

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room June 1, 2005 at 7:30 p.m.

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

The following member(s) were absent: Commissioner Larry Belli

Also present at the meeting were: Finance Officer- Shannon Twiddy  
Town Clerk-Becky Breiholz  
Planner- Erin Burke  
Planning Chair-Bill Parker

Mayor Wilson called the meeting to order at 7:40 p.m. followed by the Pledge of Allegiance.

**SUBJECT:** Adoption of Agenda as presented or amended. Commissioner Creef would like to add a Closed Session NCGS 143.318-11 a (5) acquisition of real property.

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

**SUBJECT:** Adoption of the items on the Consent Agenda.

**MOTION:** Commissioner Tugwell seconded by Commissioner Etheridge to approve the Consent Agenda was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Approval of Minutes from May 4, 2005

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

**SUBJECT:** Approval of Minutes from recessed workshop May 9, 2005

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

**SUBJECT:** Approval of Minutes from recessed workshop May 11, 2005

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

**SUBJECT:** Approval of Minutes from Pirates Cove Public Hearing, May 19, 2005

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

**SUBJECT:** Approval Dues and Subscriptions Outer Banks Gun Club \$25.00

**MOTION:** Commissioner Tugwell seconded by Commissioner Etheridge to approve dues and subscription Outer Banks Gun Club \$25.00 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Approval of Budget Amendment #12 & #13 and Budget Transfer #4

**MOTION:** Commissioner Tugwell seconded by Commissioner Etheridge to approve Budget Amendment #12; 13 and Budget transfer #4 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Approval of Resolution 2005-07 Police Vehicles Surplus Property

**MOTION:** Commissioner Tugwell seconded by Commissioner Etheridge to approve Resolution 2005-07 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Approval of Resolution 2005-08 Police Officer service weapon surplus property.

**MOTION:** Commissioner Tugwell seconded by Commissioner Etheridge to approve Resolution 2005-08 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

Mayor Wilson stated that Town Manager Kermit Skinner is on sabbatical for the next month and announced that Shannon Twiddy, Assistant Town Manager would be acting Town Manager for the next month.

## **PUBLIC COMMENTS**

Angel Khoury-Sir Walter Raleigh Street and Mother Vineyard requested that as the Board looks to replace the IT person that the Board include in the job description that they attend the regular monthly meetings and use an opaque projector or power point so that the handouts the Board receives the public can see at the same time. The Town of Kitty Hawk does that and thought it would help the citizens be better informed.

(TOWN MANAGER AGENDA)

**SUBJECT:** Presentation Outer Banks Visitor Bureau. Bob Woodard Chairman of the Tourist Bureau gave the Board a power point presentation about the stewardship report of Tourism. The Tourist Bureau was created in 1992 by House Bill 225 funded by dedicated tax with 13 Board members. Mission is placed on growing visitation to the area during less peak weeks. He also discussed the challenges; traffic congestion; weekly rentals, beach nourishment, employee housing, green space and other concerns. He discussed past projects that the Visitor Bureau has funded; also visitor services and marketing the destination were shown. He showed some of the brochures to be distributed. He talked about all the assets and historical, cultural and environmental experiences of Dare County.

**SUBJECT:** Request for funds from Roanoke Island Business Association for First Fridays. Pat Morrissey Roanoke Island Business Association President gave the Board a brief history of the First Fridays. The Town had funded in the past \$3,600 to help pay for local entertainment \$300 for each month. Money is needed to secure entertainment for the monthly events. There will be a slight change in how the money is spent, though the amount they are asking for will be the same \$3600. The funds would be used to pay for promotional materials such as posters as well as give the committee flexibility for use in paying for monthly entertainment. Ms. Morrissey invited the general public to any of the committee meetings which meet the Monday after the first Friday at Magnolia Grill at 9:00 am. The Board discussed how much funding the businesses do and asked about accountability and Ms. Morrissey commented that each business does there own. The Board would like to see statistics to see if this is helping the businesses. Mayor Wilson commented that last year we provided the musical entertainment to perform for the enjoyment of the community but does not think we need to pay for posters or advertising. Commissioner Etheridge agrees with Mayor Wilson. Mayor Wilson commented that the Board will be discussing the budget this month and will keep this in mind.

**SUBJECT:** Planner- Site Plan review Manteo High School Erin Burke Planner, stated the plan before the Board reflects the Board of Education's request to put two additions onto the current building. First, a primary addition to the rear of the building that will include a new cafeteria and athletic facilities. A second addition is addition is being constructed at the north side of the existing gymnasium to accommodate mechanical equipment. There will also be some renovations done to the interior of the building. Following the renovations it has been made clear that the Board of Education will not bring modulars back to this site. The Planning and Zoning Board and staff recommend approval with the following conditions:

- 1) The lighting plan shall show readings of no more than 4 foot candles; ( this has been addressed by the BOE)
- 2) The notes concerning parking shall state student parking not exceed the number of paved parking spaces allowed;
- 3) The buffer near the Scuppernon gate and the adjacent residential use be brought up to 50 feet; (currently there is a gravel lot and they are using it as a staging area for construction.)
- 4) Following construction modulars will be removed from the site prior to any final CO being issued and shall not be allowed to return to these premises; (currently the modulars will be needed until construction is completed)
- 5) Light fixture marked on the site plan as A needs to be changed to one that is shielded; and (BOE has addressed this problem)
- 6) The gate that is adjacent to Green Drive remain locked

Mayor Wilson made a few comments regarding the high school which has caused this Board problems for a long time. He would like the Board to consider tightening up these recommendations and he believes this needs to be an amendment to the existing conditional use permit and the amended permit needs to be accepted by Board of Education and needs to be recorded in the Dare County registry, as we are now requiring all of our conditional use permits. Mayor Wilson asked that #1 to say the lighting shall not exceed 4 foot candles or the lighting standards in affect at the time; #2 should say the BOE shall not allow or permit student parking to exceed the number of paved spaces shown on the site plan and approved by the Town. #3 he would like to clarify that the buffer near Scuppernon gate and the adjacent residential use be restored to its width of 50 feet and installed prior to Nov. 15, 2005; accept Commissioner Tugwell's change that all modular or temporary units be removed within 30 days after certificate of occupancy for all renovations or upon completion as defined in the terms and conditions of the contract; #5 should add to this condition that all fixtures be complete cutoff, shielded fixtures and there shall be no sodium vapor lights. Town Attorney Daniel Khoury agrees and would also like a deadline for them sign off on this amendment. Commissioner Tugwell commented that the changes made by the Mayor has made his motion complex and he would like to withdraw his motion and asked that this be put on next weeks workshop agenda for discussion and Commissioner Collins withdrew her second. Mayor Wilson asked that staff prepare for next Wednesdays meeting for action an amendment to the existing conditional use permit and consult the Town Attorney. John Delucia asked that they be given a couple of years to get the buffer into compliance because the contractors will be using that as the staging area and Mayor Wilson commented, A couple of years to fix the mistake the BOE made and stated this is unacceptable. He commented that the BOE they took a chain saw and sawed 50 feet of buffer several years ago, graveled it, parked on it and now they don't want to restore it for two years. Mayor Wilson suggested January 1<sup>st</sup> as the deadline and stated that at some point there has to be accountability with the School Board like there is with everyone else of this Town and asked staff to rewrite the conditions for their consideration at next week's meeting and consult with the Town Attorney.

**MOTION:** Commissioner Tugwell seconded by Commissioner Collins to approve the site plan for renovations and additions to the Manteo High School Site plan with the above conditions as recommended by the Planning Board and replace condition 4 that all

modular or temporary units be removed within 30 days after certificate of occupancy for all renovations or upon completion as defined in the terms and conditions of the contract **MOTION WITHDRAWN** by Commissioner and Commissioner Collins withdrew second and this will be discussed at next Wednesday workshop.

**SUBJECT:** Discussion and consideration of text amendment to Inclusionary Ordinance. The changes made in this ordinance are a result of the discussions that were made at the May 11, 2005 meeting of the Board of Commissioners. The additions have been highlighted in yellow and the deletions have been highlighted in green and will be made a part of these minutes. Commissioner Tugwell would like an age stipulation of 18 or older be added. The Board discussed if this was discrimination and Town Attorney Daniel Khoury thought it was not.

**MOTION:** Commissioner Collins seconded by Commissioner Creef to approve as presented **MOTION AMENDED** by Commissioner Collins seconded by Commissioner Creef to add the age of 18 to Section 4.12 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: None. Absent: Commissioner Belli

**SUBJECT:** Finance Officer-consideration of Policy for bad checks received. The Finance Department is requesting the Board consider adding additional text to the adopted policy on September 2, 1992 to address the NSF checks. They are having increased problems with customers who repeatedly have check returned for non-sufficient funds. The following would be added to the policy: 6) any customer that has two or more checks returned for any reason in a twelve (12) month period shall be required, at the discretion of the Finance Department, to submit payment by certified check, cashiers check, money order or cash. 7) After a twelve (12) month period the customer may request in writing to the Finance Department that their account be considered for reinstatement of payments by check.

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

**SUBJECT:** Consideration of allocating revenues to the Cemetery Fund. After researching the files and minutes it is clear as to the Boards intentions in 1989 to distinguish between what portion of revenues should be restricted and what portion unrestricted, unfortunately Ms. Twiddy was unable to find a motion that clearly stated that intention and would like the Board to consider making a motion and become a part of the permanent record and allow the Finance Department to continue to allocate revenues as they have since 1989, and there will be clear action of the Board to ensure revenue will continue to accrue in the Cemetery Restricted Fund Balance. Discussion took place on the distribution of the funds and the Board would like it clarified more; and Commissioner Farrow withdrew his motion and Commissioner Creef his second to allow Town Attorney Daniel Khoury to rewrite the motion for the Boards consideration at their next weeks recessed meeting.

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to adopt a

formal policy to be included in the Town of Manteo's Policy Manual that would read: 100% of the funds received from donations, sale of grave sites and interment fees will be restricted whereas 20% of the investment earnings have been restricted and the other 80% unrestricted **MOTION WITHDRAWN** and Town Attorney to rewrite the motion for the Boards discussion at their workshop meeting next Wednesday.

**SUBJECT:** Finance Officer Presentation of draft budget FY 05-06. Ms. Twiddy went over the budget briefly. A public hearing has been set for June 8<sup>th</sup> and the Board does not have to adopt the budget at that time.

Break taken at 9:15 pm-meeting called back to order at 9:30

**SUBJECT:** Report Town Attorney-pending projects

(OLD BUSINESS)

**SUBJECT:** Cemetery Project-no news

**SUBJECT;** Report Lucy's Corner/4 corners-stays on until the County makes their move.

**SUBJECT:** Report Arborist-The trees have been cut and trimmed, we still have the 4 oak trees beside the Meekins Building.

**SUBJECT:** Report Meeting with Pirates Cove residents – on hold until we can set a time and place.

**SUBJECT:** Report Roanoke Transportation Plan and Way Finding. There will be no Roanoke Transportation Committee meeting; and we have not heard if NCDOT will be here for the Way Finding Committee.

**SUBJECT:** Report Facility Fee-on hold until someone wants to activate.

**SUBJECT:** Report Bowsertown lift station/Other projects Green Engineering-on hold until we try to figure out what needs to be done.

**SUBJECT:** Report Wireless internet- is not completely blanketing the town and Charter is still working on it.

**SUBJECT:** Report Special Events-Dare Days Saturday.

**SUBJECT:** Report on grants: CAMA waterfront grant Boardwalk Replacement is nearly finished; Rural Center- Replacement and stabilization of Waterfront Rip Rap is half done and we will stop the Boardwalk construction until the fall; Rural Center-Waste Water Inflow and Infiltration Study has been completed and this one can be removed from list; Clean Water Trust Fund Grant-ongoing; Tourist Bureau grant-Boat ramp enhancement-has yet to be contracted.

**SUBJECT:** Report Cartwright Park signage- still on hold unable to find pictures or artwork.

## COMMISSIONERS' AGENDA

Commissioner Tugwell asked why there was not department head report from water and sewer.

Commissioner Farrow-asked about the lights going into CVS; and Mayor Wilson commented he knows there is a proposal to change some lights. Commissioner Farrow commented that it will take more than one to go from Russell Twiford Road around to the back where it is real dark. Mayor Wilson commented they have only been asked to put one in at the intersection. Planning Chairman Parker is to discuss this with Planner Burke.

Commissioner Creef-commented that the Town pays so much per street light whether they are on or not and the police department should make a survey of those lights that are out some of which have been out for months. Mayor Wilson asked if those lights have been out for months are needed and possibly do away with those not being used. The police do check the lights at night while they are on patrol and they forward a form to Becky and James which is forwarded on to NC Power. Commissioner Creef commented that a light on the corner of Essex and Budleigh has been out for about 3 months. Mayor Wilson asked Manager Twiddy to ask the police department to pay attention to the street lights this week and have her find out from VEPCO how many fixtures we pay for and where they are.

Commissioner Etheridge-commented on the way Pirates Cove Public Hearing was held here last week and was shocked when the Town Attorney swore people into a public hearing and it has been the only time it has been done since he has been on the Board. He also thought the meeting should have been held during a regular meeting night where more people could have attended and does not like the way the deal went down. He did not like in the swearing in of the citizens, they are not criminals. He commented also about some complaints he has received about skateboarders between 9 pm and 10 pm and they take over the whole waterfront.

Commissioner Creef-commented about letters he received from the BOE about deferring their responsibility involving the road to the middle school and they are still not doing what they should be doing and receiving a letter from them threatening our Board with safety issues and the letter needs to be answered. Mayor Wilson commented that was one of the issues he wanted to discuss on his agenda.

Mayor Wilson commented he has received a complaint about speeding on Devon Street and he told the citizen if there was a group of citizens who wanted to discuss this with the board he would put it on the agenda. Mayor Wilson commented about the 3 different letters from BOE dated May 17, May 18, and May 25 2005 and will be made a part of the minutes. The May 17<sup>th</sup> letter is asking for 90 days to put in the buffer. The May 18<sup>th</sup> letter is asking for refund of \$90,000 building permit fee that was paid in June 2003 on the elementary school rehab that did not move forward. May 25<sup>th</sup> letter where they are saying the DPI is agreeing with them that there should not be a road out the back at the

new middle school, and asking if the Town is going to accept responsibility of the safety. We gave them 30 days and that offer is to expire soon. Then we received an application for modular extensions and this Board passed a rule that this needed to be requested 6 months in advance and once again they have defied the rule. Mayor Wilson suggests we give them the 90 days to put in the buffer but on the condition that they put in the buffer before they put in the roadway. Mayor Wilson also commented that the BOE did not request annexation until after they started the school, and they knew they did not have a waste water treatment plant for 5 to 6 months and the fact remains we issued a conditional use permit, the owner of the property and applicant was Dare County, Dare County accepted it. He also learned that the plans have never been submitted to our engineer for approval for the waste water connection; Leo Green our Engineer commented this afternoon after having reviewed the plans we had, that they are putting in two pumping stations when he believes there is the possibility that gravity feed will work. Mayor Wilson believes we need to respond to the three letters, and would prefer the attorney respond to the School Board on town behalf. May 17 letter asking for a 90 day extension on the buffer, it was suggested placing a bond; consensus of the Board is to give them until November 15<sup>th</sup> with the condition that the buffer is in place before the roadway is open, and ask for a \$20,000 bond. May 18 letter asking for refund of building permit fee paid in June 2003, the Board wants to acknowledge receipt of their letter and will consider it when the middle school issues are resolved. Commissioner Tugwell commented that we should not keep it because we have not done the work. Town Attorney commented that what bothers him is they are picking and choosing what conditions they want to comply with. The Board would like staff to find out who paid the site review and building permit fees. Town Attorney suggested acknowledging their request and that the Board will consider it. Mayor Wilson commented that on the May 25<sup>th</sup> letter and that we have no choice but to say we have discussed it again and revalidated our conditional use permit and offer them 30 more days to accept the offer, otherwise the original one will remain in force.

Mayor Wilson commented that he received two resignations-Building Inspector Fred Featherstone and from Lewis Hoffmann with IT. We need to get some ads out soon, and would like to add to the IT Job Description the skills of a web master so they can maintain the Town's web site and that they need to be able to assist the kids with the laptops one day a week. Commissioner Tugwell would like to freeze these positions for 6 months and explore sub-contracting these services out. Mayor Wilson commented maybe we could contract the IT out but he does not think we can contract out the building inspector; Mayor Wilson commented that Fred did a lot of our special projects and we need someone to manage the building projects that the Town does. Ms. Twiddy commented that she made contact with Talmadge Jones, Dare County Building Inspector who is retiring and he is to meet with her to discuss contracting out our building inspector services. Poll was taken of the Board-and the majority of the Board would like to advertise for a building inspector and contract out the services until we hire one. Lengthy discussion took place on hiring someone at level I, II or III and should we require them to be a licensed general contractor. The Board would like one of the requirements that they have their general contractor's license. Manager to get a report to the Board the cost of contracting the IT position out vs. hiring, to include the duties of webmaster and working with the kids once a week.

The Town has received complaints from people who have fallen downtown because of

the condition of the sidewalks and we need to get some prices on fixing the sidewalks.

Cemetery Grant is being applied for; and the Board was asked to read the grant application to discuss at the workshop session.

Mayor Wilson commented that there is the possibility that the cook station from the Pea Island Station that had been moved to Rodanthe and turned into a cottage could be given to a non profit or the Town. It would be used to interpret Pea Island and men from Roanoke Island who have served there, and asked the Board to consider this and this will be discussed at next Wednesday's meeting.

**MOTION:** Commissioner Creef seconded by Commissioner Collins to enter into a closed session NCGS 143.318.11 (a) 5 acquisition of property was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: none. Absent: Commissioner Belli

**SUBJECT:** Commissioner Farrow commented that the Town might be able to acquire property near the tot lot on the east side and would like the Planner to find out who owns it and use it as green space. He would also like to try to get a grant from the Tourist Bureau to purchase this property. Consensus was for the Manager to cause this to happen. This property has also been a site of public nuisance and Town Attorney Daniel Khoury is to write the owner a letter.

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

**MOTION:** Commissioner Farrow seconded by Commissioner Etheridge to authorize Town Attorney to write letter regarding the acquisition of this property was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins and Creef. Noes: none. Absent: Commissioner Belli

A motion by Commissioner Tugwell seconded by Commissioner Farrow the meeting was recessed at 11:00 pm until next Wednesday, June 8, 2005 at 4 p.m. for the workshop session to review the draft zoning ordinance was approved by the following vote: Ayes: Commissioner Tugwell, Collins, Farrow, Etheridge, and Creef. Noes: None. Absent: Commissioner Belli.

This 1<sup>st</sup> day of June 2005.

\_\_\_\_\_  
Mayor John Wilson

ATTEST:

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Town Clerk Becky Breiholz