

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, December 4, 2002 at 7:30 p.m.

The following members were present:

- Mayor Lee Tugwell
- Commissioner Dellerva Collins
- Commissioner David Farrow
- Commissioner Edward Etheridge
- Commissioner Stuart Wescott
- Commissioner H.A. Creef, Jr.
- Commissioner John Wilson, IV

The following member(s) were absent: None

Also present at the meeting were:

- Acting Town Manager/Finance- Shannon Twiddy
- Town Clerk-Becky Breiholz
- Town Attorney-Daniel Khoury
- Planner Fred Featherstone
- Police Chief-F. T. D'Ambra

Mayor Tugwell called the Regular meeting to order at 7:34 p.m. followed by a moment of silent meditation and the Pledge of Allegiance.

SUBJECT: Mayor Tugwell would like to add to the Town Attorney's Agenda Item #13 a Closed session for ongoing litigation in accordance with NCGS 143.318.11 (a)3 and following the closed session the acceptance or rejection of settlement offer. On item 11 C, the Mayor talked with Planning Chair Bill Parker and a letter was received from the applicant for CVS asking to be removed from the agenda at this time, Commissioner Wescott would like seasonal salary adjustments added under New Business item 12 B. Mayor Tugwell stated that Mr. Jim Rose, the developer for Shallowbag Bay has requested to be on agenda and it is an old business item but if the board is uncomfortable with this they can take it up at the workshop session. Consensus of the Board is to add Mr. Rose's request to the Planning agenda as the first item.

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

SUBJECT: Approval of Minutes Regular Session November 6, 2002

MOTION: Commissioner Wilson seconded by Commissioner Farrow to approve the minutes of November 6, 2002 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

SUBJECT: Approval of Minutes Workshop session November 20, 2002

MOTION: Commissioner Collins seconded by Commissioner Etheridge to approve the minutes of November 20, 2002 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

PUBLIC COMMENTS

Mayor Tugwell stated that there are two public hearings and asked those who wish to speak about the items for the public hearings to wait until that time and he asked if there was anyone who wished to speak to a specific agenda item they may reserve their comments at the time the agenda item is discussed.

Angel Khoury-Manteo and Mother Vineyard brought to the boards attention that there will be a DOT workshop December 12 from 4 to 7 at the new visitor centers on the DOT plans to put a flyover at the bridge.

Walter Gregory-Roanoke Park extended. Asked the Board what street does he live on?He stated that in 1974 South Street ran all the way down to West Street down around the corner all the way to Burnside Road. The names of the streets were changed to Lost Colony names and the road from Burnside to Harriott Street became Sir Francis Drake. There are problems in their area because of the confusion of the street name, and there is a problem with ambulance and police service. He is asking the Board to change the name back to South Street.

Terry Shelton-Outside Manteo but lives on Roanoke Island Thinks the traffic circle at Midway is a good idea and hopes the boards pursues it. He informed the Board he tried to contact the Town Attorney Daniel Khoury because he wants an official designation of what contiguous means to his property and Mr. Khoury never returned his call.

Terry McDowell-214 Agona Street hopes they will support the planning board and vote for the two proposed text amendments that are being presented to the Board tonight.

Roberta Carroll-Manteo would like the board to study the flyover and traffic circle before a decision is made.

SUBJECT: Public Hearing for addition of Section 7.06 B-3 New Zoning Designation at Midway Entrance District, US 64/264 & S.R. 345

MOTION: Commissioner Wescott seconded by Commissioner Etheridge to enter into a public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

Terry Shelton-commented that he sees this zoning as affecting his property only, and his ability to sell it, which he is getting ready to do. Mr. Shelton used the example of the Town of Nags Head purchasing the pier for open space using taxpayer money instead of allowing developers to build more houses more houses, and he commented that “you are getting ready to down zone me and if you are going to down zone somebody why don’t you buy them out, if you bought my property out for the price that Food Lion was going to pay me then you can keep it and make the

citizens pay for it, rather than make me the only one who pays the price, it just isn't fair." Mr. Shelton hopes the Board does not down zone his property.

Ralph Calfee-representing for Mr. Ricky Mercer who has a contract to purchase Mr. Shelton's property just discussed. He sees the new zoning ordinance as discouraging residential development and residential ownership and encourages strip malls and shops with rental units above them and B3 includes the ideas of living units above shops, When dealing with basic market pressures this model does not seem to work very well. Another feature of proposed B3 zoning is the unit density cap, it drives up the size and cost of the units and does not necessarily controls intensity development. Suggested density be controlled by lot coverage and re-consider density on permitted uses and to control density by conditional uses.

Ricky Mercer-Nags Head, Has a contract with Mr. Shelton to purchase the campground to build townhouses. He stated before he entered into this contract they discussed with John Wilson and what his input might be. Mr. Mercer stated that Mr. Wilson indicated that the town would welcome the development. They discussed the density. Mr. Mercer has expended funds based on Mr. Wilson's comments, and 30 days later the Town wants to change this zoning. Mr. Mercer stated some of the benefits of this project to the Town. This will provide housing for middle income housing, and basically from Mr. Wilson's input "I moved forward." He would like the Board to reconsider the cap density for units per acre as B-3 is proposed.

Sybil Ross-Grenville Street-If I'm not mistaken Shallowbag Bay is 9 units per acre, I think people basically said they did not want another Shallowbag Bay. We have finite area to build on and running out of it. Affordable housing would be nice. Don't let developers use that as a ruse to stay employed.

Jim Tobien-Caimen Gardens has studied these new zoning requirements, and would like to go on record in favor of the zoning but would like the Board to revisit density.

Jamie Daniels-301 Devon Street-stated density incentives were built into B-3 as proposed to encourage residential above commercial.

Jack Gregory-613 South Street-while everyone wants affordable housing, high land values will always be and affordable housing does not stay that way.

Angel Khoury-Mother Vineyard Manteo-She wanted to address the fact that the B3 zoning is affecting properties like Mr. Shelton's if he comes into the Town of Manteo. The area Mr. Shelton is talking about is not in the Town limits now and can be built by using county standards. She also stated that the Roanoke Island Commission offered to negotiate the purchase of his property after the Food Lion sale was defeated. Senator Basnight was interested in putting a National Boy Scout Campground and they never received a response. This is affecting only properties that are asking to be annexed into the Town and hopes the Commissioners will support the planning board efforts.

Bob Woody-Sir Walter Raleigh Street-encouraged B-3 and stated presentation was everything and would like the Midway area to be appealing.

Bill Parker-Manteo-read two letters one from CVS developers who support B-3 as proposed, and D&M Holdings expressing their support of the zoning at midway.

Melody Leckie-Sir Walter Raleigh Street-asks that the Board support the B-3 zoning.

MOTION: Commissioner Wescott seconded by Commissioner Collins to exit the public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

SUBJECT: Public Hearing for proposed text amendments to Section 7.01 R-1 low density residential; Section 7.02 r-2 medium density residential; Section 7.03 R-5 general residential; Section 7.05 B-2 general business district.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to enter into a public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson and Creef. Noes: None. Absent: None

No comments

MOTION: Commissioner Wescott seconded by Commissioner Collins to exit the public hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wescott, Wilson, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of changing the regular meeting of January 1st, 2003 to January 2nd, 2003. The Board of Commissioner's regular meeting for January falls on January 1st, 2003 which is a Town holiday and the administrative offices will be closed. This will be a one time change only and the normal schedule will not be changed.

MOTION: Commissioner Wescott seconded by Commissioner Farrow to move the regular meeting from January 1st to January 2nd was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of upgrading the Sound System. At the Boards previous meeting a demonstration was given to the Board on the sound system. The original quote was for \$2197.00 and the Board had asked for a price quote on additional equipment. The additional equipment is for \$1209.50.

Died for lack of motion

(TOWN MANAGER'S AGENDA)

SUBJECT: Acting Town Manager Shannon Twiddy will answer any questions the Board may have on the department reports. The department head reports will be made a part of these minutes.

SUBJECT: Discussion and consideration of Resolution 2002-33 to amend Resolution 17-99 Minority Business goal. NCGS 143-128 requires that Public Contracts for States or any County, Municipality or other public body have established procedures for Minority Business Participation. This resolution will amend Resolution 17-99 to include this requirement.

MOTION: Commissioner Wilson seconded by Commissioner Creef to accept Resolution 2002-33 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

Ms Twiddy gave a brief report on the water sewer improvements. The pre bid conference was held on Tuesday, December 3, 2002; bid opening will be on December 18th and will have a recommendation for the Board on December 18th. Ms. Twiddy is asking that this be put on December 18 workshop agenda as an action item. **MOTION** by Commissioner Wescott seconded by Commissioner Collins to add this to the workshop agenda as an action item. Discussion took place on whether this could be done as a motion and Ms. Twiddy commented that if it were to be a motion it would be to discuss and consider bids received at the December 18th meeting to be awarded if found satisfactory to the lowest responsible bidder at the December 18th workshop agenda as an action item. Commissioner Wescott asked if this could be a motion or consensus.

Commissioner Wilson seconded by Commissioner Farrow to suspend the rules, this was not voted on.

MOTION: Commissioner Wescott seconded by Farrow to place on workshop agenda as an action item. Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

(OLD BUSINESS)

SUBJECT: Reports on old business. Shannon Twiddy, Interim Town Manager was asked by the Board to find out if the Town of Manteo could establish a 501-C-3 Non profit corporation for the purpose of raising funds for the Marshes Light Project. Ms. Twiddy contacted the Institute of Government and they responded that Municipal Governments can encourage the establishment of 501-C-3 non profits but the Town cannot be a sponsor of or establish a 501-C-3 for the purpose of raising money to build a public project but the can offer donations to 501-C-3's if it is for a project that fits into the category of being for a public purpose.

SUBJECT: Discussion and consideration of nomination for the Advisory Board for the Foundation of Renewal for Eastern North Carolina. This foundations vision is to serve as a catalyst for renewing the economic health of our entire region. They are asking for the Town to nominate a capable business leader from Manteo's community to serve on the Board of Advisors. Commissioner Etheridge nominated Eddie Green who was a member of the audience but had not been asked before the meeting. Commissioner Wilson suggested we supply Mr. Green with more information and delay until workshop session.

MOTION: Commissioner Wilson seconded by Commissioner Farrow to delay action until workshop session was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson and Creef. Noes: Commissioner Wescott. Absent: None

(FINANCE OFFICER'S AGENDA)

SUBJECT: Discussion and consideration of Budget Amendment #12 for \$3070.58. This budget amendment is in response to a claim from the Employment Security Commission for the reimbursement of claims paid to a former employee. Municipalities do not pay the unemployment insurance premiums but are required to reimburse the state of N.C. for claims paid.

MOTION: Commissioner Wescott seconded by Commissioner Etheridge to approve Budget Amendment #12 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of Budget Amendment #13 for \$17,722.84 in response to an invoice received from Green Engineering for the water improvements design. Commissioner Wilson asked if we can have attorney review the original contract? Ms. Twiddy prior to being Finance Officer \$42,000 fees were in the 99 2002 budget

MOTION: Commissioner Wescott seconded by Commissioner Collins to approve budget amendment #13 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of Budget Amendment #14 for \$829.00. This budget amendment is to complete the purchase of the 2003 Pick up Truck for the Public Works Department and funded by the BOC in this budget year.

MOTION: Commissioner Wilson seconded by Commissioner Wescott to approve budget amendment #14 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None.

(PLANNER'S AGENDA)

SUBJECT: Jim Rose-Shallowbag Bay Club, this was added to the agenda. He was out of town when the Planning Board approved the revised site plan with stipulation that they take care of the easement situation, which is a third party issue and will be resolved by the attorneys. Mr. Rose is asking for the Board to allow him to continue construction. Building #10 is the one he cannot get a building permit for until this issue is resolved. Mr. Rose is asking for the Board to allow him to start building #10 and withhold the certificate of occupancy until this issue is resolved. He also said there is a safety issue if he is not allowed build because of heavy equipment being on site during the spring and summer season while there are people staying there. Mr. Rose said it will be 10 months before the building will be finished and he is willing to allow the Board to withhold the certificate of occupancy permit. Mayor Tugwell commented that the Board had approved the site plan upon the condition of satisfying some easements issues. Mr.

Rose commented that they have resolved one easement situation-“the one between McDonalds and their property line, they have moved that easement into the thoroughfare and that has been acceptable and he thinks that one will work out fine”. Mr. Rose also commented “that it is a variance that I granted to the landowner next to him” and “granting the variance has nothing to do with Shallowbag Bay Club,” “it’s a matter of whether he is in compliance to get approval for what he needs to do.” “I granted the variance thinking I could help him with this problem and it has come back and is causing an issue.” Mr. Rose also stated that both parties were working diligently with the attorneys to try to get this resolved. Mr. Rose stated that they were having a sit down meeting next week to try and get it resolved. Mr. Rose also stated he has his guys there ready to start the building and he doesn’t know when he can get them back, and once again “I would like to reiterate I’m not asking for the certificate of occupancy, it will be ten months before the building is completed anyway, I’m just asking you to allow me to go ahead start the building and get all the heavy work out of the way, roughed in.” Mayor Tugwell commented that staff is correct in not issuing those permits until those conditions have been met. Mayor Tugwell said we can take action, defer on this or ask council some questions. Mayor Tugwell had a question for the Town Attorney which was that he does not know if we have a provision or a provision in the NC State Building Code that would allow the Town to withhold a certificate of occupancy as a condition? Town Attorney Daniel Khoury commented he “does not know if the Board has the authority to grant this and he would have to research this and he could probably look into it and give the board an opinion at the next meeting and maybe by that time council that is working on resolving, its not a variance you are granting it’s a reservation of an easement in the deed which created the problem.” Mr. Khoury commented he would like to see what the attorneys propose as a solution before giving the Board of Commissioner’s a recommendation. Mr. Khoury also commented that there may be a remedy for bonding of some type of performance, separate and apart from the occupancy permit, that is probably what we need to craft and look at. Mayor Tugwell commented we could probably withhold the occupancy permit based on not being in compliance with the site and zoning requirements. Mr. Rose “I have tried real hard on this and would like to at least get the heavy equipment off, and it is the last building I need to construct and I will be able to move a lot of the heavy equipment out of the way which will make it a safer work environment and will continue me to have work in progress while I am working out this agreement.” Commissioner Wilson stated that the right solution is to ask the attorney to look into it, “I made the motion and I can assure it was not made to cause you a hardship or delay, it was made because of the surprise of finding the easement on the plan long after it had been submitted and approved, and realizing that there was a problem with the setbacks, so I do think the problem is both property owners and if we could ask the attorney to have the next two weeks to review it and figure out a way, we just need to get both projects into compliance as quickly as possible without causing any undue hardship on either party, but we didn’t create the problem and if Daniel can figure out a way to solve that “(Mr. Rose interrupted-“nor did I nor my attorney know we were creating a problem for ourselves when we did this when we were just really trying to accommodate our neighbor.”) Commissioner Wilson commented that if we had been shown on the original site plan we would have all known from day one instead of the eleventh hour. Mayor Tugwell suggested we could hold this for two weeks giving the attorneys involved additional time and give council time for a report before we make our decision.

SUBJECT: Discussion and consideration of proposed text amendment to add Section 7.06 B-3 Midway Entrance District. This proposed text amendment was submitted to the Board at their workshop session by the Planning and Zoning Department and a Public Hearing was held earlier tonight. Chairman Parker stated we have been working on this for years and it addresses safe access to properties. Commissioner Wescott suggested density alternatives should be looked at for properties that are not located directly on the highway. Chairman Parker commented that every unit added in town costs towns people money. Commissioner Wescott disagreed and said additional users/customers would share the burden of fixed expenses and if in fact more units and businesses cost residents more “we need to stop right now.” Chairman Parker said that there is argument that every unit added costs to the town, Commissioner Wescott commented that adding units increases revenues and generates tax dollars and he disagrees with Chairman Parker. Chairman Parker said he disagreed and would provide information to support his claim. Commissioner Wescott stated numbers can be manipulated. Chairman Parker said what about town services such as additional solid waste, more sewer and more children in the schools. Commissioner Wescott cited developments such as Pirates Cove and Shallowbag Bay Club require a very low level of services and are mostly adult communities. Chairman Parker commented that in 25 years these developments could be child producing. Commissioner Farrow commented that he would rather have lower density and higher taxes. Commissioner Wilson referred to Bob Woody’s comments and asked everyone to be mindful the area being discussed was the entrance to the Town and traffic flow will determine the future of Manteo and the North end. Discussion took place on affordable housing and Commissioner Farrow would like to know what is affordable housing because what is affordable to some may not be affordable to all. Mayor Tugwell commented that it appears the discussion of the B-3 district has become a discussion on affordable housing and there are many components that should and need to be considered regarding this text amendment. Commissioner Farrow commented that affordable housing is a very important issue. Commissioner Wilson would like to address Mr. Shelton and Mr. Mercer and he stated it is true that they came to him and he supports affordable housing. Affordable housing can be addressed with incentives. Adopting this does not mean we cannot have affordable housing and high density does not mean affordable housing. Commissioner Wilson asked that the planning board and staff research affordable housing criteria and a way to allow higher densities with incentives in any district in town. Commissioner Etheridge would like it to be determined what is affordable and what is low incoming and has asked this question for several years. Mayor Tugwell commented that he read the proposed text amendment and found it to be wordy in places and vague in others. Mayor Tugwell felt the language was arbitrary and gave the example of towers, fast food and stock buildings, that the language was ambiguous without a definition of a stock building. Mayor Tugwell commented that we have architectural design guidelines in place and if a chain such as a restaurant submits a site plan do I understand as written if approved the Planning and Zoning Board would not allow a stock design to be approved in Town even if it met architectural requirements. Chairman Parker commented that it was written as intended and no stock design buildings would be approved. Mayor Tugwell and Commissioner Wescott both commented that the term stock building design was ambiguous. Commissioner Wescott commented that many stock design buildings are attractive but just because someone says they don’t want it to look like a chain building that it can’t be done. Chairman Parker commented the intent was not to be subjective and “no we do not want any stock buildings at the entrance to the Town.” Commissioner Wescott asked if we as the Planning Board and Chairman Parker responded “no,” “we was the whole town.” Building materials were

discussed and Commissioner Wescott commented that the exterior materials are limited to brick, wood, horizontal siding, board and batten and that could be interpreted as only wood and brick. Commissioner Wescott asked if the Planning Board considered using fiberglass and other materials that were weather and fire resistant and safer. Chairman Parker commented that is not acceptable and the Town needs to be real not just look real. Commissioner Wescott stated alternative materials could be more cost effective. Chairman Parker responded yes it could be cheaper but was not acceptable. Commissioner Etheridge asked the Mayor to call the question. Mayor Tugwell stated that twenty minutes of discussion had not elapsed and that he had some questions and concerns about the ordinance as it was presented. Commissioner Wilson asked where the twenty minute rule came from and the Mayor responded, rules approved by the Board of Commissioners. Commissioner Creef stated that we have to start somewhere, and the rules and conditions may have to be modified, but let's not put this off. Mayor Tugwell commented that if other members did not want to engage in informative debate he would call the question, but he had very legitimate comments and concerns regarding the text amendment. Commissioner Wilson commented that we had a workshop to discuss this.

MOTION: Commissioner Wilson seconded by Commissioner Etheridge to accept text amendment to add Section 7.06B 3 Midway Entrance District as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Commissioner Wescott. Absent: None.

SUBJECT: Discussion and consideration of proposed text amendments to Section 7.01 R-1 low density residential; Section 7.02 R-2 medium density residential; Section 7.03 R-5 general residential; Section 7.05 B-2 general business district. This was presented to the BOC at their workshop meeting by the Planning and Zoning Board and a public hearing was held earlier tonight.

MOTION: Commissioner Wilson seconded by Commissioner Creef to approve the proposed language for building densities with incentives and instructions to the staff and the Planning Board to investigate affordable housing, a definition and a mechanism to allow higher densities as incentives for affordable housing and report back to the BOC as soon as they can get the information together was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Commissioner Wescott Absent: None

SUBJECT: Discussion and consideration of site plan review CVS. This item had been tabled at the November 6th BOC meeting until the December 4, 2002 meeting. This item was removed from the agenda per the applicant.

SUBJECT: Discussion and consideration of setting a Public Hearing for proposed text amendment to Section 4.02 Accessory Dwelling Units.

MOTION: Commissioner seconded by Commissioner Wescott to hold a Public Hearing for proposed text amendment to Section 4.02 Accessory Dwelling Units on January 2nd, 2003 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of setting a Public Hearing for proposed text amendment to Section 7.05B2 Lot coverage to amend D-5 Dimensional requirements

MOTION: Commissioner Creef seconded by Commissioner Farrow to hold a Public Hearing January 2, 2003 for proposed text amendment to Section 7.05 B2 Lot coverage to amend D-5 Dimensional requirements was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of setting a Public Hearing for proposed text amendment to Section 6.01 E-Maximum parking requirements

MOTION: Commissioner Wilson seconded by Commissioner Collins to hold a Public Hearing January 2, 2003 for proposed text amendment to Section 6.01 E. Maximum parking requirements was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of setting a Public Hearing for deletion of # 9 in Section 6.04 F and add #6 in Section of 6.04 G Directional signs

MOTION: Commissioner Collins seconded by Commissioner Etheridge to hold a public hearing January 2, 2003 for proposed text amendment to Section 6.04 F and Section 6.04 G Directional signs was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of setting a Public Hearing for addition to Section 6.01 Off street parking B.7 Internal circulation This was changed to add drive aisle for two-way traffic with parking on either sides be 22 feet. Minimum drive aisle for one-way traffic with no parking on either side shall be 12 feet. This item was sent back to the Planning Board for clarification.

5 minute recess taken at 9:30

(NEW BUSINESS)

SUBJECT: Nominations and consideration of appointments for terms that expire January 2003 for of two (2) Planning and Zoning members and three (3) Board of Adjustment members that expire February 2003. Members of the Planning Board Bebe Woody and Christine Walker's term will expire in January and the Board will need to appoint or re-appoint two members for a two (2) year term. The Board of Adjustment will have three members whose terms expire in February 2003 and they are: Regular members Dr. Walter Bloom and Ellsworth Midgett, Jr. Alternate member Cindy Jones' term will expire also. Whoever is appointed for these vacancies will serve for three (3) years.

Mayor Tugwell opened the floor for nominations for the Planning and Zoning Board.

Commissioner Wilson nominated Bebe Woody and Christine Walker to retain their seats on the Planning Board.

MOTION: Commissioner Collins seconded by Commissioner Farrow to close the nominations on two said names was approved by the following vote Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Commissioner Wescott. Absent: None

No motion was made to appoint Bebe Woody or Christine Walker to the Planning Board.

Mayor opened the floor for nominations for Board of Adjustment and Commissioner Wilson nominated Dr. Walter Bloom and Bo Ross as regular members and Ellsworth Midgett as the alternate. There were no other nominations.

MOTION: Commissioner Collins seconded by Commissioner Farrow to close the nominations, Mayor Tugwell stated that we did not have a motion to open the nominations so we don't need a motion to close the nominations.

MOTION: Commissioner Collins seconded by Commissioner Wilson to appoint Dr. Bloom and Bo Ross as regular members and Ellsworth Midgett as alternate member to the Board of Adjustment was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Mid Season salary adjustment for Town employees-Commissioner Wescott commented in the past we have give something to the employees for Christmas. The amount was discussed and if it is given as a bonus only Federal, state and social security taxes will be taken out.

MOTION: Commissioner Wilson seconded by Commissioner Farrow to give a bonus of \$150.00 to each employee and prepare appropriate budget amendment was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

Jack Gregory-asked the Board if the members of the Board of Adjustment could meet with the Town Attorney. Town Attorney, Daniel Khoury agreed that there is a need for it. Town Clerk Becky Breiholz stated that a Board of Adjustment meeting had been scheduled for January 6th, and new board members do not take office until February. Mayor Tugwell stated that a meeting could still be held with the old board and invite the new board members to attend.

(TOWN ATTORNEY'S AGENDA)

Town Attorney, Daniel Khoury commented that it was not appropriate for him to comment earlier to Mr. Shelton or any other person during Public Comments. He wanted to remind the Board as Town Attorney he represents the Board, but "I also try to assist whenever I can and sometimes that involves dropping things and helping citizens on the street, I don't mind doing that, in fact that is my attitude to be helpful". "However, to set the record straight, Mr. Shelton came into the Town Hall and then came down to my office, and even though I was with people

and had other things Mr. Shelton felt everything should be dropped to see him and he made quite a scene and painted the Town as being unfriendly because everybody couldn't drop everything at that moment to see him." "In fact he never did call me and that is why he has never received a return call." "It was unfortunate that he walked in my office when I could not see him and he could not accept those reasons, and I'm sorry Mr. Shelton is not here to hear this." "We certainly try to help people whether they are citizens of the Town or non citizens."

SUBJECT: Discussion and consideration of offer for settlement -this item was to be discussed in closed session; Mayor Tugwell commented that we will handle this in open session.. This relates to the lawsuit filed with Christopher Pipkin for liquidated damages for breach of his training agreement with the Town. The Board offered to accept 1500.00 and the Town received no response, so the Board directed the Town Attorney to file suit. After Mr. Pipkin was served with the suit he has come back asking if the settlement is still on the table. Town Attorney is recommending the Board accept the settlement. Discussion took place on also recovering any additional expenses incurred to date. Acting Town Manager Shannon Twiddy also brought to the boards attention the fact that another police officer David Buckner was also in violation of his training agreement and the Board might want to consider the fact that the Board is setting a precedent. It was discussed if this could be done on a pro-rated basis and Town Attorney Daniel Khoury stated they might want to consider changing the terms of future contracts.

MOTION: Commissioner Collins seconded by Commissioner Farrow to accept the settlement of \$1500.00; Commissioner Collins **amended** her motion with Commissioner Farrow agreeing to the changes seconded by Commissioner Etheridge to add plus any additional expenses and a timeline of 10 days after receipt of certified letter was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: Commissioner Wescott. Absent: None

Town Attorney Daniel Khoury gave a report on the lease of the property for placement of the Water Tower and stated he saw no reason why we could not get a 50 year lease and has the conditional approval from the Board of Education.

Shannon Twiddy-Acting Town Manager gave a brief update on the Roanoke Marshes Light.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Farrow seconded by Commissioner Etheridge meeting was adjourned at 10:00 p.m. and approved by the following vote: Ayes: Commissioner Wilson, Wescott, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None.

This the 4th day of December 2002

Mayor Lee Tugwell

ATTEST:

Town Clerk Becky Breiholz

