

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, September 1, 2004 at 7:30 p.m.

The following members were present: Mayor John Wilson, IV
Commissioner Lee Tugwell
Commissioner David Farrow
Commissioner Edward Etheridge
Commissioner H.A. Creef, Jr.
Commissioner Larry Belli

The following member(s) were absent: Commissioner Dellerva Collins

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

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

SUBJECT: Adoption of Agenda as presented or amended

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to adopt the agenda as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell and Creef. Noes: None. Absent: Commissioner Collins

SUBJECT: Adoption of the items on the Consent Agenda

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the Consent Agenda as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, and Creef. Noes: None. Absent: Commissioner Collins

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the minutes of the regular meeting August 4, 2004 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell and Creef. Noes: None. Absent: Commissioner Collins

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the minutes of the Emergency meeting of August 11, 2004 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell and Creef. Noes: None. Absent: Commissioner Collins

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the correction to the Cemetery Ordinance Section 2-223 Fees was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell and Creef. Noes: None. Absent: Commissioner Collins

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve Resolution 2004-12 declaring the Christmas decorations as surplus property was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell and Creef. Noes: None. Absent: Commissioner Collins

MOTION: Commissioner Tugwell-seconded by Commissioner Farrow to approve budget amendment #1 Boat house and Governor's Crime Commission approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell and Creef. Noes: None. Absent: Commissioner Collins

PUBLIC COMMENTS -None

SUBJECT: Report-Update on Access Management Nathan Phillips with the NC Department of Transportation. Also present was Megan Blake with the NCDOT who has been working with the Town and the Transportation Committee. Mr. Phillips gave the Board a power point presentation, he discussed the concerns, causes, issues the plan and the future. As access increases so do conflicts and accidents. Some issues are safety, preservation of existing facilities, improved resource management, improved air quality, user costs, economic development and quality of life. The plan is to identify and protect strategic corridors, alternative designs, alternative modes, land use planning. Mr. Phillips also showed the access/mobility relationship. Traffic signals don't always solve the problem and can create a different problem. Some alternatives are median divided facilities, which improve safety and can control indiscriminant left turns by locating them at concentrated locations. Roundabouts work well with low or moderate traffic. The future is to promote access management with land use planning, promote higher vehicle occupancy, promote other modes of transportation and promote ITS features.

(TOWN MANAGER AGENDA)

SUBJECT: Introduction of New Planner Erin Burke-Town Manager Mr. Skinner introduced Erin Burke to the BOC.

SUBJECT: Planner-request to rezone the Credit Union from Residential to B3. At the August 10, 2004 Planning Board meeting there was a unanimous vote to recommend to the BOC to rezone the State Employees Credit Union from R-1 to B-3. As previously discussed this parcel was annexed without being classified with a zoning designation. A public hearing will need to be set to begin the process of rezoning this parcel.

MOTION: Commissioner Tugwell seconded by Commissioner Belli to set a Public Hearing for October 6, 2004 to rezone the credit union parcel from R1 to B3 was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: Commissioner Collins

SUBJECT: Planner-request from Dare County for refund of permit fees and Budget amendment #2. The Dare County Board of Education was issued a permit on June 24, 2004 for the construction of a locker room at Manteo High School. Dare County has decided not to construct the building and has asked your consideration of refunding the \$2,000 permit fee. A budget amendment will need to be approved.

MOTION: Commissioner Creef seconded by Commissioner Farrow to approve the County's request for a refund of \$2,000 and budget amendment #2 was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: Commissioner Collins.

SUBJECT: The Planning Board had been asked by the BOC to make a recommendation on changing the conditions at the high school for having the gate at Scuppernong Road left unlocked. The Planning Board discussed this and would like to request that the Board of Education attend the next Planning Board meeting to explain to them why they would like to remove the condition and then the Planning Board could make a better recommendation. Mayor Wilson commented that if the School Board requests a change in the conditional use permit a Public Hearing will be scheduled. Commissioner Farrow commented that we made a condition for the new middle school to have a road put in and we haven't put any condition about that road being locked so he wants to be fair for both developments

MOTION: Commissioner Farrow seconded by Commissioner Belli to contact the Board of Education to get their opinion on removing the lock on the gate at Scuppernong was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: Commissioner Collins.

SUBJECT: Town Manager report with Department Head reports will be on file for one year. The Town Manager did not have a report because he had a disruption in his schedule but the bulk of his reports are about on going projects which are discussed under Old Business.

SUBJECT: Report Town Attorney-pending projects. ETJ over the water -Town Attorney Daniel Khoury did research and the Town did adopt extra-territorial jurisdiction over the waters. The Town actually started considering this in 1989 and then authorized the firm of Midgette and Vinson to do the survey work which was done in the winter. The Town conducted a public hearing and went through the process and on May 3rd 1989 adopted the plat; but what did not take place was that it has never been put on our official zoning map which needs to be done. Mr. Khoury had drafted an ordinance to make sure it got recorded in the Dare County Registry since the minutes were not transposed into an ordinance like our annexation ordinances are, but the plat is recorded and the more he reads the statute he thinks that will suffice. Mr. Khoury commented it is not an annexation it is just extending the jurisdiction of our boundaries and thinks the only thing that needs to be done is put it on the official zoning map. Commissioner Tugwell commented he thought that we had to get permission from Dare County. Mr. Featherstone was asked that he have the ETJ put on our zoning map and the Town Attorney will research this more to tell the BOC what they can or cannot do in that area for next months meeting. Mr. Khoury commented that the agreement with the Fire Department is satisfactory and ready for a signature. Conditional use agreement with the Middle school needs to be signed and Mr. Featherstone commented that he has a final version.

(OLD BUSINESS)

SUBJECT: Report Washington Davis Creef Boat House-The Roanoke Island Commission and Elizabeth II are helping with funding for the west side addition which they did in amount of \$28,000 and the project is nearly finished. The Town also applied for an enhancement grant through NCDOT for \$22,830, and Mayor Wilson was told by Stan White

that we are funded. Mayor Wilson asked the Friends and RIC if it was okay with them if their money is spent on the west porch addition and /or the construction of the Ellaview shelter and they had said it was okay. Mayor Wilson is asking once we receive those funds that the Board transfer those funds and that will pay \$22,830 of the \$34,000 cost to build the Ellaview shelter leaving us \$12,000 short to finish that project. The east side addition-the new vestibule and the place for the interpretive exhibits bid came in at \$14,610 and Commissioner Creef and his family have volunteered to pay for the east side addition and new vestibule and interpretive area, which is a very generous gift. Mayor Wilson is asking for \$12,000 to finish the project and he will continue to try and raise funds.

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to appropriate \$12,000 for the completion of the work at the Creef Davis Boathouse was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: Commissioner Collins.

SUBJECT: Report Lighthouse Project- The lens will be installed September 9th, the dedication and transfer is scheduled the last Saturday in September.

SUBJECT: Report Sidewalks –A bid was received from Hatchell Concrete for Simon and Bideford and includes 6 parking spaces on Lucy’s corner, in the amount of \$22,400 with a start date of September 20th and completion date of October 20th. It is a 4 foot sidewalk and only one easement is needed and that is on Simon which is from Commissioner Collins and her daughter and they have agreed to sign the easement.

MOTION: Commissioner Tugwell seconded by Commissioner Creef to approve budget amendment #3 for \$22,400 for sidewalk installation was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: Commissioner Collins.

SUBJECT: Report wireless Internet-Meet with various internet providers for wireless internet in the Town’s public parks and Lewis Hoffman will have a recommendation once all the proposals are in.

SUBJECT: Report Special Events- The banners have been designed and priced to do 27 Christmas banners and 27 July 4th banners and purchase 10 white banners that the art class at the high school can paint and we need \$7,000 for the finalization of the banners

MOTION: Commissioner Belli seconded by Commissioner Farrow to approve budget amendment for \$7,000 for banners was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: Commissioner Collins.

SUBJECT: Report relining waste water pipes-Mayor Wilson wanted to report about the concerns of the conditions of Agona Street, Devon Street and Uppowoc Street. It is his understanding that the money spent on Agona has in fact relined the old sewer pipes and what holes we are seeing come back is where previous problems existed where the soil was not properly packed and during the last flood the holes reappeared and is hoping this is the case and he is assured by Butch Luke, Water and Sewer Superintendent, that it is the case. Uppowoc Street has not been relined, has not been budgeted to reline and the stop up on Agona Street is because sand is going in on Uppowoc and flowing down Agona and clogging

it up, Mayor Wilson has asked Butch for prices and time frame from the same company to reline Uppowoc and he assures him that when Uppowoc is finished, and Devon was done last week, that all of the sewer pipes that they are aware of are going to be fixed. We will have to wait to see how many holes appear from previous digs and once we can go several months without holes then we can ask the State to repave them, but until we can have no holes we cannot ask the state for funds. Town Manager is to have Butch fill all the holes that were filled two weeks until they are level and as the holes appear have the Police put cones in the holes until repaired. The Board requested that Croatan be checked for holes and get prices to get work done.

SUBJECT: Cartwright Park- Mr. Skinner is working with local graphic designer Michael Lay to do the artwork for the interpretive plaques and Commissioner Belli gave him a sign contractor who told him they could do it in 21 day turn around time.

SUBJECT: Report Cemetery Project-The grades have been shot so we can move forward with the columns.

SUBJECT: Report Dredging-Commissioner Tugwell went to a scoping meeting and it is moving along.

SUBJECT: Report Facility Fee Study- Mr. Skinner will contact the consultant and try to get them here for October meeting.

SUBJECT: Report on miscellaneous requests by the Board: the siding on the Town Hall has been done; cost saving on water and sewer quarterly billing-Commissioner Tugwell had requested this. Commissioner Tugwell commented it needs to be pursued and stated that in March during budget considerations it was estimated by the water and sewer department that it cost \$167,877 to read the meters and when he got the schedule he sees the figure has been revised to \$28,838 so there is a big discrepancy and he sees an error in reading book 7 and would like to have it redone with the correct figures and have the reading of Pirates Cove books 7 and other books 8 and 10 and would like an estimate savings and administrative time.

SUBJECT: Report Pending Grants: CAMA Waterfront Boardwalk Replacement-nothing to report

SUBJECT: Manteo Waterfront Shoreline Replacement of Rip Rap \$95,000; -nothing to report

SUBJECT: Manteo Sanitary Sewer Evaluation I&I Study \$40,000. -nothing to report

Mayor Wilson commented that he and Mr. Skinner worked with arborist for the assessments of all the trees in the parks and cemetery and hope to have his report as soon as possible.

SUBJECT: Clean Water Trust Fund Grant application moved to Mayor agendas-

COMMISSIONERS' AGENDA

Commissioner Farrow- Would like to discuss of the new zoning ordinance rewrite and would like an update. Mayor Wilson commented that they have spent time with Community

Assistance to rewrite and clarify the zoning ordinance and making it simpler. They did a well job but it wasn't well enough to bring to the Board. Dr. Stein, NCSU Design and students wanted to have a hand at it, and wanted to have illustrations and Mayor Wilson thinks we are a couple months away from completion and once they have a draft it will be brought to the Board in special work sessions to go through it page by page. Commissioner Farrow asked why the ditches haven't been cleaned and was told that Mr. Featherstone has contacted NCDOT and are in there rotation and we are on the list for the Dept. of Corrections for the inmates. Commissioner Farrow would like to have new decals of the lighthouse logo put on all Town vehicles by dedication of the Lighthouse. Commissioner Creef would like to see that all police cars are marked police cars. Discussion took place on cost and whether or not there was funding Mr. Skinner commented he thought there was money in the budget and Commissioner Tugwell would prefer we wait after getting a price quote to make a more informed decisions. Commissioner Farrow commented if we wait there probably would not be enough time to have them done. Mayor Wilson commented he thought the money to do it is in the police budget because it was one of the things that had been asked to do, but the Board did not agree to the stripping and stated they wanted the simpler marking; which is police on the back, police on the side fender and the logo on the door. Commissioner Belli wanted to request an amendment to the motion that as part of this that Mr. Skinner look at the budget and if the money is there to do to go ahead and do it and if not bring it back for a vote and if it can be done for the other departments under there maintenance budget to do so. Mayor Wilson would like to see them before we order them to make sure our cars remain simply marked cars. Commissioner Belli would like to be informed of the cost of this.

MOTION: Commissioner Farrow seconded by Commissioner Creef to have all the Town Vehicles be marked with the new logos was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: Commissioner Collins.

Commissioner Belli-attended the meeting about surface water run-off, it is a serious problem and it is something the Town needs to look at. Would like the re-patching on Devon Streets be done as soon as possible.

Commissioner Creef-asked about the fire lane at Chesley Mall and said there was a traffic jam there and they are parking up and down and he thought the Police were to be passing out warning tickets and he referred that information to a person and she told him where to go. Commissioner Creef asked about our electrical service on Queen Elizabeth Street and back in August there was to be a meeting with the Power Company and would like a report on that. Mayor Wilson said they the Power Company is looking at cost of putting poles underground and it will probably be another month. Mayor Wilson commented that he was under the impression that the fire lane had been recently painted but when he was out there it is just fire lane painted on the asphalt and there is not really a bright stripe to make sure you shouldn't park there. Mr. Skinner commented that way the ordinance reads it is the property owner's responsibility to properly mark the fire lane. Mr. Skinner will revisit this. Consensus of the Board is to continue to give warning tickets until the fire lane is better marked.

Commissioner Etheridge-why is the banner still up. The Board discussed other alternatives to hanging our banners since we are dependent on the cable company to hang them. Commissioner Etheridge was asked to design something with poles and wenches and the Town Manager is to have someone make it.

MAYOR'S AGENDA

Storm water grant- Mayor Wilson stated that in 1999 the Town applied for a storm water management grant and in 2002 the Town made another application and last week we were awarded Phase I \$627,000 from the Clean Water Trust fund for planning and engineering for storm water projects. This is a really big project and long term and will tear up many of our streets because we will have to put new and larger pipes under the streets to pump the storm water from the historic water front area back over to the middle of the island to be cleaned before it can run over into Croatan Sound and he wants to make sure the Board agrees with several things that need to be put into the minutes. We have been forced to acknowledge that increased development in our Town and on our island has resulted in more storm water runoff that is flooding the streets, overflowing our ditches and degrading the water quality in our primary and secondary nursery areas. Our Board has acknowledged we have an obligation to reverse this trend for ourselves, for future developments and future generations. We had to acknowledge that we have made a mess, nobody did it to us and now we have to clean it up. He thinks we all agree that it is government's responsibility to clean up the current mess so we are considering a 5 million dollar plus project to collect and pump our storm water into a creative wetland to try to remove 85% of the pollutant from the water. We are acknowledging the damage that we are doing to the water quality with our outfalls and we have no choice but to get rid of them and rely on a land based way to reduce pollution and minimize our cumulative losses. We are going to have to use an additional 1 million, 2 million worth of good high build able land to construct the wetland and to install many different plant materials to help us become successful, we are going to have to acquire small pocket parks along the way in our collection system to reduce the amount of water that finally has to be pumped and we are fully aware that cleaning up this mess is going to be very expensive. The taxpayers are going to have to pay the bill but they should not have to pay the bill for storm water problems created by future development, we have the right and obligation to our citizens to more stringently regulate future development. We have to be willing to require more and larger vegetative buffers, we have to increase setbacks, we have to further limit impervious surfaces in future projects and we are going to have to require construction of small infiltration pocket parks dedicated to storm water on larger commercial projects in the future, we are going to have to stop filling the land. We have to require some water reuse and recycling, because what we have been doing is just not working. We were just awarded the Clean Water Trust Fund Grant to plan and engineer the project, we need to not only use a traditional engineering firm but we need to include scientists like Dr. Hal House and landscape designers like Dr. Stein to be consultants to us and to the engineering firm for some innovative solutions and to make sure that we are adding science to this wetland. We are going to have to adopt more stringent storm water regulations for future development, I don't think we have the right to ask the taxpayers to pay for the mistakes after we know better and I say all that because we are being given \$627,000 to plan and engineer a project and we are expecting to get another four to five million dollars to build the project and that is going to take care what is already out there that isn't working, but I don't think it is fair to do that and not require new large developments to spend that extra 5 to 7 % additional cost of development to take care of their storm water from the planning stages right on through. Mayor Wilson wonders if the Board agrees with the statements he has made and on that premise they will move forward. Commissioner Creef commented that we should move forward on the project. Mayor Wilson commented that the grant application was written a long time ago when land values were lower and there were two pieces of property agreed to in the application that we are going have to make sure that we disclose this since changes have happened since 1999, we are to use about 4 acres of land adjacent to the

waste water treatment plant on Bowsertown Road for this constructed wetland and we also pledged to purchase another 5 acres of private property for another constructed wetland, the application awards us \$132,000 to buy that other 5 acres and we know that land has really gone up and we would be lucky to get it for five, six or seven hundred thousand dollars. If we do small pocket parks along the collection system and if we use those innovative techniques and if we can acquire some easements along the pathway of the collection system to build little ones then it is quite likely that the one piece of property that we have will suffice, but I think we have to let the Clean Water Trust Fund and the Grant agency know that it is unlikely that we are going to get the additional land, and he has worked with the Town Attorney today and written an addendum to the application to disclose we probably can't get the land and that we want some innovative design work. He has talked with the project engineer and he is most agreeable to designing the project with more innovative pocket parks. Commissioner Tugwell commented it is something that needs to be done and that before we encumber our 4 acres at the sewer plant to make sure that we still have enough room to expand our plant to its original capacity. Commissioner Tugwell also commented that half of this is runoff from NCDOT roads and highways and maybe they will give us the old maintenance yard behind Ace Hardware to help mitigate this where we can turn that into a constructed wetland. Commissioner Tugwell would also like to see a policy statement written in the storm water plan that you must contain your runoff on site. The Board asked Town Manager to write the NCDOT about that property. Consensus of the Board is that the Town needs to do something about the problem of storm water. If this amended agreements are rejected the Board will have an emergency meeting.

MOTION: Commissioner Tugwell seconded by Commissioner Belli to accept \$627,000 Clean Water Management Trust Fund grant agreement as amended by the Town Attorney to reflect the changes in the scope of the project and the Resolution was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: Commissioner Collins.

MOTION: Commissioner Creef seconded by Commissioner Farrow to authorize Town Manager to sign the contract with Engineer Hobbs Up-Church on the conditions that we get our money from Clean Water Management Trust, that we use consultants and that we are changing the scope of the project just discussed was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: Commissioner Collins.

A motion by Commissioner Tugwell seconded by Commissioner Farrow the meeting was ADJOURNED at 9:55 p.m. was approved by the following vote: Ayes: Commissioner Tugwell, Belli, Farrow, Etheridge, and Creef. Noes: None. Absent: Commissioner Collins

This 1st day of September 2004.

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz