

MINUTES

The Town of Manteo Board of Commissioners held their Workshop Session at the Manteo Town Hall meeting room March 20, 2002

The following members were present:

- Mayor Lee Tugwell
- Commissioner Dellerva Collins
- Commissioner David Farrow
- Commissioner H.A. Creef, Jr.
- Commissioner Stuart Wescott
- Commissioner Creech (arrived late)
- Commissioner Etheridge (arrived late)

The following member(s) were absent:

Also present at the meeting were:

- Town Manager-Kermit Skinner, Jr.
- Asst. Town Mgr/Finance Officer- Shannon Twiddy
- Police Chief-F. T. D'Ambra
- Town Clerk-Becky Breiholz
- Planner-Fred Featherstone

Mayor Tugwell called the workshop meeting to order at 7:05 p.m.

MOTION: By Commissioner Collins seconded by Commissioner Farrow to adopt the agenda as to the specific action item only was approved by the following vote: Ayes: Commissioner Collins, Creef, Farrow and Wescott. Noes: None. Absent: Creech and Etheridge

SUBJECT: Discussion of meeting procedures-Mayor Tugwell commented that the Board had established a policy that a workshop meeting be held and no action be taken. Every now and then the Town will have something that is not controversial or that time is of the essence and he as Mayor reserves the right to make that call. The reason Commissioner Farrow's action item is on the agenda is because this item has been discussed extensively and that the Board and the Public had ample opportunity to discuss the cemetery wall. Mayor Tugwell stated these are the rules that the board established and he as the Mayor has an obligation to adhere to these rules, this board can always change these rules if they want. The Mayor also explained why he rules something out of order; that it is an attempt to follow the rules and procedures and it is not to stifle a topic. He also stated that there is a long standing rule that nothing comes before this board until they have the opportunity to see it in writing and if it is an ordinance that before the ordinance can be proposed it is also a policy that it will go to counsel for a review to make sure it is legal and consistent. Commissioner Creech commented that when anyone of the commissioners has the floor, some people break in hollering and talking back and forth and it is very rude and not following procedures. He also commented that when the Mayor ask for the adoption of the agenda each commissioner should have time to agree or change. Mayor commented that in our business meetings we should have very few changes on the agenda and the proper procedure is

that you are not supposed to enter into discussion until there is a motion on the floor and a second then the motion can be revised.

Commissioner Creech arrived at 7:10 p.m.

Mayor Tugwell allowed Public comment.

Malcolm Fearing-101 Budleigh Street-commented he appreciated Mr. Featherstone inspecting the individual modular units at the schools and commented Mr. Featherstone has written a letter stating that 4 of the modular units, 2 at the elementary school and 2 at the middle school are not strapped down according to and required by NC Building Code and he does not know if it has been corrected. Mr. Fearing did speak with a Mr. John Sadler of Department of Insurance, to try to understand the list of the modulars and their wind speeds, and he informed me that he would require an engineered statement about the wind speed plates. He also informed the Board that there are six end modular units at the High School whose serial numbers the school board has listed are not actually their serial numbers they are the third party administrator identification numbers. He also informed the Board that this week the fire marshal shut 4 modular units due to the fact that there were no fire alarms systems in the units.

Commissioner Etheridge arrived at 7:40 p.m.

SUBJECT: Report-Fred Featherstone regarding Wind speeds-Dare County Board of Education modular classrooms. Mr. Featherstone commented that the serial numbers Mr. Fearing was talking about were the only numbers that could be found on the modulars and they are third party administrators and he feels comfortable with their wind speed rating. Mr. Featherstone commented that last year this question was raised about two units at the High School that had data plates stating that these units were rated 80 mile per hour wind zone and at that time he had contacted Modular Technologies and their response was that the labels were incorrect and the modulars were rated for 100 mile per hour wind. And he feels comfortable with those reports he received. Mr. Featherstone also commented that he checked the ties down and found them to be installed as per the manufacturer's directions at the high school. He also inspected the modular classrooms at the Middle School and Elementary School in which case these units were placed prior to his employment with the Town and any permitting or inspection would have been done by Dare County but it appears that no records exist. It is in Mr. Featherstone's opinion, that without the original tie down instructions that the units at the Elementary and Middle Schools should have additional tie downs. Mr. Featherstone also contacted the Department of Insurance in reference to how changes in the State Building Code affects existing modular units and was informed that when codes change the existing units can be used for the approved occupancy without modification. Mr. Featherstone also commented about the fire alarms and according to the State requirements for those inspections, and it states that the County Commissioner's will designate those inspectors and will inspect the units twice yearly and those inspections have been done by Dare County. He stated that he spoke with Mr. Winebarger and discussed the tie downs and Mr. Winebarger stated he would take care of the tie downs; he also gave this information to Buddy Sheldon who is the county inspector. Commissioner Creech commented that the Board can ask the Board of Education to tie down the units as conditions of their renewal of conditional permits. Discussion took place on if the Town had requested or received any reports of any bi-

annual inspections done at the schools. It was discussed that they had asked for air quality, water quality and asbestos tests that were done by the school. Staff is to investigate and have the Board of Education supply the Board of Commissioners with any bi-annual inspections or environmental reports that they may have for the last two years. Commissioner Creech requested that the conditional use permit request be put on the regularly scheduled April 3rd agenda.

SUBJECT: Discussion of requesting Dominion North Carolina Power, Sprint Telephone and Charter Cable to convert overhead lines to underground facilities on Queen Elizabeth and Budleigh Street. The estimate cost of the project is \$63,500.00 The Town of Manteo sent a Resolution to the State of North Carolina requesting the assistance of Senator Basnight in locating funding from the State. Commissioner Creech commented that Bobby Owens who is on the Utilities Commission Board and Senator Basnight's office approached him about this project, and he was told that the money would be made available to the Town from a special fund that the state has for historical preservation and remodeling, the problem is the NC Power needs a commitment from the Town and a budget amendment allocating funds needs to be done. Commissioner Creech would like this placed on April's agenda as a budget amendment. Discussion took place on if the Town would receive reimbursement and it was commented that this project is supported by Senator Basnight, Dare County Commissioners and Bobby Owens who have commented that there is funding available from the state for this project.

SUBJECT: Discussion and consideration of bids for the Cemetery Wall and budget amendment #13-Commissioner Farrow. This was postponed from the March 6, 2002 regular meeting as an action item. Commissioner Farrow was advised that there was not sufficient amount of unrestricted cash available in the cemetery fund to cover the \$29,800 estimated cost for the cemetery wall which is the low bid received and that another funding source would need to be identified if the BOC wished to proceed with this project. Finance Officer Shannon Twiddy stated that there is a balance of \$838.16 in the cemetery fund and \$169,994.95 in the investment account which is also know as the perpetual care fund. Discussion took place on the when the Boat ditch property is sold that \$20,000 of that is supposed to go to the cemetery fund but will still leaves a balance of \$9,800. Commissioner Farrow does not know if we can borrow the money from the perpetual care fund and pay it back or from the general fund. Commissioner Farrow stated that to his knowledge a percentage of the sale of cemetery lots goes to the perpetual care fund and a percentage to the maintenance like we do every year, taking \$3500.00 out of the perpetual fund account for maintenance of the cemetery. The Board discussed the \$3,500 that is reimbursed to the town for maintenance each year and if it is based on actual time or just a figure. Ms. Twiddy stated she was instructed last year to do a cost analysis of man hour labor, hour equipment and that it would take approximately \$11,000.00 a year and the board chose not to contract this out but to use town labor and she has not yet been able to determine the percentage that is to go in to the cemetery fund and what percentage can be spent but will have a report for the board in April. Discussion on interest and the possibility of investing in a account with a higher return. Ms. Twiddy commented that on the budget amendment she included a statement that \$20,000 would be paid back to the general fund if and when the sale of the boat ditch property is finalized.

MOTION: By Commissioner Farrow seconded by Commissioner Creech to accept budget amendment #13 as presented was approved by the following vote: Ayes: Commissioner Collins, Creech, Creef, Etheridge, Farrow and Noes: Commissioner Wescott. Absent: None.

SUBJECT: Discussion of purchase of real property from AME Zion Church-Town Manager Kermit Skinner commented that he and Town Attorney-Jeff Malarney are of the opinion that if we make an offer to purchase we have made a commitment and the town can't do that without an appropriated funding source so before they can enter into a contract they need a budget amendment. Board asked that this be placed as a budget amendment for the April meeting.

SUBJECT: Discussion of NCDOT paving project-North Carolina Department of Transportation has given the Town a price of \$13,240.00 which includes the resurfacing of Exeter Street and if the Town wishes to participate they need to know as soon as possible, The Town currently has \$130,431.63 in Powell Bills funds. If the Board wishes to enter into this agreement staff will need to prepare a Budget amendment for the April meeting

SUBJECT: Committee Reports

Roanoke Marshes Lighthouse-Farrow commented that they are receiving donations and things are looking good. The Committee has set up an bank account under the umbrella of Manteo Preservation Trust which will be a tax free account for people making donations, those who wish to donate will make checks out to Roanoke Marshes Light and send to Manteo Preservation Trust, P.O. Box 234, Manteo and Melody Leckie is the secretary, treasurer. Commissioner Creech has concerns about the legality of this; he commented that so far donations have been going to the Friends of Elizabeth II. Commissioner Farrow commented the way he understands it is that it is a separate fund and whereas if they needed money for something they would have to come to the Board for funds since the committee can't touch the money at Friends of Elizabeth II, and with their own account they will be able to use the funds put in Manteo Preservation account to raise more funds. Discussion on the legality of setting up this type of account since the committee was formed by the Board of Commissioners and charged with trying to raise money for this project; does there need to be a written contract between the Town and Manteo Preservation Trust, the Board would like staff to contact Interim Town Attorney, Mr. Malarney or the Institute of Government for their opinion. Mayor Tugwell commented that the committee has gone way beyond the charge it is given, and the facts stated were: the Town was going to construct the light, we had a grant for the construction, we had donations for the construction, we already had enough funds set aside in the capital account to do the building but thought we could raise some money to offset some of the cost of the construction and that was the intent; now the committee is talking about funds for the perpetual care, staffing, maintenance and it is starting to go beyond the concept, it still has to be decided if the Board is going to consider leasing it to the Maritime History Museum, or letting it be part of the Festival Park and it seems to be spinning off to raise money other than for construction. Commissioner Farrow commented that the money is for repaying the Town of Manteo that it took out of General Fund for the Lighthouse and if there is anything extra it will be used to help with the finger piers going to the lighthouse and will not be used for anything other than the lighthouse other than for some small items to help raise more money. The Mayor questioned that if the committee is going into that direction is it proper for it to be done under the color of the governmental unit of the Town

of Manteo. He stated that what is being planned is beyond the scope of what he thinks was intended by the Town and if it is being done under the authority of the Town maybe the Town should disassociate itself with it and accept whatever money is given us. Discussion took place on how funds were spent from the Elizabeth II fund account and Commissioner Creech does not recall being informed of any funds being spent from the Friends of Elizabeth II for the lighthouse. Commissioner Creech also stated this is not a personal attack on anyone he is just questioning the legality of setting up an account and then funds being removed from it and now he is questioning the spending of funds from the Friends of Elizabeth II account without being informed. Commissioner Creech would like staff to investigate why staff did not notify him of the money spent and in the future staff would inform them when money is spent out of the Elizabeth II fund. Commissioner Creech commented that he would have someone donate the money for operations of this committee that they can spend it any way they want to. Commissioner Creech suggested that staff look into this with the IOG or Jeff Malarney for the legal issues and report at the April meeting. Farrow commented that \$10,000 has been donated.

Commissioner Wescott-gave the Board a request from the Waterfront Marina, Bradford Gunn Dock master, proposed maintenance and extension of the three Tee-Heads at the Waterfront Marina in Manteo. Commissioner Wescott commented that the extension of the tee head would not be any further out than the pilings that are already there. Creech commented that a landowner on the north side received a letter and he has answered it but would like his riparian right to be respected on the north side of the center pier as is stated in an agreement he has with the Town. Mr. Dunn commented that they would add bulkheads 2 to 6 feet and extending the dock out to the existing pilings, the existing tee-heads will be strengthened by these extensions and last longer, these structures will tie into pilings which are already in place at the outboard ends and will not change the "footprint" of the marina as it currently exists, these modifications will not cost the Town any money. The Marina will be able to provide better service to the boating community and will make more money if they have the extensions. Commissioner Creech would like to make it clear that the perpetual care fund money can not be used for this and that the money is to be transferred to the Town at the end of the lease, and it is also the responsibility of the lessee, Mr. Hollowell to spend his own funds to maintain and improve these docks. Commissioner Creech commented on property owner's riparian rights and Mr. Gunn stated he would be willing to amend his drawing to extend out to the north side 15 feet instead of 30 feet. Mr. Gunn commented that to make application to CAMA he needs the Towns approval such as a letter from the Town allowing him to make an application to CAMA. Commissioner Creech suggested that the Town Attorney be consulted to see if this is a violation to our lease agreement, and to place this on the April 3rd agenda. Commissioner Creech would like to see the documentation that Commissioner Creech stated there are riparian rights between this property owner and the town. Commissioner Creech stated it is in the deed where the property was deeded to the Town as a gift and it is stated in the deed that they retain the riparian rights. Commissioner Creech commented that he was only aware of one and that was with Mr. Walter Davis and that he has been approached by several property owners in the past few years and complained about some of the things that were done to them by the Town under the acquisition of property.

Discussion of a Resolution received from the Roanoke Island Business Association requesting Dare Days is moved to Festival Park because the business owners don't benefit from it and that they lose money. Commissioner Collins commented that it is already planned out for this year and she doubts it can be moved. She also commented that the Special Events has not yet met to discuss this but will contact Lynda Midgett.

Commissioner Creech questioned since Ms. DeFosse our Finance Office has left will the Board received the draft budget as scheduled. Mr. Skinner stated that staff would be doing their best to have it to the Board as required by the Statutes.

Commissioner Etheridge commented about a letter received from Malcolm Fearing about trading his property for the Town's post office property and using it for the location of the water tower. Mayor Tugwell commented that the Town Engineer was investigating other sites and that he has talked with the school board about another possible location.

MOTION: By Commissioner Etheridge seconded by Commissioner Creech the meeting was adjourned at 9:25 p.m.

Adopted this 20th day March 2002

ATTEST:

Mayor Lee Tugwell

Town Clerk Becky Breiholz