

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room November 2, 2005 at 7:30 p.m.

The following members were present: Mayor John Wilson, IV
Commissioner Dellerva Collins
Commissioner David Farrow
Commissioner Edward Etheridge
Commissioner H.A. Creef, Jr.
Commissioner Lee Tugwell

The following member(s) were absent:

Also present at the meeting were: Town Manager Kermit Skinner
Finance Officer- Shannon Twiddy
Town Clerk-Becky Breiholz
Planner- Erin Burke
Building Inspector-Johnny Boniface
Chief F. T. D'Ambra

Mayor Wilson called the meeting to order at 7:30 p.m. followed by the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended. Town Manager Kermit Skinner asked that the agenda be amended to add Item D a request from Heather Maxwell for a possible amendment to the fee schedule for planning board and building permits for the proposed construction of Pirates Cove Tournament Pavilion.

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

SUBJECT: Adoption of the items on the Consent Agenda.

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

SUBJECT: Approval of Minutes from Regular October 5, 2005 meeting

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve the minutes of October 5, 2005 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell and Creef. Noes: none Absent: None

SUBJECT: Approval of Minutes from recessed October 12, 2005

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve the October 12, 2005 minutes was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell and Creef. Noes: none. Absent: None

SUBJECT: Approval of Minutes from the Public Hearing meeting October 19, 2005

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve the October 12, 2005 minutes was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell and Creef. Noes: none. Absent: None

SUBJECT: Dues and Subscriptions NC Building Inspectors Association \$105.00

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve NC Building Inspector Association was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell and Creef. Noes: none. Absent: None

SUBJECT: Dues and Subscriptions NC Resort Towns \$100.00

MOTION: Commissioner Etheridge seconded by Commissioner Creef to approve NC Resort Towns was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell and Creef. Noes: none. Absent: None

PUBLIC COMMENTS –

John Robbins-Mother Vineyard and here on behalf of Skyco Development and to present the proposed plan of their property in Skyco. He wanted to clarify to the Board and the community what their intentions are for that area. It will include 50 single family residential lots with on site septic which has been filed with the county and is consistent with the county. He also stated that there will be no condos.

Johnny Robbins-Skyco-concerned about a lot of misinformation being put out as fact, and read a letter from Joann Baum Clift that was in the paper. He wanted to speak about her letter and in the letter she wrote that a little over 2 years ago Skyco Development Company requested satellite annexation from Manteo for a 17 acre tract in Skyco, the fact is the Skyco Development Company has never requested water and sewer, the 17 acre tract she alludes to is actually 42 acre tract behind the visitor center and adjoins her property at the end of Skyco Road. The property has about 20 acres of upland and the Collins family had dreamed to develop that property and they requested annexation but he does not believe that they fully had that request completed and they withdrew that request. He brought the Board up to date on the property they created a subdivision which has 5 lots at the end of the Toler Road, gave land to the State, NCDOT so that they could extend the pavement and build a cul de sac; the remaining 15.2 acres of upland were sold to the State to be administered by the Wildlife Resources Commission as part of the Roanoke Island Greenway. He stated that the dream of clients does not include what Ms. Clift states as 390 condos; 340 multi family units and this is not true.

Bill Daniel- Mother Vineyard and owner of Manteo Furniture-he talked about the 50% destruction of a building has quite an affect on insurance polices in Town, not just the

building, place of business but homes too. Someone lost 60% of his property and was told his insurance would not pay because his house was non-conforming. He contacted his insurance company for Manteo Furniture and gave the Board a hand out that he can purchase for \$3,060 that will supposedly remedy this situation. He thinks it should be a courtesy of the Town to alert every structure owner in Manteo that this could apply to them. Buying that amendment to his policy the insurance policy he now has would pay for a partial loss of the business; if we can't build it back they would also pay for the demolition of the building and would be the same situation for everyone in Manteo and wanted to bring it to the Board's attention.

(TOWN MANAGER AGENDA)

SUBJECT: Discussion of amending the Franchise Agreement with Charter Cable adding Cable TV Franchise Tax. Finance Officer Shannon Twiddy commented that the General Assembly will collect 7% user tax/fee after January 1, 2006 if this amendment is approved the Town would be able to retain 5% of the 7% collected. The user will have to pay a user tax/fee of 7% whether or not the Town approves the amendment. Ms. Twiddy read the proposed text amendment which will be included in the minutes and asked the Board that they place this on the December agenda to be read again and then a motion will be needed to accept the amendment.

Malcolm Fearing wished to speak on the Salty Dawg agenda item. He is not opposed to the project, but has problems that this project is not right for permitting; and pointed out various discrepancies that he thinks has not been done. He stated the 4 party agreement states under condition 1, "before a permit may be issued a legally binding four party agreement among the developers, town, county and the state Department of Transportation be executed," in that it says "an agreement by NCDOT to extend Uppowoc and Grenville Street," he believes this has not been done and believes that is one reason they should not take action; 2) The Roanoke Island Corridor travels down this route and the NC General Statute 143(b) 2 states no commercial, residential driveway, curb cut shall be installed nor any property be developed until the Commissioner's approve the site plan, that's the law, also Section .0200 that a certificate of appropriateness must be secured just like what was imposed on Manteo Middle School; 3) under the application for the conditional use permit it says under F, " upon the BOC approval of the conditional use permit shall be signed by the Mayor, by the applicant, Town Attorney and fully executed and recorded in the Office of the Register of Deeds," he does not think this has been done; 4) under Section 16.02 , which are the law of the Town, subdivision of land, that plat was a sketch plan which was done but what has not been done is the submission of a final plat and read Section 16.03 (b) and he submits this has not been done, he also read (d) Installation of improvements, all roads have to be put in as well as the utilities which he stated has not been done. Mr. Fearing also referred to Section 10.05 which is the criminal penalties. The last thing he brought up was the site plan check list and he submits that there are items on the list that are not complete. He is not trying to stop the project but to make this project comply with the laws and rules of the Town.

SUBJECT: Site Plan review Building #13 Salty Dawg Development. Building 13 is one of two ten unit condominium Units. The parking associated with this building is 15 spaces, see phase 1 Development parking Calculations for more details. The lighting

fixtures associated with this use will be uniform throughout the development. The fixture is a cut off fixture and complies with the ordinance. Staff has some concerns with the drive isle to the east of the building, the width of the paved surface and the angle may not allow for two vehicles to pass safely. At the Planning Board meeting it was explained by the developer and engineer that this drive aisle was one way and not properly marked on the site plan. The Planning Board and staff recommend approval with the following conditions: The HVAC units shall be shielded so they are not visible from the surrounding area; the location of all dumpster pads must be approved by the Public Works Director. Erin Burke Planner gave a power point presentation of the two buildings and read her narrative. She also stated that the developer must furnish the Town with the following prior to the issuance of any building permits: 1) final master plan reflecting the conditions as stated in the April 2004 meeting; 2) final plans reflecting any conditions that may be placed on buildings 13 and 14 at this meeting; 3) signed easements for the boardwalk/park area along the waterfront and access easements for the streets that are being privately maintained; 4) the utility plans are to be approved by the Town's engineer. Commissioner Creef asked "the building permit will not be issued until the whole site plan is approved?" Ms. Burke commented yes. Commissioner Etheridge asked if there is any space provided for children to play and Ms. Burke responded that one of the conditions placed April 2004 was a playground on the property. Commissioner Tugwell had questions and commented that he does not know what we are approving, and why we are approving a single building. Ms Burke commented one of the conditions the Board placed is that site specific plans must be returned to the Board for their review and approval. Commissioner Tugwell commented we seen a sketch plan, a preliminary plan do we have a master plan? Mayor Wilson commented that we had a master plan upon which we issued a conditional use permit and directed them to bring back a master plan reflecting all of the conditions. Commissioner Tugwell asked if we had a master plan to reflect all the conditions that is sealed. Ms. Burke commented one of the conditions she listed is prior to issuance of any building permits we have a final master plan reflecting the conditions placed. Commissioner Tugwell what he expected was a Master Plan that reflected all the conditions that we would approve that master plan with regards to number of units and on the plan tonight he has a 21.46 acre parcel land that is not sealed and no dimensions he would expect that the plan clearly delineated the area that was dedicated to the group development and this is not how we have done it in the past and would like to see the whole thing laid out. Mayor Wilson commented it was approved as a subdivision and as a group development and there is a clear line of delineation between the subdivision single family lots to be deeded out and the group development which is all the rest of it, but the hotel is a defined parcel for purposes of density calculation and is not an out parcel of land that can be sold separately because the parking for that is all part of the group development, the hotel can be sold like a condominium but it is not an out parcel which a person could buy and build the rooms. Mayor Wilson asked that if the Board would be more comfortable having the master plan before they take action on building 13 then we can ask the developer to provide it for there mid month meeting. Commissioner Tugwell would like to see the easement agreement that guarantees that the group development is going to maintain the road but also gives those owners of the single family lots the right to use that road. There was no objection from the Board so this item was postponed to the mid month meeting and Sean Boyle the project engineer commented that he could probably get it to the Board a day before the meeting. Sean Boyle also gave the board an update on the utilities. Mayor Wilson also commented that everyone understands that even if a building is approved

before a building permit can be issued all the requirements of the conditional use permit have to be met.

SUBJECT: Site Plan review Building #14 Salty Dawg Development. Building 14 is one of two ten unit condominium Units. The parking associated with this building is 15 spaces, see phase 1 Development parking Calculations for more details. The lighting fixtures associated with this use will be uniform throughout the development. The fixture is a cut off fixture and complies with the ordinance. The Planning Board and staff recommend approval with the following conditions: The HVAC units shall be shielded so they are not visible from the surrounding area; the location of all dumpster pads must be approved by the Public Works Director. This was also postponed until the workshop meeting next week.

SUBJECT: A request from Heather Maxwell for an amended fee schedule for planning board and building permits fees for the proposed construction of Pirates Cove Tournament Pavilion. Mr. Skinner commented that we don't have a precedent and if they want to amend the fee schedule a public hearing will need to be held because it is part of the ordinance. Ms. Maxwell commented that they are a non profit organization and donated funds to Dare County and bring in millions of revenue. The building is pilings with an A frame roof, and the permits are going to cost her about 10% of her budget, and being that it is not a heated space she would like the Boards consideration of reduction of fees. Commissioner Tugwell asked to be excused from the discussion of this item since he is employed by Glen Futrell developer of Pirates Cove. Commissioner Collins asked that if we do it for one non profit organization they all will want to ask for exemption and Commissioner Farrow agreed. Commissioner Creef thinks the fees should be paid.

MOTION: Commissioner Creef seconded by Commissioner Etheridge to excuse Commissioner Tugwell from the discussion of this topic was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins and Creef. Noes: None. Absent: None. Excused: Commissioner Tugwell

MOTION: Commissioner Creef seconded by Commissioner Farrow to keep the fees as they are was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins and Creef. Noes: None. Absent: None. Excused: Commissioner Tugwell

A 5 minute recess was taken at 8:25 pm

Mayor Wilson asked Town Attorney Daniel Khoury to take the letter and information about the insurance and questions raised tonight that Bill Daniels presented to the Board and review it and talk to the insurance commission to make sure we have a full understanding of what it means and take whatever corrective measures that need to be taken.

(OLD BUSINESS)

SUBJECT: Cemetery Report-in the Manager's report

SUBJECT; Report Lucy's Corner/4 corners-Report Cook House Pea Island – waiting

for the cost estimate of the move of the cook house.

SUBJECT: Report Roanoke Transportation Plan and Way Finding- nothing has changed.

SUBJECT: Report Green Engineering on various Town projects-The Board decided to discuss the water and sewer report that they requested next Wednesday afternoon. The report on the sidewalks does the Board want to start scheduling replacement of all sidewalks or patch the holes that are there; consensus of the Board to patch sidewalks. Ms. Twiddy asked that areas outside of those small utility cuts some in the direction of 5 or 10 feet north and south really need to be fixed as well, and she is asking for permission to use discretion to go beyond the patching, consensus of the Board was to take care of that too if we have the funds.

SUBJECT: Report Wireless internet-still in process

SUBJECT: Report Special Events- planning for the Christmas celebration and Commissioner Collins has someone who wants to be a member of the committee and consensus of the Board to have Town Clerk write a letter to Amanda Montabon appointing her to the committee.

SUBJECT: Report Cartwright Park signage- Signs have been installed and it is done now.

SUBJECT: Report on grants: Clean Water Trust Fund Grant- moving along Tourist Bureau grant-Boat ramp enhancement – still waiting on the CAMA permit

COMMISSIONERS' AGENDA

Commissioner Tugwell-commented on how nice the weather tower looks.

Commissioner Farrow-commented Charles Quidley on his corner by his house is a large pecan tree and looks to be in the right way and afraid it is going to blow over on his house and asked if we couldn't cut it down or at least trim it. Mayor asked that the Town Manager investigate and report back to the Board

Commissioner Collins-commented about the cuts in the streets and something needs to be placed around them so people can be warned. Also she commented about a junk yard on Sir Walter Raleigh and would like something done about it. Mr. Skinner will investigate both problems.

Commissioner Etheridge commented about the Creef house and it's a shame to let that house go down and wants to know if there is something the Board could do to preserve it.

Mayor asked if the Board they wanted to repeat the Christmas party they was done last year for the volunteers and entertainers; he will provide the drinks if the town provides the food, there was no objections. On November 10th IBM and Vital Source and the kids and their parents who have received laptops have been invited for a pizza party and follow up of their using the computers.

A motion by Commissioner Collins seconded by Commissioner Etheridge the meeting was recessed at 8:50 pm until next Wednesday, November 9, 2005 at 4:00 p.m. for the workshop session and department head reports was approved by the following vote: Ayes: Commissioner Collins, Farrow, Etheridge, Tugwell and Creef. Noes: None. Absent: None. Excused: Commissioner Tugwell

This 2nd day of November 2005.

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz