

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room August 7, 2002

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.
- Commissioner John Wilson, IV

The following member(s) were absent: None

Also present at the meeting were:

- Town Manager-Kermit Skinner, Jr.
- Assistant Town Manager/Finance- Shannon Twiddy
- Town Clerk-Becky Breiholz
- Town Attorney-Daniel Khoury
- Police Chief-F. T. D'Ambra
- Planner-Fred Featherstone
- Water & Sewer Superintendent-Butch Luke

Mayor Tugwell called the Regular meeting to order at 7:35 p.m.-followed by a moment of silent meditation and the Pledge of Allegiance.

Commissioner Farrow would like to remove his Resolution 2002-13 for consideration and have Commissioner Johnson present his plan for school facilities. Commissioner Wilson would like to add an item to Old Business to discuss user fees for outside chairs and was placed under the Planners agenda 11 c. Mayor Tugwell added a Closed Session NCGS 143.318.11 (a) (5) Personnel.

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

SUBJECT: Approval of Minutes Regular Session July 3, 2002

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve the minutes of July 3, 2002 as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

SUBJECT: Approval of Minutes workshop Session July 17, 2002

MOTION: Commissioner Farrow seconded by Commissioner Collins to approve the minutes of July 17, 2002 as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Creech, Wescott, Wilson and Creef. Noes: None. Absent: None

PUBLIC COMMENTS:

Mayor commented that it is Customary to defer comments to specific agenda items. There were several members of the audience who wanted to defer their comments to a specific agenda item under the Commissioner's agenda item 8(a). Malcolm Fearing would like to defer his comments on item 7(a) on the Mayor's agenda.

Paul Charron-commented he and his wife own Full Moon Café Queen Elizabeth Street. Mr. Charron has addressed the Board of Commissioners at their last two meetings asking about the water fees and each time he was asked if he had been treated different than any other business and he commented "I do hope so- I would hate to think that all businesses were given this treatment." In early July he was informed "I owed money on tables receiving wait service outside my café, other establishments did not have to pay because they did not have table service, their customers brought the food out themselves". He commented that in March he was told by a town employee that this establishment did not have to pay because their landlord owned those seats outside, now he's told town law mentions table service. He stated the Mayor set up a meeting for him with the Town Manager and Town Attorney to discuss payment. "He asked to see the ordinance at this meeting, and was told none existed but a town policy which was not voted on by the board did exist in writing, but was undated, unsigned, unpagged numbered." He also stated he was told when he moved his business across the street he needed a new business license, when I mentioned that other businesses have moved inside the town and none had paid for those licenses he was told "I guess they just didn't get caught." He asked if it was okay to sell ice cream outside his shop on property he leases and was told no, he would be an itinerant merchant, he commented he asked to see this definition and was told not to worry "they knew what they were talking about." Other businesses sell there wares outside their doors. He commented the he feels speaking to the Board is his only hope.

Mayor Tugwell moved Commissioners agenda item 8a

SUBJECT: Discussion and consideration of proposed text amendment to Section 50-123, properties outside the Town corporate limits requesting annexation. Commissioner Wilson. This would add the following verbiage to be reflected as 50-123-19 shall apply only to properties north of the US 64 Bypass and south of the northern corporate town limits for consideration of connection to the Town's municipal water and sewer service.

Joann Baum Clift-native and resident of Skyco-commented that several months ago Roanoke Island was being attacked by big time development such as Food Lion those that wanted to build another Pirates Cove on the Collins tract in Skyco. She commented that they need sewage and water to make this possible and at this time they are still faced with the possibility of condos being built in their quiet neighborhood. She commented that Manteo has always recognized Skyco as a separate residential community. She would like the Board of Commissioners to vote for this amendment that would stop the sale of sewage and water outside existing town limits and south of the bridge.

Angel Khoury-Sir Walter Raleigh Street and Mother Vineyard. She asked the Board to approve the proposed amendment to 50-123 and not extend water and sewer to Mother Vineyard, Skyco or any other properties outside town limits.

Terry McDowell-Agona Street please keep the water and sewer in the corporate limits of Manteo.

Edward Greene-resident outside Manteo, business inside Manteo, urges the Board to vote in favor of the proposed text amendment to 50-123

Melodie Leckie-Sir Walter Raleigh-would like the board to vote for this amendment.

Petie Brigham-Manteo outside town limits-has own well and septic tank, worried about our aquifers. If we extend water and sewer to big developments the demands will be greater and she urges the board to pass this amendment and put the brakes on development here.

Jennifer Frost-property owner inside Manteo and is building a house outside Manteo. She asked the board to vote for this amendment. She also commented that in the amendment the word “only” should be inserted “shall apply only to.....”

Jack Overman-Puddle Lane- been using sewage and pumps for 60 years and never had problem with them and satisfied with what he has and does not need utilities from the Town of Manteo. “In other words let Manteo keep Manteo’s utilities in Manteo and leave the rest of us alone.”

Commissioner Farrow asked if passing this amendment would affect supplying water and sewer to schools if they were to build outside the Town limits and Commissioner Wilson commented that 50-123-18 allows the Town to consider extending to government buildings outside the Town.

MOTION: Commissioner Wilson seconded by Commissioner Farrow to accept the proposed amendment to 50-123-19 as amended adding shall apply “only” was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Wescott. Absent: None

REPORTS:

Ben Cahoon gave an update on the Roanoke Marshes Light House- He presented the Board with a proposed bidding schedule for the project. He commented that they are in a position now to advertise for bids. He commented that with concerns to the Department of Insurance issue he has submitted the plans to them with a request for an exemption that is provided in the NC General Statute that governs the construction of buildings owned by Towns and other municipalities which in the building codes raises the number to 10,000 square feet which requires the Department of Insurance approval, nonetheless he has submitted the drawings to them to confirm that to him in writing. The recommended schedule would be as follows: advertise locally August 11 or 13; regionally August 11; post documents to plan rooms August 12; issue bid documents August 12; pre-bid meeting August 29; receive and open bids September 17; perform due diligence and open discussions with apparent low bidder Sept. 18, presentation of bids at town Council work session Sept 18; recommend bidder to council October 2; begin construction Mid October and finish construction on February 17 2003 with ribbon cutting on February 18, 2003 the Town's 104th anniversary. Discussion on the changes that were made at a previous meeting and Mr. Cahoon commented they have added a outhouse to the side of building and will be using that as a mechanical space to add to the authenticity of the building. Copper flashing has been included as an alternate roof material for the building but is concerned about the cost and will have alternate roofing prices. The primary color specified at this time is white for the siding, windows and doors and will have an alternate color for the shutters and roof. The color of the roof was discussed and it was remarked that it was red and hopefully they will be able to find the right color. Mr. Cahoon has received a photograph that clarifies the conditions of the main entrance to the building.

MAYOR'S AGENDA

SUBJECT: Discussion and consideration of Resolution 2002-14 asking Dare County for a Bond Referendum for financing improvements to the schools.

Malcolm Fearing-Budleigh Street, Manteo, asked the board to consider delaying any action on item 7 (a) based on what has happened in the last few days. He commented for one reason "there is a Dare County Commissioner here to make an presentation to the Board and this action would come before his presentation, and his plan might or might not coincide with this agenda item." He also stated he attended a Dare County Board of Commissioner meeting and the mood seems to be to get the job done. Mr. Fearing commented he is hopeful that on the 19th of August the special meeting of the Dare County Board of Commissioners will produce a fruitful plan for citizens of Dare County children. He feels they are very close on coming together with an agreement to move forward with the schools. He asked the Board to please be mindful of the negotiations with the County and Board of Education and that any action done tonight might disrupt those negotiations.

Mayor Tugwell-passed the gavel to Mayor Pro Temp Dellerva Collins since this was his agenda item so that he could enter into a discussion. Mayor Tugwell applauds the effort they are making and feels the Board of Education should have COPS for maintenance and for new construction a

bond referendum should be held since this affects everyone and the citizens should be allowed to vote on this.

MOTION: Commissioner Wilson seconded by Commissioner Creef to support all facility needs for children from one end of Dare County to the other like other governments are doing and not pass the resolution but go on record simply stating to let the governing body that is responsible for making those decisions be allowed to make those decisions was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

COMMISSIONER'S AGENDA

SUBJECT: Discussion and consideration of Resolution 2002-13 supporting Dare County Commissioner Richard Johnson's plan for school facilities. Commissioner Farrow withdrew the resolution and asked that Commissioner Johnson's present his plan which will be made a part of these minutes. His plan calls for land purchase (condemnation) for two new Roanoke Island schools; build a new Manteo elementary and middle school using plans from the First Flight Schools; remodel Kitty Hawk elementary; remodel Cape Hatteras High; remodel First Flight elementary and middle schools; remodel Manteo High; and there should be no need for a Nags Head elementary with the new and expanded Roanoke Island schools. The cost of the plan could save millions of additional dollars to the county. He is interested in balancing education for everyone in Dare County. His plan would allow avoiding overcrowding and affording identical educational opportunities.

SUBJECT: Discussion and consideration of N.C. School of Design proposal. Commissioner Wilson commented that the proposal is not complete but should be done by August 25th and would like it to be included in the September 4th 2002 regular session.

SUBJECT: Commissioner Collins- a request from Michael McOwen to discuss the drainage ditch problems behind his property. Michael McOwen resident Sir Walter Raleigh Street stated he has a drainage ditch behind their house that comes from Hwy 64 and junctions at the back corner of their property. Apparently in 1970, the previous owner took the ditch and had a culvert pipe put in and it has worked for many years. He commented that the last two years every time they have a thunder storm they have knee deep water in the yard. He thinks the pipe just needs to be cleaned out and is requesting the Board to help them out.

TOWN MANAGER'S AGENDA

SUBJECT: Town Manager Report and Department Head reports which will be made a part of these minutes. Commissioner Wescott-has received some complaints on water quality and would like to know the status of the line replacement. Mr. Skinner asked Water and Sewer Superintendent Butch Luke the status of the county's restriction on water usage. Mr. Luke commented he has spoken with the county and hopefully they will be able to flush in mid August, but he commented that they can do emergency spot flushing. On the water line replacement Mr. Skinner commented that the engineer Mr. Leo Green is collecting the data to

resubmit it to the state. Commissioner Wescott also commented that everyone should drain their hot water heaters once a year and that would help to get rid of a lot of the odor.

FINANCE OFFICER AGENDA

These budget amendments may be voted on all at once or broken down if the board chooses to do so. The budget amendments were reviewed by the Board and then voted on in one motion.

SUBJECT: Discussion and consideration of Budget amendment #1 for the New Worlds Art Festival for \$719.00 expenses associated with shuttle parking for the August 2002 event.

SUBJECT: Discussion and consideration of Budget amendment #2 for boundary survey requested by Town Attorney prior to processing the purchase of property on Sir Walter Raleigh Street from the AME Zion Church

SUBJECT: Discussion and consideration of Budget amendment #3 for the funding of a part-time position to provide information and enforce the town ordinances on a trail basis

SUBJECT: Discussion and consideration of Budget amendment # 4 for overtime expenses associated with the 4th of July celebration for the Police Department

SUBJECT: Discussion and consideration of Budget amendment #5 for overtime expenses associated with the 4th of July celebration for Public Works Department

SUBJECT: Discussion and consideration of Budget amendment #6 overtime expenses associated with posting of water meter readings that were received late from the water and sewer department. This item was discussed and Finance Officer Ms. Twiddy commented that she has met with Town Manager Kermit Skinner and Water and Superintendent Butch Luke and steps have been taken to remedy this situation.

SUBJECT: Discussion and consideration of Budget amendment #7 for overtime expenses associated with the posting of water meter readings that were received late from the water and sewer department.

SUBJECT: Discussion and consideration of Budget amendment #8 to accept the \$35,000 Grant from the Governors Crime Commission, the conditions of the grant require a 10% match, thus is the request for \$3,500.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to approve Budget amendments (1) one through (8) eight was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Creech, Wescott, Wilson and Creef. Noes: None. Absent: None

(PLANNER'S AGENDA)

SUBJECT: Discussion and consideration of satellite annexation petition from Renaissance, Ray Hollowell, resolution 2002-15 directing the clerk to investigate the petition and resolution 2002-16 setting a public hearing for September 4, 2002 at 7:30 p.m.. At the June meeting of the Planning Board the site plan expansion and annexation request were reviewed and unanimously approved for 1013 S. US 64 occupied by Renaissance Construction and owned by Ray Hollowell. The request is for satellite annexation meaning the parcel is non contiguous with the current town limits.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to approve Resolution 2002-15 directing the clerk to investigate the petition was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

MOTION: Commissioner Wescott seconded by Commissioner Farrow to approve Resolution 2002-16 to schedule a public hearing for September 4, 2002 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of request from property owners Khoury, Woody and Livesay for sidewalk easements at Centennial Court. Angel Khoury presented to the Board deed easements from owners at Centennial Court of Queen Elizabeth and Fernando so the town can construct at the Town's expense a sidewalk by the building. Mrs. Khoury commented that there have been discussion with NCDOT about widening that corner. She also commented that when you get to the very corner where there should be a handicap access there is no room there. She stated what Planner Fred Featherstone's idea was and DOT approved would be to extend that corner out into the street just a little bit further and give enough room to come around the curb and have a handicap access and a sidewalk. Wescott suggested painting a pedestrian crosswalk, since there is a sidewalk across the street. Discussion took place on motion made by Etheridge that when this site plan was approved that it be approved with no conditions. Ms. Khoury also commented that Site C Centennial Court was part of the Towns redevelopment plan and was part of a public-private partnership and would enjoy entering into another public-private partnership to have the sidewalk installed. The Board also discussed liability of those sidewalks. Town Attorney Daniel Khoury has been researching the sidewalk issue in the Town of Manteo and it was suggested that this item be deferred to the August 21, 2002 workshop session for discussion and possible action.

SUBJECT: Discussion of restaurant seating water rates added to agenda. This was added to the agenda under Old Business 11 c. Commissioner Wilson commented that he has no additional information to bring commented that he thought we have enough information about it. Commissioner Wilson made a **MOTION** to encourage outside tables, encourage outside chairs, picnic tables and benches which only serve to enhance the Town's attitude of welcome and southern coastal hospitality, that we encourage outside seating by not charging a user fees for outside chairs after all they have a pretty limited use and in no way equal to inside chairs just due to the weather and further any citizen paying for placement and obtaining outside seating

should be thanked for doing it, Mayor Tugwell **ruled the motion out of order** stating it is the policy of the Board not to vote on motions that were not properly advertised to the public. Commissioner Wilson made a **MOTION** to suspend the rules seconded by Creef and approved by the following vote: Ayes: Commissioner Wilson, Creef, Farrow and Collins. Noes: Commissioner Wescott, Etheridge. Absent: None

Commissioner Wescott asked if the ordinance needed to be changed and Commissioner Wilson commented that he thought 50-140 did not address outside tables, it's a policy as he understands it, written by staff and if it is only a policy then the law does not need to be amended. Commissioner Wescott asked Chief of Police F.T. D'Ambra if it was law or policy to allow bottled alcohol on the streets and the Chief commented that it is law. Discussion took place on the serving of alcohol outside and Chief commented that the ABC law requires on the site plan that a barrier be shown where they plan to serve alcohol outside. Commissioner Wilson commented that the Town has an ordinance that requires alcohol to be in a paper or plastic cup on the streets.

MOTION: By Commissioner Wilson seconded by Commissioner Etheridge to not charge user fees for outside tables, picnic tables, chairs and outside benches that are available for the public in our Town was approved by the following vote: Ayes: Commissioner Wilson, Creef, Etheridge, Farrow and Collins. Noes: Commissioner Wescott. Absent: None.

MOTION: by Commissioner Wescott seconded by Commissioner Wilson to reinstate the rules approved by the following vote:

TOWN ATTORNEY'S AGENDA

SUBJECT: Report on pending projects

Town Attorney Daniel Khoury reported to the Board regarding the purchase of the AME Zion Church property and stated that they are unable to close the deal without the Bishops signing on behalf of the church or a letter of power attorney being recorded allowing Mr. John Falk to sign on his behalf.

Mr. Khoury commented that he has not received a response from Christopher Pipkin, but he did receive a response from Linda McCown two weeks ago who is representing him.

Mr. Khoury also commented on the 2001 Audit report on Dough's Creek which was included in his packet and he wanted to call it to the Boards attention that in Note 2 - operating agreement that prior to funds being allocated to the Town of Manteo only after revenue has been allocated to the following: operating costs, replacement reserves, reimbursement of prior year deficits, reimbursement of the capital contribution for construction of the dock complex of operating cost, is only good for the first 15 years, and the last five years they are not allowed to offset that capital contribution of cost and it is now moving into the 16th year. They should only take the first three items and then the profit should be split with the Town.

In his memorandum of 50-140 and in his discussion with Kermit on 50-140 he has done a review and will give them to the Town Clerk for distribution.

Commissioner Wescott commented with the cost of garbage disposal being what it is shouldn't the Town have something in force to prohibit people from out of Town from dumping their garbage in other peoples dumpsters. He would like to discuss this at the workshop session. Town Attorney Daniel Khoury commented that he might also want to talk with the Chief to see how he would enforce that.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to enter in closed session NCGS 143.318.11 (a) 5 personnel was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

Personnel matter- the amount of compensation and other material terms of an employment contract or proposed employment contract.

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

NO ACTION TAKEN

Commissioner Wilson would like to include in the workshop as an action item a resolution in support of Fort Raleigh's application for funding for the Freedman's Colony to be included in the Underground Network to Freedom. Staff was asked to prepare a Resolution of Support

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Wescott seconded by Commissioner Farrow meeting was adjourned at 9:30 pm and approved by the following vote: Ayes: Commissioner Wilson, Wescott, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None.

This the 7th day of August 2002

Mayor Lee Tugwell

ATTEST:

Town Clerk Becky Breiholz