

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, August 6, 2003 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:

- Town Manager-Kermit Skinner
- Finance Officer- Shannon Twiddy
- Town Clerk-Becky Breiholz
- Town Attorney-Daniel Khoury
- Police Chief-F. T. D'Ambra
- Planning Board Chair-Bill Parker

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

SUBJECT: Adoption of Agenda as presented or amended. Under New Business remove item 8B and add Item #14 closed session NCGS 143.318.11 (a) 3 consultation with town attorney.

MOTION: Commissioner Collins seconded by Commissioner Etheridge to adopt 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 July 2, 2003

MOTION: Commissioner Wescott seconded by Commissioner Collins to approve the minutes 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 July 16, 2003

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

(PUBLIC COMMENT) None

RECOGNITION and presentation of plaque to Lynda Midgett. Mayor Lee Tugwell presented a plaque to Ms. Midgett for the many years she as served on the Town of Manteo's Special Events Coordinator. The Board recessed to have cake.

(COMMISSIONER'S AGENDA)

SUBJECT: Discussion and consideration of Resolution 2003-06 re-establishing the Dare Day Committee. Commissioner Collins commented that she and Kermit Skinner met with the County Manager and County Attorney and they would like to continue having Dare Days and would like to re-establish the Dare Day Committee. Dare County's attorney drafted a resolution to re-establish Dare Days and was presented to them at their Monday meeting. Commissioner Collins would like for the Board to read the resolution included in the packet and see if they want to adopt it at the August workshop as an action item. The Special Events Committee met Monday night and Mr. Frank White was appointed the chairman of the Special Events. The Special Events Committee would like the Board of Commissioners to appoint the following to the committee: Patty Callum; Michelle Hoppman; John Harper and Martha Smith.

MOTION: Commissioner Collins seconded by Commissioner Etheridge to appoint Patty Callum, Michelle Hoppman, John Harper and Martha Smith to the Special Events Committee was approved by the following vote: Ayes: Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

(NEW BUSINESS)

SUBJECT: Discussion and consideration of Scheduling a Public Hearing for August 20, 2003 for the 10 year Solid Waste Plan to comply with NC General Statutes. The new plan will include years 2003-2013.

MOTION: Commissioner Wilson seconded by Commissioner Farrow-to schedule a Public Hearing for August 20, 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 vehicle replacement and Resolution 2003-08 declaring surplus property. In a memo to the Board Chief D'Ambra told the Board that Vehicle #84 was involved in an auto accident June 13, 2003 and though the officer was not at fault it sustained substantial damage. The damage was assessed at \$3,002.22 and the Blue Book value is less than the cost for repair. The insurance company has given the Town a check for the wrecked vehicle. The Chief is proposing that the Town purchase 2 Ford Explorer Police Package vehicles and recommends using Courtesy Ford in Elizabeth City. R. D. Sawyer declined to bid on these vehicles as they do not wish to provide a package unit. One of the vehicles would be assigned to the Police Department and the other to the Town Hall since the current Town Hall vehicle has already been rotated to the police department. One police car was already approved in the budget and the police vehicle to be rotated out has already been dismantled of its equipment. Town Manager Kermit Skinner commented the Town Hall administration car was loaned to the

Police Department pending the outcome of the Board's decision. Mayor Tugwell commented the police are using the administrative vehicle to replace the wrecked car, the budgeted car to replace the other car so now we have to budget another car to replace the administrative vehicle or else take the proceeds from the insurance check and repair the other police car, get the new car and return the administrative car. After some discussion the Board decided to declare only one vehicle as surplus.

MOTION: Commissioner Wilson seconded by Commissioner Collins-to approve resolution 2003-08 deleting the 1996 Crown Victoria Police vehicle ID #2FALP71W7TX101083 as surplus and only the 1996 Crown Victoria Police that was wrecked Vehicle #2FALP71W6TX187339 as being surplus was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Wescott Absent: None

(TOWN MANAGER'S AGENDA)

SUBJECT: Town Manager and Department Head reports. Mr. Skinner informed the Board he sent a certified letter to Marietta Trainor inquiring about the property she owns that is next to the Town Hall but has not received a response from her. The Board asked the status of the top piece for the Lighthouse and Mr. Skinner commented that he has tried repeatedly to contact the metal specialist, Mr. Jordan but has been unable to reach him. Mr. Skinner informed the architect and builder to explore other avenues for a fabricator for the cupola. Commissioner Wescott asked about using a local welder here and he stated he would make some inquiries.

(TOWN ATTORNEY'S AGENDA)

SUBJECT: Discussion and consideration of request from John Delucia for adjustments to the sewer assessment for Shallowbag Bay Club. In a letter to Town Manager Kermit Skinner, dated July 11, 2003 Mr. Delucia is requesting an adjustment for the final sewage allocation for Building #10 at Shallowbag Bay Club. When Mr. Rose paid the impact fee he was assessed 40 gallons per day per seat for a total of 3120 gallons per day for the 78 seat restaurant portion of the building. The Board of Commissioner's recently adopted a reduced seating assessment of 15 gpd/seat and since the building is still under construction the seating/sewage flow allocation is not currently being utilized. Town Attorney Daniel Khoury commented that legally the Town is not obligated to make any adjustment but technically it sounds like a reasonable request and legally the Town can make the adjustment if they choose to do so.

MOTION: Commissioner Wilson seconded by Commissioner Collins to adjust the sewer assessment for Shallowbag Bay Club Restaurant to 15gpd/seat was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Wescott. Absent: None.

Town Attorney Daniel Khoury also asked Mr. Rose the developer of Shallowbag Bay Club and who was present at the meeting that on building #10 he still has not seen any of the easements that are supposed to be with the drawing and the new easements that are supposed to be placed and a building permit will not be issued until that is all taken care of. Mr. Rose commented that he thinks they are still waiting for Jack Burrus's plans to be approved.

SUBJECT: Report on pending projects- Mr. Khoury commented that we do not have jurisdiction over the highway at midway to lower the speed limit to 45 mph. Mr. Khoury is also going to try to have the Board of Adjustment organizational meeting for Thursday, August 21st. Commissioner Wilson asked what are our options to try and get the speed limit at midway reduced. Mr. Khoury commented it is too late now but we could do a local act adopted by the legislature. Mr. Khoury is still working on the liquor by the drink and hopefully will have an answer by next meeting.

(FINANCE OFFICER'S AGENDA)

SUBJECT: Discussion and consideration of budget amendment #2 Overtime for the 4th of July, Public Works and Police Department.

MOTION: Commissioner Wilson seconded by Commissioner Collins to approve budget amendment #2 approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of Resolution 2003-07 Lease agreements for the purchase of a solid waste packer and police car. Commissioner Farrow commented he thought we were going to get bids from other brands of cars. Chief D'Ambra commented that Ford is the only company that makes a rear wheel drive police package.

MOTION: Commissioner Etheridge seconded by Commissioner Wilson to Resolution 2003-07 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of payment for dues and subscriptions. At the Board's Budget workshop even though the money has been budgeted, the Board has requested that all dues and subscriptions come before them for them to evaluate if the Town needs to belong to these organizations or pay subscription fees to various vendors. There are three invoices presented to the Board for their discussion which are: Membership fees for the Institute of Government for \$100.00; Subscription to the Outer Banks Sentinel newspaper for \$24.00; North Carolina Building Inspectors' Association membership for Planner Fred Featherstone for \$40.00. Finance Officer Twiddy commented that she received the annual renewal for the Coastland Times after the board packages went out for \$39.66. Commissioner Wescott commented that since we do advertising with the Coastland Times we should get it for free and would like staff to ask for a free subscription.

MOTION: Commissioner Wescott seconded by Commissioner Creef to pay \$100 for IOG and \$40.00 to the N.C. Building Inspectors Association and **not** the newspapers was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Report the Board requested with regards to the relocation of the Weather Tower. The Board had asked Ms. Twiddy to contact the NCDOT Marine Maintenance Facility in Manns

Harbor for their assistance in performing surface preparation for painting and recoating the structure. The Town would need to enter into a contracting arrangement with the facility and their current labor rate is \$21.50 per hour with additional charges for materials used by and charged to each project. The Town would be responsible for taking the tower to Manns Harbor and for dis-assembly and re-assembly of the tower.

SUBJECT: Discussion and consideration of the 4th of July banner. The banner has deteriorated so much that it is no longer usable. Town Clerk Becky Breiholz received estimates for a replacement banner ranging in \$1030 to \$1100. Commissioner Wescott commented he does not think we need it. Commissioner Collins commented to let Becky get prices and bring back to the Board for their consideration.

MOTION: Commissioner Wilson seconded by Commissioner Collins to authorize Becky to get a banner within the price range shown; Commissioner Wilson withdrew his **MOTION** and the **MOTION** was amended by Commissioner Collins seconded by Commissioner Wilson to authorize Becky to get estimates and bring back to the Board for possible budget amendment was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Commissioner Wescott. Absent: None

(OLD BUSINESS)

SUBJECT: Review of draft Manteo Plan Update -Commissioner Wilson commented that this is a preliminary draft of the draft the Board will have for the workshop. The reason the Board was given this at this early stage was to see if there is anything they want to change or add so that when the draft comes out for distribution it will represent any overall general term wishes. Commissioner Wilson would like the final draft to be put on the workshop agenda for discussion chapter by chapter of each of the components.

INFORMAL BOARD DISCUSSION

Commissioner Wescott asked about the dredging project and Mayor Tugwell commented he does not think anything will happen this year possibly next year. The Town needs to find out what needs to be dredged so that it can be put in John Sutherland's environmental assessment. The Board needs to meet with Mr. Sutherland and get specific about what needs to be dredged. Staff needs to approach marina owners, people that would have an interest to see if they would be interested in a cost share. Commissioner Wescott is still getting concerns from his patrons that they are not seeing the signs to Festival Park for parking, and suggests we paint it in the road. Commissioner Wilson commented that it is the in master plan to amend zoning for signs and to allow more or better public signage. A business owner asked Commissioner Wescott to request the Board consider adding more bathrooms at the waterfront at Budleigh Street in the parking lot. We have three bathrooms and it was commented we need better signage down on the waterfront not bathrooms. The Board discussed possibly putting up a kiosk.

Commissioner Farrow-would like something done about the loud noise from boom boxes and loud mufflers.

Commissioner Etheridge commented about the bad shape that Devon Street is in.

MOTION: Commissioner Wescott seconded by Commissioner Wilson to enter into closed session NCGS 143.318.11 (a) 3 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

Consult with Town Attorney possible nuisance abatement.

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

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Creef seconded by Commissioner Etheridge meeting was adjourned at 9:40 pm and approved by the following vote: Ayes: Commissioner Wilson, Wescott, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None.

This the 2nd day of August, 2003

Mayor Lee Tugwell

ATTEST:

Town Clerk Becky Breiholz