeted this year, \$20,000 of it was a grant and last years earnings on the cemetery trust fund amount was \$9,000. They are allowed to spend up to 80% of last years earnings which would be about \$7,000 and it is his understanding at this moment there is about \$10,000 left in the budget that can be spent and the \$7,000 of last years earning can be spent, however they have never used last years earning, and they are asking for money to buy a metal arch and brick sidewalks in the new part of the cemetery and they still have \$17,000. Finance Officer Twiddy commented that as part of the requirement for the Meekins Trust Fund Grant the cemetery board had to develop a master plan of which the sidewalk and sign were two of the items. The Board discussed the differences between the brick sidewalk and concrete sidewalk. Commissioner Tugwell commented this is appropriating \$36,000 from our fund balance to cemetery line item. Mrs. Twiddy commented that was the request from the Cemetery Board but it is certainly the Boards decision for them to use the \$7,000 that is carried over from interest earned last year that was not appropriated or used; there is still \$10,000 left that is not encumbered. We are still performing all the maintenance, cutting all the grass out of general fund and public works. The Board discussed what they had available to them from their interest fund. Commissioner Farrow commented that we should let them use what they have and to see what they can get grants for and then see what we have to come up with. Commissioner Tugwell commented that the have \$17,275 at their disposal right now that requires no

budget amendment and Mrs. Twiddy commented they have \$10,000 and what would be required would be a budget transfer, the money is in unrestricted but she would need a transfer with the Mayor's signature. Commissioner Tugwell commented so they have \$10,000 in general fund available to them now, \$7275 available in their trust fund and they will have another \$9,000 due July 1 and thinks they have enough money. Commissioner Farrow commented that \$23,200 for brick and \$10,875 for concrete was a lot of difference when you don't have a lot of money. The Board would like the Cemetery Board to consider concrete over brick sidewalk.

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve budget amendment # 7 with the exclusion of the Cemetery request to fund cemetery improvements with direction that the Cemetery Board use 80% of interest earnings from the 2006 year and current funding to complete their projects was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge, and Creef. Noes: none Absent: none.

SUBJECT: Discussion and consideration of appointment to Cemetery Board. The Cemetery Board received the resignation of Member Angel Khoury. Chair Bettie Blanchard spoke with several members of the community if they would be willing to serve as a member of the Cemetery Board. Ramona Wescott of John Borden Street stated she would be pleased to serve on the Cemetery Board and Mrs. Blanchard is asking that the Board consider appointing Mrs. Wescott to fill the remainder of Mrs. Khoury's term.

MOTION: Commissioner Tugwell seconded by Commissioner Etheridge to accept Ramona Wescott to fill the remainder of the term was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Collins, Fry, Etheridge, and Creef. Noes: none Absent: none.

SUBJECT: Acceptance of the Dare County Tourism Grant-The Special Events Committee applied for a grant from the Tourist Bureau and received \$10,000 for the Town's Christmas 1587 event with the funds being spent to advertise the event in TV commercials and magazine ads with recognition to the Tourist Bureau as the sponsor from approved verbiage: "This project sponsored by the Outer Banks Visitors Bureau. For more information on where to stay, play, dine and shop, visit www.outerbanks.org." Commissioner Tugwell asked how much we had to spend? Mrs. Twiddy commented that \$5,000 would have to spent on TV commercials and \$5,000 on magazine ads and they are requesting \$28,000 this year and the original \$10,000. This year we have spent \$13,000. Commissioner Tugwell commented he does not think this is necessary and is looking at a proposed budget for Christmas for \$58,000 and would like to see an itemized budget and thinks our Christmas celebration is getting a little big; last year we spent \$13,662 and he went over the breakdown. We spent \$500 to clean the queen's gown; \$4,000 for a big screen and audio; \$1,000 for a choir from New York; \$500 to the band; \$1400 to make fake snow;

\$150 for sea shells for ornaments; \$200 to make an elf costume; \$2400 to Owens to cater a reception; \$400 to rent a horse and \$200 in overtime for police to guard stuff down there; in 2002 we spent \$1188 on Christmas and he has received more complaints about Christmas now than he ever has and thinks it is getting out of hand and is out of character for the Town and thinks we should re-think this and is opposed to the grant and would like to see the budget for this. This item was delayed to the workshop for additional information.

SUBJECT: Discussion and consideration of Resolution 2007-05 amending the codified ordinances. This is required by the State to adopt a local ordinance so that the town will not be liable to any person who voluntarily uses the skateboard park. This will alter Section 38-1 Use of Cartwright Park to read 38-1 Use of Public Places and renumber Section 38-1 (1) Use of Cartwright Park and to add 38-1 (2) Use of Skateboard Park. This has come about by the Town and County partnering to have a skateboard park on County owned property with the Town building the park.

MOTION: Commissioner Tugwell seconded by Commissioner Creef to approve Resolution 2007-05 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge, and Creef. Noes: Commissioner Etheridge. Absent: none.

SUBJECT: Discussion and Consideration of Text Amendment altering Chapter 38 of the codified ordinance and adding use of Skateboard Park. Commissioner Fry would like a map of the areas that they can skate in and Mayor Wilson commented we could do that on the signage at the skate park. This is a requirement from the state to absolve the Town of liability.

MOTION: Commissioner Tugwell seconded by Commissioner Creef to approve Ordinance to alter Section 38-1 (1) 38-1 (2) a, b, c, d and f was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge, and Creef. Noes: Commissioner Etheridge. Absent: none.

OLD BUSINESS

Report Lighthouse Bell- Mr. Skinner gave an update that he spoke with the curator today and would have the dimension in a day or two.

Staff has received two prices for a flag pole a 30 foot one and a 50 foot one to be placed at Creef Davis Park and consensus of the Board to have a 30 foot flag pole. Commissioner Etheridge thought that there was to be a place on the weather tower for the stars and stripes as well as the storm warning. Commissioner Farrow commented that he does not remember that. Staff is to look at the historical photographs of weather towers to see if they see an American flag.

Report CVS Lights- Staff has found some solar powered lights that might be sufficient to identify the entrance at CVS. Commissioner Farrow would like the Town Manager to choose the fixture and proceed with getting a light at the intersection at CVS on Russell Twiford Road. Commissioner Farrow would also commented, that whatever is decided on needs to be cemented into the ground.

MOTION: Commissioner Farrow seconded by Commissioner Creef to authorize the manager to proceed with a light at the CVS intersection was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Collins, Fry, Etheridge, and Creef. Noes: none
Absent: none.

COMMISSIONER AGENDA

Commissioner Fry would like the Mayor to write a resolution about Virginia Tech and to the President of the University about an outstanding job in this tragic situation and review at the workshop. Mayor Wilson commented that we will ask for staff's help to prepare something for next Wednesday workshop. Commissioner Fry commented if anyone is interested in donating to the memorial fund he has the information as does the Town Clerk who also gave that information (www.vt.edu/tragedy/memorial_fund.php) to the local newspapers and Commissioner Fry encouraged anyone to please make a donation.

Commissioner Tugwell commented that he doubts we will be able to do anything about the public restrooms downtown this summer and the lease is up on the Magnolia Market property and we have an opportunity to make some nice public restrooms in that building. For now he thinks we should consider the strategic placement of porta johns. Commissioner Tugwell also recognized Grif Cruz in the audience and who is here working on his merit badge for his Eagle Scout requirement and is a fine and exceptional young man and wishes him well.

Commissioner Creef-Asked about the wireless and Mr. Skinner reported we have asked Charter for a status report several times but they have been ignored. We have a contractual arrangement with Charter and Mayor Wilson asked that Town Attorney review the contract and see if he can get their attention.

Commissioner Farrow-There is a problem with noise from motorcycles where he lives and they are getting bad and would like the police department to enforce the noise ordinance. Town Manager is to instruct the Police Department to enforce the noise ordinance all over Town.

Commissioner Collins-asked where we are with the Land Use Plan and was informed they are at the printers right now.

MAYOR'S AGENDA

Mayor Wilson –the Board had asked him to sketch some restrooms which he has done and handed them out. For the suggested place near the Christmas tree there is no waste water pipe in that area and would be cost prohibitive. Staff found a location at the end of Queen Elizabeth Street where two parking spaces are that back out into the intersection and they believe they could install a waste water tap at that location and the only other location identified is by the gazebo pier but we already have two sets of rest rooms in that area. The Magnolia Market lease is up in September 2008 and unfortunately it is two summers so the Board needs to think about what they want to do. Commissioner Tugwell would like more than one water closet per gender. Staff is to get a cost for the restrooms from the sketch provided by Mayor Wilson to be placed near the boat ramp. Mayor Wilson sent personal notes to the business asking for donations for the fire works display. Mayor Wilson commented that we received a letter from the Insurance Services Offices that is causing every flood insurance policy to increase 5% due to the reduction of our classification because our State Building Codes is different from FEMA wind load code. The Board asked the Town Attorney if it is possible for us to pass those 3 or 4 sections of the wind load code for the Town to continue to get that extra 5% reduction on everyone's flood policy.

5 minute recess at 9:48 pm

CLOSED SESSION NCGS 143.318.11 (a) 3 consult Town Attorney lease agreement.

MOTION: Commissioner Creef seconded by Commissioner Fry to enter into a closed session was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none Absent: none

Discussion of lease agreement.

Discussion of street ownership.

MOTION: Commissioner Tugwell seconded by Commissioner Creef to exit the closed session was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none Absent: none

CLOSED SESSION NCGS 143.318.11 (a) 3 consult Town Attorney land acquisition

MOTION: Commissioner Tugwell seconded by Commissioner Etheridge to enter into a closed session was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none Absent: none

Acquisition of the Davis Lot

Acquisition of Buck Seafood

MOTION: Commissioner Tugwell seconded by Commissioner Etheridge to exit the closed session was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none Absent: none

MOTION by Commissioner Etheridge seconded by Commissioner Collins the meeting was recessed at 10:00 pm until Wednesday, May 9th, 2007 at 4:00 p.m. was approved by the following vote: Ayes: Commissioner Fry, Collins, Etheridge, Tugwell, Farrow, and Creef. Noes: None. Absent: none

This the 2nd day of May 2007

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz