

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room October 3<sup>rd</sup>, 2007 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: Commissioner Tugwell

Also present at the meeting were: Finance Officer- Shannon Twiddy  
Town Clerk-Becky Breiholz  
Planner Erin Trebisacci  
Martha Wickre-Public Relations  
Attorney-Daniel Khoury

Mayor Wilson called the Regular meeting to order at 7:30 with a moment of silence followed by the Pledge of Allegiance

**SUBJECT** Adoption of Agenda- Amend agenda to add two more closed sessions; add another personnel closed session and discussion of a legal disagreement; remove item 6C- Cemetery Board vacancy

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

**SUBJECT:** Adoption of Consent Agenda-

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

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to approve the minutes of the regular meeting of September 5<sup>th</sup>, 2007 with reference to certified copy of

CD recording was approved by the following vote: Ayes: Commissioners Farrow, Collins, Fry, Etheridge, and Creef. Noes: none. Absent: Commissioner Tugwell

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to approve the minutes of the closed session September 5<sup>th</sup>, 2007 with reference to certified copy of CD recording was approved by the following vote: Ayes: Commissioners Farrow, Collins, Fry, Etheridge, and Creef. Noes: none. Absent: Tugwell

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to approve the minutes of the workshop meeting of September 12<sup>th</sup> 2007 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Fry, Etheridge, and Creef. Noes: none. Absent: Tugwell

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to approve the minutes of the closed session of September 12<sup>th</sup> 2007 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Fry, Etheridge, and Creef. Noes: none. Absent: Tugwell

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to approve dues and subscriptions American Planning Association \$200.00 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none. Absent: Tugwell.

**PUBLIC COMMENTS** – anyone wishing to speak to the Board to please come forward at this time.

Michael Steiner 313 Fernando Street has two requests; one is we are going to have 6 more lamps along Fernando Street between Uppowoc and Roanoke Island Inn, and the residents who are affected by these other two lights mainly on the corner of his property between him and Guy Midgett and also between Horace Whitfield and Roanoke Island Inn would like to have these two lights turned off, cut down on light pollution and also save the city some bucks. We have an agreement with all these landowners, who would like to see this carried out and asks the Board's consideration in this matter. His second request along this same stretch of Fernando Street between Uppowoc and Roanoke Island Inn would like for the Town to find out what it would cost to bury the utility lines. This is not asking the Town to pay for this, the citizens would do this after they considered the bid and all we are requesting is that your office gets that information to give to us for our private consideration. Commissioner Farrow wanted to know what is the problem with the lighting? Mr. Steiner replied, light pollution shines in bedroom windows and a lot of extra light we do not need, especially six more lamp posts going down the street.

Jan DeBleu-Cape Hatteras Coast Keeper for the N.C. Coastal Federation and is here tonight to speak about the proposed changes to the Coastal storm-water regulations because there is a lot of misinformation almost a kind of hysteria about what these rules are going to do and how they are going to make it impossible for people to build homes or buy homes out here. She wanted to tell them that it is totally untrue, that these rules are being proposed because of problems they have had elsewhere in the state with suburban low density single family development causing incredible pollution. Storm water is now the number one pollutant in our coastal waters, there are huge problems with it. There were studies that were done in the Wilmington area and they were able to track very carefully when an area was developed on a tidal reef the shellfishing areas would be closed and what that means is there was enough fecal chloroform going into the water from storm water run off that people were no longer able to harvest their oysters, clams and scallops. The State Division of Water Quality would not propose these rules if they did not have good scientific information to show this. We are lucky here, our waters are still pretty clean, work is being done to clean them up. These regulations will go a long way toward helping us have the kind of clean healthy waters that we need and want. Other information she gave was there is a 12% impervious coverage trigger close to shellfishing waters, this does not mean that if you cover more than 12% of your lot you will immediately have to hire an expensive engineer or that you can't build. What it means is that you have to figure out a way to keep the stormwater that you produce on your lot; it can be through a rain garden or other low impact green building smart growth ways to control stormwater. People are upset about a 10,000 square foot lot coverage or lot disturbance that would trigger these new regulations. That is designed to encourage people to not strip all the vegetation off their lots, it doesn't mean if you have a 10,000 square foot lot that you have to have stormwater engineering. If you have a house on an existing lot you can tear it down and use the same foot print before. These were very carefully thought out conditions to be fair. She wanted to encourage them to support this individually and as a Board. Mrs. DeBleu commented that for a single family house on a single family lot you would not have to have an engineer if you are right on the water and you covered your lot with 12% impervious coverage. Mayor Wilson asked if we wish to cover 12% is there a way to follow a template and be able to do it without the great expense of an engineer or would we need an engineer. Mrs. DeBleu commented that her understanding is that you would have to get some sort of sign off, and does not know if you would need an engineer, you would consult people at NC State University, they have designs and plans that you could submit to a Planning Board. This does not have to cost people a lot of money. Mayor Wilson asked if one needed a major permit that would cause a lot of delay and Mrs. DeBleu responded no, but there would be some additional site plan review. Mayor Wilson commented that he understands that existing stormwater rules that are not being changed will grandfather re-development projects that do not increase the impervious surface or provide equal or greater stormwater control. Mrs. DeBleu that is absolutely right you can use the same footprint as long as you don't increase the footprint. Mayor Wilson commented that since we are a town that is so dense we want the reassurance that we can put back what we have and Mrs. DeBleu commented yes

absolutely. Mrs. DeBleu commented she wanted to stress that the idea is not to make this a terrible painful project that people have to go through, the idea is to work to get these templates in place and to have people be able to control stormwater.

Tony Duvall-Fire Chief Roanoke Fire Department-commented on the County request for a legislation change that involves the Fire Department's funding. They have looked at this and consulted with their attorney and there are some issues that need to be looked into a little further and would like to respectfully request that the Town take no action until they can get some of their questions answered.

(TOWN MANAGER AGENDA)

**SUBJECT:** Planner-recommendation from the Planning Board regarding a gate for Briggs Neal-The Board of Commissioners asked staff to take a request to have a gate installed to the Planning and Zoning Board. Staff presented this request from Mr. Briggs Neal to the P&Z in June but they requested more information and then did not meet in July or August. At their September meeting they decided to recommend to the Board of Commissioners that a 42" wide gate be allowed in the area of the old opening at the back of the fence. Commissioner Creef commented didn't we already approve a gate for that fence and Mrs. Trebisacci commented yes, the Board had approved a 36 inch wide gate for personal use but not in the area that Mr. Neal would like. Commissioner Collins asked if we were paying for this and Mrs. Trebisacci commented that would be at this Board's discretion. Commissioner Creef wanted to know what the basis for the second gate is; and Mrs. Trebisacci commented that it is her understanding that Mr. Neal rents out boat slips and he would like his customers to have the convenience of walking to their boats from the boat ramp parking lot as opposed to walking around his property unto his docks. Commissioner Creef commented he wants to rent the docks in the back and use another way to get there. Commissioner Farrow commented that since we have already put a gate in there, and he has looked at the property, there are plenty of ways to get there from the property and I personally make the motion that we deny it. Commissioner Creef commented it would help this Board if they had some information detailing what is planned to be done in that area other than just a dock for boats and what is going happen back there. Mayor Wilson commented that CAMA has a rule of certain number of docks or less is not considered a marina; and he is not sure from the comments if he is objecting to a second gate or the location of the gate. Commissioner Creef commented the location of the gate. Commissioner Fry commented about the renting of boats for commercial purposes. Mr. Briggs commented that when he made the request for the personal gate he was under the assumption and "I was told that there would be a gate in the back and a personal gate by my house." "I did not know that the back gate was going to be closed up when I asked for a personal gate." Mr. Briggs asked if they could nail up the personal gate and put a gate at the back of the fence and was told that he would need to take the request back to the Planning Board and go through the process again.

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to deny the request for the additional gate was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none Absent: Tugwell.

**SUBJECT:** Review and approval of request from Dare County to ask for a Local bill to amend legislation regarding contracts with Roanoke Island Fire Department. At the BOC September meeting staff was asked to contact the RIFD and ask if they had any objections to the Local bill Dare County was proposing to amend the current Fire Department Legislation deleting several sections from the current N.C. General Statute and copies were supplied to the Board. We received a response from Ken Daniels representing the Board of Directors of the RIVFD and they are asking that this Board not support or take any action on the Dare Counties request at this time to allow them more time to investigate adding hydrants outside of Town and would like to more time to work with the County on developing a contract between those two entities.

**MOTION:** Commissioner Creef seconded by Commissioner Etheridge to respectfully decline the request from Dare County to ask for a local bill to amend legislation regarding contracts with the Roanoke Island Fire Department was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none Absent: Tugwell.

**SUBJECT:** Mayor Wilson commented that if there are no objections he would like to put item 6C back on the agenda because he was handed a note that Nancy Austin Midgett has agreed to sit on the Cemetery Board. The Cemetery Board has requested that the BOC appoint Nancy Austin Midgett to fill the vacancy on their Board.

**MOTION:** Commissioner Farrow seconded by Commissioner Fry to appoint Nancy Austin Midgett to fill the vacancy was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none Absent: Tugwell.

#### OLD BUSINSESS

Report Public Relations/Special Events-Martha Wickre –gave the Board two handouts; one the press release for the affordable housing and a letter to business owners that will go out tomorrow to remind them to look at their signs and banners to make sure they are in compliance. She is also getting a press release that there will not be a Halloween celebration done this year by Lebam Houston. Also reported on was the OBX Marathon. Mayor Wilson commented that he has appointed Mrs. Wickre and Nadine Daniels as the Ambassadors for the Marathon. The Christmas celebration is moving forward.

Report Collins Park- Commissioner Collins reported that the steering committee approved a contract with Gibbs Building for \$7475 to complete the interior of the cookhouse it will be drywall work and restoring the existing floor, work was scheduled to start October 1 and be complete by November 15. The trim work will be done in kind by Mike Berry; whose grandfather was one of the last officers in charge of the Pea Island Station. The Committee was offered a loan from the N.C. Aquarium of their exhibit of the Pea Island Lifesaving Station and the committee agreed to accept the loan. He contacted the Director of the Museum Joe Mallett, and informed him they would accept the offer and he is working on some paper work to get the loan done; he informed us the loan might take more time because of the paper work and they might not have the exhibit by the time the inside is finished. Doug Stover, a member of the committee and a National Park Service historian, has come across some original files from the Pea Island Station and Commissioner Collins is going through the files and making copies to use as reference copies in the museum. Over 300 school children and visitors toured the Pea Island cook house during the Freedman's Colony celebration. They are moving in a positive direction. Commissioner Etheridge asked where the old Pea Island Station was and informed it is in Salvo and they are working on ways to acquire the actual Pea Island Life Station and that the people that own it are willing to get rid of it at a pretty reasonable price. Commissioner Farrow commented he talked to them about it and the owners wanted to get enough money to build another house at least as large of this one. Mayor Wilson would like to have Mrs. Wickre to coordinate with Johnny Boniface, to take pictures and do a story, when Mr. Berry, who is the grandson of one of the original Pea Island rescuers, is volunteering his time putting back the original trim of the cookhouse.

Report Skateboard Park-Young folks have patiently waited for the skate park, the fence is not in, the landscaping is not in and it has not officially been opened, but there are a number of young people utilizing the park already and the skate park is very well received. We are having problems with them parking on the road near the ditch, they have been asked to use the paved parking lot at the Alternative School or parallel park on the public streets adjacent to Fernando but it is too easy to drive in the ditch and park their cars. Mayor Wilson would like a motion to amend Section 46-113 of the Town code to state no parking allowed on west side of Uppowoc from Devon Street to Uppowoc's intersection with Grenville Street we already prohibit parking on the west side of Uppowoc Street for all of it's length except for this last block. Mayor Wilson would like staff to look into the cost of putting in 200 or 300 feet of parallel parking adjacent to the park and to see if Powell bill money will pay for this or do we need to ask the State to do this since it is a State right of way. Also the drainage will need to be considered if that section of the ditch will need to be piped with a stormwater inlet.

MOTION: By Commissioner Creef seconded by Commissioner Collins to amend the ordinance Section 46-113 of the Town code to state no parking allowed is on west side of Uppowoc from Devon Street to Uppowoc's intersection with Grenville Street was

approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none Absent: Tugwell.

Report Marshes Lighthouse Bell- Finance Officer Shannon Twiddy commented that we have received the loan papers and would like to have Town Attorney Daniel Khoury review them before we sign and return them.

Crosswalk markings and intersection bulb outs- no news

Buck's Water Garden Park- Commissioner Farrow would like to change this name; Buck's does not seem like the name for a water park and it should be named Manteo Water Park. Mayor Wilson commented we have signed the agreement with the NC Coastal Federation, NC State University will be working on the design for the water garden to help us treat our stormwater and Clean Water Trust Fund grant Storm water- grant has been extended.

**MOTION:** By commissioner Farrow seconded by Commissioner Etheridge to change the name of the Water Garden Park to Manteo Water Garden Park was approved by the following vote. Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none Absent: Tugwell.

Report Grants:

Clean Water trust Fund Grant Nutrient Reduction- nothing

CAMA grant for waterfront pump out station- they have reduced the price of the pump out station.

#### COMMISSIONER AGENDA

Commissioner Creef-noticed throughout the Town along the highway there are trucks drilling pipe or well points in the ground and he checked around to see what it was and was disappointed that a State employed company can come to our Town and start putting down wells, they are testing for a few things. This gave him a concern, with other things that have happened in drilling wells for public use, he thinks they are being drilled and the Town is not informed. He thinks any well to furnish water for public use it should be required for them to have to come under an informed permitting process controlled by our Town, because we don't know what they are doing. We will ask our Town Attorney to look into the possibility of amending our codified ordinance to require a permitting process for the drilling of wells by a public body or for any public consumption and the possibility of permitting our distribution lines.

MOTION: By Commissioner Creef seconded by Commissioner Etheridge that a well for public use should be controlled by permits from the Town and to ask our Town Attorney to look into and draft a provision to the codified ordinances requiring some reasonable permitting process for the installation of public wells and transmission of public waters through town. Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none Absent: Tugwell.

Commissioner Etheridge wanted to commend the Town for removing the object sticking up through the sidewalk at the corner of Ananias Dare and Croatan. Commissioner Etheridge requested the Town to change the light situation at the end of Ananias Dare making it last longer for those turning on to US 64, during the summer seasons it was right.

Commissioner Fry wanted to know what the well drilling was about and Mayor Wilson commented that it is tracing the possibility of some toxic materials spreading from somewhere and it was done by the State and DENR and they are drilling to see if they can find it and where it might be spreading.

#### MAYOR'S AGENDA-

Magnolia Market-wants this Board to consider to put out request for proposals from anyone interested in leasing that property from the Town at the expiration of the current lease which ends in September 2008; ask the public to make proposals to the Board for a term for at least a year not more than 5 years and what they would like to pay, what they would do with it, what they propose to do with it and to make certain the current tenant Mrs. Fearing is aware that she can make a proposal if she wants. Town Attorney will work with the Town Manager to come up with a request for proposals for at least a year not more than 5 years and try to have it back in 45 days after the requests go out. We also need to make sure we reserve the existing restroom area plus the one stall at the northwest corner adjacent to the existing restroom for expansion to be kept by the Town not included in the lease and maintained as public restrooms.

MOTION: By Commissioner Farrow seconded by Commissioner Fry for the Town Attorney to work with the Town Manager to come up with a request for proposals for the lease of Magnolia Market for at least one year not more than 5 years and try to have it back in 45 days after the requests go out; reserving the existing restroom area plus the one stall at the northwest corner adjacent to the existing restroom for expansion to be kept by the Town not included in the lease and maintained as public restrooms was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none Absent: Tugwell.

Mayor Wilson - Resolution 2007-11 supporting the storm water regulations –the other towns and county are strongly opposing this and can not understand why when we are

trying to protect our waters. Developments need to do better or our water quality will go down. We need to stop and protect this environment we are given; our children deserve that we do the best we can to clean up these waters.

**MOTION:** By Commissioner Creef seconded by Commissioner Farrow to approve Resolution 2007-11 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none. Absent: Tugwell

Before entering into closed sessions a 5 minute recess was taken at 8:40 pm

CLOSED SESSION NCGS 143.318.11 (a) 6 Personnel matters

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

PERSONNEL

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

CLOSED SESSION NCGS 143.318.11 (a) 6 Personnel

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

PERSONNEL

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

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

CLOSED SESSION NCGS 143.318.11 (a) Consult Town Attorney legal matters disagreement with developers Cypress Cove affordable housing.

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

**MOTION** by Commissioner Etheridge seconded by Commissioner Farrow the meeting was recessed until Wednesday, October 10<sup>th</sup>, 2007 at 4:00 pm was approved by the following vote: Ayes: Commissioner Fry, Collins, Etheridge, Farrow, and Creef. Noes: None. Absent: Tugwell.

This the 3<sup>rd</sup> day of October 2007

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Mayor John Wilson

ATTEST:

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Town Clerk Becky Breiholz