

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, March 3, 2004 at 7:30 p.m.

The following members were present:

- Mayor John Wilson, IV
- Commissioner Lee Tugwell
- Commissioner Dellerva Collins
- 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
- Town Attorney-Daniel Khoury
- Planner Fred Featherstone
- Police Chief-F. T. D'Ambra

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. Mayor Wilson added under Item 9 B the repairs to the George Washington Creef Boathouse, “we have enough information to take action.”

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

SUBJECT: Adoption of the items on the Consent Agenda- Commissioner Tugwell would like Dues and Subscriptions Items C1 (a) Outer Banks Gun Club and C1(c) Roanoke Island Business Association removed from the consent agenda for individual discussion.

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the Consent Agenda as amended removing C1 (a) and C1 (c) removed for individual discussion was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell, and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the minutes of the regular meeting February 4, 2004 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the minutes of the recessed meeting of February 11, 2004 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve dues and subscription payment for NC Secretary of State Notary fee was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve Resolution 2004-03 authorizing individuals to sign checks was approved by the following vote Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve Budget Amendments 11, 12, 13, 13, 15, 16 and Budget Transfers #1, 2, 3, 4 was approved by the following vote Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

SUBJECT: Outer Banks Gun Club-Commissioner Tugwell has no objection to paying this but had a question for the Chief about how many ranges are available to our Police Department for qualifying and practice. Chief D'Ambra commented we have access to one and the memberships come up at a different time a year, and they do not offer a group membership.

MOTION: Commissioner Tugwell seconded by Commissioner Etheridge to approve Outer Banks Gun Club dues and subscriptions was approved by the following vote Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

SUBJECT: Roanoke Island Business Association-Commissioner Tugwell commented that h does not want to diminish the importance of such groups but does not think we should be a dues paying member, because we do not agree with them sometimes on some issues, but should work with them. Mayor Wilson commented that it has nothing to do with the RIBA, it is a good organization, but has problems using tax payer money. Commissioner Farrow commented he feels the same way as Commissioner Tugwell and he cannot see any purpose to belonging to it, if we want to contribute \$100.00 to them okay, but to belong to an organization we do not agree with sometimes, "I don't think is proper." Commissioner Collins, Etheridge, Creef and Belli all thought we should support the businesses. Commissioner Farrow requested that he be furnished with a list of all the businesses that belong to it.

MOTION: Commissioner Creef seconded by Commissioner Collins to approve payment of dues and subscriptions to RIBA was approved by the following vote Belli, Etheridge, Collins, and Creef. Noes: Commissioner Farrow and Tugwell. Absent: none.

Commissioner Tugwell wanted to thank the Finance Department for using Budget transfers and not always going to the undesignated fund balance to balance and likes that practice.

PUBLIC COMMENTS-

Johnnie Robbins-Skyco would like to have the opportunity to speak item 6D when it comes up.

(TOWN MANAGER AGENDA)

SUBJECT: Finance Officer-Presentation of Audit from Pickrel, McGinnis and Dowdy. The Board had been presented with the audit by Teresa Pickrel at their February 11, 2004 workshop meeting and the statutes require that it be approved at a regular meeting.

MOTION: Commissioner Tugwell seconded by Commissioner Etheridge to accept the audit as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Belli and Creef. Noes: None. Absent: None

SUBJECT: Finance Officer-New payment arrangement with Fire Department. A recommendation had been made by the auditing firm of Pickrel, McGinnis and Dowdy to change the manner in which we pay the Roanoke Island Fire Department for Fire Protection Services. Ms. Twiddy commented that she has received a proposal from Ken Daniels, but has not had the opportunity to discuss it with Pickrel, McGinnis and Dowdy. Ms. Twiddy would like the auditors to review it and then present it to the Board at their workshop session not for action, but for review and then present it at the April regular meeting.

SUBJECT: Consideration of Agreement with Mr. Boggs, Waterfront Trellis Restaurant located on the waterfront. Mr. Boggs had come to the Board asking to move his gas tanks underground on Town property because he was told by the insurance company that the tanks had to be moved from underneath the building. Town Attorney Daniel Khoury drafted an agreement with Mr. Boggs for the Board to review and approve if they chose to do so.

MOTION: Commissioner Farrow seconded by Commissioner Etheridge to approve the agreement with Mr. Boggs was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Belli and Creef. Noes: None. Absent: None

SUBJECT: Planner-Consideration of Rezoning Midway from B2 to B3. This has been discussed at previous meetings and research done to see if this could be considered down zoning. Several meetings took place with Russell Twiford and representatives of the Town. Johnnie Robbins commented that recently he had submitted an annexation request for the 5 acre track east of Caimen Gardens Business and then withdrew the request. He stated the reason he withdrew the request because of the situation of the adjoining property owner to the east, Mr. Twiford and his becoming upset in what he viewed as a down zoning of his property. Mr. Robbins commented that he “sees these two pieces of property needing to be developed together, and possibly make it a better project under the B3 zoning and would like to pave the way to work with Mr. Twiford or whoever he contracts to have buy that property,” and “would like to get that in place.” Mr. Robbins commented that his son who worked with the NC State Design Group, is using this as a senior project to come up with a plan to use as a starting point. Mayor Wilson commented that action had been delayed leaving open for written comments which non have been received and this will rezone the three properties at midway from B2 to B3: College of the Albemarle, Animal Hospital and Twiford property to make them consistent with the surrounding properties.

MOTION: Commissioner Creef seconded by Commissioner Farrow to rezone B2 as B3 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Belli, Collins, Tugwell and Creef. Noes: None. Absent: None

SUBJECT: Consideration of Ordinance No Through Trucks Simon Street and or Agona Street. There are two ordinances in the Board packet one for Simon Street only and one for Simon Street and Agona and the Board will have to make a choice to do one or both. Commissioner Collins commented that she would like the Board to pass this, the big tractor trailers are a problem. Commissioner Farrow commented he thought we were having a traffic study. Mayor Wilson commented that the State is going to do a traffic management study in April for the Town and whole north end of the island. Commissioner Tugwell would like the definition of trucks defined better.

MOTION: Commissioner Tugwell seconded by Commissioner Collins to accept no through trucks on Simon and Agona **MOTION WAS WITHDRAWN: MOTION BY** Commissioner Creef seconded by Commissioner Etheridge to approve No Through Trucks on Simon Street was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Belli and Creef. Noes: None. Absent: None.

SUBJECT: Town Manager report with Department Head reports will be on file for one year. Commissioner Tugwell asked if we had any department heads with OSHA training and Mr. Skinner replied Butch Luke and himself and Mr. Luke is the Safety Officer.

SUBJECT: Report A & A Atlantic Sewer disposal contract. Town Attorney has drafted a contract for the Board to review. Mr. Skinner and Mayor Wilson met with Stuart Wescott owner of AA whom seem satisfied with the contract. Mayor Wilson would like Town Attorney to add a General Intent statement at the beginning of the document “acknowledging that this comes from a multi-county area and that we reference that they have a valid state DENR permit and that it be included with the contract,” and “that it is the intention of this Board to terminate this contract if and when the plant capacity is ever needed for in town properties.” Mayor Wilson also commented that under #2 Term of Agreement it says extensions are 60 days, but on the application it says 30 days so we need to make that consistent and under #3 (b) charges-“we are establishing these charges to the current business rate in the Town,” there is no provision for that to change when the Town changes the business rate, so add “or the charges in effect on the date of discharge for a business rate.” Mayor Wilson asked the Town Attorney Daniel Khoury if this was reasonable and he commented he thought so. Commissioner Farrow would like to know how much is coming from other places besides the Town of Manteo, since he is getting a special rate from the Town of Manteo and we should review this again next year. The Board discussed possibly making the rates the same as to those who live outside the Town and pay higher rates. Commissioner Etheridge asked how do the charter boats at Pirates Cove dispose of their waste? It was thought that they had a meter out at the marina. Commissioner Tugwell commented that the one that has an opportunity for abuse is the RV’s that pumps out at the NCDOT rest area, which is not metered, locked or fees paid for it.

MOTION: Commissioner Creef seconded by Commissioner Farrow to approve contract as presented, **MOTION** was amended to add the changes: General Intent Statement to include having a valid DENR permit and intent to terminate contract if plant capacity is needed for the Town; to add the provision to change the rate “charges in effect on date of discharge,” and change the 30 days to 60 days on the application was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli Tugwell and Creef. Noes: None. Absent: none

SUBJECT: Consideration of appointing a representative from the Town to the College of the Albemarle Dare County Campus Advisory Committee. Mayor Wilson would like to attend these meetings and have Kermit Skinner attend those meetings with him and report back to the Board.

MOTION: Commissioner Etheridge seconded by Commissioner Belli to appoint Mayor Wilson as representative was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

SUBJECT: Consideration of Government Access Channel proposed budget FY 2004-05.

MOTION: Commissioner Collins seconded by Commissioner Belli-to approve the Government Access Channel proposed budget FY 2004-05 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None.

SUBJECT: Report Town Attorney-pending projects. Mr. Khoury commented that we already discussed pending projects with Mr. Boggs and the License Agreement and Mr. Wescott's agreement. Mr. Khoury reminded Mr. Skinner that in paragraph 12 of the License Agreement it had some conditions before the installation can be allowed; a copy of the commercial insurance policy, which needs the Town insured; and the attorney fees were passed off to the applicant which needed to be taken care of. Mr. Khoury also mentioned that he had a meeting with Russell Twiford and he expressed desire to help the town in their efforts to have round a bout.

SUBJECT: Separating the Zoning Ordinance from the Codified Ordinance. The Board had discussed this at the workshop and Town Clerk Becky Breiholz had done some research finding that most Towns do have the zoning ordinances separate.

MOTION: Commissioner Collins seconded by Commissioner Creef to approve the ordinance to separate the Zoning ordinance from the codified ordinance was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None.

(OLD BUSINESS)

SUBJECT: Report Lighthouse Project- Included in the Town Manager's report. Mayor Wilson, Commissioner Tugwell and Mr. Skinner meeting with the contractor and architect for a walk through tomorrow.

SUBJECT: Commissioner Collins and Chair Sybil Ross with the Special Events Committee would like some suggestions from the Board for what they would like to do for the opening of the lighthouse when it is finished. Mayor Wilson commented that he wants to be sure that former Mayor Tugwell and Manager Kermit Skinner are involved in the ribbon cutting. Ms. Ross commented some ideas were to invite the descendents of the keeper of the light to join the celebration and possibly having something special on Friday night for that group and then having the general public on Saturday afternoon, possibly getting a cooker and having hot dogs and hamburgers and having it coincide with the History Center display they were going to do. Suggestions from the Board were to honor Commissioner Farrow and all others who worked on the lighthouse or their descendants to be involved with the opening of the lighthouse. Commissioner Farrow is to get a list of those he can remember who worked on the lighthouse. It was suggested to use Channel 20 to advertise, having it coincide with Dare Day and Commissioner Collins thinks it should be separate from Dare Days. Ms. Ross commented that she has not heard much about what is going to be done on Dare Days, Mayor Wilson asked Ms. Ross to get an update from Melva Garrison and give the Board a report at their April meeting. Commissioner Farrow commented that the Committee that was started to raise funds for the lighthouse had planned to have a celebration for those who donated funds. Mayor Wilson

asked if he would like to go ahead and have the fundraiser in the next month and Commissioner Farrow commented that it would take a period of time to get it together. The Board discussed having the celebration on the 4th of July and Mayor Wilson asked that the Special Events Committee will try and come up with a proposal so that they can move forward.

SUBJECT: Report Cemetery Project- The dirt has not been spread yet, but grading will start tomorrow.

SUBJECT: Report Pending Grants: CAMA Waterfront Boardwalk Replacement- there will be a problem finding a contractor for the price the Town wants and it will probably be in the fall before they can start the project..

SUBJECT: Manteo Waterfront Shoreline Replacement of Rip Rap \$95,000; CAMA permit in process and it will be a fall project .

SUBJECT: Manteo Sanitary Sewer Evaluation I&I Study \$40,000. Ongoing-they have cut inline flow-line meters to establish baseline and then will start camera and smoke test on lines.

SUBJECT: Report Sidewalks- Mayor Wilson and Commissioner Collins will report next month.

SUBJECT: Report Town of Manteo Twenty Year Master Plan Update. On the agenda for later for adoption.

SUBJECT: Report Dredging Project-The people that are interested are talking to the folks that they need to.

SUBJECT: Report Affordable Housing. The Board has been provided over the last few months ordinances from other Towns and the Manager has given the Board a draft ordinance. Mr. Skinner spoke with Chuck Poe the new director of Community Development Corporation that has been put together to address affordable housing in Dare County; if we decide to do this we can get some administrative help from CDC as far as administrating whatever type of program the Town wants to go into, and he asked Mr. Poe to come to the next workshop meeting to give the board an overview. Mayor Wilson asked if this was going to be for next week's workshop and Mr. Skinner commented yes. Mayor Wilson stated that we have been starting the workshop at noon to reserve time for budget preparation and for the Board to discuss the Personnel Policy/Maps study. At this time Commissioner Etheridge asked to discuss the time of the workshops and it is impossible for him to get out here at noon. Mayor Wilson asked if 3 o'clock was better and Commissioner Etheridge commented anything after 3:30 or 4:00 would be fine. Mayor Wilson commented that in most of the ordinances they reviewed on affordable housing it was allowed for the developer to buyout of the requirement to provide low and moderate housing, and that is what will cause the most problem for administration and it may not fit the Town, "we may have to put there is no chance for buyout." Commissioner Tugwell would like a density bonus added. The Board discussed who will administer the applications; scoring; the median income basis and will try to have another draft in there Board packages next month.

SUBJECT: Report Regional Transportation Plan-talked about, the state will be doing a study in April.

SUBJECT: Report Facility Fee Study-The firm of Cavanaugh and Associates who had given the Town an estimate to do a study for the Town is no longer in a position to offer their services, Mr. Odom will try to provide the Town with firm who may meet our criteria.

Lee Tugwell asked if repairs were done to buildings damaged in the hurricane and was told that they have either been repaired or under contract.

Mayor Wilson asked Town Clerk Becky Breiholz to add under Old Business the Midway intersection; roundabout vs. flyover and delete Item E.

Chief D'Ambra gave the Board a report about an accident at midway intersection which was caused by speed. Mayor Wilson asked the Chief to consult with the highway patrol and prepare some notes for the Board about accidents at that location and to see what he might be able to do from the safety point of view of the intersection.

COMMISSIONERS' AGENDA

SUBJECT: Commissioner Tugwell-consideration of Resolution 2004-04 Water Access. Commissioner Tugwell commented that he did this resolution to go in conjunction with the dredging project the Town will be involved in. The Board is endorsing the provision of expanded opportunities for water based recreational, commercial, and cultural activities by acknowledging the need and benefit of expanded opportunities for additional watercraft mooring facilities and the establishment and maintenance of ample depths for water craft navigation and mooring along the Town's shore line.

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve Resolution 2004-04 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli Tugwell and Creef. Noes: None. Absent: None

Commissioner Farrow would like someone to go through Town and check the roads for potholes and make repairs before the summer.

Commissioner Belli-Would like the Town Manager to look into to Pirates Cove and Rest Area pump outs to get an idea of what is happening there at which time the Board decided it would be best have all pump outs looked at. He would like the Board to use Channel 20 more to get more information out to the Public, and would like to request more signage on Highway 64 up closer to Pirates Cove letting people know that Manteo is to the right.

Commissioner Etheridge-wanted to thank the Police Department for having the light put up on Agona Street and at no cost to the Town.

MAYOR'S AGENDA

SUBJECT: Manteo 20 year master plan, which has been discussed at previous meetings.

MOTION: Commissioner Collins seconded by Commissioner Etheridge to approve Manteo Twenty year Master plan was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli Tugwell and Creef. Noes: None. Absent: None

SUBJECT: Creef Davis Boathouse, the Town has received the plans from the Engineer. Commissioner Tugwell and Creef will get a bid list to the Town Manager

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to authorize the Town Manager to proceed to solicit informal bids for boathouse repairs was approved by the following voter: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None.

SUBJECT: Mr. Featherstone had previously faxed to the Board about 2 parcels of land consisting of .09 acre that is at the end of Agona Street that could cause a connection as a way to connect the streets and the Board would the Town Manager to contact the owners to see if they are interested in selling those parcels.

Mayor Wilson reminded the BOC about the joint meeting with the County on March 15, 2004.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Belli seconded by Commissioner Creef the meeting was adjourned at 9:55 pm until Wednesday, March 10th at 3:00 for a Planning Session at the Manteo Town Hall and approved by the following vote: Ayes: Commissioner Tugwell, Farrow, Etheridge, Collins, Belli and Creef. Noes: None. Absent: None.

This the 4th day of February 2004

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz