

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room May 4, 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.

The following member(s) were absent: Commissioner Larry Belli

Also present at the meeting were: Town Manager-Kermit Skinner  
Finance Officer- Shannon Twiddy  
Town Clerk-Becky Breiholz  
Planner- Erin Burke  
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.

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

**SUBJECT:** Adoption of the items on the Consent Agenda. Commissioner Tugwell would like remove Item E from the consent agenda RIBA dues.

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

**SUBJECT:** Approval of Minutes from April 6, 2005

**MOTION:** Commissioner Creef seconded by Commissioner Collins to approve the minutes of April 6, 2005 as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Approval of Minutes from recessed workshop April 11, 2005

**MOTION:** Commissioner Creef seconded by Commissioner Collins to approve

the April 11, 2005 minutes as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Approval of Minutes from recessed workshop April 13, 2005

**MOTION:** Commissioner Creef seconded by Commissioner Collins to approve the April 13, 2005 minutes as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Approval of Budget Amendment #11 to add \$24,915.00 additional funds to the General Fund Ledger Line Item.

**MOTION:** Commissioner Creef seconded by Commissioner Collins to approve Budget Amendment #11 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Approval Dues and Subscriptions Finance Officer Association \$25.00

**MOTION:** Commissioner Creef seconded by Commissioner Collins to approve dues and subscription Financial Officer Association \$25.00 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Approval of Proclamation for Safe Boating Week May 21-27.

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

#### **PUBLIC COMMENTS –**

Robert Wells reserved his right to speak on agenda item 6C as did Bob Newman; Tom Maher reserved his right to speak on agenda item 6A

#### **(TOWN MANAGER AGENDA)**

**SUBJECT:** Planner-Discussion and consideration of site plan from Manteo Middle School. This plan was sent to the Planning and Zoning Board last month to be reviewed as requested by the Board of Commissioners. The Planning and Zoning Board reviewed this plan which included: a second access that will provide relief to the only proposed access to the site, located on US HWY 64. The Dare County BOE has submitted this plan with out regard for numerous requests to move the road inside of the 50' wide vegetative buffer. Staff and the Planning and Zoning Board recommend that the conditional use permit not be amended. Board of Education member Tom Maher commented this road second access has been debated a number of times but wanted to review a few points; The BOE was assured that if the road had to be built it would not delay or cost them

anymore money, it will cost more money and it will soon delay them if they can't get it resolved; he was disappointed at what he thought inaccurate and incorrect information, conclusions have been made on information that is not accurate, and some information he has seen contradicts other reports. This is the most important point to him "I take my daughter to Manteo Middle School everyday, it takes me approximately 5 minutes and I listen to all the experts and listen to the reports, and I go in and out of here everyday and it is not a problem on the busiest end of town and we will be moving to an end that is not busy." He reminded the Board that as part of their yearly conditional use permit for the last 5 years the Commissioner's has asked that at the high school location they keep the second access closed. He asked the Board to think about this and remove this condition from the conditional use. Mayor Wilson commented the Board has copies of the request to amend the conditional use permit and that it has been nearly a year since we have been dealing with this. Commissioner Tugwell asked specifically what the BOE is asking them to do tonight, a new site plan has been provided showing a rear exit "is your position in case that is needed, that is where you intend to go with it or are you prepared to submit that site plan with this road in place at this time?" Jim Winebarger commented "the site plan before you is marked future road," and "to answer your question the Board of Education is requesting the Town approve the site plan." "The BOE position has been that the second access road is not needed at this time, we believe the site plan before you tonight which shows that easement on it is something we have been required to provide to the town as a condition as stated by the town." "We have gone through 5 different site plans to try and come up with one that is acceptable to this Board." "Clearly our position is we would like to proceed with the project without providing the roadway as a part of that." Commissioner Tugwell asked then they would like to have condition 4 removed but if condition 4 stays this is the manner in which the BOE would like to do it? Mr. Winebarger responded this is the most recent site plan provided as a result of discussions. Commissioner Tugwell commented that traffic studies have been done and one says they need the second access and one says they don't and the Department of Public Instruction has stated a second entrance is desirable and necessary but not out the back. Commissioner Farrow asked with this site plan if they still plan on coming out of Washington Street; and was told this site plan does not show an exit to Washington Street, it shows the connection across the Mother Vineyard Road, shows an exit out the back or access through the back if it's needed. The School Board has a traffic study that it is not needed, we have one that says it is needed. Commissioner Creef commented the uses were listed before it was put on the ground and is disappointed in the way the BOE has fumbled and come back with a different request each time; he thinks the road out the back is necessary. Commissioner Etheridge commented that it looks to him that an entrance and exit on 64 is sufficient. Commissioner Collins commented that she feels they need two ways and will go along with the Planning Board recommendations. Commissioner Tugwell commented that it looks as if the BOE has fulfilled all the conditions except number 4 the second access. Mayor Wilson commented that from multiple meetings that 80% of the traffic is going arrive at the new middle school from the south, 80% of the new school traffic will have to travel through the busiest portion of US64 and he also pointed out that when you leave the high school you have five ways to disperse traffic. Mayor Wilson commented that there have been numerous ideas from the committee members and many meetings with representatives of Dare County, the Town and the School Board and it was made clear at those meetings that no one in the committee had the right to speak for the full board, we could only agree to bring back to our board suggestions that we agreed upon in the committee, and in the 5 site plans not

one of them has met all the conditions of the conditional use permit that was issued by this Board on August 10, 2004 and accepted by unanimous vote by the applicant Dare County on November 15, 2004 and that condition was that a site plan reflecting all the conditions granted would come back to the Town Planning Board within 90 days. Commissioner Tugwell commented that condition 5 will need to be amended also to reflect the fact that the buffer has been reduced in that area and will be replaced with additional buffering. It was the Town Attorney's advice that they also include that this amended conditional use permit would have to be executed by all three parties Dare County, the Town and the Board of Education within 30 days and recorded in the courthouse in order to continue to be valid. Commissioner Tugwell asked if there were plans for a traffic light at this intersection; he was not insistent on a light and in lieu of a light asked if the school board would consider maintaining a crossing guard or traffic control at the new school and a community may be better served with traffic control than a light at the intersection. Mayor Wilson commented in the original conditional use permit condition #4 addresses that issue; which was that the Board of Education provides the Town with proposed traffic patterns for review and approval by the Board of Commissioners and we don't have that. Commissioner Tugwell asked if the proposed road would be paved or crushed stone and Mr. Winebarger said it was designed at DOT standards as a paved roadway.

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to amend the existing conditional use permit to accept the new alignment of the roadway with a five foot adjustment that would maintain a 30 foot buffer for the area around the ball fields providing that the buffer be truly opaque as defined in our zoning ordinance; and that the site plan include a landscape plan for this area to be approved by the planner; that the roadway be completed prior to occupancy of the school, the Town will refund the \$34,500.00 site review fee as a contribution to the cost of the buffer and the roadway providing the buffer is installed within the next 30 days **MOTION AMENDED BY** Commissioner Tugwell seconded by Commissioner Farrow to allow condition 5 to change with respect to reducing the buffer in that area where it is necessary approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli. **MOTION FURTHER AMENDED** by Commissioner Collins seconded by Commissioner Creef to further amend the CUP to include that for the amended conditional use permit to be valid the amendment will have to be signed by all 3 parties, The Town, The County and The Board of Education within 30 days was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, **The Original Motion as Amended Motion** was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Planner-Update on Scoping Meeting of Land Use Plan This report is required by the Division of Coastal Management. Kermit Skinner and Erin Burke met with Charlan Owens on February 17<sup>th</sup>, as mentioned in last months Department Head Report. The attached notes are from that meeting. The purpose of the scoping meeting is to see what, if any, changes have occurred in the Town since the last Land Use Plan Update was completed. The meeting included discussion of the Inclusionary Zoning Ordinance. Also discussed was the damage that the Town sustained from Hurricane Isabel, and the storm water problems, especially along the water front area. The grant from the Clean Water Management Trust Fund was mentioned, and the boardwalk

rehabilitation project was discussed. Mayor Wilson would like the Town to contact some of those who have done some of our best planning in the past, Professor Hester at Berkley may be willing to come back and do it for, former Planner Robin Reavis or perhaps some of the faculty from NC State.

Commissioner Tugwell reminded the Board that we are now requiring that our Engineer

**SUBJECT:** Planner-report on Pirates Cove Site Plan review done by the Planning Board on May 3, 2005. Erin Burke, Planner commented that the Planning Board held a meeting last night to review the site plan for the Harbor Place II Condominiums in Pirates Cove. The Board received comments from the residents and developer. There were some questions that the Board had following the presentation from one of the homeowners, Bob Newman. The board was curious about the way storm water was to be addressed on site and requested that Ms. Burke meet with Mr. Newman to discuss another presentation he had worked on which she did today. The Board also requested that she meet with the developer to discuss these problems; that meeting has not yet been scheduled. In addition to the meeting with the developer to discuss the storm water issues the Board also requested that she discuss emergency access to the marina to the south of this site and redesigning the building to allow for third floor living space be in the attic space with gables and dormers. It was also requested by the Board that the developer's architect be present for these meetings. The Board voted to recommend the approval of this site plan to the Board of Commissioner with conditions. In addition to this recommendation the Planning Board also voted to recommend that the Board of Commissioners hold a Public Hearing on this matter. Ms. Burke also gave the Board a list of the conditions that they are recommending. Mayor Wilson commented this had been delayed long enough and asked that the Board set a Public Hearing as early as the statute allows, and asked that Ms. Burke furnish the P&Z recommendations to the Town Attorney for his review. Mr. Newman Pirates Cove resident-reiterated what he stated at the Planning Board special meeting May 3, 2005.

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to set a Public Hearing for Wednesday, May 18<sup>th</sup> at 7:30 p.m. the Motion was withdrawn  
**MOTION** to set a Public Hearing for Thursday, May 19, 2005 at 7:30 pm for Harbor Place II Condominiums, Pirates Cove was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Finance Officer-LGC Contract to audit accounts. This is a renewal proposal from Pickrel, McGinnis and Dowdy who we used last year. This is for next year's fiscal audit for \$11,000.

**MOTION:** Commissioner Tugwell seconded by Commissioner Collins to authorize the Mayor to enter into a contract with Pickrel, McGinnis and Dowdy to audit accounts FY 05-06 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Report Town Attorney-pending projects

(OLD BUSINESS)

**SUBJECT:** Report Weather Tower- has been move to Manns Harbor NCDOT Shipyard.

**SUBJECT:** Water and Sewer Ordinance-The Board had requested staff prepare an amendment to Section 50-123 (3)to show gallons per day to be established at two bedrooms.

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to accept text amendment 50-123 (3) as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Report Arborist- Bowsertown Trees-Prices were received and Mayor Wilson spoke with Beaver Tree and they will for \$5,000 cut every dead tree on the property and it is already in such a decayed state he believes felling the trees and driving over them with the bulldozer is going to crumble it enough that we don't have to chip it. Town Manager commented that they had the trees on the waterfront trimmed and fertilized today.

**MOTION:** Commissioner Farrow seconded by Commissioner Collins to authorize the Manager to enter into a contract with Beaver Tree Service for \$5,000 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Report Regional Transportation Plan and Way Finding-Mayor Wilson commented Roanoke Island Commission funded \$5,000 the Airport Authority is funding \$5,000; the Coastal Study Institute is funding \$5,000 and the County is funding \$10,000 in addition to the Town's contribution to fund the study being done by Kimley-Horn and he authorized the contract this morning. The Way Finding Committee signs designed required introduction of local legislation allowing NCDOT to manufacture and install signs on and up to 30 miles off Roanoke Island and has been put in the budget bill.

**SUBJECT:** Report Facility Fee Study-

**SUBJECT:** Report Bowsertown Lift Station and other projects by Green Engineering-Will receive a report next Wednesday from the Department Head.

**SUBJECT:** Report Wireless internet-Is up and running and there will be a presentation Friday May 13 at 5:30 by IBM, Charter and Vital Source for the children and there parents. Saturday the computers will be distributed after a short instruction class has been attended by the students.

**SUBJECT:** Report Special Events-working on Dare Days.

**SUBJECT:** Report Cartwright Park signage-Nothing to report

**SUBJECT:** Report Meeting with Pirates Cove residents-nothing to report

**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.

Ms. Twiddy, Finance Officer commented that in order to refund the School Board their site plan review fees she will need a budget amendment.

Town Manager Kermit Skinner commented about the Boardwalk replacement and informed the Board the contract called for them to be off site on May 15<sup>th</sup>, and what they hope to do is get all the work shore side done by the 15<sup>th</sup> and continue working water side from barges and they might not make that and what they are proposing to do now is move the materials out of the parking just to the west of the playground and close that area off and there will still be land side disruption past May 15<sup>th</sup> and it should be done by Dare Days and the other option would be to stop all construction and restart in the fall. Board was concerned about the grass without sod Mr. Skinner commented they have a price on sod pretty much on the budget. Mayor Wilson commented the Davis lot needs raking again. Commissioner Tugwell commented that Coastal Contractors and other companies have hydro seeders and that works better than just seeding and spreading fertilizer and it may be worthwhile to do both the Davis lot and the cemetery. Mayor commented that unless anyone objects they go ahead and do the Davis lot and cemetery. Consensus of the Board to re-sod Davis Lot and the Cemetery using hydro seeders.

#### COMMISSIONERS' AGENDA

Commissioner Farrow-Discussion and consideration of Resolution 2005-06 Oyster Gardening; Mr. Luther Daniels has asked him to present this to the Board for approval and to send it to Raleigh. Commissioner Tugwell asked that it be change to remove Shallowbag Bay and replace it with all Public Trust Waters and this be sent to the Coastal Communities and ask them to do something similar. There was no objection from the Board to change the resolution and have staff send it to Preston Pate and Coastal Communities.

**MOTION:** Commissioner Farrow seconded by Commissioner Etheridge to approve Resolution 2005-06 Oyster Gardening with changes was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli.

Commissioner Etheridge commented that there are too many signs out on Highway 64.

Mayor Wilson gave the Board an update on several items-Town Attorney Daniel Khoury got the Bearded Clam sign taken care of; the Board received a letter from the boy scout troop thanking them for the pins and if there are service projects in the community please let them know; Scot Whiteside curator of the Maritime Museum gave his resignation, the Oregon Inlet letter was not written since there was approval for additional funds There is a small town in Ireland called Youghal, trying to revitalize itself and it is a town where Sir Walter Raleigh owned considerable acreage, and are having a Sir Walter Raleigh Expo and the Board has been invited to attend at their own cost in September; they have received a request for an elected member of this Board to sit on the Shoreline

Management Commission of Dare County.

**MOTION:** Commissioner Collins seconded by Commissioner Etheridge to enter into a closed session NCGS 143.318.11 (a) 3 consult with attorney and NCGS 143.318.11 (a) 6 personnel was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: none. Absent: Commissioner Belli

**SUBJECT:** Possible legal matter associated with a land matter with possible action and personnel issue with no action. No action taken.

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

A motion by Commissioner Tugwell seconded by Commissioner Collins the meeting was recessed at 9:45 pm until next Monday, May 9<sup>th</sup> at 4 p.m. for the workshop session to review the draft zoning ordinance was approved by the following vote: Ayes: Commissioner Tugwell, Collins, Farrow, Etheridge, and Creef. Noes: None. Absent: Commissioner Belli.

This 4<sup>th</sup> day of May 2005.

\_\_\_\_\_  
Mayor John Wilson

ATTEST:

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Town Clerk Becky Breiholz