

MINUTES

The Town of Manteo Board of Commissioners held their Workshop session in the Manteo Town Hall meeting room, October 15, at 7:00 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
Planner-Fred Featherstone
Chief of Police F.T. D'Ambra
Planning Chair Bill Parker

Mayor Tugwell called the workshop meeting to order at 7:05 P.M.

SUBJECT: Adoption of agenda as presented or amended to add discussion and consideration of Tri Party Agreement with Roanoke Island Commission and North Carolina Maritime Museum as Item I for possible action. Commissioner Farrow would like to move Item D to C

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

SUBJECT: Discussion and consideration of site plan Jack Burrus Lot 1. This item was referred back to the Planning Board meeting of October 14, 2003 because changes that needed to be made to the site plan. Chairman Bill Parker gave the Board a review of the Planning Board recommendations. After review from the Planning Board they recommend: 1) Perpetual and mutual easements and conditional uses (first floor retail and office, second floor and third floors, three two story apartments and six hotel rooms) to be recorded as required by the Town Attorney; 2) planted parking lot buffer in compliance with Sec. 4.01 along front of property to within 15 feet of drive; 3) maintain buffer along west side of property. Commissioner Wescott asked if they were using cans or dumpsters and the size of the trash slab and it was commented 7 x 8. The Board discussed a fourth condition that the trash site is approved by the Public Works Department. Condition #3 was discussed and Mayor Tugwell asked if they were to maintain the buffer in compliance with Section 4.01 and Planning Chairman Parker commented to maintain it in its present state. Mayor Tugwell also commented that the west side is actually the street side

and Chairman Parker commented that it needs to be changed to maintain the buffer on the north side.

MOTION: Commissioner Wilson seconded by Commissioner Creef to approve the site plan as recommended by the Planning Board; upon sign off of Town Attorney; and as amended with a fourth condition that trash receptacles satisfy the Public Works Department was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

SUBJECT: Discussion of development of Manteo Cemetery with adjacent property owners. This agenda item was placed on the agenda after concerns from some property owners with regards to buffers and such.

Melvin Jackson-Manteo resident; whose property is adjacent to the cemetery commented he is against the cemetery being there.

Angel Khoury-Manteo; not an adjacent property owner, but knows how hard the board has worked to plan the cemetery. Previous Boards had this property platted in the 40's as a cemetery and admire their forethought.

Terry McDowell-Manteo does not understand why we are discussing because it is a cemetery and all that should be considered is a proper buffer.

Cary Vrablic-Manteo; she is an adjacent property owner and the question she has is how many plots are there for grave site and what kind of buffer they plan to put there. She is also concerned that the fill that will be put in the cemetery will cause more flooding to her property when it rains.

Betty Mann-Chairman of the Cemetery Board went ahead and gave her report and commented that it will have to be graded and does not see any large amount of fill; it will have to have some. Mr. Featherstone will inquire and get estimates for fill and they should know by next meeting the cost. She does not know the amount of lots but it is a large number. The road name has been changed back to Cemetery Lane and the Board had voted to put brick columns around both cemeteries and will start in two weeks, they voted to have Leo Green give a price on plotting and doing the markers in the cemetery. They will start on the new markers in a few weeks; two across the front and three across the back. Mr. Green should have that done by the end of the month. Ms. Mann commented that it is a disgrace and shame for whoever is going on the Manteo cemetery property-she asked the Board to go look at it; there are trees that had to be brought in with long bedded trucks and there is a huge stump that has been dumped, and an ice box. They have asked Mr. Featherstone to put no trespassing signs on the property. The Cemetery Board has not met on the buffer yet, and everything that has been asked to be done has been budgeted except what will tie the brick columns together. Ms. Mann commented that it is a cemetery, and always had been and is she also commented that no one on the Cemetery committee has been notified about this meeting. Commissioner Etheridge asked when someone could buy plots for the new portion of the cemetery and Ms. Mann commented as soon as Mr. Green gets done with

the plotting and marking and should not be much longer and that there are people waiting to get them.

Sheila Tucker-adjacent property owner thanked the cemetery committee for allowing some trees to remain and understands they are going to do some planting and as far as she is concerned it is a cemetery and has been and happy to live adjacent to it.

Frank White lives outside Manteo and commented he is waiting for the new portion of the cemetery to open so that he can buy plots.

Martha Worrell-adjacent property owner to the old cemetery and she likes the new brick fence better than the chain link and would like another brick buffer to go on the other side of the cemetery for the flow.

Mac Basnight-adjacent property owner likes the brick fence and would like to suggest bronze flush mounted markers.

Commissioner Farrow commented about the columns and stated that the columns they plan to put up are going to be like the columns at the old cemetery 4 feet high; except at the entrance which will be 8 feet high; hoping that some day they can put the name Manteo Cemetery on them. Mayor Tugwell also commented he likes the brick fence and will definitely look better than a chain fence. Commissioner Wilson supports the idea of the brick fencing, but would like the Board to be cautious of the grading and not to allow the drainage to go on other property and that it is drained towards the road.

SUBJECT: Discussion and consideration of request for funds from the Special Events Committee for the Town's proposed Community Christmas. The Special Events Committee is asking for \$1200 to help fund a concert and travel expenses for bands from out of town. Mr. White Special Events Committee Chair gave the Board an overview of the annual Christmas event. They plan to have a Community Christmas on December 5 and 6. They will start after the stores have closed; he is hoping that the businesses might stay open. There will be singers from all churches on Roanoke Island with a Town crier starting at Centura Bank towards the Manteo waterfront. They will be broadcasting live on a radio station and also a TV station. The activities will last about 15 minutes. They will have a lighted celebration of the centuries and are also asking the Boats to come with lights. The parade will begin at 10:00 a.m. and that afternoon at 2:00 p.m. there will a concert at Pioneer Theatre and possibly at 1:00 p.m. have Santa visit with children at the Town Hall. They need \$1200 to pay for some of the expenses and asking the Board to amend the budget. Mr. White asked that Mayor Lee Tugwell be the Grand Marshall of the Parade and give a speech on Friday night. The Board of Commissioners will be the official reviewing board at the parade. Commissioner Collins commented that the \$1200 is already in the budget so no action will be needed. Commissioner Etheridge commented that maybe they could give them some funds later on.

SUBJECT: Discussion and review of Board of Adjustment members as recommended by the Town Attorney at the regular October 1st meeting. Commissioner Farrow thought we had a policy if they miss two or more meetings. Commissioner Wilson commented possibly asking those on the Board of Adjustment if they still want to continue and if they are willing to be

committed to serve. Town Manager Kermit Skinner is to contact each member and then will report back to the Board. This item will be placed on next months agenda under Old Business.

SUBJECT: Discussion of new sidewalk construction. Commissioner Collins commented that the previous survey on sidewalks was included in the Board package. There was also a request from residents on Dora Drive for a sidewalk on Ananias Dare connecting Dora Drive to the existing sidewalk on Route 64. Commissioner Wescott commented about this request stating that in Roanoke Village some of that property is not in Town and can we put a sidewalk on properties not in Town. Mayor Tugwell commented that the sidewalk list was previously done in February 2001 and the Board might want to consider doing another list. Mayor Tugwell also commented that we can use Powell Bill funds for sidewalks and Ms. Twiddy commented that there is approximately \$124,000 in Powell Bill money. Mayor Tugwell commented we would probably have enough to do 3,000 feet of sidewalk 5 feet wide at \$8.00 a foot which could be more or less. Planning Chairman Parker commented he was asked to pass along the need for a sidewalk on Fernando just beyond John Silver Studio and those storefronts. Betty Blanchard walks quite a lot and asked who is responsible for repairing the brick sidewalk in front of the coffeehouse on Sir Walter Raleigh as it is very treacherous. Discussion came up about repairing sidewalks and many of the sidewalks are on private property. Mayor Tugwell commented when we get into repairing we have the same problem; many of the sidewalks are on private property. We have a sidewalk standard which we repair by; some people on private property have brick pavers and the Town at this time is not prepared to spend \$15-20 per square foot to repair brick pavers on private property; some property owners are reluctant to have the Town take up the bricks and put down exposed aggregate. Many of the property lines go to the street, and then we have the issue of expending public funds to improve private property. The Board discussed having property owners giving the Town an easement; what portions the Town owned; having the owners fix their sidewalks and if they didn't then the Town would fix and then assess the property owner the cost. Ms. Twiddy commented that Powell Bill money is for new construction only. Commissioner Collins suggested starting the new sidewalk project at Bideford from Sir Walter Raleigh to Fernando on the east side and then on to Simon. The Board asked Town Manager Kermit Skinner to get estimates with and without curb and guttering. Sir Walter Raleigh Street was discussed again and Commissioner Wilson commented the Town owns the sidewalk from the wooden post at the driveway to the corner of Queen Elizabeth and does not own the sidewalks from the wooden post back to the street by Charles's building. The Board also asked for an estimate to repair that length of sidewalk. Mayor Tugwell commented we need to fix what sidewalks are ours and cause property owners to fix what is theirs.

SUBJECT: Discussion of water and sewer disposal contract with A&A Atlantic-Commissioner Farrow commented "over the years he has had some questions about this;" "and in 2000 I started getting some things together pertaining to it and finding out what they charge at other places," "the whole story is I think it is time that the Town found out what other areas in the eastern part of North Carolina are charging for these same services and try to work something out accordingly, not to charge them more maybe charge them less." "I don't know how it would work but we should have a set pattern here," "where all the rest of them have to go to the sewage plant and discharge, why shouldn't we have to; we should not be no different; we should have a pattern set that if somebody else wants to come here and go in that same business they have something to go by, not say so and so does this or so and so does that." "I feel like we should

have the Manager and Attorney check into other areas of what they charge per gallons or per load and where they do it and Manteo get uniform in it too, right now I don't think personally that we are and a lot of people that have talked to me over the years don't feel so either." "I have been on this Board going on six years and nothing has ever come before this Board about how much to charge, where to dump, anything." "I think it came on the Board, when you were on the Board Bill, 86, 87 something like that." "I mean Daniels name is listed." "Anyway I would just like I probably make it in the form of a motion to have the Town Manager and Attorney look into what other areas are doing and draw up a contract or whatever type of paper we may need for Mr. Wescott and from what I read his permit expires the last day of December, so I hope we can get all this together before then and if not I hope we can allow him an extension until we can get everything figured out." "This is not something that just come up prior to election because I have papers to prove that I was investigating or asking questions of the Town Manager in 2000, April of 2000, and not anywhere near election time." Mayor Tugwell asked Town Manager Kermit Skinner what the present arrangements are. Town Manager Kermit Skinner commented that Commissioner Wescott has an agreement with the State of North Carolina to dump into our system which is signed off by our Water and Sewer Director and pays a flat monthly rate. Commissioner Wescott commented that "they pay water and sewer on the water they use and then they pay institutional rate of what they dispose of which is 4 times more than residential and when we are in Elizabeth City we pay commercial rates." Commissioner Farrow asked "how many toilets do you have?" Commissioner Wescott responded; "approximately 300-400." Commissioner Farrow "you pay how much a month?" Commissioner Wescott commented he didn't know, and Commissioner Farrow replied "\$126.35". Commissioner Wescott then asked if this was public information and Commissioner Farrow commented it should be public. Mayor Tugwell commented it was his understanding that billing records are proprietary information and a person's water bill and sewer bill is privileged information and cannot be divulged or discussed without the permission of the account holder Finance Officer Ms. Twiddy commented it can be released to the account holder upon request but cannot be released to the press or another person without permission. Commissioner Farrow commented "that it was in the past minutes what they are charged \$12.50 or something, and are in the 1988 or 1986 minutes and hasn't been changed." "There have been questions about this 86, 87, 88, 89 right on down and I didn't want to bring that all up here now, "I just wanted the Manager and the Attorney to go through what other towns are charging." Mayor Tugwell commented that "what he is trying to do is find out what the present arrangement is that the Town has with Commissioner Wescott. Mayor Tugwell reminded everyone about the conflict of interest and is not asking Commissioner Wescott to debate the issue but to merely tell us what the arrangement is, and should be a matter of public knowledge and our Town Manager and staff should know what that arrangement is. Commissioner Wescott commented that originally the Plant was down at the waterfront and they emptied at the manhole by the plant on the waterfront until complaints from the businesses on the waterfront so they were allowed to dump at other places, they pay institutional rates on the estimated amount and they keep a record for the state what they dispose of, and that is what we use for our figures. The annual gallon is divided by 12 and they pay the monthly bill, plus they pay water and sewer rates on the water they use. Commissioner Farrow read the minutes from July 1987 "Stewart Wescott has the approval of the Board to dump porta potties, etc." "Then we go to July 88 it has been suggested that the dumping by Company be supervised by Frank Stacho or employees by pre arrangement." "Commissioner Burrus reported that it cost \$3.05 per thousand gallons to treat sewage"; "double AA Atlantic Sewage is paying 12.50 for treating

3,000 gallons. Commissioner Burrus made the motion seconded by Commissioner Granitski that AA be charged the commercial rate \$12.50 times 2 for being out of Town. "Frank Stacho should be notified of any dumping, that the dumping be at the plant only, that charges be for full tanks whether they are actually full or not and that this is subject to change after investigation made on what other municipalities are charging for like services." "That is what I am asking for, I can't find anything here where it was done, as far as I know they are still going by the 87, we are going into a lot of detail that I didn't want to go into, I just wanted the Manager and Attorney to check it out." Mayor Tugwell commented that it sounds to him like an arrangement made by a motion and it sounds like the arrangement hasn't been adhered to, so who is remiss the applicant or the Town. Commissioner Farrow "both and have been for 16 or 17 years, and we need something to go by and not let the Sentinel or other paper come here and ask questions and no one know the answer to." "What I understand is Butch has been signing a permit and nobody here knows who is doing what." "This Board surely doesn't know what's happening with this operation." "It has never before come up in detail." "It says that the dumping be at the plant only." Commissioner Farrow: "I would like the Manager and Town Attorney to get together, find out what other areas are charging, where they are dumping and make a contract, permit or whatever for a year." "I looked at the DENR'S permit and on that it states that sewage will be pumped out at the plant, it doesn't mention a manhole or a pipe somewhere, it says at the plant." Commissioner Wescott-"I don't believe that is what it says." Commissioner Farrow-"I think it does, it says item one and that was it, I thought I had it with me." Commissioner Wescott-"I think it says in the plant." Commissioner Farrow-"this one from the Town says the dumping be at the plant only." Commissioner Wescott-"that was when it was downtown." Commissioner Farrow-"it doesn't say where it was." Commissioner Wescott-"there were some problems with some people at the waterfront complex." Commissioner Farrow-"then you went over here and there was a problem there too, because I got a lot of complaints and I'm sure everybody on this Board did." Commissioner Wescott-"did anybody else get complaints?" Commissioner Collins-"yes I did and I brought that up two years ago." Commissioner Wescott "we resolved it." Commissioner Farrow-"how do we know how much is going in there, do we meter it." Commissioner Wescott-"the trucks, we know how much the trucks hold." Commissioner Farrow-"most places charge by the load a piece of the load is a full load ever how many gallons that vehicle holds." "If it holds 400 you take a 100, you pay for 400." Commissioner Farrow "got this yesterday-Finley Ohio charges \$35.00 for 500 gallons; Elizabeth City 10 cent per gallon dumped at plant for three months to get monthly average then charge on the average; Raleigh gets \$65.00 per 1,000 gallons dumped at receiving station at waste water treatment plant." "Now in 2000 Elizabeth City was getting \$30.00 administration fee per dump; \$20.00 per thousand gallons; \$37.00 testing the dump." Rocky Mount-\$100 monthly flat fee if they dump during that month; Greenville \$25.00 per thousand gallons; and that is what I'd like for the Manager and Attorney to do, look at places in North Carolina charge. Commissioner Etheridge commented that he thinks the Town would be better off "if we have some type of meter set up at the plant where Stuart can run out there and dump his stuff, then there won't be any question about it and the fairest way to do it." Consensus of the Board to have Town Manager and Town Attorney to investigate other towns and find out their fee charges and dumping arrangements so that Manteo can establish a standard rate.

SUBJECT: Discussion and consideration of conflict of interest policy. The Town has applied and been awarded a grant of \$40,000 from the NC Rural Center for Sanitary Sewer Evaluation Study and the grant is contingent upon receiving written confirmation from the Town verifying the Town has received a commitment for the other funds necessary to undertake this project. The Town must provide to the Rural Center an updated project schedule; updated project budget and conflict of interest statement policy.

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

SUBJECT: Discussion and consideration of Tri Party Agreement. The Board requested that a new Tri Party Agreement be drawn up by the Town Attorney. Town Attorney Daniel Khoury has done an addendum to the Memorandum of Agreement to include the use of the Roanoke Marshes Lighthouse. The Board discussed the term dock-master in Section C of the contract and it was thought that it should be broadened to state a Town Employee and include a space upstairs be made available for the Town use.

MOTION: Commissioner Wilson seconded by Commissioner Creef to amend paragraph C to refer to an employee rather than a dock master of the town docks and that we refer to the upstairs area for that administrative use, adopt and send Roanoke Island Commission and NC Maritime Museum was approved by the following vote: Ayes: Commissioners Farrow, Collins, Etheridge, Wilson, and Creef. Noes: Commissioner Wescott Absent: none

INFORMAL BOARD DISCUSSION

Commissioner Wescott asked about the catch basins being cleaned or maybe they needed to be cleaned again.

Commissioner Etheridge commented that he thinks Manteo should be tied into to the Wright Brother Celebration since the message was telegraphed to the outside world about the first flight, from the house where Alpheis Drinkwater lived in Manteo and possibly having a plaque put up somewhere. Commissioner Wilson commented that we will not get state support because historians disagree on whether or not he really did it and whether he did it from Kill Devil Hills or Virginia. Commissioner Wilson suggested we to something as a Town to call attention to Mr. Drinkwater and his contributions and that this was his home. Town Manager Kermit Skinner to contact the newspapers and have them write an article about the Manteo connection.

Mayor Tugwell would like to drop his weather tower and have the Board consider a budget amendment for the remaining funds to be given to the cemetery board for their brick fence to be considered at the next meeting.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Etheridge seconded by Commissioner Wilson meeting was adjourned at 9:10 p.m. and approved by the following vote: Ayes: Commissioner Wilson, Wescott, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None.

This the 15th day of October 2003

ATTEST:

Town Clerk Becky Breiholz

Mayor Lee Tugwell