

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, August 4, 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
- Planner Fred Featherstone
- Attorney Daniel Khoury

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

Mayor Wilson asked to amend the agenda to add to New Business #6 Item C to include approval of the updated zoning map and Item D to include Resolution 2004-11 in support of the Town of Duck participating in the Government Access Channel .

SUBJECT: Adoption of Agenda as presented or amended.

MOTION: Commissioner Belli seconded by Commissioner Collins 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

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to approve the Consent Agenda as presented 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 July 7, 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 July 14, 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 July 23, 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 Institute of Government \$100.00 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 dues and subscription for NC Building Inspectors Association \$45.00 Dues approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, Tugwell and Creef. Noes: None. Absent: None

PUBLIC COMMENTS

Jennifer Frost-Bowsertown Road would like to speak to the Board about the dump and first she knows that it is in the County and second on the superficial level of the dump “I would have a conflict of interest because I own the property opposite it and the odors are amazing,” and she is not coming to ask for favors on the superficial part of the dump. She understands the county is trying to get funding to get proper probes of the dump and they need to do 60 foot probes but they don’t have the money yet. She feels that every jurisdiction that could speak to the matter of the County water would be helpful and does not think it is all the County responsibility but also the State. She commented that we all got notices of the arsenic in the water but thinks the arsenic may be one of the least of the problems because very reputable people do point out that there is too much cancer in Wanchese and on the Island and the stuff at the dump is going into our aqua filters and going to Kill Devil Hills, Nags Head, Kitty Hawk and Duck and hopes that the Town will help the County get the funding to do probes of the dump and have it moved away forever from Dare County.

(NEW BUSINESS)

SUBJECT: Employee Recognition-Wanda Ambrose, Secretary for the Police Department was presented with a 15 year plaque for her service and dedication working for the Town by Town Manager Kermit Skinner

SUBJECT: Employee Recognition-Fred Featherstone, Planner and Building Inspector was presented with a 15 year plaque for his service and dedication working for the Town by Town Manager Kermit Skinner

(TOWN MANAGER AGENDA)

SUBJECT: Consideration of the updated Town of Manteo Zoning Map showing the new annexations.

MOTION: Commissioner Tugwell seconded by Commissioner Creef to approve the updated Town of Manteo Zoning Map was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of Resolution 2004-11 in support of the Town of Duck to participate in the Government Access Channel.

MOTION: Commissioner Collins seconded by Commissioner Farrow to approve Resolution 2004-11 in support of the Town of Duck to participate in the Government Access Channel was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: None

SUBJECT: Town Manager report with Department Head reports will be on file for one year. The bulk of his reports are about on going projects which are discussed under Old Business.

SUBJECT: Report Town Attorney-pending projects. None

(OLD BUSINESS)

SUBJECT: Board of Education's request for annexation and extension of utilities for the new middle school. Mayor Wilson made the following statement: that at the last meeting they were informed that the County was not going to stop construction which was not accurate information. After Mayor Wilson polled the Board by phone and with their concurrence he wrote a letter asking the County Building Inspector to allow the school construction to continue for a couple of weeks while asking the School Board to provide us with real costs for the driveway and for the land needed to comply with condition #4 on the permit the Town is considering. Mayor Wilson commented that through today neither Kermit nor he has heard from the School Board and the petition for annexation remains invalid because of the substantial changes made to the deed the afternoon of the Town's last meeting and as it stands there is no action the Board may take regarding that annexation. The Board was also informed at the last meeting that the School Board was working with a new contractor to try to get permission to build their own wastewater treatment plant which we don't know if this has happened and unless this Board objects in the majority the Mayor would like to appoint a committee of Commissioner Tugwell, Commissioner Creef to work with him and the School Board representatives should they get the information the Town has requested or should they come up with a solution to the differences of opinion they have had over condition #4. Should the School Board provide the information we have requested to our committee and should the committee agree that there is a reasonable resolution to our differences then the Mayor will call a Special Meeting for the Boards consideration and possible action, otherwise the Manteo Middle School is off the agenda.

SUBJECT: Report Washington Davis Creef Boat House. Mayor Wilson passed around a drawing that comes as a result of the executive director at Festival Park and Commissioner Creef trying to solve the problem of the Ellaview which is one of the 5 remaining George Washington Creef shad boats which is a state boat and is owned by the Maritime Museum and is on permanent loan to the N.C. Maritime Museum of Beaufort and one condition of the loan is that it be secured from the weather and from vandalism. As a result from the meeting Mayor Wilson has sketched a boat shed that is 18 feet wide and 40 feet long that could be built in the Creef Park with the families permission to cover the boat so that it may stay on Roanoke Island. There has been no funding appropriated and the Mayor is asking for support in concept of the plan and getting cost estimates for the shed.

MOTION: Commissioner Farrow seconded by Commissioner Belli for the Town to investigate the cost of the shed was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Belli, Tugwell, Farrow and Creef. Noes: None. Absent: None

SUBJECT: Report Lighthouse Project-nearing an end, doing punch list. Plans are being made for the dedication of the Lighthouse and Creef Davis Boathouse to be held September 25, 2004.

SUBJECT: Report Cemetery Project-We have received more fill from the County and James McCleave has graded it out by eye and would like it to be shot by laser again to make sure it is right. Mr. McCleave is to get up with Commissioner Tugwell about the grades. Town Manager was asked to get started on the brick columns on the new part of the cemetery with a start date, stop date and penalty phase.

SUBJECT: Report Sidewalks - Mayor Wilson would like to add Four Corners/Lucy Corner to the Old Business list. In conjunction with others Mayor Wilson met a week ago and discussed the Four Corners project that is in the Town's master plan update and the County seems to be committed to do its part. Town Manager is getting appraisals on some property. There is no reason for the installation of Bideford and Simon Street sidewalks to be held up by the Four Corners project. It appears that the sidewalks can be put in the right away and Mr. Skinner will get a copy of the drawing to Commissioner Collins to see if it will require any property or owner signatures to install the sidewalks. Commissioner Farrow would like all the sidewalks inspected in the Town for cracks that can be trip hazards and the brick sidewalks that also can be trip hazards.

SUBJECT: Report Midway intersection; roundabout vs. flyover; speed limit. The Regional Transportation Committee are meeting the second Wednesday of every month and Commissioner Farrow is representing the Board. At the September 1st meeting Nathan Phillips with NCDOT will talk on Access Management and on October 13th BOC meeting Mr. Jim Dunlop roundabout expert will be talking with the Board of Commissioners.

SUBJECT: Report Dredging- some dredging is scheduled for the winter. Commissioner Tugwell commented that a CAMA permit has been issued for the original project and the original scope of work which is 3 miles north from the Washington Baum Bridge to Channel marker 38, the other request for side channels and private channels and dredging around Elizabeth II have been submitted and Mr. Sutherland will be here August 10th for a meeting with other state permitting agents to expedite this.

SUBJECT: Report Regional Transportation Plan/Way Finding.

SUBJECT: Report Facility Fee Study- pending Wooten Company will be doing a presentation at the August 11th workshop.

SUBJECT: Report Special Events-Commissioner Collins commented that some committee members met and they have ordered new Christmas decorations with money already budgeted; she would like to add banners for Christmas and 4th of July and would like the Board to consider budgeting extra money for the banners. Commissioner Collins will have a figure for the Board at their workshop.

SUBJECT: Cartwright Park-have scheduled the 20 year anniversary celebration for the last Saturday in October, and Town Manager commented that the park will be ready.

SUBJECT: Report Franchise Agreement with NC Power-the Mayor will meet at 1:00 on Friday with the Power Company to see if they can move two of the poles at Queen Elizabeth Street.

SUBJECT: Report Pending Grants: CAMA Waterfront Boardwalk Replacement

SUBJECT: Manteo Waterfront Shoreline Replacement of Rip Rap \$95,000; Mr. Skinner has not heard back from Mr. Jones with CAMA but is fairly certain we will be able to go from the rip rap to the sheet pile without having to go back for a major permit application and providing we can get a contractor to do the it the work should start this fall. Mr. Skinner will check with Mr. Jones.

SUBJECT: Manteo Sanitary Sewer Evaluation I&I Study \$40,000.

SUBJECT: Clean Water Trust Fund Grant application- received notification from Mr. Tatem who indicates we are in a good position to receive funds for this.

SUBJECT: Report on miscellaneous requests by the Board: training agreements; strike the training agreement been done away; with siding on the Town Hall waiting on price; cost saving on water and sewer quarterly billing will be done at the mid month meeting; Bowsertown lift station-the new auto dialer and switch have been installed and Mr. Green has been asked to give us a proposal on retrofitting as opposed to replacing; remote meters; marking of cars Mr. Skinner commented that he would have something to report at the next meeting.

COMMISSIONERS' AGENDA

Commissioner Tugwell-commented that the Coastal Habitat Protection Plan had a meeting in New Bern and he was unable to attend but Finance Officer Shannon Twiddy attended in his place and this is something we need to watch. Commissioner Tugwell commented that they are talking about reducing lot coverage and it appears to be a land use plan for the water and does not know if it has any legislative authority and it is a very detailed document and very little public interaction or with municipalities and could affect our ability to redevelop land on the coast. Mayor Wilson would like staff to monitor this situation and asked that Shannon Twiddy monitor this, and Ms. Twiddy commented there were several issues that will impact the Town with tighter restrictions and read a list of those rules. Ms. Twiddy commented that the next occasion the public can get involved is in January and she would be happy to monitor this and keep the Board updated.

Ms. Twiddy-commented it is not on the agenda but the Roanoke Island Volunteer Fire Department alternative payment arrangement was sent to the Fire Department who have altered the language and Town Attorney Mr. Khoury will be working with Attorney Chris Sewell and hopefully she will have a recommendation for the Board at the workshop meeting and would like to place this on the agenda.

Commissioner Farrow-Would like to know if we have authority to make a no wake zone from Pirates Cove into Shallowbag Bay. Town Attorney Daniel Khoury commented we did attain ETJ one mile out into the waters from our boundary lines but is not clear about the jurisdiction issues involved with regulating the wake zones but thinks we do have the authority. Mr. Khoury is to look into and let the Town Manager know the answer and then have the planning staff prepare a map so they can see where the one mile possible jurisdiction goes. Mayor Wilson commented that he thinks we have to adopt a jurisdiction line within that mile on a map officially after which they can regulate certain things. Mr. Khoury thought that Mr. Green prepared a map that showed that line and he believes the legislation gives us full zoning powers which includes police powers regulating that no wake zone and staff should look for that map and have it for the next mid month meeting. Commissioner Farrow commented that on the Conditional Use permit for the high school the condition states for the gate to be locked on Scuppernong and does not feel that the Town should patrol the locked gate and would like that condition removed from the conditional use permit. Mayor Wilson commented that we should let the Planning Board know their concerns and have the Planning Board review it for later action by this Board.

Commissioner Collins-commented that it is hurricane season and Agona Street beside Pizza Hut was flooded and we need the ditches cleaned. Mayor Wilson asked the Board if they wanted to hire someone solely to monitor the ditches. Mr. Skinner commented that we have put a request in with Tyrell County Correction department for inmates to clean the ditches. Commissioner Collins asked about applications for Town Planner and was informed there are two interviews tomorrow.

Commissioner Etheridge-Devon Street is getting pitiful and is in bad shape and the holes are getting bigger. Mr. Skinner commented that they can't do anything until Devon Street water pipes are lined and then repaired. Holes on Agona Street were also discussed. Commissioner Tugwell commented that after the water lines are relined those areas will need to be excavated and backfilled properly and what we are doing now is just a quick fix patch job. The Board would like staff to find out if Devon and Agona holes are caused by waste water or storm water and then repaired appropriately and fix those spots. Commissioner Etheridge would like the Town Manager to get with the Chief of Police about speeding on Croatan and we need to hand out tickets. Commissioner Etheridge stated that if we are going to have a no wake zone we need it also south of Baum Bridge.

MAYOR'S AGENDA

Mayor commented they are still working on the zoning ordinance and the storm water ordinance; and does not see any reason for a mid month meeting, and he is willing to call a special meeting for the school board. It was brought up that the Finance Officer asked for the Fire Department payment schedule change to be discussed at the mid month meeting. The first payment is due on August 15th and consensus was for Commissioner Tugwell, the Attorney and Finance officer to approve the Fire Dept payment agreement.

A motion by Commissioner Tugwell seconded by Commissioner Collins the meeting was ADJOURNED at 8:55 p.m. was approved by the following vote: Ayes: Commissioner Tugwell, Belli, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None

This 4th day of August 2004.

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz