

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room January 2, 2003 at 7:30 p.m.

The following members were present:

- Mayor Lee Tugwell
- Commissioner Dellerva Collins
- Commissioner David Farrow
- Commissioner Edward Etheridge
- Commissioner Stuart Wescott
- Commissioner H.A. Creef, Jr.
- Commissioner John Wilson, IV

The following member(s) were absent: None

Also present at the meeting were:

- Acting Town Manager/Finance- Shannon Twiddy
- Town Clerk-Becky Breiholz
- Town Attorney-Daniel Khoury
- Planner Fred Featherstone
- Police Chief-F. T. D'Ambra

Mayor Tugwell called the Regular meeting to order at 7:31 p.m. followed by a moment of silent meditation and the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended. Mayor Tugwell would like to add a closed session #16 according to NCGS 143.318.11 (a) 3 to Consult with Town Attorney pending litigation. Move Agenda Item #14 to item 10 and item 10 to item 14.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to approve the agenda as amended was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

SUBJECT: Approval of Minutes Regular Session December 4, 2002

MOTION: Commissioner Collins seconded by Commissioner Etheridge to approve the minutes of December 4, 2002 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

SUBJECT: Approval of Minutes Workshop session December 18, 2002

MOTION: Commissioner Creef seconded by Commissioner Collins to approve the minutes of December 18, 2002 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

PUBLIC COMMENTS

Mayor Tugwell stated that there are several public hearings and asked those who wish to speak about the items for the public hearings to wait until that time and he asked if there was anyone who wished to speak to a specific agenda item they may reserve their comments at the time the agenda item is discussed.

SUBJECT: Presentation and report and acceptance of Town audit from Pickrell, McGinnis and Dowdy. Theresa Pickrell presented the BOC the June 30, 2002 audit. She gave a brief summary and commented that the audit consisted of examining on a test basis, evidence supporting the amounts and disclosures in the financial statements. This is the same audit opinion the Board has received in previous years. The general fund revenues exceeded expenditures by \$391,000, primarily of actual revenues exceeding budget estimates for occupancy and land transfer tax revenues. Actual expenditures were in line with budget estimates. Undesignated fund balance in the general fund increased from 49 to 67 % compared to June 30, 2001 fiscal year. The water and sewer fund charges increased 5.6%, there were also increases in taps and connections. There was an increase in sewer expenditures primarily due to a project begun to clean and realign sewer lines as well as an expenditure for reimbursement of FEMA funds received in the prior year related to Hurricane Dennis. She also would like to bring to the Boards attention to continue to use strong fiscal control and management in order to preserve the town's undesignated fund balance and be prepared for the leveling off of certain revenues.

MOTION: Commissioner Collins seconded by Commissioner Etheridge to accept audit was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

SUBJECT: Public Hearing for addition of Section proposed text amendment to Section 4.02 Accessory Dwelling units.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to enter into a public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

No comments

MOTION: Commissioner Farrow seconded by Commissioner Wilson to exit the public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

SUBJECT: Public Hearing for proposed text amendment to Section 7.05 B-2 Lot Coverage D-5 Dimensional requirements

MOTION: Commissioner Collins seconded by Commissioner Wescott to enter into a public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

No comments

MOTION: Commissioner Wescott seconded by Commissioner Etheridge to exit the public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson, and Creef. Noes: None. Absent: None

SUBJECT: Public Hearing for proposed text amendment to Section 6.01 E-Maximum parking requirements

MOTION: Commissioner Wescott seconded by Commissioner Farrow to enter into a public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

No comments

MOTION: Commissioner Wescott seconded by Commissioner Farrow to exit the public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson, and Creef. Noes: None. Absent: None

SUBJECT: Public Hearing for proposed text amendment to Section 6.04 F #9 to delete and 6.04 G to add #6 directional signs

MOTION: Commissioner Collins seconded by Commissioner Wescott to enter into a public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

No comments

MOTION: Commissioner Wilson seconded by Commissioner Farrow to exit the public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson, and Creef. Noes: None. Absent: None

SUBJECT: Presentation from R. V. Owens and Steve Daniels regarding a Planned Development inside the Town of Manteo. Mr. Steve Daniels and Mr. R. V. Owens have signed an agreement to purchase the Shipman property known as the Salty Dawg. They are not interested in any development that is not in the best interest of the Town of Manteo. They understand that the BOC have asked to NC State University School of Design to update their 20 year master plan and they would like to ask the Board to ask the School of Design to propose for them a plan for this property that would be in the best interest of the Town of Manteo. Commissioner Collins, Etheridge and Farrow are pleased that they are coming to the Board asking for their help. Mayor Tugwell commented that they would probably need some advice from the Town Attorney since we don't know how this would work since the expenditure is for a

Town plan with public money. Mr. Daniels commented that they are not looking for the School of Design to do any architect design just a concept Commissioner Wilson commented that the development of the property is 21 acres and will double the waterfront development of the Town of Manteo and will not be a small project and will have a tremendous impact on the future of the Town. Commissioner Wilson commented that we are looking at it from the Town's point of view not from the developer's point of view; it will be the developer's decision to follow N.C. School of Design's suggestions or use it. Mr. Daniels and Mr. Owens commented they are only asking that the School of Design look at the results of the survey and meet with the townspeople and conceptually design for that piece of property what townspeople would like to see happen there. Town Attorney Daniel Khoury commented that he sees this as a long planning exercise and sees no conflict and does not put us in any contractual agreement with the developers.

MOTION: Commissioner Wilson seconded by Commissioner Collins to ask the College of Design to make this one of the 8 or 10 projects that they are going to be assigning to graduate students and to include it in the proposal for our new master plan was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson, and Creef. Noes: None. Absent: None

SUBJECT: Presentation from Bo Taylor requesting support for the Outer Banks Community Development Corporation. Mr. Taylor, the Chairman of the Outer Banks Community Development Corporation is requesting support for the OBCDC's mission to strengthen the community by advocating, facilitating, and developing housing for low and moderate-income citizens, and providing related economic, social, and educational services. The Outer Banks Community Development Corporation is a non profit organization and will have 15 Members on the Board of Directors, seven individuals have been selected as Board of Directors and they are adding to the core of directors. Mr. Taylor is here tonight to ask the BOC for their support; they need funding; they are going to all the municipalities asking for funding to enable them to hire an administrator to run the organization who is an expert to get this project off the ground. They have asked Dare County for \$10,000 for three years, they are looking into grants and other options. Commissioner Collins would like them to add a minority to their Board of Directors and Mr. Taylor commented that they intend to and would like to ask if the Board could help them with any of their committees as well. Commissioner Collins asked if they were looking at property here on Roanoke Island as well as the other areas and Mr. Taylor responded that they are not actively trying to purchase land at this point and at this time their whole initiative is to develop the mechanism by which they can help people who have developments and somehow or another create opportunities in those developments. Mayor Tugwell commented that we should contribute, we have to find a revenue contributing formula and try to tailor it with our revenue sharing formula and suggested \$1.00 per person if the rest of the municipalities and county consented to contribute also. It was suggested that this be discussed at the budget retreat. Commissioner Wilson commented that we should commit our unconditional support to the goals and missions of this non profit and offer to contribute per capita if they can get commitments from the county and other towns. Commissioner Wilson also suggested that a representative from each municipality be on the Board. Mr. Taylor commented that besides asking for monetary help they also need volunteers to help on the committees.

COMMISSIONER'S AGENDA

SUBJECT: Discussion and consideration of text amendment to Section 38.2 Official Street name. Walter Gregory had come to the BOC regarding the confusion that the street names of Sir Francis Drake and South Street were causing and it was discussed at the BOC December 18, 2002 workshop session. Commissioner Farrow commented the residents would like Sir Francis Drake Street to be changed to South Street with the unpaved portion to be named South Street extended.

MOTION: Commissioner Wilson seconded by Commissioner Collins to accept the text amendment as amended by Commissioner Farrow South Street and South Street extended for that section was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

(PLANNER'S AGENDA)

SUBJECT: Discussion and consideration of revised site plan Pirates Cove with conditions. The Planning Board reviewed the revised site plan of Gulf Stream Villas #100 changing from a twelve unit condominium to 15 units and made the following recommendations that the Town Attorney is to review the original agreements and the 5th addendum to be able to compare them to the master plan; that an updated master plan be submitted prior to approval by the Board of Commissioners including: number of existing units, proposed units at build out; number of waste water gallons allocation for existing units, gallons required for build out and documentation of final total dwelling units and waste water allocation. The information requested was supplied to Mr. Featherstone and the Town Attorney for his review but they have not yet had a chance to thoroughly review. Planning and Zoning Chairman Bill Parker and Planner Fred Featherstone stated that all documentation had been supplied in a good faith effort with all the required requests and recommend approval. Discussion took place on the density and how close they were to build out. Commissioner Wilson would like to know how many units they have left before the reach the maximum density allowed in the agreement and did the addendum do anything to change the maximum units of 627 units.

MOTION: Commissioner Wilson seconded by Commissioner Etheridge to approve the site plan as recommended by the Planning Board was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Commissioner Wescott. Absent: None.

SUBJECT: Discussion and consideration of proposed text Section 4.02 Accessory Dwelling Units and a public hearing was held earlier tonight.

MOTION: Commissioner Wilson seconded by Commissioner Collins to approve the proposed text amendment to Section 4.02 Accessory Dwelling Units was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Commissioner Wescott Absent: None

SUBJECT: Discussion and consideration of proposed text amendment to Section 7.05B2 Lot coverage to amend D-5 Dimensional requirements. A public hearing was held earlier tonight

MOTION: Commissioner Wilson seconded by Commissioner Farrow to approve proposed text amendment to Section 7.05 B2 Lot coverage to amend D-5 Dimensional requirements was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of proposed text amendment to Section 6.01 E- Maximum parking requirements. A public hearing was held earlier tonight.

MOTION: Commissioner Wescott seconded by Commissioner Collins to approve proposed text amendment to Section 6.01 E. Maximum parking requirements was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration for deletion of # 9 in Section 6.04 F and add #6 in Section of 6.04 G Directional signs. A public hearing was held earlier tonight.

MOTION: Commissioner Collins seconded by Commissioner Wilson to approve proposed text amendment to Section 6.04 F and Section 6.04 G Directional signs was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

(FINANCE OFFICER'S AGENDA)

SUBJECT: Discussion and consideration of Budget Amendment #15 for advertising campaign and in conjunction with Roanoke Island Commission as a contribution toward a Roanoke Island Attraction TV advertisement campaign to be aired in 2003.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to approve Budget Amendment #15 advertising campaign was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson and Creef. Noes: Commissioner Wescott. Absent: None

SUBJECT: Discussion and consideration of Budget Amendment # 19 overtime expenses associated with special events.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to approve budget amendment #19 overtime expenses was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of Budget Amendment #20 matching funds for RC&D Grant waterfront stabilization.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to approve budget amendment # 20 matching funds for RC&D grant was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None.

SUBJECT: Discussion and consideration of Resolution GHSP-06-A for acceptance of a grant from the N.C. Governor's Highway Safety Program for \$4,396.00 that does not require matching funds for the purchase of video camera to be placed in one of the Police Department Vehicles.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to approve Resolution GHSP-06-A was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None.

SUBJECT: Discussion and consideration of request from Dare County to participate in a Larviciding program for mosquito control to begin next spring. Mr. Tim McGonegal, Dare County Vector Control Manager is proposing to develop a full-scale mosquito control program. This request is for each Town to supply labor to expand the mosquito control program beyond the measures used in the past to include treating standing water after every rain event. As written Dare County would supply the equipment and chemicals but each Town is asked to supply the man power to treat all incorporated areas. This program will require funding for the next budget year and may or may not require a budget amendment in the Spring of this year for costs incurred to establish the new program and supply an employee to assume the treatment responsibility. The Board would like Mr. McGonegal to come to the Board's January workshop session and explain to this Board why he thinks we need to bear the burden when we are already paying county taxes for this service.

(TOWN MANAGER'S AGENDA)

Ms. Twiddy informed the Board that she would not be here at the January workshop session.

SUBJECT: Acting Town Manager Shannon Twiddy will answer any questions the Board may have on the department reports. The department head reports will be made a part of these minutes.

Recess at 9:10 p.m.

(TOWN ATTORNEY'S AGENDA)

SUBJECT: Town Attorney's Daniel Khoury opinion regarding Shallowbag Bay-the applicant has asked to continue the project and withhold the certificate of occupancy, until property easements can be resolved. Mr. Khoury was waiting for something in writing with a proposal from Jack Burrus and Shallowbag Bay to work out the problem of parking in the easements. Mr. Khoury wrote Jim Edsell a letter on December 26th and he has requested that Mr. Edsell provide him with evidence of amended site plans or a proposal in writing to see if they were pursuing a solution. Mr. Khoury also commented that the Town may consider imposing a performance bond requirement on top of the conditional building permit and he has not received

a response yet and will give his opinion at the mid month meeting if this information is received. P&Z Chairman Parker said we have received the amended site plan from Seaboard Survey on Jack Burrus property.

SUBJECT: Town Attorney Daniel Khoury gave a report on projects and he plans to have a workshop with the Board of Adjustment members and do that within the next month. He will also review the 5th addendum and give report at the mid month meeting. He has not reviewed the franchise agreement with N.C. Power. Mr. Khoury also commented that he does not think the Town has received compensation from the dock agreement they we have requested and Mr. Hollowell has indicated in the past that there was a problem with his audit and was having that reviewed. Ms. Twiddy had written a letter several weeks ago asking for the audit and has received no response.

Old Business:

The NC GS bill 1640 did pass which was our request to the General Assembly permitting the Town to decrease the distance within which a vehicle may park from the intersection of curb lines and Ms. Twiddy would like to have the codified ordinance changed before work is done and also have the Chief's recommendation for some intersections not to be reduced for safety reasons. This will be presented at the workshop session as an action item. Parking study that NCDOT has been working on for so long was discussed and Ms. Twiddy commented that she wrote a letter to Don Conner asking for his assistance and copied the letter to Rolfe Blizzard with Senator Basnight's office. Staff is to send a copy of those letter's to Stan White who is the local representative on the NCDOT Board and also have Ms. Twiddy call Rolfe Blizzard and ask for their help as soon as possible.

Mayor Tugwell - A letter was received from the NCDOT about our request for reduced speed limit on Highway 64 at Midway and for them to study the possibility of a roundabout at that intersection and the NCDOT is denying our request. Commissioner Wilson commented that we just can't accept that letter. Mayor Tugwell will draft a response and also talk to Dare County Commissioner Stan White, who is on the NCDOT board.

MOTION: Commissioner Collins seconded by Commissioner Wilson to enter into closed session NCGS 143.318.(a) 3 consult with Town Attorney was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None.

Discussion of a letter received from Pirates Cove –repair of streets

Discussion of letter from Greer Company bidder of Roanoke Island Marsh Light

No Action Taken

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

Commissioner Collins informed the Board she will not be at the January workshop session.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Etheridge seconded by Commissioner Collins meeting was adjourned at 10:25 p.m. and approved by the following vote: Ayes: Commissioner Wilson, Wescott, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None.

This the 2nd day of January 2003

Mayor Lee Tugwell

ATTEST:

Town Clerk Becky Breiholz