

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, October 1, 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
- Planner Fred Featherstone
- Police Chief-F. T. D'Ambra

Mayor Tugwell called the Regular meeting to order at 7:33 p.m. followed by a moment of silent meditation and the Pledge of Allegiance.

MOTION: Adoption of Agenda. Amend the agenda to add Resolution 2003-11 a requirement by FEMA to designate the applicants agent to apply for funds for Hurricane Isabel this will be added as item #12; move the Planning agenda after Public Comment.

MOTION: Commissioner Wilson seconded by Commissioner Creef to adopt 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 September 3, 2003

MOTION: Commissioner Collins seconded by Commissioner Farrow 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 Joint BOC & P&Z workshop Session September 15, 2003

MOTION: Commissioner Collins seconded by Commissioner Creef 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)

Melvin Jackson asked to speak when item 6B was discussed.

(PLANNERS AGENDA)

SUBJECT: Discussion and consideration of site plan review for Billy Maxwell. At the September 9, 2003 Planning Board meeting the site plan and conditional use application for Mr. Maxwell was reviewed. The Planning Board unanimously approved the site plan and conditional use with following condition: that some type of flooring or containment (non-permeable) be installed to protect the environment from spills or chemicals.

MOTION: Commissioner Wilson seconded by Commissioner Farrow to approve the site plan and conditional use as recommended by the Planning Board was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion and consideration of site plan for the Bill Fish Office at Pirates Cove. At the September 9, 2003 Planning Board meeting they reviewed the site plan and unanimously recommended approval with the following condition: that the lighting plan submitted is in compliance and for the buffer to allow them to use only magnolia, live oaks or anything else that is on the Town's approved list.

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

SUBJECT: Discussion and consideration of conditional use permit for Jack Burrus lot 1. The original site plan was sent back to the Planning Board when issues of the number of kitchens were raised by the BOC. The floor plan did not match the sewer calculations and the site plan indicated 3 two bedroom dwelling units and 6 one bedroom overnight rental units. The site contains 15, 237 square feet and per Section 7.03 there must be 5000 square feet per dwelling unit which would allow only three dwelling units. The means for managing the functions of rental or laundry were also unclear; the handicap parking space is not adequate for van accessible space. The Planning Board voted unanimously to NOT recommend approval of the site plan as presented to them. Mr. Featherstone explained about a mistake in distribution of the site plans and they were not included in the board package. Mr. Parker commented that there were several issues raised and there are three ways for overnight rental being permitted in our ordinances and that the issues that have been raised have been addressed but he would like the Planning Board to review the new plans submitted before they are approved. Ray Meekins Seaboard Survey spoke on behalf of the applicant and gave a brief history of the project: they originally submitted to P&Z all necessary documents required plus building plans which are not required and their position is that they were ignorant of the density requirements. It was submitted as 3 apartments and 6 overnight rentals on the site plan; the Planning Board gave them a list of modifications and they made those modifications. The Planning Board said nothing about the density issue; the site

plan is the operative document for submittal and they did what the Planning Board asked; it was submitted to the Board of Commissioners who sent it back to Planning Board, still having problems with the plans regarding the kitchens; the site plan was still consistent with the requirements, the building plans were just excess information and not traditionally asked for. They have done everything that has been asked for by the Planning Board.

MOTION: Commissioner Collins seconded by Commissioner Wescott to send the site plan back to the Planning Board and then be placed on the Board of Commissioner's October workshop as an action item was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

OLD BUSINESS

SUBJECT: Discussion and Consideration of dues and subscriptions. This is a policy established by the Board during the budget process that all dues and subscriptions get the Boards approval before they are paid.

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

SUBJECT: Discussion and Consideration of Manteo Cemetery additions. The Cemetery Board had requested that a survey and map of the new cemetery be done. Leo Green with Green Engineering has submitted a proposal for \$3,500 to prepare a map of the proposed additions suitable for recording. Melvin Jackson-resident of Manteo commented that he is against having a cemetery in his back yard and believes that a Public Hearing should be held so that people can know what is going on and voice their opinions. Mayor Tugwell commented that it could be put on his agenda for discussion at the workshop meeting and have staff notify all the adjacent property owners. Commissioner Farrow commented that it has been a designated cemetery for many years, even where Mr. Jackson lives, was part of the original cemetery. Commissioner Farrow also commented that the intention was to put a buffer of some type around the new cemetery. After discussion the Board had approved the expenditure of funds at a previous meeting for the survey and map and needs to further action. Commissioner Wilson commented that this property has been a cemetery for years and for the workshop to be a productive meeting discussion should be on the survey, the buffer and the fence not whether or not it is a cemetery.

(COMMISSIONER'S AGENDA)

SUBJECT: Discussion and consideration of including Roanoke Marshes Light in the Tri Party Agreement with Roanoke Island Commission and the N.C. Maritime Museum. Commissioner Wilson is asking the Board members to consider including the new facility in the agreement and if the Town provides the building perhaps the Roanoke Island Commission and the NC Maritime Museum would provide interpretive exhibits and take care of operations and programming. The Town could require a permanent exhibit panel about the history of the Town and reserve the right to provide visitor welcome and information services if the Board determines it appropriate. The Town Attorney would need to prepare the document. Mayor Tugwell

commented that since the boat house is included in the agreement and has been condemned by the storm and need to be rebuilt, the agreement might need to be changed with regards to long term maintenance of the facilities, duties and responsibilities from each party for each building. Commissioner Wilson commented that in the tri party agreement anyone can get out of the agreement with a six month written notice, so everyone has to be dedicated and giving for it to work. The Board discussed the funding and maintenance of the building and Commissioner Farrow commented that one of the goals of the Lighthouse committee is to raise funds to maintain the facility. Consensus of the Board to have Town Attorney draft an agreement and have ready for the other two agencies who meet in October, reserving the right for the Town to occupy a portion of the building.

SUBJECT: Discussion and consideration of adding text to Section 34-32 (h) unauthorized use of receptacles. Commissioner Wescott would like to put signs on the dumpsters that it would be a fine for unauthorized use of dumpsters. It was suggested that the fee be \$100.00. Town Attorney Daniel Khoury will work on the ordinance and bring back to the Board.

(TOWN MANAGER'S AGENDA)

SUBJECT: Discussion and consideration of a Rural Center Capital Improvement Plan Grant Application/Resolution. Cavanaugh and Associates would help prepare a 20 year Capital Improvements Plan for the Town for a \$40,000 grant. They would prepare a grant application requesting \$36,000 with a proposed cash match from the Town in the amount of \$4,000. If the Board would like for Cavanaugh to prepare the application at no cost to the Town it will take a formal action by the Commissioners including a commitment of the matching funds.

MOTION: Commissioner Creef seconded by Commissioner Farrow to allow Cavanaugh and Associates approval to proceed with grant application/resolution was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion of markings for the police vehicle. Chief D'Ambra presented the Board with a concept design for the police vehicles. This was a budgeted item. It was commented that our vehicles are not very reflective and could be made more visible. Commissioner Collins commented that it was a little flashy. Commissioner Wilson commented that he remembers when it used to be that way and they took a lot of the markings off the cars because they wanted it to look more like a small town community police force. Mayor Tugwell commented that he is hearing a consensus to leave it the way it is but would suggest that all of our new markings be done with the reflective material including the Towns other vehicles. The Board has no problem with placing the wording Police on the cars and the Town logo but not the red, or blue banner. Commissioner Wilson suggested that another design be brought to the Board with just the police wording added.

(TOWN ATTORNEY'S AGENDA)

SUBJECT: Report on pending projects-Town Attorney Daniel Khoury gave the Board of Commissioners a brief report on the duties of the Board of Adjustment who are a quasi-judicial board which means they are charged with the responsibility of administrating fair and partial hearings that are based upon rules of evidence and even though they are an informal board they are still held accountable to judging petitions that come before them in a very judicial manner. The Board of Adjustment has to understand the evidentiary rules of evidence and other procedures. The Board of Commissioners had asked him to spend some time with the Board of Adjustment and develop some workshops with them and to review their role. Mr. Khoury commented that it is going to take about 4 hours, two sessions; two hours each; .the first session was September 30th, which was postponed because not all members attended. In reviewing the list Mr. Khoury noticed that some of the members listed had not attended any meetings and have no interest to be a part of the Board of Adjustment. Mr. Khoury commented before we go forward the Board of Commissioner might want to look at the composition of the present Board of Adjustment and maybe make some changes. He would like to encourage the Board at their mid month meeting to review the list of Board of Adjustment members and determine their level of commitment and possibly make changes. The Board requested a list of members and their attendance and to put this on the agenda for the mid month workshop.

SUBJECT: Discussion and consideration of Resolution 2003-11. This is a requirement by FEMA to designate the applicants agent to apply for funds for Hurricane Isabel

MOTION: Commissioner Wescott seconded by Commissioner Collins to designate Shannon Twiddy as the applicants agent was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

(INFORMAL BOARD DISCUSSION)

Mayor Tugwell commented about the good work the Town employees have done removing debris from Hurricane Isabel. He informed that Board that he entered into an inter-local agreement with Dare County who are using Crowder Gulf for debris removal, which would free up town employees to resume regular duties.

Commissioner Collins- Simon Street is a very narrow street and there are a lot of big trucks traveling that road and asked if a sign could be put up not allowing trucks on that street. Chief D'Ambra was working on a truck route and will present the Board several options. The storm did damage to the Tot Lot and she asked if that was covered by insurance and Mr. Skinner commented that we will be reimbursed by FEMA. Commissioner Collins commented the Board had previously discussed installing new sidewalks in Manteo and they were given a list of new sidewalk construction and would like the Board to discuss this at their October workshop session so that they can start the project. The Board would also like the expected amount the Town will receive from the Powell Bill and a cost estimate for lineal feet to include curb and gutters.

Commissioner Wescott-would like the Board to consider at the next budget session a commercial ice machine and a generator big enough to operate the town's facilities. Mayor Tugwell commented we probably need a fixed generator at the lift station downtown and possibly another portable one.

Commissioner Etheridge-commented that the day before the hurricane his son-in-law took his ATV to the cemetery to park it on higher ground and later that day he went by the cemetery and the ATV was gone. He then called the Police Department and no one answered so Commissioner Etheridge gave him the cell phone numbers that he received by fax earlier that day that included the entire police department and his son-in law called all the numbers and no one answered. Commissioner Etheridge did say Detective Burroughs called him back but he was busy. His son-in-law then came by the Town Hall and the entire police department was outside grilling hamburgers and steaks. He then spoke to Chief D'Ambra who he said commented that they were tired and been working since 5:00 that morning and they didn't have time to respond to a call like that, Sam Ball overheard the conversation and said he would help and eventually they found out who took the vehicle. Commissioner Etheridge commented he has yet to receive an apology from anyone. Town Manager Kermit Skinner apologized, and commented this was the first he heard of it and get Commissioner Etheridge an explanation.

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 meeting was adjourned at 9:35 pm and approved by the following vote: Ayes: Commissioner Wilson, Wescott, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None.

This the 1st day of October 2003

Mayor Lee Tugwell

ATTEST:

Town Clerk Becky Breiholz