

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room April 6, 2005 at 7:30 p.m.

The following members were present:

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

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 Burke
- Zoning Adm.-Fred Featherstone
- Planning Chair-Bill Parker

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. Commissioner Tugwell would like to add a closed session NCGS 143.318.11 (a)3 consultation with the attorney concerning a potential judicial action. Mayor Wilson added it to the end of the agenda.

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

SUBJECT: Adoption of the items on the Consent Agenda. Commissioner Tugwell would like to remove Item G Fire Protection Contract for individual consideration; Mayor Wilson added it under Item #6 G.

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

SUBJECT: Approval of Minutes from March 2, 2005

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve the minutes of March 2, 2005 as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: None. Absent: none

SUBJECT: Approval of Minutes from recessed workshop March 3, 2005

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve the March 3, 2005 minutes as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: None. Absent: none

SUBJECT: Approval of Minutes from recessed workshop March 9, 2005

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve the March 9, 2005 minutes as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: None. Absent: none

SUBJECT: Approval of Municipal Clerk Week Proclamation May 1-7th.

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve Clerk Week Proclamation was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli Tugwell, Collins and Creef. Noes: None. Absent: none

SUBJECT: Approval Dues and Subscriptions Outer Banks Gun Club \$25.00

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve dues and subscription Outer Banks Gun Club \$25.00 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli Tugwell, Collins and Creef. Noes: None. Absent: none

SUBJECT: Approval of Resolution 2005-05 adoption the Hazard Mitigation Plan

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve Resolution 2005-05 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli Tugwell, Collins and Creef. Noes: None. Absent: none

SUBJECT: Approval of Budget Transfer #2

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve budget transfer #2 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli Tugwell, Collins and Creef. Noes: None. Absent: none

PUBLIC COMMENTS – none

(TOWN MANAGER AGENDA)

SUBJECT: Presentation by the Community Care Clinic of Dare –Mr. Larry Barker gave the Board a presentation about the Clinic. The Clinic is to provide free basic health care for individuals who do not have health insurance. The Community Care Clinic of Dare will open up in the Spring of 2005. They are asking the Town to support the clinic by spreading the word about the clinic; volunteers and monetarily. They have raised \$75,000 and received a grant for \$75,000 but will need \$250,000 a year to operate.

Eligibility criteria is currently being developed to help define those patients who are in need of health care and medications.

SUBJECT: Site Plan Review from Manteo Equity, LLC-Presented by Planner Erin Burke-final site plan review of the Flats Subdivision formerly called Viccars Heights. This is a 23 lot subdivision in an area that is currently undeveloped land. There shall be 4 affordable housing units in this subdivision; these will be the first under the Inclusionary Zoning Ordinance. The proposed to be located on lots 13, 17, 18 and 20. Staff recommends that before any permits are issued the following are addressed: (the recommendation will be included in the minutes) 1) a deed of easement across Lot 18 is acquired; 2) the right of way of 18' is acquired for North Flats Lane; 3)the pavement of Viccars Lane extended go to the property line with Malcolm Fearing; 4)the concerns and recommendations of Green Engineering are addressed (Green Engineering letter of concern and recommendations will be included in the minutes; 5) the sidewalks to be moved so that they are not immediately adjacent to the roadway. The cross section of the right of the way shall show the pavement with the eight foot swale and then the side walk; and 6) the order of construction for the individual parcels shall be identified. The Planning Board has requested that when the individual residence plans are reviewed, the parking for each residence is situated so that it is not located on the sidewalk. The Town is requiring a 15 foot easement across the front of each property. The Board discussed the easement, sidewalks and street and if the NCDOT would take it over. Also discussed if Public Works could get there to pickup garbage and Mr. Fearing whose property backs up to it commented he would work something out to allow Public Works a way to turn around and will work with the Town until the time the road is to be extended.

MOTION: Commissioner Creef seconded by Commissioner Etheridge to approve the site plan with staff and planning board recommendations by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: None. Absent: None.

SUBJECT: PUBLIC HEARING-to receive comments regarding the annexation petition request for Manteo Equity, LLC

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

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

SUBJECT: Discussion and consideration of annexation petition request from Manteo Equity, LLC

MOTION: Commissioner Collins seconded by Commissioner Creef to approve the annexation petition request was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli Tugwell, Collins and Creef. Noes: None. Absent: None.

SUBJECT: Discussion and consideration of ordinance to extend the corporate limits

of the Town of Manteo from Manteo Equity LLC.

MOTION: Commissioner Tugwell seconded by Commissioner Belli to approve the ordinance to extend the corporate limits of the Town of Manteo was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli Tugwell, Collins and Creef. Noes: None. Absent: None.

SUBJECT: Report Town Attorney-pending projects- working on several things but has nothing to report. The Board would like staff and the attorney to have an ordinance for their review next Wednesday regarding the charging of gallons per day by bedrooms.

SUBJECT: Fire Protection Ordinance-The cost was brought up and the fact that there is no amount. Finance Officer Ms. Twiddy commented that the amount can't be set until the Board holds their budget workshop. The Board would like someone from the Fire Department represented to discuss the amount at the budget workshop.

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

(OLD BUSINESS)

SUBJECT: Report Cemetery Project –The cemetery was seeded this afternoon, have solicited additional bids on the wall and having problems finding a vendor on the niche wall. We still have not received any information on the price of the gazebo at the cemetery and the manager is to check on that and have an update by next Wednesday.

SUBJECT: Report Weather Tower- The footings for the tower have been determined as 2 feet by 2 feet by 4 feet and the Board would like the tower taken to Manns Harbor, cleaned, painted, repaired and moved to the waterfront.

MOTION: Commissioner Farrow seconded by Commissioner Collins to move the tower to Manns Harbor, cleaned, painted, repaired and moved to the waterfront was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: None Absent: none

SUBJECT: Report Sidewalks – remove from the agenda they are completed.

SUBJECT: Report Arborist-new dirt has arrived for the new trees at the waterfront and the park is being put back together. Still need the arborist to trim the oak trees because the roots have been damaged, the manager is to have this done as soon as possible.

SUBJECT: Report Regional Transportation Plan and Way Finding. NCDOT will be sending representatives to the Way Finding Committee meeting next Wednesday regarding the changing of the signs. The Transportation Plan is a joint town and county task force, they have interviewed traffic management engineers and have chosen Kimley Horn and negotiated the contract down from \$50,000 to \$38,500 and Mayor Wilson

would like the Board to consider splitting the cost of \$38,500 with the County and that we pay for it with money that is currently unspent in the Planning Budget. Finance Officer Ms. Twiddy was asked to prepare a line item change for this.

MOTION: Commissioner Creef seconded by Commissioner Farrow to split the fee of \$38,500 with the County for the Transportation plan was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli Collins and Creef. Noes: Commissioner Tugwell. Absent: None.

SUBJECT: Report Facility Fee Study-Town Manager Mr. Skinner commented that he received a revised amended proposal that afternoon but was not able to include in the Boards packet. This will be discussed at the next week's workshop.

SUBJECT: Report Bowsertown Lift Station –still working on this.

SUBJECT: Report Wireless internet- have not received an update from Charter. Mayor Wilson asked the Board to schedule May 13th at 3:30 for a possible date for distribution of the computers and media event with representatives from IBM, Vital Source and Charter Communications.

SUBJECT: Report on grants: CAMA waterfront grant Boardwalk Replacement; Rural Center- Replacement and stabilization of Waterfront Rip Rap; Rural Center-Waste Water Inflow and Infiltration Study; Clean Water Trust Fund Grant; Tourist Bureau grant-Boat ramp enhancement-work on schedule.

Commissioner Tugwell commented about the fire in the woods near the sewer plant and asked about the trees removal. It was suggested to contact Jamie Dunbar with the NC Dept. of Forestry to see if they can be burned and if they have a recommendation. The Tree committee has been re-activated with Commissioner Creef and Farrow and they are to contact Beaver Tree Service.

The Board recognized Boy Scout Troop 165 from Manteo who were in the audience working on their community citizenship badge.

COMMISSIONERS' AGENDA

Commissioner Collins-Special events committee met and they are making plans for Dare Days. The County and Town need to pick an individual for the Dare Day Award and hopefully the Board will have a recommendation by next Wednesday.

Commissioner Belli-wanted to know what was happening about the Pirates Cove homeowners who are upset about the condo's going in front of their homes. Mayor Wilson commented that the Planning Board has requested a legal opinion for the meeting next week to guide them in their decision.

Commissioner Farrow-it has been brought to his attention that on the Russell Twiford Road at the corner where you turn to go to CVS there isn't any light on that corner until you get to parking lot and there should be some small lights along the road and along the corner for safety purposes. The Board would like Planner, Ms. Burke to contact CVS

about the possibility of putting up some more lighting at the primary entrance north of the intersection.

Commissioner Etheridge commented about the Slow Children Playing sign on Devon Street and would like one put up on Croatan. Mr. Skinner is to cause this to happen.

A 5 minute recess at 8:40 pm

MOTION: Commissioner Tugwell seconded by Commissioner Collins to enter into a closed session NCGS 143.318.11 (a) 3 consult with attorney was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: none. Absent: none

SUBJECT: Possible judicial action.

MOTION: Commissioner Belli seconded by Commissioner Collins to Seal the Minutes until the Board feels they are no longer relevant was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: none. Absent: none

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

The Board decided that they only need one more day to review the draft zoning ordinance and the Board decided on Monday, April 11th to work on the draft. The Board discussed a budget workshop and Ms. Twiddy commented she was prepared to give the Board some budget information next Wednesday.

A motion by Commissioner Farrow seconded by Commissioner Etheridge the meeting was recessed at 9:30 pm until next Monday, April 11th at 3 p.m. for the workshop session to review the draft zoning ordinance was approved by the following vote: Ayes: Commissioner Tugwell, Belli, Collins, Farrow, Etheridge, and Creef. Noes: None. Absent: None.

This 6th day of April 2005.

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz