

## MINUTES

The Town of Manteo Board of Commissioners held their Workshop session in the Manteo Town Hall meeting room December 18, 2002

The following members were present:

- Mayor Lee Tugwell
- Commissioner Dellerva Collins
- Commissioner David Farrow
- Commissioner Stuart Wescott
- Commissioner H.A. Creef, Jr. (arrived 7:15)
- Commissioner John Wilson, IV
- Commissioner Edward Etheridge

The following member(s) were absent:

Also present at the meeting were:

- Assistant Town Manager/Finance- Shannon Twiddy
- Town Clerk-Becky Breiholz
- Planner -Fred Featherstone

Mayor Tugwell called the workshop meeting to order at 7:01 p.m.

Item 3 presentation of Town Audit has been removed and the audit will be discussed at the January 2, 2002, meeting. Item 11, Shallowbag Bay is deferred to the January 2, 2002 meeting.

Adoption of Agenda as presented or amended as to action items

**MOTION:** Commissioner Wescott seconded by Commissioner Etheridge to approve the agenda as amended to action items was approved by the following vote: Ayes: Commissioners Farrow, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

**\*SUBJECT:** Discussion and consideration of recommendations for awarding of water works improvements contract to lowest responsible bidder. Leo Green with Green Engineering held a bid opening today at 2:00 P.M. for bids received on the water system improvements DEH Project No. 0757. Four bids were received and they are from: First Coast General Contractors for \$671,764.48; Mustard Seed Construction \$795,797.18; Ralph Hodge Construction \$819,031.00 and T. A. Loving Company \$627, 041.00. T. A. Loving Company was the low bidder. We had a base bid on the pipe work and we took an alternate for the PVCC900, there was a \$34,590.00 deduct for using the PVCC900 pipe which is widely used and compatible and see no reason for not recommending that material for this job. It was discussed with Butch Luke, Water and Sewer Superintendent who had no objections to using this material and will match with all the other like diameter pipes in the Town system. Mr. Green is recommending that T. A. Loving Company, their low bid with the alternate of \$592,451.00 be awarded to them. Not included in the bid was the proposed metering station from the county system that is going to be put in the general vicinity of the metering station now behind Duke of Dare Motel. They are in the process of getting a meter approved from the Dare County Water Department that will provide substantially more water with less head loss than with the meter the Town has now. The system is for most part 12 inch diameter and Mr. Green thinks this meter is rated for about 3500 gallons per minute.

The meter will be negotiated with the low bidder or through some informal bid with local contractors. Mr. Green reviewed the bid tabulations with the Board which will be made a part of these minutes and he gave a project recap with the total development cost \$762,451.00 and project financing which will be made a part of these minutes. It was stressed to the contractors that there was a completion date including punch list of May 31<sup>st</sup>. Construction should start first of February provided the contract is awarded tonight. Mr. Green commented that it is their intention to get the paperwork to Raleigh to the Clean-Water Environmental people for their review since there is a lot of red tape and a review of the bidding process and historically they take 45 days to turn this around. Mr. Green stated they would address the two crossings on Highway 64, and done at night. The cost of resurfacing the streets is not included in the cost. Mr. Green commented they contacted NCDOT about encroachments and does not appear to be any problem with that. Mr. Green also stated that not included in this project is any money for resurfacing these streets, there will be patches down these streets. Powell Bill money can not be used to pave a state system street. Project does include patching of the roads. Commissioner Wilson asked why we had so many sink holes so soon after the pipes were replaced on Queen Elizabeth. Mayor Tugwell commented it was probably infiltration from the storm-water. Ms. Twiddy, Finance Officer commented that Butch could better address this question but she does know that we are undertaking a retrofitting of 12 manholes and it appears that the manholes have actually sunk and lowered and that we are getting the I&I and that is causing the destabilization so with the correction of the manholes that will at least slow down or eliminate it. Ms. Twiddy stated Mr. Luke would be much better prepared and she would have him send a report to Board within the next week or so. Commissioner Wilson also has concerns about the start date and not being able to complete before the summer season. Mr. Green is confident that it can be done by the deadline. Commissioner Farrow asked if the new pipes would solve the problem of bad water on lines that dead ends. Mr. Green commented that this will improve water quality where there are old cast iron pipes.

**MOTION:** Commissioner Etheridge seconded by Commissioner Wescott to accept Resolution by the Town of Manteo BOC for DEH Project 0757 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Wescott, Wilson, Etheridge and Creef. Noes: None. Absent: None .

Mayor Tugwell commented that the funds need to be put aside, he believes the Board had prior authorized \$110,000.00 which needs to be transferred from undesignated fund balance to designate it to this project, and need to put some in for contingencies. Finance Officer Shannon Twiddy informed the Board that the Town has pre approval from the State Revolving Loan Fund up to \$200,000 at the low interest rate. She is asking that they appropriate this and if the Board chooses to apply for this loan at a later date which could be an option at the end of the project since this is a reimbursable project we have to actually expend the funds up front and then apply to get it back.

**MOTION:** Commissioner Collins seconded by Commissioner Etheridge to accept budget amendment #18 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Wescott, Wilson, Etheridge and Creef. Noes: None. Absent: None .

**\*SUBJECT:** Discussion and consideration of site plan review CVS deferred at the December 4, 2002 meeting. The Planning Board previously recommended approval provided that conditions were met: Proposed access to Russell Twiford Road must be constructed; lighting levels must conform to Sec. 6.05 Outdoor lighting and use a hip roof option from original elevations sheet submittal. They had been unsuccessful in getting access to Russell Twiford Road and they are asking the Board for approval allowing for only one access. They have met all the conditions on the site plan except the proposed access to Russell Twiford Road. Scott Humley with Kimley Horn Associates, thanked Fred Featherstone, Town Planner and the Board for working with them. He commented that even though they don't have access they are working on trying to obtain an access and are working with adjacent property owners for an access. Mayor Tugwell asked if CVS was reviewed under B2 or B3 and Mr. Featherstone commented B2, and the property has been annexed as B3. Mayor Tugwell asked what are they classified as B2 or B3 and Mr. Featherstone stated their official classification is B3. Commissioner Wilson commented they came to us under B2 and they redesigned everything including some of the architectural requests that they were not required to do, such as materials, textures and coloring, various oak trees that are now part of B3, but they came to us in B2, they went the extra mile to redesign while in B2, "but it is a conditional use and I think that it is only fair that they be able to be permitted as they were reviewed and in compliance with the laws at the time they were there, but it is our opportunity to place any conditions that we believe are reasonable and protect the health, safety and welfare and protect the spirit of our ordinance."

**MOTION:** Commissioner Wilson seconded by Commissioner Wescott to accept the site plan of CVS as approved by the planning board with the planning board conditions; with two additional conditions that it be in compliance with B3 zoning section entitled access management which includes regulations about access points and shared access for both pedestrian and vehicular connection to adjoining properties and the signage and lighting now comply with the B3 regulations was approved by the following vote: Ayes: Commissioners Farrow, Collins, Wescott, Wilson, Etheridge and Creef. Noes: None. Absent: None .

**\*SUBJECT:** Discussion and consideration of request from Dare County Commissioner Cheryl Byrd to join the law suit against the State for lost shared revenues. This request was given to the BOC at their December 4, 2002 meeting. Ms. Byrd has been concerned about the additional financial burden that the State of NC has placed on its counties and municipalities when it withheld money owed to them in order to balance it own budget. Ms. Byrd supplied information about the lawsuit and paperwork and fee schedule associated with becoming a plaintiff in this case in her letter to the board. Ms. Byrd also stated in her letter that the law firm will probably not add any additional plaintiffs to the lawsuit after December 31, 2002. Commissioner Etheridge commented that he feels we should not join the suit.

**MOTION:** Commissioner Wilson seconded by Commissioner Farrow to decline to participate in the law suit against the State and to thank them shared revenue from the past and hope that there is some there for us in the future was approved by the following vote: Ayes: Commissioners Farrow, Collins, Wilson, Wescott, Etheridge and Creef. Noes: None. Absent: None

**\*SUBJECT:** Discussion and consideration of nomination for the Advisory Board for the Foundation of Renewal for Eastern North Carolina. This item was tabled from the December 4, 2002 meeting. No one had a recommendation so it was the consensus of the Board to carry over as old business.

**\*SUBJECT:** Discussion and consideration of making a motion to re-appoint Planning and Zoning Board members Bebe Woody and Christine Walker to the Planning Board. This was discussed at the December 4, 2002 meeting and Ms. Woody and Ms. Walker were nominated to by Commissioner Wilson to retain their Planning Board seats but no motion was made to appoint them.

**MOTION:** By Commissioner Wilson seconded by Commissioner Collins to appoint Bebe Woody and Christine Walker to the Planning Board was approved by the following vote: Ayes: Commissioners Farrow, Collins, Wilson, Etheridge, Wescott and Creef. Noes: None. Absent: None

**\*SUBJECT:** Discussion and consideration of Budget amendment #16 mid season salary adjustment that was approved by the Board of Commissioners at their December 4, 2002 meeting.

**MOTION:** Commissioner Collins seconded by Commissioner Wescott to accept budget amendment #16 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Wescott, Wilson, Etheridge and Creef. Noes: None. Absent: None .

**\*SUBJECT:** Discussion and consideration of Budget amendment #17 street repairs appropriated in 2001-02 fiscal year that were not completed.

**MOTION:** Commissioner Wilson seconded by Commissioner Collins to accept budget amendment #17 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Wescott, Wilson, Etheridge and Creef. Noes: None. Absent: None .

**SUBJECT:** Shannon Twiddy, Finance Officer had applied for a grant when she was Planner for funding to clean up and stabilize the waterfront area starting at the gazebo, around the platform for Roanoke Marshes Light and up to Creef Davis Boat House Property. She received to day notification that the Town had been approved by the Albemarle RC& D Council for a grant for \$95,000.00. Ms. Twiddy is asking the board for a consensus to proceed and to consider on the January agenda \$47,500 which would be the Town's match. Consensus of the Board to place this item on the agenda for January 2, 2002 and carrying on with the permitting.

**SUBJECT:** Discussion of request from Walter Gregory regarding the names of South Street and Sir Francis Drake Street. Commissioner Farrow furnished the Board with a map of the streets being discussed and is suggesting that the Board consider erecting a sign at the corner of Burnside Road and make the street "South Street all the way through until the road dead ends against Roanoke Village and his next suggestion would be to put up a sign at each end of South Street and name that portion of the street "South Street Loop". The codified ordinance does not show that South Street exists and Commissioner Farrow is asking that the Board consider

directing staff to prepare a text amendment to the Codified Ordinance Section 38.2 to officially name "South Street" as South Street Loop and to rename what is officially Sir Francis Drake Street as South Street to be considered for action at the January 2<sup>nd</sup> 2003 meeting and if approved at that meeting staff would be directed to make any necessary street address changes to bring all addresses on South Street and Sir Francis Drake Street into compliance with the requirements of our Zoning Ordinance. Consensus of the Board is to notify the people by registered letter on Sir Francis Drake Street letting them know that the Board is considering changing the name of the Street and place this on the January 2<sup>nd</sup> 2002 meeting.

**SUBJECT:** Discussion of on street parking of utility trailers less than 20 feet. Commissioner Farrow. Commissioner Farrow would like to modify Section 46-114 as he understands the ordinance is that non motorized vehicles over 20 feet and he would like the ordinance to include non motorized vehicles less than 20 feet. The Board discussed the ordinance and interpretation, and consensus of the Board is that it does include all non motorized vehicles regardless of size. Chief D'Ambra commented that the way the police department interprets 46-114 if the vehicle is over 20 feet cannot park for over 24 hours period, and if non motorized nothing over 24 hours. The Board discussed if this was a problem and have received no complaints yet but it could be a potential problem.

**SUBJECT:** Discussion of request from Deloris Harrell for \$1,000 for participation in the advertising campaign for TV 12. Festival Park, the Aquarium, The Lost Colony and the Elizabethan Gardens have purchased TV 12 advertising for the last several years, the Town of Manteo came aboard to assist in this effort in the amount of \$1,000 last year. They are working with TV 12 now to the advertising and having it enhanced not lengthened. Ms. Harrell is asking if the Board could participate again this year at the \$1,000 level. If the Board agrees to do so Ms. Twiddy can have a budget amendment prepared and placed on the Board's January 2<sup>nd</sup> 2003 meeting. Consensus of Board is to place this on the January 2<sup>nd</sup> agenda for consideration.

**SUBJECT:** Report requested by Commissioner Etheridge regarding proposal for Utility System Vulnerability Assessments. This is in response to a letter received from Hobbs, Upchurch and Associates, P.A. in which their letter states that President Bush signed the Public Health, Security and Bioterrorism Preparedness and Response Act which requires in part the completion of a detailed water system evaluation that must include vulnerability assessments, emergency response plans, and security enhancements. The letter states that there is still much discussion in Washington about how these assessments will be conducted, who will review them and what security measures will be placed into effect to ensure their confidentiality. What is known at this time is that the assessments will be required and the approved methodology for conducting them is called the "Risk Assessment Methodology for Water Utilities. Hobbs and Upchurch staff has been trained in the RAM-W Methodology and are able to complete the assessments in accordance with the current Federal requirements. Commissioner Etheridge commented that we buy our water from the county and he feels it is the county's responsibility. Consensus of the Board that this is something the county should do and decided not to take any action on this.

## INFORMAL BOARD DISCUSSION

Commissioner Wescott-commented that although we have adequate toilet facilities on the waterfront, a lot of people have trouble finding them. Some of the waterfront businesses would like the town to place some portable toilets on the waterfront during the summer. Commissioner Wilson commented we should have signs directing them to the public facilities already there. Commissioner Collins stated she does not like them.

Commissioner Farrow-commented something needs to be done about these microphones. He came to Town Hall and had the Town Clerk Becky Breiholz play back something from a previous meeting and he could not understand it. It was discussed to bring this up at the Board's budget workshop session.

Commissioner Wilson-wanted to thank Shannon for pursuing Mr. Hollowell about not paying the Town what he owes for the docks , and thank Fred Featherstone for the work he is doing with NCDOT. Tomorrow night there will be a meeting with the School of Design and the results from the survey will be presented and hopes everyone can attend and then there will be a press release with the results in about two weeks.

Commissioner Etheridge several months ago the Board discussed the dumpster down and where it was overflowing and he wanted to know if anything was ever done concerning that. Commissioner Etheridge thought maybe we could have a community dumpster and he can't believe people from outside of town use it. Commissioner Wilson commented that we had a community dumpster at the boat ramp for a number of years, and what happened was people from out of town were filling up the dumpsters with loads of trash and the Town has to pay for that.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Wilson seconded by Commissioner Collins the meeting was adjourned at 8:25 p.m. and approved by the following vote: Ayes: Commissioner Wilson, Wescott, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None

This the 18<sup>th</sup> day of December 2002.

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Mayor Lee Tugwell

ATTEST:

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Town Clerk Becky Breiholz