

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, November 3, 2004 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 Administrator-Fred Featherstone
- Police Chief F. T. D'Ambra
- Attorney Daniel Khoury

Mayor Wilson called the meeting to order at 7:35 p.m. followed by the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended. Commissioner Tugwell amended the agenda to add a Closed Session NCGS 143.318.11 (a) 6 Personnel. Mayor Wilson added to the Managers Agenda Outer Banks Transportation Task Force request and will be Item 6(I) and to move Item #7 (I) Wireless Internet to be included in Item 6 (G)

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

SUBJECT: Adoption of the items on the Consent Agenda

MOTION: Commissioner Tugwell seconded by Commissioner Creef to approve the Consent Agenda removing Item E3 from the agenda Dues and Subscriptions First Flight Society was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: None. Absent: none

SUBJECT: Approval of Minutes from October 6, 2004 meeting

MOTION: Commissioner Tugwell seconded by Commissioner Creef to approve the October 6, 2004 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 October 13, 2004 recessed meeting

MOTION: Commissioner Tugwell seconded by Commissioner Creef to approve the October 13, 2004 minutes as presented 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 Creef to approve text amendment Section 50-44 to correct fees previously approved 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 Creef to approve Resolution 2004-13 Underground Utilities 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 Creef to approve Dues and Subscriptions International Institute of Municipal Clerks \$100.00 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 Creef to approve International Association of Chiefs of Police Training Key Renewal \$42.00 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: None. Absent: none

PUBLIC COMMENTS –

Julie Polanski - Budleigh Street-complained about the speeding on Budleigh Street and the fact that there is only one speed limit sign that is covered over by a tree and requested that another sign be put up. Mayor Wilson commented that the Manager would look into that and cut whatever branches are hiding the sign.

George Emery with Charter Communications commented he is here to answer any questions about the Charter proposal for wireless internet.

(TOWN MANAGER AGENDA)

SUBJECT: Planner Discussion and consideration of contract for renovations to the Boardwalk and Budget amendment #4 for the Waterfront Rehabilitation project. We have received a contract from Renaissance in the amount of \$219,075 and a proposal from Suburban Electric for \$8,000 and the Town received a grant from CAMA for 194,257

leaving a balance of 23,148.50 that the Town needs to appropriate to this budget line item.

MOTION: Commissioner Farrow seconded by Commissioner Belli to approve the contract for renovations to the Boardwalk 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 approve the Budget Amendment #4 for \$23,148.50 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Tugwell, Collins and Creef. Noes: None. Absent: none

SUBJECT: Planner-Consideration of Site Plan Haven Creek Baptist Church. The site plan was reviewed by the Planning Board on October 12th with the Planners recommendation that until certain items were addressed staff could not recommend approval of the site plan especially since it would increase the non conformity. The Planning Board took into consideration this fact and is recommending the following conditions:

1. The setback noted on the southwest portion of the property must be noted at 15' because it is considered a corner lot. (Article VII, Section 7.02, *Dimensional Requirements for R-2*)
2. The one-way entrance area to the church must be 13' because there is parking on one side of the drive aisle. (Article VI, section 6.01, *Internal Circulation*)
3. The parking requirements state the need for 52 parking spaces, one per every four seats in the sanctuary. These spaces must be documented including verbal agreements. (Article VI, Section 6.01, *Minimum Parking Requirements for Public and Semi-Public Uses*)
4. Parking bumpers must be used. (Article VI, section 6.01, *Internal Circulation*)
5. There shall be interspersed islands within the parking lot because there are more than 30 spaces. Three trees of a 2" caliper are to be planted in the island the separates spaces one to four from the remainder of the parking lot. One tree is to be planted between spaces 11 and 12. (Article VI, section 6.01, *Planting*)
6. The opaque buffers shall include *both* fence and screening plants.
7. The Development Notes shall be amended to say that Refuse Disposal shall be accomplished with roll-out trash containers and not dumpster pick-up.
8. A light plan shall be added to the site plan.

MOTION: Commissioner Farrow seconded by Commissioner Etheridge to approve the site plan for Haven Creek Baptist Church with the above conditions was approved by the following vote: Ayes: Commissioners Etheridge, Belli, Tugwell, Farrow, Collins and Creef. Noes: None. Absent: none

SUBJECT: Planner-Discussion on street parking on Sir Walter Raleigh Street. Haven Creek Baptist Church has asked for permission to park on the street during their church services. They would like to put a sign saying church parking only. Staff was directed to investigate and Chief D'Ambra and Planner Burke took measurements of the street which

are; Curb to curb is 27' 5"; North curb to center line 13' 8"; Center line to south curb 13' 7". If two vehicles are parked on the street there leaves a 17' 5" travel lane with an average car width of 5'. These measurements indicate that it is possible for cars to be parked on both sides of Sir Walter Raleigh and for traffic to continue movement. This does not consider larger vehicles, and may not allow for two cars to pass. Planner Erin Burke commented that staff is recommending parking on one side of the street being on the south side between Ace Hardware and Cartwright Park. NCOT will need to be consulted since it is a state owned street. The Board discussed two way traffic in front of Manteo Furniture store on Sir Walter Raleigh and parking on the right, and that the road continues to get narrower. Planner Burke and Chief D'Ambra are to look at that street as well and check it at Michael McOwens corner and up to Uppowoc Street and bring those numbers back to the Board. Commissioner Tugwell suggested putting up signs stating No parking except Sundays and a time before we start getting into NCDOT right of way. The Board discussed amending the ordinance, but there is no rule in our ordinance that prohibits parking on that street. Instead of placing signs or amending the ordinance Commissioner Collins was to inform the church that they would be allowed to park on the street during church services. No motion was made and parking is allowed.

SUBJECT: Finance Officer-Text amendment 50-41 and 50-136 to facilitate quarterly billing water and sewer books 7, 8, 9, and 10. The text amendment will be made a part of these minutes.

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve text amendment 50-41 and 50-136 as presented was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: none

SUBJECT: Finance Officer-consideration of request by Shallowbag Bay for a refund of \$2,400. This request results in taps paid for and taps actually installed at Shallowbag Bay Club and staff has no mechanism in the ordinance to allow this. Town Attorney commented that it would be equitable to return it.

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to refund Shallowbag Bay \$2,400 was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: none

SUBJECT: Dare County Tourism Board appointment-Commissioner Collins term will expire December 31, 2004 and the Tourism Board is requesting the Town submit two (2) nominees. Commissioner Tugwell nominated Mayor Pro Temp Commissioner Collins and Commissioner Belli and asked that the Town strongly recommend Commissioner Collins.

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to nominate Mayor Pro Temp Commissioner Collins and Commissioner Larry Belli with a strong recommendation that Commissioner Collins be reappointed was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: none

SUBJECT: Report wireless Internet-This item was moved up on the agenda. Charter Communications has submitted a proposal to the Town. Charter and the Town have been working together to provide free wireless internet access to students and visitors and fee based wireless internet to Manteo businesses. Charter is currently working with Dell to help provide computers for the students of the Town. Mayor Wilson is requesting the Board authorize him to work with Charter Communications and negotiate and finalize an agreement.

MOTION: Commissioner Belli seconded by Commissioner Collins to authorize Mayor Wilson to continue to negotiate with Charter and finalize an agreement was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: none

SUBJECT: Town Manager report with Department Head reports will be on file for one year.

SUBJECT: Report Town Attorney-pending projects-None

SUBJECT: This item was added to the agenda and was from the Outer Banks Transportation Task Force which grew out of the Dare County Transportation Advisory Board. They have met and discussed issues of traffic congestion and workforce transportation. The jurisdictions include each town plus Dare and Currituck counties. The Task Force identified an NCSU Gateway Project with the Institute of Transportation Research and Education (ITRE) and their proposed cost of the project is \$73,000 and will take approximately one year to complete. A grant has been identified with the NCDOT and will pick up 90 percent of the project cost leaving the 10 percent to be matched by the 8 jurisdictions being divided equally and costing each jurisdiction \$912.50. Mr. Skinner recommended that we support the project in principle but believes the amount the Town has to pay is not equitable and believes it should be pro rated based on land masses and populations. Commissioner Creef would like to give the Town Manager authorization to negotiate the amount up to \$912.50. Commissioner Tugwell does not feel that it is equitable for the Town of Manteo to pay the same amount as Currituck County.

MOTION: Commissioner Etheridge seconded by Commissioner Collins to approve the amount of \$912.50 **MOTION** amended to authorize Town Manager to negotiate the amount up to \$912.50 was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: none

(OLD BUSINESS)

SUBJECT: Fire Lane Ordinance Text Amendment-This was a handout by Town Manager and will be made a part of these minutes and the changes are in red. Mr. Skinner would also like to change all the references of the Fire Chief as the person recommending placement of fire lanes to the Board to someone on Town staff such as the Zoning Administrator. Mayor Wilson went over the items that the Board wanted and discussion took place on yellow lines along the curb; signs and the placement of them.

MOTION: Commissioner Etheridge to table this for future generations Motion failed due to a lack of a SECOND. **MOTION:** Commissioner Farrow to have property owner mark the fire lane with yellow paint and mark it fire lane no parking however they want to the Motion failed due to a lack of a SECOND.

MOTION: Commissioner Belli seconded by Commissioner Farrow amend the ordinance adding the requirement that Fire Lane No Parking signs be placed on the face of each column or post and change all references of the Fire Chief to Zoning Administrator was approved by the following vote: Ayes: Commissioners Collins, Belli, Farrow and Creef. Noes: Commissioner Tugwell and Etheridge. Absent: none

SUBJECT: Report Cemetery Project-ongoing

SUBJECT: Report Sidewalks –being installed

SUBJECT: Report Lucy’s Corners/4 Corners –nothing new

SUBJECT: Report Arborist-Commissioner Farrow and Creef will be working on the parks in the Town using the Arborist’s report.

SUBJECT: Report Dredging-nothing to report.

SUBJECT: Report Regional Transportation Plan continues to work the second Wednesday of each month. The Way Finding Committee met today and reviewed some sign designs and a proposal will be brought to the Board in December

SUBJECT: Report Special Events- Mayor Wilson thanked Commissioner Collins and the Special Event Committee. Commissioner Collins commented that they are working on Christmas now. Mayor Wilson commented that we need to get the hardware for the banners and the lights installed on the poles and the Manager was asked to make sure that this is made a priority.

SUBJECT: Report relining waste water pipes-which also ties into Inflow and Infiltration grant report, a smoke test will be done on the water pipes during the next couple of weeks.

SUBJECT: Report Cartwright Park- Ongoing

Report Pending Grants:

SUBJECT: CAMA Waterfront Boardwalk Replacement-Contract approved tonight.

SUBJECT: Rural Center- Replacement and stabilization of Waterfront Rip Rap-turning out to cost more money and will be looking into ways to fund this.

SUBJECT: Rural Center-Waste Water Inflow and Infiltration Study – discussed during relining of water pipes.

SUBJECT: Clean Water Trust Fund Grant- on going

Mayor Wilson asked if thank you letters were sent out to those who donated gifts to the Town (golf cart, signs) that Commissioner Farrow had requested and was told no but they would go out. Mayor Wilson commented that a lot was cleared on Agona Street and debris has been pushed into the ditch and would like Mr. Featherstone to look at tomorrow and see what can be done to rectify the situation. Also he and Commissioner Tugwell who serve on a committee representing our Board, will be meeting tomorrow with representatives from the County Commissioners and School Board to discuss the new Manteo Middle School.

COMMISSIONERS' AGENDA

Commissioner Etheridge, Collins, Belli, Farrow and Tugwell-thanked the Town, community and everyone who helped with the Cartwright Park anniversary. Commissioner Belli- also asked that the Town Manager to continue working on the parks improvements.

Commissioner Farrow-asked about the signs on Simon Street No through Trucks that the Board had requested be put up. Manteo Masonic Lodge had asked him about changing the water rates for the Lodge from institutional to commercial. Finance Officer Shannon Twiddy commented that they pay the institutional rates and if the Board chooses to reduce the rate then other non profit organizations would also request reduced rates. The Board would like Ms. Twiddy and the Town Attorney to work together and bring suggestions back to the Board and also give them the figures of the amount of revenue that would be lost.

Commissioner Tugwell-A large truck parks on Devon Street and this has been discussed before and it is a dangerous situation. Discussion took place on allowing trucks to be parked on Devon Street. The Board asked that Chief D'Ambra speak to the owner and if the problem persists then the Board will consider adopting an ordinance.

MOTION: Commissioner Belli seconded by Commissioner Collins to enter into closed session NCGS 143.318.11(a) 6 Personnel was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: none

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

NO ACTION TAKEN

Mayor Wilson polled the Board about the marking of Detective Burroughs's police vehicle and consensus of the majority of the Board was for no light bar on Detective Burroughs police vehicle.

A motion by Commissioner Tugwell seconded by Commissioner Creef the meeting was recessed at 10:00 pm until Wednesday, November 10th at 3 p.m. was approved by the following vote: Ayes: Commissioner Tugwell, Collins, Belli, Farrow, Etheridge, and Creef. Noes: None. Absent: none

This 3rd day of November 2004.

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz