

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room October 4, 2006 at 7:30 p.m.

The following members were present: Mayor-John Wilson, IV  
Commissioner Lee Tugwell  
Commissioner David Farrow  
Commissioner H.A. Creef, Jr.  
Commissioner Hannon Fry  
Commissioner Darrell Collins  
Commissioner Edward Etheridge

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 Erin Burke  
Planning Board Chair Bill Parker

Mayor Wilson called the Regular meeting to order at 7:30 p.m. followed by the Pledge of Allegiance

**SUBJECT:** Adoption of agenda as presented or amended

**MOTION:** Commissioner Etheridge seconded by Commissioner Collins to approve the agenda that was presented was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge, and Creef. Noes: none. Absent: none

**SUBJECT:** Consent Agenda

Commissioner Tugwell would like to remove the Purchase of Easement Agreement on California Lane for discussion.

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to approve the consent agenda as amended removing the purchase of easement agreement for discussion was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge, and Creef. Noes: none. Absent: none

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to approve the minutes of the regular September 6, 2006 meeting was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge, and Creef. Noes: none. Absent: none

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to approve the minutes of September 13<sup>th</sup> recessed meeting was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins, Fry and Creef. Noes: none. Absent: none

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to approve Dues and Subscription International Institute of Municipal Clerks \$100.00 was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none. Absent: none

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to approve request from League of Women Voters \$100 to help publish the Citizens Guide was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none. Absent: none

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to approve Resolution 2006-09 piggy back contract to purchase a Solid Waste Refuse Truck was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none. Absent: none

**PUBLIC COMMENTS** –Manager Kermit Skinner asked anyone wishing to speak to the Board to please come forward at this time. None

(TOWN MANAGER AGENDA)

**SUBJECT:** Planner-presentation of a request from the Planning and Zoning Board members for the Town to establish a newsletter. At the September Planning Board Meeting, Member Bebe Woody asked the Planning and Zoning Board to request the creation and establishment of a Town Newsletter. A brief discussion followed among Planning Board Members. The consensus of the members was to ask the BOC to approve a Newsletter. The Planning and Zoning Board Members said they would want to create an e-mail master list with everyone in Town who had an e-mail address and to all Water and Sewer Customers. Details, such as how much an undertaking of this nature would cost, who would be hired to write the articles, who would approve the content of the articles, who would take the articles written and have them placed in a format that could be printed, who would be print the newsletter, who would collect and enter e-mail addresses into a data base for distribution and who would actually prepare the newsletters for mass mailings were not discussed by the Planning and Zoning Board Members. If the Board of Commissioners were to approve this request, the Planning and Zoning Board would have to prepare a draft budget for anticipated expenses associated with the newsletter. Present the draft budget to the Board of Commissioners at a future meeting for their consideration. Line Items would have to be authorized and funds appropriated for the expenses with the approval of a Budget Amendment. The Town’s Website currently contains a

majority of this information; such as information about Board of Commissioners Members, telephone numbers for the Town Hall, Staff Members, copies of agendas, copies of minutes and other general information about the Town of Manteo. If the Board supports the idea of a newsletter a detailed plan would be submitted for consideration at a later date. Commissioner Tugwell commented that the Board should think about televising the meetings. There was no objection from the Commissioners so the Planning Board may proceed on the details.

**SUBJECT:** Planner- Wastewater report- the Board requested that staff working with the engineer establish how much wastewater was being treated at the plant and how much more was available before we would have to expand the plant. Planner Trebisacci explained the report to the Board and that report will be made a part of these minutes. Mayor Wilson commented that the Board may or may not want to have a 10% reserve and we won't reach an agreement tonight on what needs to be done. Commissioner Etheridge commented that he wished the Engineer were here to answer some questions from the Board and asked if the Marshes Light project was included in this total and was told that the numbers in the report are for everything that has been permitted and we permitted 243 dwelling units in the last three years. Commissioner Creef asked if the 10% reserve was included in the total and Mrs. Trebisacci said it was and he would not like the reserve to get any smaller. After discussion of what was included and what was not it was noted that this report does not include the figures to Pirates Cove and there are 52 more units left to be built which comes out to be around 18,720 which need to be added and this is based on 3 bedrooms. The pay off of the plant was discussed and will not be paid off until 2013 and the downtown plant that didn't work won't be paid until 2019. Commissioner Tugwell commented that it may not be as bad as the figures and that typically actual consumption is 60% of design flow, and suggested having a public hearing and institute a proper moratorium if the Board wants to. Mayor Wilson commented that the day is soon to make a decision to plan to expand the plant or not depending on whether or not the state will let us and depending or not whether the citizens of the Town want to pay for it. The Board would like to find out from the various permitted agencies of the Department of Environment Natural Resources whether or not they will consider allowing us to expand the plant before moving forward.

**SUBJECT:** Purchase of easement agreement on California Lane-Three easements from private property owners were needed to secure easements for the placement of water and sewer lines along California Lane to provide services to the Cedar Bay Subdivision which was annexed several months ago. Commissioner Tugwell understands this is necessary to put in a gravity flow waste water line and knows the developer has been waiting on us which is not fair. The route that was chosen was at the suggestion of our Engineer for further expansion for which now we have come to realize there is not anymore sewer capacity available to keep going that way and he thinks it would only be fair to abandon this option. This property is contiguous with Harbor Town and there is a sewer main at the end of this property and it was a simple matter of them just connecting to that. Commissioner Tugwell would like to allow the developer the opportunity to connect to our existing infrastructure from Harbor Town. Mayor Wilson commented he agreed and it would not stop the project from Highway 64 to our own waste water plant. The Board would like to wait on the easement purchase for a month and let

the developer have the option to connect into Harbor Town and the Board will do everything they can to get the developer back on track.

#### OLD BUSINSESS

**SUBJECT:** Report Cemetery-Columns are in. Commissioner Etheridge would like an arch put up and Mayor Wilson asked that Commissioner Farrow report to the Cemetery Committee about pursuing an arch.

**SUBJECT:** Report/Discussion Lucy Corner on Cook House Pea Island – Restoration is nearing completion for the exterior of the building.

**SUBJECT:** Report Skateboard Park-Planner Trebisacci is trying to get plans and specifications and a solid quote for the Boards November meeting.

**SUBJECT:** Report Engineer- remove this from the old business list

**SUBJECT:** Report Wireless internet – still not up yet we have approval from NC Power now Charter is holding the project up.

**SUBJECT:** Report on Special Events- Mayor Wilson commented this is not a town sponsored event but the residents of Sir Walter Raleigh have a Halloween event every year and have requested that the street be one way from Essex to the Highway during their celebration. Mayor Wilson spoke with Chief D'Ambra and he recommended that we do one way out from Essex Street to the Highway with an officer at each end. There were no objections from the Board.

**SUBJECT:** Report on grants: Clean Water Trust Fund Stormwater Grant-nothing to report. Boat Ramp Tourist Bureau Enhancement grant-received acknowledgement from CAMA permits are forth coming and Mr. Boniface is working with the contractor to insure that they are ready to start when CAMA will let them. Hopefully they will get started on November 1<sup>st</sup>.

#### COMMISSIONER AGENDA

Commissioner Fry-has received comments about parking at the downtown boat ramp and the problem not being able to park their trailers. There are two spaces for trailer parking at the lot and the locals would like to know if they could use Festival Park for parking of trailers especially during the fall and winter. Mayor Wilson commented that we have rights to parking at Festival Park and the Town Manager is to ask Festival Park's Executive Director if during off season boat trailers could be parked there. There are also concerns where the children jump off the bridge going to Festival Park on the south side of the bridge and he would like the dive team we have hired for the boat ramp repairs if they could check the area for debris. He would also like a sign put up on the south side that says danger shallow area.

Commissioner Etheridge-Susan Godley still concerned about the trucks at the Marshes Light (Salty Dawg) project and that they have cut down a number of trees and also the fill they carry out is supposed to be covered or at least wet down to keep the dust from flying. Mayor Wilson commented that they have cut down trees in violation of their permit, and also commented that at the moment they are manning Fernando Street while they take dump trucks out the shortest distance on that one way street; the dust has been dealt with as they are no longer overloading the trucks and they are covering the trucks with a tarp. As soon as the developers finish putting the utilities under Uppowoc Street we can then ask the state to pave Grenville and then have them use that street. Planner Trebisacci has sent a certified letter to them outlining the 3 violations and as soon as she gets a response she will let the Board know. Town Manager Skinner commented that the utility cuts on Devon are scheduled to be paved this week.

Commissioner Farrow-commented that the dump trucks coming out on Grenville are also creating a lot of dust. Mayor Wilson commented that as soon as the utilities are done we can ask NCDOT to pave the street. The Board discussed wetting it down and asked Manager Skinner review in detail the soil and erosion control permit for Marshes Light and fully understand the part about ingress and egress as well as if there is something about wetting down the site. Commissioner Farrow asked about the large bell for the Lighthouse and that will be added to the Old Business list and Manager Skinner will follow up with the Coast Guard on his previous request. He also asked about the lights on the road from Russell Twiford and CVS and there are no lights on Russell Twiford Lane and Planner Trebisacci commented that CVS pulled a permit for lights and she will check on that.

Commissioner Tugwell-disappointed that the Chief of Police got involved about the Marshes Light project traffic since it was a zoning issue we have no law to prevent those trucks from using a state road. He assumed it was a zoning violation and clear violation of a condition which he later found that the condition had never been recorded and thinks we were under the general assumption that all construction traffic would come in and out on Grenville and there was no written record to back that up and it did not become one of the conditions. Mayor Wilson commented that they were told it was in the soil and erosion control permit that they designated Grenville Street and that the Chief was preventing them from driving over the sidewalk and curb. Commissioner Tugwell commented we have a lot of instances where we have conditions placed on different projects and would like to see minutes taken verbatim and if not in lieu to at least have a copy of the recording on a CD for every meeting by the Commissioners and of the Planning Board that would be a certified copy, that would become a part of the minutes if we have to go back and reference what was said.

**MOTION:** Commissioner Tugwell seconded by Commissioner Creef to establish a policy that all Commissioners and Planning Board meetings be recorded and a copy of the recording be certified; made part of the official minutes was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none. Absent: none

Commissioner Tugwell questioned the legality of the forming of the Manteo Way Committee and does not understand its purpose or use and it looks like it could lead to arbitrary decisions, is it an advisory board? Planner Trebisacci commented that it is an advisory committee to the Planning Board to review elevations of structures before it goes to the Planning Board for consistency with the Manteo Way of Building; there will be recommendations and she assumes they will have expectations that the Planning Board will follow their recommendations. Mayor Wilson stated they will have no authority and it is a standing committee as allowed in the zoning ordinance; Planner Trebisacci commented she thought the ordinance said specialized project or program. Commissioner Tugwell commented that there are structures in the Town that won't go with the Manteo Way of Building today and hates for us to get too structured into one way. Commissioner Tugwell read an excerpt from the September 15<sup>th</sup>, 2003 meeting, "Mr. Hester said that the Manteo Way, the guidelines are to be a supplement to the zoning ordinance and not regulations, just suggestions," and December 3<sup>rd</sup>, 2003 "Mayor Wilson commented that there are 4 planning documents currently in the works, our master plan, Manteo Way of Building which will be our suggested architectural guidelines." Commissioner Tugwell is concerned they have become regulations and that every building goes to a committee which makes suggestions in the way they interpret the Manteo Way to be and those suggestions become conditions which may seem arbitrary and just hates for us to get too bogged down with regulations. Mayor Wilson responded that we don't want inaccurate information, understands the fear that if one feels that one may only build one specific look or building, that is not what the Manteo Way of Building says; if you are building in Pirates Cove the Town encourages those buildings to be built in the style of what is already there; if your adding on to Manteo High School it would encourage you to add on to in the very same style. It's encouraging people to build into the neighborhoods of what is already there to enhance a village; it also says you can build anything you want if you find architecture elements existing, the document is not asking everyone to build a fake old house. Mayor Wilson commented that next week they are going to review the Manteo Way of Building with the committee and the Planning Board. Mayor Wilson commented that Manteo High School the design from late 70's and 80 and it looks exactly as it was designed; Manteo Middle School a very traditional school; Manteo Elementary School was designed by an architect who had the benefit of the Manteo Way of Building and told us in the review that Manteo's was the simplest, easiest guidelines he had ever followed.

## MAYOR'S AGENDA

Dare County Sheriff's Department had a study done to analyze the radio communications needs of emergency services in Dare County and are forming a committee and has asked for an elected official to represent the Town and Commissioner Tugwell volunteered to serve on that committee.

## CLOSED SESSION:

Closed Session NCGS 143.318.11 (a) 5 Personnel

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

Discussion on amending personnel policy to establish a new position.

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

**MOTION:** Commissioner Tugwell seconded by Commissioner Farrow to amend the personnel policy to establish the position of water front coordinator and direct manager to fill position was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none. Absent: none

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to staff to pursue a CAMA grant for a pump out station at the waterfront marina was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins, Fry and Creef. Noes: none. Absent: none

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Etheridge seconded by Commissioner Creef the meeting was recessed at 9:15 pm until Wednesday, October 11, 2006 at 4:00 p.m. was approved by the following vote: Ayes: Commissioner Fry, Collins, Etheridge, Tugwell, Farrow, and Creef. Noes: None. Absent: none

This the 4<sup>th</sup> day of October 2006

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Mayor John Wilson

ATTEST:

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Town Clerk Becky Breiholz