

## MINUTES

The Town of Manteo Board of Commissioners held their July 7, 2004 adjourned/recessed/ session in the Manteo Town Hall meeting room July 14, 2004 at 3:00 PM

The following members were present:

- Mayor John Wilson
- Commissioner Dellerva Collins
- Commissioner H.A. Creef, Jr.
- Commissioner David Farrow
- Commissioner Lee Tugwell
- Commissioner Edward Etheridge
- Commissioner Larry Belli (arrived at 4:30 pm)

The following member(s) were absent:

Also present at the meeting were:

- Town Manager Kermit Skinner
- Town Clerk –Becky Breiholz
- Planner Fred Featherstone

Mayor Wilson called the Adjourned/recessed July 7, 2004 meeting back to order at 3:00 pm

**SUBJECT:** Discussion and consideration of conditional use permit for Dare County Board of Education for the Manteo School modulars. This had been discussed at previous meetings and been postponed to this meeting. After reviewing the conditions which will be made a part of these minutes the Board inserted in 1, 2, 3 that modulars are permitted for a one year term beginning July 1<sup>st</sup>, for all sections requiring buffers that they be completed by December 31, 2004 and for the BOE to provide the number of approved parking spaces. Remove the conditions of no left turn on Wingina and NCDOT signage.

**MOTION:** Commissioner Etheridge seconded by Commissioner Tugwell to approve the Modulars conditional use permit beginning July 1<sup>st</sup>, buffers be brought into compliance by December 31, 2004, provide number of approved parking spaces and remove the condition of no left turn on Wingina and NCDOT signage was approved by the following vote: Ayes: Commissioners Tugwell, Farrow, Etheridge, Collins, and Creef. Noes: Absent: Commissioner Belli

**SUBJECT:** Discussion of proposed text amendment to Section 46-122 Commercial Vehicles parking in residential zones was postponed until the August workshop session.

**SUBJECT:** Discussion of proposed text amendment to cemetery ordinance Section 2-223 internment fees. This had been postponed from the July 7<sup>th</sup> meeting to allow Town Attorney Daniel Khoury to revise the text amendment the revisions are to add to Section 2-223 Fees for lots and services: (a) A permit issued by the Town is required prior to any burial at a Town cemetery. If the deceased's funeral, burial or service arrangements are being handled by a licensed funeral home or person or company regularly engaged in the providing of such services, the burial permit must be obtained by a representative of the funeral home or similar company. In order to obtain a permit, the applicant must complete a Town application and submit the same with a \$100 fee.

(b) Absolutely no action may commence at the Town cemetery with respect to a given burial prior to obtaining a permit.

(c) Failure to obtain a permit prior to commencing any action at a Town cemetery related to a burial shall result in a \$200 fine.

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to approve amendment to codified ordinance Division 3 Cemetery Section 2-223 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, and Creef. Noes: None Absent: Commissioner Belli

**SUBJECT:** Discussion of recommendations from Planning Board for conditions on the New Manteo Middle School which will be made a part of these minutes (No action will be taken) A lengthy discussion took place on the conditions. The Board reviewed each condition on the list and there was consensus that they were okay with conditions 1 through 3 and 5 through 10 and 13 and 14. The Board had problems with conditions 4, 10 and 11 (a) the Planning Board had deleted option 11 (b) on their recommendation to the BOC. A lengthy discussion took place on the ingress and egress and trying to find a way for there to be two accesses without disturbing the neighborhood. The Board discussed the option of making the school board choose what location would be used as a second access.

**SUBJECT:** Roanoke Marshes Light-Shannon Twiddy Finance Officer has received a request from the contractor for payment for the Roanoke Marshes Lighthouse. She stated that the original contract was for \$150,210.00 and approved change orders totaled \$15,954.26 for a new total contract price of \$166,164.26. There is a 10% retainage which totals \$16,613.43 which brings the total to \$149,520.83 and the contractor has drawn \$139,249.12 to date. This leaves a balance of \$26,915.14 left to draw minus the 10% retainage which equals \$10,301.72. They have requested \$20,050.53 and Ms. Twiddy is suggesting a payment of \$9,748.81. Ms. Twiddy commented that draws 1 through 8 were calculated on a 10% retainage and draw 9 was calculated at 2.5% and the contract clearly states 10% retainage. Consensus of the Board was to direct Town Manager to pay in accordance with the terms of the contract. Also discussed was the boat davits for the lighthouse and the contractor had stated that he doubts seriously that the Town would want them since they are not very attractive and has offered to reduce the price of the contract by \$2800 and Ms. Twiddy is to adjust contract to show the \$2800 adjustment. Consensus of the Board was for Ms. Twiddy to not process the payment request until she receives the sales tax report from the contractor.

Commissioner Belli arrived at 4:30 pm

The Board discussed the opening ceremony for the lighthouse and consensus was to do the lighthouse and boathouse dedication the last Saturday in September which is September 25<sup>th</sup>, and have hamburgers and hotdogs. The Town is trying to locate the descendants of the light keepers that have passed away so that they can be invited to the ceremony. After the Town has the opening ceremony for the lighthouse it will be turned over the Maritime Museum who will have their own opening ceremony. The re-dedication of Cartwright Park will take place the last Saturday in October, which is October 30<sup>th</sup> with hamburgers and hotdogs. The Special Events Committee will help to organize the dedication ceremonies.

Commissioner Tugwell commented about attorney fees and wanted to pass on to the Board that it cost the Town \$3200 for our Town Attorney to research the question about discrimination when the Town of Nags Head was asking the Board to support the moving of the attendance line. Commissioner Tugwell commented we need to watch what we have our attorney research.

At this time the Board resumed their discussion of the conditions for the new Manteo Middle School and out of that discussion the following was recommended: The Board of Commissioners of the Town of Manteo encourage the Dare County Board of Education to provide as many means of access as practicable to the Manteo Middle School for public safety, fire and rescue as well as for connectivity of streets for traffic management to reduce delays and back-ups along Highway 64. At a minimum the Board of Education shall provide a second means of public ingress and egress to the school so that parents, teachers and school buses have an alternative to the Highway 64 access shown on the plans. The second access shall be remotely located and at least 1000 feet from the entrance on Highway 64. It may connect to streets on the North, South or West of the property at the sole discretion of the Board of Education. The Town encourages protection of the residential neighborhoods adjoining the school property from adverse impacts to the extent possible. And the Town further encourages strongest consideration be given to connecting the school to Driftwood Road (also know as Scarboroughtown Road). The Board will be meeting with members from the School Board and a member from the County Commissioner's on this subject at 5:30 pm

CLOSED SESSION NCGS 143.318.11 (a) 6 Personnel

**MOTION:** Commissioner Farrow seconded by Commissioner Etheridge to enter into Closed Session NCGS 143.318.11 (a) 6 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, and Creef. Noes Commissioner Tugwell. Absent: None

**SUBJECT:** Personnel discussion on outside contractual employment. NO ACTION TAKEN.

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

The Board of Commissioner's resumed the discussion of the New Manteo Middle School conditions with Board of Education Members Dr. Holton, Nick Nuzzi, Tim Maher and County Chairman Warren Judge at 5:40 pm. All agreed they needed to work together to come up with a solution for the second access. Lengthy discussion took place on the conditions recommended by the Planning Board. The Boards went over each item and there was a consensus that there were no problems with conditions 1 through 3; 5 through 9 and 13 and 14. The conditions 4, 10 and 11 were the ones they spent great lengths discussing. The School Board members are concerned with the cost of having to place a new road for connectivity. Mark Bissell passed out new plans of access which showed Washington Street as two way but no other accesses. They also discussed storm water retention and Mr. Winebarger with Dare County Schools commented that they had their engineer and the county engineer walk the entire site and their engineer found no evidence of excess water washing off and he has not yet heard back from the county engineer. Consensus was that they would keep the storm water on the property. Mayor Wilson read the recommendation that they had written up earlier in the day which stated: The Board of

Commissioners of the Town of Manteo encourage the Dare County Board of Education to provide as many means of access as practicable to the Manteo Middle School for public safety, fire and rescue as well as for connectivity of streets for traffic management to reduce delays and back-ups along Highway 64. At a minimum the Board of Education shall provide a second means of public ingress and egress to the school so that parents, teachers and school buses have an alternative to the Highway 64 access shown on the plans. The second access shall be remotely located and at least 1000 feet from the entrance on Highway 64. It may connect to streets on the North, South or West of the property at the sole discretion of the Board of Education. The Town encourages protection of the residential neighborhoods adjoining the school property from adverse impacts to the extent possible. And the Town further encourages strongest consideration be given to connecting the school to Driftwood Road (also know as Scarboroughtown Road) Manteo Commissioner's do not think it is fair for them to make a decision of which access would be opened since we did not create the problem. Commissioner Tugwell commented that he would concede to allow some of the roadway to be in the buffer and some buffer area for storm water retention. Dare County Chair Warren Judge commented that they could not connect to the North or South since they have signed an agreement with the property owners that there would be no access and stated that if there were any changes to the conditional use permit issued by the County then it would have to go back before their Board for approval and the conditions they put on the permit are extremely important to their Board. It was suggested that both the Town's attorney and County attorney should be involved since there were no restrictions or covenants recorded on the deed when it was submitted to the Town for annexation.

A motion by Commissioner Tugwell seconded by Commissioner Collins the meeting was recessed/adjourned until Friday, July 23, 2004 at 5:00p.m. was approved by the following vote: Ayes: Commissioner Collins, Farrow, Tugwell, Belli and Etheridge and Creef. Noes: None. Absent: None.

This 14<sup>th</sup> day of July 2004

ATTEST:

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Mayor John Wilson, IV

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Town Clerk Becky Breiholz