

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, May 5, 2004 at 7:30 p.m.

The following members were present:

- Mayor John Wilson, IV
- Commissioner Lee Tugwell
- Commissioner Dellerva Collins
- 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
- Town Attorney-Daniel Khoury
- Planner Fred Featherstone

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. Town Manager Kermit Skinner would like to remove Item 6B under his agenda the Interlocal Agreement for insurance. Commissioner Tugwell would like to add before the Board adjourns which would be #11 an item to consider the New Fiscal Year Budget and setting a date and time public hearing and to add Item #12 for possible action on the draft affordable housing ordinance and if the Board does not get to those items he would like them placed on the workshop agenda for action.

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

SUBJECT: Adoption of the items on the Consent Agenda – Commissioner Tugwell would like to remove Dues and subscriptions Item F (NC City and County Management Association; American Planning Association; Outer Banks Chamber of Commerce) from the consent agenda for discussion

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the Items A through E on the Consent Agenda and remove Item F dues and subscriptions for discussion was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell, and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the minutes of the regular meeting April 7, 2004 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the minutes of the recessed meeting of April 14, 2004 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the minutes of the recessed meeting of April 19, 2004 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve Budget amendment #20; July 4th banner was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve June 2004 audit contract with Pickrel, McGinnis and Dowdy was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

PUBLIC COMMENTS- None. The following would like to speak during Item 6A, Town Managers Agenda consideration of liquor by the drink: Tommy Boggs; Teresa Stilton; Jim Rose; Thomas Lozupone; Jack Gregory; Marlene Robert Brantley.

(TOWN MANAGER AGENDA)

SUBJECT: Request by Tommy Boggs owner of Waterfront Trellis (formerly Clara's) for the Board to place the sale of mixed beverages on the July 20th ballot. In a letter written to the Board of Commissioner's Mr. Boggs feels the time has come for the sale of mixed beverages on Roanoke Island. Mr. Boggs commented that last year the tax revenue would have been \$40,000 if the Town had liquor by the drink. He thinks it would benefit the community especially in lost revenues and service our tourists.

Mr. Rose commented that it is overdue and the Board has a fiscal responsibility to keep the businesses in the Town on the same level playing field as the other Towns in Dare County and it will keep tourists coming back to the restaurants to this area.

Teresa Stilton-manages Tranquil House and 1587 on the waterfront, would like the voters be able to vote and is asking the Boards consideration to put it in the ballot.

Thomas Lozupone-Kill Devils Hills and will be managing the Stripers Restaurant at Shallowbag Bay and would like the Board to consider putting this on the ballot, this will usher in a new era for the Town, there will be an increase in revenue and it is time for the Manteo businesses to be on the same field as the other surrounding business.

Jack Gregory-South Street Manteo and asks the Board to give it consideration not for what they personally want but what would benefit the Town.

Marlene Roberts Brantley-waterfront condo in Manteo and thinks it is awful for the Town to have lost all the tax revenue over the years and our portion of \$40,000 a year is a lot of money and thinks we are entitled to have it. Let the residents vote again.

Tom Vicar has a business in Manteo and the more tourists we can bring into the Town helps his business and helps every shop in town.

Frank Gejar-Owner of Port O Call and is extremely aware of the problems that alcohol can create and most of those problems occur in a night club setting and he has zero problems in 29 years of operating restaurants with liquor in the dining rooms. He also commented that if the Board is concerned about the after effects of alcohol the Board can restrict or create restrictive zoning on night club additions. To permit liquor by the drink in restaurant settings should create no problems that he is aware of. Another subject he would like to discuss with the Board is street lighting. Mr. Gejar commented there are no street lights on Budleigh Street and it creates a dark, foreboding environment at night. He asked the Board to consider putting street lights on Budleigh and a few other sections on Raleigh to brighten up the downtown area. Another concern he has is the park setting behind the courthouse and cannot find any plans for the park. Mayor Wilson commented that it is a county owned property and the Town has not seen any plans for that area.

Judy ? (unable to hear name)-Shop Owner Manteo and agrees with the rest that liquor by the drink should be allowed.

Commissioner David Farrow commented that the people who are in businesses in Town knew that we did not have liquor by the drink, and has not seen anyone come up with suggestions for other types of revenue. The Town residents voted down liquor by the drink four times. Commissioner Farrow stated that he does not think it would bring more tourists into the Town. Commissioner Tugwell commented that the last time it came before the Board he did an analysis of the voter registration to see if had changed from the previous time; he has not done an analysis this time but does not think that it has changed significantly to bring it back to referendum. Commissioner Tugwell told the audience that they can go another way to get this on the referendum which is by getting a petition of 350 signatures. Commissioner Belli supports the idea of making the Town competitive with the other communities but the citizens have voted this down 4 times and does not feel he can vote for it. Commissioner Collins has been on the Board all the times this has come before them and it has been voted down all times and cannot support it. Commissioner Collins commented that we can find other ways for revenues. Commissioner Etheridge commented that people are going to come to Manteo whether we have mixed drinks or not. Commissioner Creef commented each time it has been voted on it has failed and cannot vote for it.

MOTION: Commissioner Farrow seconded by Commissioner Collins to deny the request to place liquor by the drink on the ballot was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Belli and Creef. Noes: None. Absent: None.

A 5 minute break was taken at 8:22 p.m.

SUBJECT: Discussion of draft Interlocal agreement with Towns of Duck, Kitty Hawk, Southern Shores, Kill Devil Hills and Nags Head to create an insurance pool to provide insurance and other fringe benefits to employees. This item was removed from the agenda. The Town is waiting on more information

SUBJECT: Town Manager report with Department Head reports will be on file for one year. The bulk of his reports are about on going projects which can be discussed under Old Business. Mayor Wilson wanted to bring to the Boards attention the Storm-water Grant in the Managers report and that it looks very promising.

(OLD BUSINESS)

SUBJECT: Report Washington Davis Creef Boat House. Mayor Wilson commented that we have a draft contract for the repairs and the Town Attorney will be making some changes. Once the changes are done he will execute the contract as previously approved by the Board. It should be started the first of June and finished by November.

SUBJECT: Report Lighthouse Project- The lighthouse is proceeding, the windows have to be changed and the shutters put on. The Manager is working with the Maritime Museum on the stand for the Fresnel Lens.

SUBJECT: Report Sidewalks- the Town has received a proposal from Seaboard Survey to do the engineering on the two streets of Simon and Bideford for placement of sidewalks. Mayor Wilson commented that he made notes on the proposal to not exceed \$2155.00 and start no later than May 15th and be completed no later than June 15th.

MOTION: Commissioner Farrow seconded by Commissioner Collins to approve the proposal submitted by Seaboard Survey not to exceed \$2155.00 with a start and completion date was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Belli and Creef. Noes: None. Absent: None

SUBJECT: Report Midway intersection; roundabout vs. flyover; speed limit. On May 12th there will be the first meeting of the Regional Transportation Team with Town and County representatives here at the Town Hall.

SUBJECT: Report Dredging-Commissioner Tugwell commented that there has been a reclassification of our waters inside of Manteo which will hamper our waterfront revitalization and construction of docks, decking and public access to the waterfront. Commissioner Tugwell stated that he was in a meeting and most were surprised to learn that our waters had been reclassified. The Mayor and Manager have been working on the reclassification of Shallowbag Bay which is scheduled to take affect on August 1st and are appealing that motion. Mayor Wilson commented that we are doing so many things to clean up Shallowbag Bay and will have a report at the next meeting. Commissioner Etheridge asked what the Mayor meant by cleaning up Shallowbag Bay. Mayor Wilson responded that several years ago the Town applied for a clean water trust fund grant in the amount of \$627,000 for the planning phase of a multi-million dollar project that would collect our storm-water runoff at all the ditches and culverts that dump directly overboard and it would pipe and pump them to a location somewhere central on the island to keep it out of Shallowbag Bay. We are also pursuing the possibility of installing a phosphate-nitrate remover in the waste water treatment plant. Commissioner Etheridge would like more information on the depth of the dredging that is going to be done at Shallowbag Bay.

SUBJECT: Report Pending Grants: CAMA Waterfront Boardwalk Replacement- This is on hold until October.

SUBJECT: Manteo Waterfront Shoreline Replacement of Rip Rap \$95,000; This is looking like a change from rip rap to a bulkhead and a 12 foot boardwalk which will actually make the park wider.

Mayor Wilson asked that the Clean-water Trust Fund application for Storm-water be added to old business to keep track of it in the months ahead.

SUBJECT: Manteo Sanitary Sewer Evaluation I&I Study \$40,000; Town Manager Kermit Skinner commented that it is on schedule.

COMMISSIONERS' AGENDA

SUBJECT: Discussion and consideration of establishing a travel per diem policy. Commissioner Farrow would like the Board to consider having a travel policy in place. Commissioner Tugwell would like to remove the wording where all reference is made for approval from department heads be replaced with approval from the Town Manager. Commissioner Farrow had no objection to changing the wording. Commissioner Tugwell asked our Town Attorney if we had an employee driving their personal vehicle for official business of the Town couldn't the Town be held responsible for the vehicle or any damage to it? Town Attorney Daniel Khoury commented that the Town could be held liable. The Board discussed the cost of driving a personal car versus a Town owned vehicle and Mayor Wilson would like Finance Officer Shannon Twiddy to get a cost of which cost less and make a decision based on what is more economical for the taxpayers using the past 2 years.

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to approve Per Diem travel Policy 2004 as amended was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Belli and Creef. Noes: None. Absent: None

SUBJECT: Report Town Attorney-pending projects. Daniel Khoury commented the Town of Nags Head came before the Board requesting they support a change to the attendance policy established by the Board of Education and he was instructed by the Board to research if this was discrimination and in violation of the civil rights act. Mr. Khoury also included a resolution 2004-06 School Attendance Policy for the Board's consideration. Mr. Khoury's research and opinion will be made a part of these minutes.

MOTION: Commissioner Collins seconded by Commissioner Belli to approve Resolution 2004-06 School Attendance Policy was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Belli, and Creef. Noes: None. Absent: None.

Mr. Khoury commented also about the Dock Lease and every year it is supposed to be funded on September with payment of \$15,000 and there has been a question that there has not been compliance with the lease agreement and in his investigation he has been learned that the capital reserve contributions to the waterfront dock fund which was due on September 3rd has not been made in addition to there have not been audits received for 2001-2002. Mr. Khoury commented that when he reviewed the last audit we had reached a time frame of the twenty year lease that the Town is entitled

to 50% of all net profits. Mr. Khoury will proceed with his investigation and proceed with a letter of default.

Mayor Wilson commented that he learned yesterday that the public restrooms at the waterfront condos have been locked and keys handed out the merchants for their own use. Our public restrooms at the Boat house have been condemned after the hurricane and are not open which means that there is only one set of public restrooms left in the downtown waterfront section and they are at Magnolia Market. Mr. Fearing agreed to supply public restrooms at Magnolia Market and Mr. Hollowell agreed to supply a public restroom, as well as parking spaces to the general public at the north end and would like the Town Attorney to also work on getting the restrooms back open. Town Planner Fred Featherstone is working on a way to separate the electrical at the boat house to try and get those restrooms open. Commissioner Tugwell suggested possibly placing a porta john in a tactful place. Commissioner Creef commented on the Community Oriented Manteo Police Inter Office Correspondence which refers to a group under the supervision of our Police Constable Carl Jordan and Detective James Burroughs that they are going to paint curbs and thinks it is a good chance for us update the curb markings and would like them to have a guide of where to paint the markings and they paint only what is essential. He would like the Town Manager to provide them with a guide since the distances have been shortened. Commissioner Creef also asked about the Police Department sponsoring a girl's softball team and wanted to know what our liability is on that. Town Manager Kermit Skinner commented that they took the proceeds from the calendar sales and the sponsorship is buying the jerseys for the team. Commissioner Creef would like to know if the police department is supervising or coaching the team and Town Manager Kermit Skinner will get him that information. Commissioner Creef commented that he looks at all the police activity and wants to know where this happening at, not the percentages. Commissioner Tugwell asked if the contract with AA Atlantic has been executed and if it is being carried out. Town Manager commented that he supplied a copy to Mr. Wescott but has not received it back. Mr. Skinner commented that he will make contact with Mr. Wescott tomorrow. Commissioner Farrow asked about the drainage problem at the post office parking lot and was informed that it was private property and he would like the Town to clean it or a letter sent to owner to have it cleaned out. Mayor Wilson asked that the Town staff take care of the drain tomorrow. Commissioner Collins commented on how nice the Pizza Hut buffers looked and thanked Mr. Featherstone for his persistence on getting them back into compliance. Mayor suggested a letter of commendation be given to them by Mr. Featherstone. Commissioner Etheridge commented that painting the curbs was a waste of paint. Commissioner Etheridge also commented that he called the Town every 30 minutes from 1:30 to 3:00 and no one answered the phone and the phone menu is very confusing and would like a real person to answer the phone.

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve having a person answer the phone beginning July 1st without hiring additional personnel was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Belli and Creef. Noes: None. Absent: None.

Commissioner Tugwell asked about the draft agreement with the Roanoke Island Volunteer Fire Department and Mr. Khoury commented he will try to get it to Ms. Twiddy by tomorrow.

Mayor Wilson commented that several businesses downtown would like the Town to paint the crosswalks to better direct traffic and pedestrians, starting at the handicap ramp and over and across from the courthouse. The Board would like the crosswalks painted blue. The Board discussed using brick pavers but decided to improve on them next year.

SUBJECT: Storm-water Mayor Wilson commented he has received a proposal from Aqua Neoterics to write a storm water ordinance for the Town to be included in our ordinances and would like the Board to authorize him to proceed.

MOTION: Commissioner Collins seconded by Commissioner Creef to authorize the Mayor to execute the contract to Aqua Neoterics was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Belli, and Creef. Noes: None. Absent: None

Mayor Wilson commented that we have proclaimed safe boating week; the balance to reimburse Pirates Cove is 4,898 gallons as of this week; the Governor has written requesting nominations to the Coastal Resource Commission as provided by the Coastal Area Management and would like to nominate our Town Attorney Daniel Khoury to the Commission.

MOTION: Commissioner Collins seconded by Commissioner Farrow to nominate Daniel Khoury as the representative for the Coastal Resource commission was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Belli and Creef. Noes: None. Absent: None

SUBJECT: Items Dues and subscriptions from the Consent Agenda which were removed for discussion by Commissioner Tugwell which were NC Management Association; Chamber of Commerce and American Planning Association.

MOTION: Commissioner Tugwell seconded by Commissioner Belli to pay NC City-County Manager Association; the Town pay for only one (1) American Planning Association membership for the Planner and not to pay the Chamber of Commerce was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Belli, and Creef. Noes: None. Absent: None.

Commissioner Belli asked about the meeting between the Town Manager and Mr. Luther Daniels regarding speeding boats at Shallowbag Bay. Mr. Skinner commented that they have meet twice and as soon as they can get out in a boat he will make a report back to the Board.

Mayor Wilson commented that Neica Smith has been talking with the Arts Department teacher at the high school about the possibility of the students doing some banners as a possibility for Christmas decorations.

Mayor Wilson stated that they will be carrying over to the workshop session two items the review and scheduling of a Public Hearing for the budget and the adoption of our inclusionary zoning ordinance on affordable housing.

CLOSED SESSION

MOTION: Commissioner Tugwell seconded by Commissioner Collins to enter into closed session NCGS 143.318.11(a) Personnel approved by the following vote Farrow, Etheridge, Collins, Belli, Tugwell. and Creef. Noes: None. Absent:

SUBJECT: Closed Session NCGS 143.318.11 (a) 6 Personnel. Discussion of recommendations made from Steve Strauss regarding the Police Department. The Board received recommendations from Mr. Strauss for their review.

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

MOTION: Commissioner Tugwell seconded by Commissioner Creef to accept recommendations from the workshop Council Goals and Expectations for the Manteo Police Department and authorize Mayor and Manager to implement the recommendations was approved by the following vote: Ayes: Commissioners Farrow, Tugwell Noes: Commissioner Etheridge, Collins, Belli, Tugwell and Creef. Absent: None

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Tugwell seconded by Commissioner Creef the meeting was RECESSED at 10:30 pm until Wednesday, May 12th, 2004 at 3:00 for a Planning/Budget Session at the Manteo Town Hall and approved by the following vote: Ayes: Commissioner Tugwell, Belli, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None

This the 5th day of May 2004

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz