

MINUTES

The Town of Manteo Board of Commissioners held their Workshop Session at the Manteo Town Hall meeting room January 16, 2002

The following members were present: Mayor Lee Tugwell
Commissioner Curtis Creech
Commissioner Edward Etheridge
Commissioner David Farrow
Commissioner H. A. Creef
Commissioner Stuart Wescott

The following member(s) were absent: Commissioner Dellerva Collins

Also present at the meeting were: Town Manager-Kermit Skinner, Jr.
Assistant Town Manager/Planner- Shannon Twiddy
Town Attorney-Dan Merrell
Police Chief-F. T. D'Ambra
Town Clerk-Becky Breiholz

Mayor Tugwell called the Workshop meeting to order at 7:05 p.m..

SUBJECT: To amend the agenda to add/delete. Town Attorney Dan Merrell requested that a closed session be added for a personnel matter. Town Manager Kermit Skinner also requested a closed session for a personnel matter. Commissioner Farrow requested that an action item be placed on the agenda for budget amendment #10 to appropriate funds for the cemetery fence. There was discussion regarding the addition of this item and Mayor Tugwell stated that he did not have a problem with placing action items on the agenda if time was of the essence, and he stated that he did not think this was a time of the essence item and is not going to allow it as an agenda item. Mayor Tugwell ruled it out of order. Commissioner Farrow wanted an explanation why this could not be added to the agenda and Mayor Tugwell responded that the Board has a rule that they do not act upon things they have not received prior to in the board packet and has not had the opportunity to be advertised for public comment. He also stated the Board has a rule that they will not take any action at workshop meetings unless time is of the essence can be demonstrated and this is not the case for the cemetery fence. Commissioner Farrow requested that Budget amendment #10 be placed on the regular meeting agenda February 6, 2002.

MOTION: Commissioner Wescott seconded by Commissioner Creech to approve the agenda as amended to add two closed sessions was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creech, Wescott, and Creef. Noes: None. Absent: Commissioner Collins

SUBJECT: Discussion of proposal received from the N.C. School of Design-Commissioner Creech. Commissioner Creech received the proposal from Dr. Nancy White and it appears that there is quite a bit of expense involved. The cost estimate would be \$100,000.00 and he has called Dr. White about the price to see if this could be negotiated but she has not returned his

call. Discussion took place on the 20 year design plan that was done years ago and Commissioner Creef stated he would investigate that cost and will talk to some people he knows who have been involved in this sort of thing. Commissioner Creech would like to recommend to the Board that Commissioner Creef do some investigating and he will speak with Dr. White about the cost and report back at the February 6th, meeting. Commissioner Etheridge would like to know what cost would be acceptable to the Town and before proceeding we should see what the Town can afford. Commissioner Creech suggested contacting the consultant that did the Land Use Plan and get a price. Discussion took place about staff putting together a questionnaire and sending it to the citizens of the Town. Town Manager Kermit Skinner stated staff could contact other professional firms and probably do a RFP for the board to look at which would be non binding.

SUBJECT: Discussion of setting date of joint Board of Commissioners and Planning and Zoning Board Workshop meeting-Commissioner Farrow. The Board discussed having a joint meeting with the Planning and Zoning Board and set the date for Tuesday, February, 12th at 5:30 p.m. to begin at 6:00 p.m. Shannon Twiddy, Town Planner will contact Chairman Bill Parker to see if this date is suitable and inform the Board of Commissioners.

SUBJECT: Reports from Commissioners regarding the Town Boards/Committees they serve on and members appointed:

Commissioner Creech-Police Advisory Board – Commissioner Creech stated they have requested that the Board Of Education submit someone to serve on the Police Advisory Board since Arty Tillett is no longer serving on this board.

Planning and Developing Committee-not discussed

Commissioner Farrow-Roanoke Island Marshes Lighthouse Fund Raising Committee-members are lined up and are very enthused about raising funds.

Cemetery Board-Commissioner Farrow stated that the cemetery looks the best it has and that there were no new members.

Commissioner Collins-Special Events Committee-Ms. Collins was absent.

Mayor Tugwell remarked that since we had formed some new committees it had been brought to his attention by the Town Clerk Becky Breiholz that all the Boards of the Town need to follow the open meetings law, and this practice has not been done with some of the boards/committees of the Town. Ms. Breiholz explained to the Board that all public bodies that meets both of two conditions need to adhere to the open meetings law. Those conditions are that they have at least two members and exercise one of the following functions: legislative, policy-making, quasi-judicial, administrative or advisory. Each Committee/Board also needs to keep minutes of its meetings and supply the clerk with a copy to keep on file at the Town Hall.

Mayor Tugwell would like to have a standing rule that committee chairs give a report of their meetings at the Board of Commissioner's regular meetings.

Mayor Tugwell asked if any members of the audience would like to speak about any concerns they may have. June Neri, Martha and Marvin English, Manteo resident's whose property is next to the cemetery wanted to have some type of report about the cemetery from Commissioner Farrow. Commissioner Farrow responded that along the south line all the large trees have been taken down and a fence will be put up, some trees whose roots could penetrate the caskets have been removed and the cemetery is being kept trimmed down and mowed. Commissioner Farrow asked Ms. Neri is there was something she didn't like about the cemetery and Ms. Neri responded it seems that it hasn't gone in the direction it started out as and they are concerned about exactly what is going to take place, because everything they have been told is not what is taking place; for example the fence is now going to be a six foot chain link fence planted with ivy, at one time it was going to be wrought iron with yaupons planted and she has personally been told three different plans for the cemetery. Ms. Neri asked if there was going to be a schedule of events taking place on the cemetery maintenance. Commissioner Farrow remarked that they found that yaupons were too expensive and that a 42 inch fence did not hide all the things behind it so they thought a six foot fence with ivy would look good. Ms. Neri asked who was going to maintain this ivy since ivy will grow and hook onto the English's fence. Ms. Neri also commented that Mr. Gates' property is a health hazard with a lot of debris and she commented that some steps need to be taken before the fence was installed. Commissioner Farrow commented that the reason the cemetery board wanted the English's to move their gas tank was because the gas truck was ruining the cemetery road. Martha English stated that she didn't like the way it was handled by Commissioner Farrow since he was the one that called the gas company and told them not to deliver gas to them and that Commissioner Farrow should have come to them personally. Ms. English also stated that she did not like the idea of a six foot fence and that the adjacent property owners have never been invited to a cemetery board meeting. Ms. Neri commented that Ms. Betty approached her because she was planning on putting up a fence in her yard and Ms. Neri also remarked she was even willing to share the cost but that Ms. Betty suggested they take everything out from their side of the property so everything would be uniform and Ms. Betty told her they would be putting up a fence and planting legustrum which would grow to the fence. Ms. Neri stated the committee and the town should keep the people next to the cemetery property line informed of what is going on. Comments were made about the condition of debris on Freddy Gates property and that if the board did not like it they should do something about it and that if the fence went up Mr. Gates would not be able to use his back door. Commissioner Farrow responded that a gate would be placed there. Town Planner Shannon Twiddy read the Town's ordinance and stated that there were only three items addressed and that was general maintenance, trees and growth and abandoned junk vehicles, there is no mechanism in place for making someone pickup items from their yard. Discussion took place on notification of adjacent property owners, and Ms. Twiddy responded when a commercial site plan is submitted for review they notify property owners and a site plan has not been submitted for the cemetery. It was remarked that as a matter of courtesy the cemetery board should consider notifying adjacent property owners. A four foot fence would be much more attractive and effective in aesthetics and Ms. Neri commented that whether anyone states it or not that the purpose of the six foot fence is to hide Mr. Gates property so why should everyone else suffer. Commissioner Farrow responded that she was right but he stated that he didn't think the cemetery board thought it would look bad. Commissioner Farrow will talk to the other two members of the board and will notify them of their next scheduled meeting.

Commissioner Farrow stated that he would make sure that the cemetery board would have a meeting and they would be notified.

Commissioner Etheridge stated he thought the cemetery fence was going to be wrought iron and that is what he told the Neri's and he is sorry it didn't work out that way. Commissioner Farrow said it had been discussed but it was too much money. Commissioner Wescott asked if Commissioner Farrow had any objections to expanding the cemetery board and Commissioner Farrow stated he does not think that is necessary.

INFORMAL BOARD DISCUSSION

Commissioner Etheridge suggested that the Cemetery board set up a committee to raise money for a wrought iron fence for the cemetery.

Commissioner Creech-stated he thought that a motion was passed sometime ago that allocated funds from the sale of property to the purchase of new property and for excess funds to be given to the cemetery committee. It was remarked yes that a motion had been made to that effect. The board requested a copy of that motion be supplied to them.

The Board took a brief recess.

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

CLOSED SESSION NCGS 143.318.5 Consult with Town Attorney Acquisition of Real Property

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

By a Board Policy minutes are sealed.

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

CLOSED SESSION Consult with Town Attorney NCGS 143.318.11(a). 3&6 Personnel Matter

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

By Board Policy the minutes are sealed.

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

CLOSED SESSION NCGS 143.318.11(a.) 3&6 Personnel Matter report from Town Manager

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

By Board Policy the minutes are sealed.

During closed session the Board of Commissioners took action to approve the minutes of the December 5, December 19th and March 7th, 2001 closed session which have been sealed by the Board until such time that in the Town Attorney's opinion they may be unsealed and placed in the Board of Commissioners minutes was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Creech, Wescott, and Creef. Noes: None. Absent: Commissioner Collins

MOTION: Commissioner Etheridge seconded by Commissioner Creech to Recess until January 18, 2002 at 8:00 a.m. at the Nags Head Town Hall meeting room was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Creech, Wescott, and Creef. Noes: None. Absent: Commissioner Collins

Adopted this 16th day January , 2002

ATTEST:

Mayor Lee Tugwell

Town Clerk Becky Breiholz