

MINUTES

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

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

The following member(s) were absent:

Also present at the meeting were: Town Manager Kermit Skinner
Finance Officer- Shannon Twiddy
Town Clerk-Becky Breiholz
Planner- Erin Burke

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

SUBJECT: Adoption of Agenda as presented or amended.

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

SUBJECT: Adoption of the items on the Consent Agenda.

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

SUBJECT: Approval of Minutes from Regular August 3, 2005 meeting

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve the minutes of August 3, 2005 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins and Creef. Noes: Commissioner Tugwell
Absent: None

SUBJECT: Approval of Minutes from recessed August 10, 2005

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve the August 10, 2005 minutes was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, and Creef. Noes: Commissioner Tugwell. Absent: None

SUBJECT: Approval of Minutes from recessed August 17, 2005

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve the minutes of August 17, 2005 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, and Creef. Noes: Commissioner Tugwell. Absent: None

SUBJECT: Approval Resolution 2005-15 Support of Regional Water Study

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve Resolution 2005-15 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins and Creef. Noes: Commissioner Tugwell. Absent: None

SUBJECT: Approval Resolution 2005-16 Opposing Off Shore Drilling

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve Resolution 2005-16 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins and Creef. Noes: Commissioner Tugwell. Absent: None

SUBJECT: Approval Resolution 2005-17 Supporting City of Southport Marina

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve Resolution 2005-17 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins and Creef. Noes: Commissioner Tugwell. Absent: None

SUBJECT: Introduction of two new Town Employees-Johnny Boniface Building Inspector and Steven Jozik Information Technology. Town Manager Kermit Skinner introduced both new employees to the Board of Commissioners

PUBLIC COMMENTS –

Malcolm Fearing-business owner in the Town of Manteo wanted to talk to the Board about the Salty Dawg project, he commented that they are clearing the trees on Hwy. 400 and they do not have a certificate of appropriateness from the corridor and he believes that the project exceeds the maximum allowable density according to the Town's ordinance and does not think it fits Town codes. He would like to meet with staff and the Mayor to discuss this project.

PUBLIC HEARING

Commissioner Tugwell asked the Town Attorney since he has an interest in the Cypress Cove Development shouldn't he be excused from all matters concerning Cypress Cove Development even the Public Hearing? Mr. Khoury responded that he should.

MOTION: Commissioner Collins seconded by Commissioner Creef to excuse Commissioner Tugwell from voting on agenda items dealing with Cypress Cove, Skyco Development project was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins and Creef. Noes: None. Absent: None. Abstain: Commissioner Tugwell.

MOTION: Commissioner Collins seconded by Commissioner Farrow to enter into a

Public Hearing to receive comments on the annexation petition received from Skyco Development was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins and Creef. Noes: None. Absent: None. Abstain: Commissioner Tugwell.

MOTION: Commissioner Farrow seconded by Commissioner Collins to exit the Public Hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins and Creef. Noes: None. Absent: None. Abstain: Commissioner Tugwell.

(TOWN MANAGER AGENDA)

Mayor Wilson clarified that Commissioner Tugwell was excused from voting on the Cypress Cove Development only and would be allowed to discuss and vote on other agenda items.

SUBJECT: Request from Dare County Board of Education for a school crossing guard at the Manteo Elementary School. Town Manager Kermit Skinner commented they are asking for a continuation of the relationship from last year which one of our off duty officers was working as a crossing guard. The Board chose to allow the officer that was doing that to continue his employment but that officer has now retired. The request has been made for a similar arrangement and he discussed this with the Chief who feels he can accommodate that in his schedule. Commissioner Tugwell commented he was not in favor of this arrangement and does not understand how someone can be off for an hour during his shift and then go back to work and is off for an hour in the afternoon. Commissioner Tugwell commented that we either need to contract this service out ourselves and get reimbursed from the School Board and let one of our police officers perform this as part of his duties or just provide this as a community service and not charge the School Board. Commissioner Creef commented that it should be done by the County. Commissioner Farrow agreed with Commissioner Tugwell. Commissioner Collins would like to put it under contract with the School Board. Tommy Maher with the School Board commented that their position is to have someone in uniform and they are willing to pay for this service. Mr. Maher invited the Board to take a tour of the new middle school

MOTION: Commissioner Tugwell seconded by Commissioner Farrow that the Town of Manteo provide crossing guard services to the Manteo Elementary School for the 2005-06 school year a period at 1 year at no additional expense to the school board was approved by the following vote: Ayes: Commissioners Farrow, Collins and Tugwell. Noes: Commissioner Creef and Etheridge. Absent: None

SUBJECT: Planner-Site plan review Hosea House-This was reviewed by the Planning and Zoning Board at their August 9th meeting. The Faith Outreaching Hands is a non profit organization and been working with the Manteo Baptist Church to acquire property to place a house on that will provide a stable environment for young unwed mothers. Once the Town approves the plan the Church will subdivide and deed the property to Faith Outreaching Hands and be a conditional use. If they do not go ahead with the project the property will revert back to the Church. An easement crossing the Wachovia Bank and church property will be provided. They are requesting installation of a septic

tank and this was not discussed at the Planning Board meeting but was left to the judgment of the Board of Commissioners. Commissioner Tugwell commented that he thought everyone had to connect to the Town's water and sewer. Ms. Burke commented that there is a section in our ordinance that would allow for a septic tank but that Mr. Jefferson contacted her Friday and the property would not perk so they will need to connect to the water and sewer. The Board would like Ms. Burke to review the ordinance that would allow septic tanks and bring it to the Board to correct it. They have spoken with Water Superintendent Butch Luke and are in the process of having an engineer get the required information. The Planning Board received comments about flooding in the rear of this parcel. The planning board agreed if the Town were able to encourage the creation of a dry pond in this area and the representatives were satisfied with this idea and would like to work with the Town on this type of project. Conditions one through five are reflected on the site plan before the Board of Commissioners The Planning Board recommends approval with the following conditions: 1) Species to be used shall be specified in the buffering notes; 2) Lighting notes shall state that the bulbs will be incandescent; 3) Storm water shall be retained on site; 4) Notes shall state that this is a conditional use; 5) method of trash disposal shall be with roll out cans to eliminate any problems that a trash truck may have in accessing the dumpster site; 6) before the conditional use is recorded that the Town receives all copies of all signed and executed easements and property transfers and add condition 7) That the Town Engineer approve the waste water connection prior to issuance of permits.

MOTION: Commissioner Collins seconded by Commissioner Farrow to approve the Planning Board's recommendations 1 through 6 with the adding of 7) the Town Engineer approving the wastewater connection prior to issuance of permits was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell and Creef. Noes: None. Absent: None

Commissioner Tugwell has been excused from voting on the Satellite annexation petition, water and sewer contract and ordinance to extend the town limits for Skyco Development due to conflict of interest.

SUBJECT: Planner-discussion and consideration of Satellite annexation petition request and Certificate of Sufficiency from Skyco Development Cypress Cove. Town Clerk Becky Breiholz has reviewed the petition and found it to be sufficient. Planner Erin Burke gave the Board a brief history and the Planning Boards recommendations. The Planning and Zoning Board reviewed the subdivision proposed by Skyco Development LLC at their June meeting. The subdivision is to include 31 residential sites and 2 out parcels. It is proposed on the site of the old Cypress Cove Campground. Following a presentation from the developer the Board discussed the proposal and offers the following conditions. Staff is careful to note that these are recommendations, not conditions to be placed on the property since this is not a conditional use in its requested zoning. 1)Location of electric, cable and phone lines be identified; 2)Square footage of the lots be presented on the plat; 3)Buildable acreage be stated on the plat; identification of all easements including the Griggs easement, the T.L.'s easement, and the easement to the Spence property be identified; 4)Out parcels A and B to be annexed as B3; 5)The residential parcels to be annexed as R5; 6)Site plan identify number of lots both market rate and affordable and where the affordable units may be located; 7)Square footage of the road, out parcels and individual residential parcels be identified; 8)The islands at the

entrance of the development both north and south have the live oaks planted; 9)Manteo Way of Building be applied to the out parcels; 10)The areas for the homeowners association to be identified; 11)Easements for the storm water retention areas; 12)The wetlands to be dedicated in conservation in perpetuity possibly to the Town; 13)The Board of Commissioner’s consider connectivity a road in the western area of the site.

It was noted that the number of lots states 31 and needs to be changed to 32 to reflect the correct amount of lots. Mayor Wilson commented that the 13 recommendations are not conditions so what does that mean and Ms. Burke commented they are suggestions to the Board and can’t be conditions but the Planning Board thought relevant. Mayor Wilson asked after annexation does this project go back to the Planning Board for conditions and Ms. Burke commented this is a preliminary plat approval on the subdivision and what will happen the Board will approve the annexation of the property and then approve a preliminary plat of the subdivision at which point the subdivision returns to the Planning Board for final approval with everything on it and then come back to the Board of Commissioner for final approval. Mayor Wilson asked Town Attorney Daniel Khoury if the Board has the option of approving this annexation with these recommendations from the Planning Board be conditions of the annexation. Mr. Khoury asked if the applicant was in favor of the recommended conditions and John Robbins commented that at this time do they do not have any objections. Mr. Khoury commented that prior to taking action on the annexation the Board should accept the conditions as recommended by the Planning Board and acceptable to the applicant. Mr. Tugwell commented that he does not think they have a problem with any of these but he knows that they have accepted them and it has to go back for final site plan approval; “our reluctance to identify the easements at this time does not service to delineate those areas but they agree to allow access on their property to adjacent properties.” “With regard to the planted island entry ways it has become apparent that there are some older trees on the south entrance and with the DOT requirements they may not be able to have islands. Mr. Robbins commented that because of some restrictions by the corridor and NCDOT they may not be able to have an island at the south end and it would become a normal access on the south end. Mayor Wilson asked that if we move forward with the annexation tonight does it then go through a conditional use process by which the Planning Board will recommend and the Board of Commissioners will determine what conditions are placed on the subdivision? Ms. Burke commented that the subdivision is a permitted use within that district they cannot have conditions but it must be approved by the Board of Commissioners as a subdivision plat, but the subdivision plat approval process requires it to go to the Planning Board and the Board of Commissioners. Mayor Wilson asked if that gives the Planning Board and Board of Commissioners adequate opportunity to accept or reject the plan based upon these conditions or whatever conditions both groups agree are appropriate and Ms. Burke commented that yes to the best of her knowledge.

MOTION: Commissioner Farrow seconded by Commissioner Collins to accept the voluntary satellite annexation petition with no vested rights and zoning designations to be R5 and B3 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None. Abstain: Commissioner Tugwell

SUBJECT: Planner-discussion and consideration Ordinance #34 to extend the Town limits for satellite annexation for Skyco Development

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve Ordinance #34 to extend the Town limits was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None. Abstain: Commissioner Tugwell.

SUBJECT: Planner-discussion and consideration of Water and Sewer Utility Contract for Skyco Development satellite annexation petition.

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve the Water and Sewer Utility Contract Commissioner Farrow amended his **MOTION** seconded by Commissioner Creef to approve the utility contract with the above mentioned recommendations of the Planning and Zoning Board be accepted was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None. Abstain: Commissioner Tugwell

Mayor Wilson re-instated Commissioner Tugwell.

SUBJECT: Coastal Resources Advisory Council Nominations. CRAC was established by CAMA to serve as a link between local governments and the North Carolina coastal management program. The Coastal Resource Commission appoints 12 of the 45 members and all 12 slots will be filled this year with re-appointments or new appointments. They are asking for nominations to be submitted to them no later than September 9th. Commissioner Creef nominates Luther Daniels, Sr.

MOTION: Commissioner Creef seconded by Commissioner Farrow to nominate Luther Daniels, Sr. to the CRAC was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Collins and Creef. Noes: None. Absent: None .

SUBJECT: Report on Street lights-The Board had asked for a survey of the street lights in the Town and Dominion Power has furnished the town with a survey. Ms. Twiddy commented that it appears we have 164 lights and are being billed for 161 and 72 are mercury vapor and 92 sodium vapor lights. Finance Officer Shannon Twiddy told the Board that the cost of the lights can be anywhere around \$2800 a month.

SUBJECT: Report Town Attorney-pending projects

(OLD BUSINESS)

SUBJECT: Cemetery Report- is getting into the final stages and lots will be ready to sell as soon as we hear back from the engineer and the Town Attorney is working on an instrument of transfer for plots.

SUBJECT; Report Lucy's Corner/4 corners- nothing new and are still waiting on estimates.

SUBJECT: Report Roanoke Transportation Plan and Way Finding. There was no meeting for the Way Finding Committee in August. Both Committees continue to work

monthly and there is a draft being prepared by Kimley Horn for the Transportation Committee which should be distributed in the next 30 days.

SUBJECT: Report Green Engineering on various Town projects. Manhole replacement and intersection repairs of Agona and Devon, have had pre construction conference and materials have been delivered and should begin within 60 days. Town Manager Kermit Skinner commented that as far as SOP and manuals for water and sewer is being worked on by Green Engineering but has not seen a work product.

SUBJECT: Report Wireless internet-included in the Manager's report.

SUBJECT: Report Special Events- will be meeting Monday and making plans for Christmas. There will be a Freedman's event in Cartwright Park on September 17th.

SUBJECT: Report Cartwright Park signage-designs are finished.

SUBJECT: Report Manteo High School Laptop loan – we have 12 laptops to loan to the high school.

SUBJECT: Report on grants: Clean Water Trust Fund Grant- Ms. Burke continues to monitor and Mayor Wilson commented that the ditches are filling up and we had planned to use prison labor to clean them. Ms. Twiddy commented that Tyrell County work crews have been suspended due to the cost of gasoline but she has asked if it could be done if we pay for the services and Sergeant Liverman will check on that. Town Manager Kermit Skinner commented that the Tyrell County work labor is different from the inmate program the Town is trying to implement and he commented that this has been curtailed also so the agencies that want to use them will have to pick them up. We have received notification that our contract for inmate labor with the county has been approved and we are arranging now for training. Mayor Wilson commented that the ditches really need to be cleaned and asked staff to get something in place as soon as possible. Tourist Bureau grant-Boat ramp enhancement - CAMA has received the grant and it will be going before their review board.

COMMISSIONERS' AGENDA

Commissioner Tugwell-is alarmed at the usage of water in the report received and still wants to know what is causing it. Commissioner Tugwell also commented about the septic tank request by Hosea House and stated he was unaware that there was a provision in the ordinances to allow for that. Mayor Wilson commented that whatever is in the ordinance probably predates the last federal funding of the extension of the sewer lines and asked Ms. Burke to look that up and try to get rid of that conflict. Commissioner Tugwell brought up the density requirements at the Salty Dawg project and Ms. Burke commented that as she understands it was submitted as a group development and actually identifies 22 single family lots; 2 lots that are 6500 square feet each with a hotel and then the remaining acreage left for condominiums and mixed use, the marina and the ship store. Mayor Wilson commented that the 22 lots were separated and that portion of the subdivision was subtracted from the acreage prior to the density being figured.

Commissioner Farrow-Tourist Bureau Grant for the ramp would like to request that the

Town survey the north line and put up cement monuments on each end before any work commences. Ms. Twiddy commented that the bulkhead will not be able to be put back because of the CAMA major permit but it is still our intention to follow the property line and that she has spoken with Ray Meekins who did the original survey and it will be marked in the water line. Mayor Wilson commented that the survey be sent to Attorney to review the chain of title. Commissioner Farrow commented it was previously discussed fiberglass lids for the dumpsters because the metal ones break off and would like staff to find some other type of lids for the dumpsters. He also asked about the lighting at the CVS and Ms. Burke gave him an update on that.

Commissioner Etheridge-commented that we do not have a building designated as a shelter and he thinks the Town and County have some plans to designate buildings as a shelter and we should have a workshop to discuss this. Mayor Wilson commented that we don't designate shelters inside the area being asked to evacuate and Commissioner Tugwell, who is the Town's representative for Dare County Emergency Management, commented that they have some places identified as shelters but they are not advertised because shelters encourage people to stay instead of going. Mayor Wilson asked that Commissioner Tugwell pass along Commissioner Etheridge's comments and concerns to Dare County Emergency Management.

Commissioner Creef-Would like our water and sewer superintendent to scrutinize the new developments coming into the town so we don't over extend our resources on sewer treatment. Mayor Wilson commented that the superintendent and engineer are working on that.

A motion by Commissioner Farrow seconded by Commissioner Collins the meeting was recessed at 8:30 pm until next Wednesday, September 14th, 2005 at 7:30 p.m. for the workshop session to review the draft zoning ordinance was approved by the following vote: Ayes: Commissioner Collins, Farrow, Etheridge, Tugwell and Creef. Noes: None. Absent: None.

This 7th day of September 2005.

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz