

MINUTES

The Town of Manteo Board of Commissioners held their Regular session June 5, 2002 in the Manteo Town Hall meeting room 407 Budleigh Street at 7:30 p.m.

The following members were present: Mayor Lee Tugwell
Commissioner Dellerva Collins
Commissioner David Farrow
Commissioner Edward Etheridge
Commissioner Stuart Wescott
Commissioner H.A. Creef, Jr.

The following member(s) were absent: None

Also present at the meeting were: Town Manager-Kermit Skinner, Jr.
Assistant Town Mgr./Finance- Shannon Twiddy
Town Clerk-Becky Breiholz
Planner-Fred Featherstone
Town Attorney-Daniel Khoury
Police Chief-F. T. D'Ambra

Mayor Tugwell called the Regular meeting to order at 7:32 pm followed by a moment of silent meditation and the Pledge of Allegiance.

MOTION: Commissioner Farrow seconded by Commissioner Collins to accept the agenda was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Approval of Minutes Regular Session May 1, 2002

MOTION: Commissioner Collins seconded by Commissioner Etheridge to approve the minutes was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Approval of Minutes Workshop Session May 15, 2002

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve the minutes was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Creech, Wescott, and Creef. Noes: None. Absent: None

(PUBLIC COMMENT)

Alan Foreman-Business owner and operator of charter boats out of Pirates Cove Marina and commented on the proposed Privilege License fee increase. He stated there is a significant increase in the proposed the fees and it will increase his fee by 13,450 %. There are a lot of

businesses that don't have licenses at all and some businesses have no increase and some are increased 100 %. He feels this is an unfair increase.

Brian Davenport-operates a charter fishing boat out of Pirates Cove and commented about the proposed increase of \$50.00 per person and is against raising this fee.

Matt Lander a charter boat owner at Pirates Cove is also concerned about the increase in the charter boat privilege license fees. He is against this increase. He suggested the Board use money wisely and not ask for tax increases every time you turn around.

Eugene Austin-and is here in referencing of the naming of the new bridge, and presented the board with a petition agreeing with the BOC about naming the bridge after Captain Richard Etheridge.

Carol Scott-Sir Walter Raleigh and is in favor of naming the bridge after Captain Etheridge and the rich history needs to be recognized especially of black citizens.

Barbara Hird-Sir Walter Raleigh Street and is here to present a petition in favor of naming the new bridge Virginia Dare and that Virginia Dare represents all people. She commented that all of our bridges are named after men and thinks there is great merit in naming the bridge after a female and asks the Board to consider naming the bridge Virginia Dare and if an equitable solution cannot be reached she thinks the political solution would be for the Town Commissioners of Manteo to abstain from voting at all.

LeBame Houston-is in favor of naming the bridge Virginia Dare. She commented that our island was saved in 1937 because of Virginia Dare, we were in a depth of a depression and it is the story of Virginia Dare that has been so important in our economic boon, "we would be a back watering dog patch if we did not have Virginia Dare." She also feels it is appropriate for the bridge to be named after Virginia Dare and she also thinks that the Board should abstain from voting on this issue.

Betty Selby-presented the Board a letter from the Dare County NAACP supporting naming the bridge after Captain Etheridge and commented that he is an important part of Dare County history. Strongly urge the Board to support naming the bridge after Captain Etheridge.

Sybil Ross-Manteo-she proposed a solution to name the bridge the Virginia Dare Bridge and change the county name to Etheridge. She has some concerns about the things that make up the community like the newspapers. She commented about an instance where a local paper wrote an editorial about Commissioner Dell Collins and thinks they stated some untrue and unkind things and they have not printed Commissioner Collins rebuttal, nor anyone else's comments that were sent in about this issue.

Phil Scarborough-Manteo-commented that the oldest name mentioned here is Croatan, why not name the bridge Croatan.

Guy Midgett-Manteo and has concerns about the Memorial Day ceremony held downtown at the courthouse. He commented that he came to the Board last year and asked for a portion of the street to be closed for the ceremony. He is asking that in the future that the portion of the street be closed a maximum 45 minutes for the veteran services that are held downtown.

Virginia Tillett-certainly hopes that the naming of the bridge will not cause hard feelings or a racial issue. Commented that the editorial done in the paper and the comments made about Commissioner Collins were insulting and thinks the paper owes Ms. Collins an apology. Hope the Board will continue to support the naming of the bridge Captain Etheridge.

Terry McDowell-Manteo-if she is not mistaken this Board has already passed a resolution in favor of naming the bridge the Captain Richard Etheridge bridge and doesn't see how they can change what they have already done and she also feels that the newspaper owes Ms. Collins an apology.

Petie Brigham-outside of Manteo-commented that it is the 58th anniversary of D-Day and when she goes downtown for the memorial service it breaks her heart to see only a handful of people there and hopes that the street can be closed for these celebrations and would like to see someone representing the Town there.

Mayor Tugwell commented that he does not think there will be a problem next year with the closing of the street for Memorial Day service. The Mayor also commented the official position of the Town at this time is that our resolution supports the naming of the new bridge Captain Richard Etheridge.

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

PUBLIC HEARING-to receive comments on the proposed Budget for FY 2002-03

No public comments

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

MOTION: Commissioner Collins seconded by Commissioner Wescott to enter into a Public Hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, and Creef. Noes: None. Absent: None

PUBLIC HEARING-to receive comments on proposed text amendments to Section 7.04 B7 Village Business District; Section 7.05B-2 General Business District and Section 7.05 B-2 Village Business District limiting size of buildings.

Terry McDowell-Agona Street-commented that the Planning Board has worked long and hard on these text amendments and hopes the board will support the planning board.

Angel Khoury-Mother Vineyard Road and Manteo is in favor of the board adopting these ordinances.

Michael McOwen-Sir Walter Raleigh in favor of the ordinances and hopes board passes them tonight.

Norma Mills-Uppowoc Street-and supports the proposed zoning ordinance changes, and thinks the specialness and charm of Manteo will be preserved if this is passed.

Beth Storie-Sir Walter Raleigh is in support of the board passing these ordinances.

Melodie Leckie-Sir Walter Raleigh commented that it is a very good step to smart growth and hopes the board will support and vote for the ordinances.

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

SUBJECT: Report by Ben Cahoon, Architect for the Roanoke Marshes Light House. Mr. Cahoon gave a slide show presentation of the design for the Marshes Light House. This is an approximation used from the original construction documents and there are several options they are going to use instead of from the original design and some of these will be less expensive. The small water closet in the building will not be duplicated. He also proposes to stencil the original floor plan on the floor, and the upstairs will not be accessible to the public and they propose a counter with a sink. It is only slightly modified on the 2nd floor and for simplicity the stairs will be modified. They will be using conventional lumber and the building will be anchored to the sleepers. The most complex and expensive part will be the lantern; there is no way to reproduce in wood, but can be fabricated from aluminum and still be very authentic. He has found someone that will reproduce the windows authentically and it will be cheaper than Anderson windows. He is proceeding with the construction documents and proposes to come back one month with the bidding documents. Mr. Cahoon commented that there is some information they still have not pinned down, the color of the roof and the interior design. Commissioner Farrow commented that the roof was red, the interior was tongue and groove and the shutters were green. Commissioner Farrow suggested using cooper instead of aluminum for the lantern. Mr. Cahoon will submit documents with Department of Insurance at the end of this month and will have a preliminary indication whether they have any issues. Mayor Tugwell suggested that Mr. Cahoon come back for the workshop session in two weeks, June 19, 2002 for more discussion.

(MAYOR'S AGENDA)

SUBJECT: Discussion and consideration of nominations for vacancies on the Coastal Resources Commission. There are several vacancies on the Coastal Resources Commission and the Coastal Area Management Act of 1974 sets forth specific qualifications that nominees must

meet and detailed procedure that must be followed. J. Webb Fuller, Town Manager of Nags Head and a resident of Dare County is a candidate for one of the vacancies.

MOTION: Commissioner Collins seconded by Commissioner Wescott to support the nomination of J. Webb Fuller to the Coastal Resource Commission was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, and Creef. Noes: None. Absent: None

Recess taken at 8:40 p.m.

Mayor Tugwell gave our new town attorney Dan Khoury an apology for not introducing him at the beginning of the meeting.

(COMMISSIONER'S AGENDA)

SUBJECT: Discussion and consideration of nominations to fill the vacant Board of Commissioner seat of Commissioner Creech. Mayor Tugwell discussed the procedure of appointing a member by written ballot and asked for a motion to open the floor for nominations

MOTION: Commissioner Creef seconded by Commissioner Farrow to open the floor for nominations to fill the vacant board seat was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, and Creef. Noes: None. Absent: None

Commissioner Creef nominated John Wilson

Commissioner Collins nominated John "Bo" Ross

Mayor Tugwell nominated Bill Parker and Jamie Daniels, Mr. Parker declined the nomination.

MOTION: Commissioner Creef seconded by Commissioner Farrow to close the nominations was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, and Creef. Noes: None. Absent: None.

The written ballots were collected and Town Clerk Becky Breiholz read the results:

John Wilson-3 votes

John Ross-2 votes

Jamie Daniels-0 votes

MOTION: Commissioner Collins seconded by Commissioner Creef to accept the written balloting appointing John Wilson to fill the unexpired term of Commissioner Creech was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, and Creef. Noes: None. Absent: None

Town Clerk Becky Breiholz gave the oath of office to John Wilson.

Commissioner Wilson-thanked the board and is happy to be serving the Town of Manteo and looks forward to public participation and developing a plan that is the towns people plan.

SUBJECT: Discussion and consideration of clarifying Board Policy for a show hands to be counted only that was adopted at the Boards May 1, 2002 meeting to be changed back to verbal Ayes and Nays and to establish a policy that any Commissioner has a right to call for a show of hands before the motion is decided upon.

MOTION: Commissioner Farrow seconded by Commissioner Creef to change to verbal ayes and nays and allow any commissioner the right to call for a show of hands on any vote prior to the decision of the motion to clarify the vote was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Creech, Wescott, Wilson, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of replacement signs at Cartwright Park. Commissioner Collins had brought this up in the past and research was done by the staff which indicated that the company, Design and Production, Inc., that had previously done the work no longer had those records and were no longer in business and the Town would need to start from scratch. Consensus of the Board to have staff investigate and report back to board at next meeting.

SUBJECT: Discussion and consideration of establishing a policy regarding street closings for special celebrations. Commissioner Farrow is requesting that the Board consider establishing a policy that the appropriate streets be closed down during Veteran's Day and other days deemed appropriate by the Board and that the Town of Manteo Police Department make arrangements to coordinate street closings with special events coordinators, with the Chief of Police determining which streets need to be closed off during the ceremonies. Commissioner Wescott commented that some one should contact the town hall and ask that the street be closed. Consensus of the Board to establish a policy allowing for streets to be closed during Memorial Day and other special events.

(FINANCE OFFICER AGENDA)

SUBJECT: This item was moved before the proposed budget. Discussion and consideration of proposed Privilege License Fee Schedule increase. Commissioner Farrow would like the Board to consider increasing the fees for Privilege Licenses as one way as an alternative revenue sources in an effort to maintain current service levels without raising property taxes. Commissioner Farrow also has concerns about the parking spaces that are being used by the charter boats. Commissioner Farrow would like to revise some of these fees and have the Board discuss this at the workshop as an action item. Commissioner Wescott commented that this affects him too and commented that some of the boats will move out of town and he instructs his passengers to park at the Festival Park and does not think increasing the fees is a good idea. Mayor Tugwell suggested the Finance Department give the board to a menu of revenue sources .

MOTION: Commissioner Farrow seconded by Commissioner Etheridge to place the proposed privilege license fee increase on the workshop agenda as an action item with staff also presenting a menu of revenue sources was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson and Creef. Noes: Commissioner Wescott. Absent: None

SUBJECT: Discussion and consideration of Resolution 2002-11 Legislation to protect Municipal Revenue Sources. Due to the deficit in the States Budget Governor Easley has withheld revenue from municipalities to balance this budget. This resolution is asking for legislation to protect those sources and from this happening again.

MOTION: Commissioner Creef seconded by Commissioner Collins to approve Resolution 2002-11 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of proposed Budget for FY 2002-03. Ms. Twiddy received an increase of an additional \$2,000 for purpose of the audit and would like that added to the budget tonight. Mayor Tugwell commented that he has been studying the health insurance issue and up to this year the town has been paying 100% of employee benefit as well as 100% of dependent health care, and in the proposed budget the town will pay 80% and employee paying 20% for dependent coverage and the lower tiered employees will now have to pay \$1250 a year out of pocket and with a 2.5% COLA increase it will not be enough to cover the increased insurance cost. The Town will be changing the insurance plan from high level to basic level plan. He also commented that some employees have dependent coverage when their spouses have coverage through their employers which also cost the town and the Mayor would like to propose a 60 /40 split in dependent coverage and to raise base pay for all employees by \$2,500 a year and reduce the cost of living to 1.5% which in the end the expected savings could net out costing about \$35,000 year. He would also like to establish a policy that spouse or dependents covered elsewhere not be eligible for Town insurance and the Mayor would like to the Town attorney to check into the legality of it and that the employee can elect to pay the total dependent coverage if they chose to do so. A lengthy discussion took place on the Mayor's proposal and it was consensus of the Board to incorporate the \$2500 increase in employee's salaries and no COLA in the budget to be presented at the workshop

MOTION Commissioner John Wilson seconded by Commissioner Collins to accept the draft budget with the following exceptions and amendments 60-40 insurance split on dependent coverage, \$2500 across the board pay increase for all employees and zero cost of living was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None.

MOTION: Commissioner Collins seconded by Commissioner Farrow to **amend** the budget to include \$1500 for repairs to Cartwright Park signs and to include \$2,000 for contract services for the audit to accept the budget as amended was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

(TOWN MANAGER'S AGENDA)

SUBJECT: Town Manager Report and Department Head reports which will be made a part of these minutes. He also commented that we filed a grant application for \$1,373,000 to the Clean

Water and Trust Fund for storm water improvements in the Town and the Town will have the option to accept or decline the grant.

(PLANNER'S AGENDA)

SUBJECT: Discussion and consideration proposed text amendment to add the following text to **Section 7.04 B-1 Village Business District**; Section 7.05 B-2 General Business District; Section 7.05 C-14 Conditional uses.

Section 7.04 B1 Village Business District

D. Requirements in the village business district.

1. Add the following text: Maximum Square Footage-Commercial construction (this does not include schools, churches or government buildings) shall not exceed 20,000 square feet of total building area, whether on one floor or multiple floors, including porches, decks, accessory buildings, etc. on any single parcel of land; Except any building existing at the time of the adoption of this amendment (June 2002) shall be grandfathered and allowed to remain and/or be rebuilt at the pre existing square footage provided the new structure meets other applicable zoning ordinances. Buildings on separate parcels may not be connected when the total square footage of the connected structures exceeds 20,000 square feet.

add the following text to: **Section 7.05 B-2 General Business District:**

D. Dimensional requirements for B-2 general business district.

1. Add the following text: Maximum Square Footage-Commercial construction (this does not include schools, churches or government buildings) shall not exceed 20,000 square feet of total building area, whether on one floor or multiple floors, including porches, decks, accessory buildings, etc. on any single parcel of land; Except any building existing at the time of the adoption of this amendment (June 2002) shall be grandfathered and allowed to remain and/or be rebuilt at the pre existing square footage provided that the new structure meets other applicable zoning ordinances. Buildings on separate parcels may not be connected when the total square footage of the connected structures exceeds 20,000 square feet.

add the following text to **Section 7.05 C –Conditional Uses**
Conditional Uses

(C) 14. Buildings have a total square footage of 10,000 square feet or more

Discussion took place on grandfathering clauses for existing businesses already over 20,000 square feet and the fact that it could be rebuilt as anything other than the present use Chairman Parker commented that the intent was the ability to rebuild at its present use. Town Attorney Daniel Khoury suggested adding the wording “and its use” existing at the time..... to the statement Except any building.....

MOTION: Commissioner Wilson seconded by Commissioner Farrow to accept the proposed text changes as presented Commissioner Wilson **amended** his motion to include the words “and its use” existing at the time.....was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson and Creef. Noes: Commissioner Wescott. Absent: None

SUBJECT: Discussion and consideration of placing a cardboard recycling container downtown. The planning and zoning board has discussed this at length and would like to purchase a cardboard recycling container and place downtown on property that Commissioner Creef has offered. Discussion took place on trying this to see if it would work; Commissioner

Wescott commented that it would save money in tipping fees if properly used. A budget amendment would be needed to purchase the container. Discussion took place on using something to try this out before purchasing a container and whether or not an ordinance is needed to make people comply with it or would it be voluntary. Mr. Parker commented that the Planning and Zoning Board will bring some more ideas to the BOC.

(TOWN ATTORNEY'S AGENDA)

SUBJECT: Report on pending projects-Town Attorney Daniel Khoury is preparing a lease agreement between the Town and Dare County Board of Education for the placement of the water tank. He has also had discussion with Town Manager Kermit Skinner and Planner Fred Featherstone regarding the concerns for the water and sewer extension agreement for the CVS that is to be located at the Caiman Gardens site. He is also in contact with AME Zion Church regarding the Town's offer to purchase the property across the street from Cartwright Park.

Commissioner Wescott commented that the Town spends a lot of money on the advertising of public notices in the newspaper and suggested council look into the legality of advertising on the TV and of the possibility of lobbying the general assembly to change the law.

Commissioner Farrow thanked the Town Manager and Public Works James McCleave for how nice the cemetery looks.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Farrow seconded by Commissioner Wescott meeting was adjourned at 10:35 pm and approved by the following vote: Ayes: Commissioner Creech, Wescott, Farrow, Etheridge, Collins, Wilson and Creef. Noes: None. Absent: None.

This the 5th day of June 2002.

Mayor Lee Tugwell

ATTEST:

Town Clerk Becky Breiholz