

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, March 1, 2006 at 7:30 p.m.

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

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 Erin Burke
Planning Board Chair Bill Parker

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

SUBJECT: Adoption of agenda as presented or amended-Mayor Wilson amended the agenda to add a closed session NCGS 143.318.11 A5 acquisition of property and delete F under #4.

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

SUBJECT: Consent Agenda

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

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve the minutes of February 1, 2006 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins, Fry and Creef. Noes: None Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve the minutes of February 8, 2006 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins, Fry and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve the correction to the January 4, 2006 minutes regarding the voting of Commissioner Fry who voted for Gus Granitzki for the Board of Adjustment was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins, Fry and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve application for a Wellness Grant was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins, Fry and Creef. Noes: None. Absent: None

MOTION: Commissioner Tugwell seconded by Commissioner Collins to approve dues and subscription \$25.00 for the NC Maritime History Council was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Collins, Fry and Creef. Noes: None. Absent: None

PUBLIC COMMENTS

Michael Steiner lives at 313 Fernando Street, and lives across the street from the new development of Marshes Light (Salty Dawg) and thinks the construction noise is getting out of hand and in his opinion there should be some quiet time in the evening and they should not be allowed to start construction until 7:00 a.m.

PUBLIC HEARING

MOTION: Commissioner Tugwell seconded by Commissioner Etheridge to enter in a Public Hearing to hear comments on annexation petition received from Cedar Bay was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell Collins, Fry and Creef. Noes: None. Absent: None

No comments

MOTION: Commissioner Tugwell seconded by Commissioner Fry to exit the Public Hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell Collins, Fry and Creef. Noes: None. Absent: None

(TOWN MANAGER AGENDA)

The second grade class of Ms. Linda Cheeseman and Mrs. Wheeler came to the Town Hall on Feb. 9, 2006 for a civics lesson. The Mayor displayed a map of Roanoke Island for the children and each child marked on the map where they live. The Town Manager, Planner, Building Inspector, Town Clerk, and Police Chief all gave the children a brief description of their jobs. The children wrote thank you letters to the Mayor with suggestions for the Town and the Mayor shared those suggestions with Town Staff.

Commissioner Collins asked to be excused from the discussion and voting on the Cedar Bay project since his wife is an agent for this land.

MOTION: Commissioner Tugwell seconded by Commissioner Creef to excuse Commissioner Collins from discussing and voting on Cedar Bay was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Fry and Creef. Noes: None. Absent: None. Excused: Commissioner Collins

SUBJECT: Planner-discussion and consideration of annexation petition received from Cedar Bay- This annexation request was reviewed by the Planning and Zoning Board at their regular January meeting. There was discussion about the appropriate zoning for this parcel. The Board agreed that lots 30-33 should be designated B-4 Westside Business District and that the remainder of the property should be R-2. The Board also recommended that the Town's Engineer review and

approve all plans. The Planning and Zoning Board recommended approval of the Annexation Petition for the Cedar Bay Subdivision

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve the annexation petition of Cedar Bay was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Fry and Creef. Noes: None. Absent: None. Excused: Commissioner Collins.

SUBJECT: Discussion and consideration of Ordinance #35 to extend the corporate limits Cedar Bay

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve Ordinance #35 to extend the corporate limits was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Fry and Creef. Noes: none. Absent: None. Excused: Commissioner Collins

SUBJECT: Discussion and consideration of water and sewer extension contract for Cedar Bay annexation-Ms. Burke commented that she has meet with developers about the west side expansion for this project which requires them to pay for the cost of the expansion to the annexed area. Commissioner Etheridge still has concerns about whether or not we have enough water and sewer to extend.

MOTION: Commissioner Farrow seconded by Commissioner Tugwell to approve the water and sewer contract for Cedar Bay was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Fry and Creef. Noes: Commissioner Etheridge. Absent: None. Excused: Commissioner Collins

SUBJECT: Zoning designation - Planner Erin Burke commented that the annexed property is stated to be B4 west of the proposed road and R2 east of the road and is probably necessary for the Board to state that fact.

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to designate the zoning district as the narrative is written and as stated by the Planner for Cedar Bay was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Etheridge, Fry and Creef. Noes: None. Absent: None. Excused Commissioner Collins

SUBJECT: Discussion and consideration of site plan review for Cedar Bay At the regular January meeting of the Planning and Zoning Board, the Preliminary Subdivision Plat was presented. The P&Z Board discussed the required park and associated boardwalk. In addition to that there was discussion of the 36 foot right of way that will allow for connection on the Westside. They made note that the boardwalk, sidewalks and streets will all require a deed of easement to the public in perpetuity. They also discussed the need to have these plans reviewed by the Town Engineer; the plans have since been submitted and the engineer from the project has been contacted by the Town's Engineer. The Planning and Zoning Board recommends approval of the Preliminary Plat. Commissioner Creef asked that the affordable housing be designated on the plat before they are approved.

MOTION: Commissioner Tugwell seconded by Commissioner Fry to approve the preliminary site plan as presented on February 1st for proposed Cedar Bay subdivision was approved by the following vote: Ayes: Commissioners Farrow, Collins, Etheridge, Tugwell, Fry and Creef. Noes: one. Absent: None. Excused: Commissioner Collins

MOTION: Commissioner Tugwell seconded by Commissioner Fry to reinstate Commissioner Collins was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Tugwell, Fry and Creef. Noes: none. Absent: None. Excused: Commissioner Collins

SUBJECT: Site Plan review Salty Dawg Building #1 and #3 The Planning and Zoning Board tabled this building at their October 11th meeting, because there was a problem with the setbacks as they were presented. The developer has remedied this problem by eliminating the island in the center of the street, called Main Street. This allows for the setback between the mixed use property and the residential property to be 20 feet, as presented on the master plan. This plan directly reflects the Master Plan that the Board of Commissioners approved. The letter that accompanies this submittal explains the temporary stormwater pond. The Planning and Zoning Board recommended approval with the following condition:1) The letter from NCDENR regarding acceptance of the temporary stormwater pond to be on file prior to the issuance of any permits. Mayor Wilson asked if these plans were in complete compliance with the master plan and was informed that they were; and the only change is the fact that the 20 foot buffer between residential and commercial has been re-established, and there still is a buffer of 20-25 feet between Fernando Street and commercial so that residential properties are buffered from commercial activity and no permits can be picked up until NCDENR approval of temporary stormwater pond. Ms. Burke commented that we are also awaiting some CAMA items. Mayor Wilson also stated that we are still awaiting for some street dedications, public park dedications, boardwalk dedications, and there are also some street names on the plan that have not been considered by the Planning Board or Board of Commissioners that may not be in compliance with the conditional use permit. Commissioner Farrow asked about the affordable housing lots and was informed there are none because this project was approved before the affordable housing ordinance was approved.

MOTION: Commissioner Tugwell seconded by Commissioner Creef to approve site plan for Salty Dawg Building #1 and #3 was approved with the following condition:1) The letter from NCDENR regarding acceptance of the temporary stormwater pond to be on file prior to the issuance of any permits by the following vote: Ayes: Commissioners Farrow, Collins, Etheridge, Tugwell, Fry and Creef. Noes: none. Absent: None

Commissioner Tugwell asked to be excused from the voting and discussion of the site plan for Cypress Cove since he has an interest in the property.

MOTION: Commissioner Creef seconded by Commissioner Collin to excuse Commissioner Tugwell from voting on this item was approved by the following vote: Ayes: Commissioners Farrow, Collins, Etheridge, Fry and Creef. Noes: none. Absent: None. Excused: Commissioner Tugwell

SUBJECT: Site plan review final subdivision plat for Cypress Cove-this subdivision was annexed by the Town in September 2005; and a preliminary subdivision plat was approved, there was some concern about the upland parcels at the rear of the site and one of the conditions to be recorded on the deed is a guarantee the area will be accessible to the residents, remain open space and it is also a part of their storm water plan and will not be used for any other thing. Another concern from the Planning Board was the rear yard setback for the accessory dwelling units which should be 20 feet and not 5 feet. The Planning Board recommended approval with the following conditions: 1) the covenants and easements be reviewed by the Town Attorney and reflected on the site plan or referenced on the site-this was done to make sure the rear parcels will remain accessible to the public 2) the plans submitted to the BOC show the location of sidewalks 3)the setback note be

changed to reflect the ordinance. The Board discussed the rear parcel of wetlands and uplands and what the developer's intent of use was. Ms Burke commented that this was discussed at length at the Planning Board and the developers expressed that they could take that property once they were finished and dedicate it to conservation and receive a tax break. It was asked how many lots were affordable and Ms. Burke commented she thought it was 5. Mayor Wilson asked how the highland area that is behind the lots to be sold going to be used. Ms. Burke commented that her understanding is that the area is required as part of the storm water permit, and providing access to the homeowners to use; and there is a statement in the zoning ordinance that requires no structure requiring a building permit can be built on a piece of property that doesn't have access to a right away or 30 foot wide easement. John Robbins, one of the developers commented that they have worked closely with their attorney that these restrictions will be recorded at the courthouse and the parcel is also tied into their state storm water permit; and if this was going to become a sticking point they will gladly grant it to the homeowners association. The use is in their covenants which will be recorded at the courthouse and the Town will receive a copy. Commissioner Creef also commented that the affordable lots need to be indicated on the plat; Mr. Robbins commented that there are some things in the inclusionary zoning ordinance that he does not agree with and they have no choice but they will indicate the affordable lots on the plan as requested by the Board. He thanked the Board for the opportunity to work with them on this project. Commissioner Etheridge asked if the lot size for the affordable housing would be the same as the others and Mr. Robbins commented that the lots range from 6,000 square feet to about 7,500 square feet and yes there are comparable lots sizes between the two and they interspersed in the development. Mr. Tugwell, one of the developers commented that the uplands discussed earlier is a integral part of their approved stormwater plan and they have no desire to own any property after they sell this property. Commissioner Farrow asked what a floating easement was and it is to allow an access in the future between Live Oak Lane and Cypress Lane and the properties to the north and south.

MOTION: Commissioner Creef seconded by Commissioner Farrow to approve the subdivision plat site plan for Cypress Cove was approved with the following conditions: 1) the covenants and easements be reviewed by the Town Attorney and reflected on the site plan or referenced on the site 2)the plans submitted to the BOC show the location sidewalks 3)the setback note be changed to reflect a 20 foot rear property line setback 4) notations be made on the site plan and in the covenants that the land behind the lots, marsh land and high land be designated as storm water, recreation, conservation, and or open space and for no other purpose; 5) that the affordable lots be shown on the plat to be recorded and 6) that there be future access to properties both north and south of Live Oak Lane and Cypress Lane was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Fry and Creef. Noes: none. Absent: None. Excused: Commissioner Tugwell

MOTION: Commissioner Creef seconded by Commissioner Farrow to reinstate Commissioner Tugwell was approved by the following vote: Ayes: Commissioners Farrow, Collins, Etheridge, Tugwell, Fry and Creef. Noes: none. Absent: None. Excused: Commissioner Tugwell.

SUBJECT: Discussion and consideration of Ordinance making Fernando a two way street. This came about with a meeting with Commissioner Fry and NCDOT regarding ways to improve traffic which was in response to the truck traffic of the Salty Dawg project. Planner Burke had a discussion with the developer that the truck traffic will enter and leave on Grenville Street which has cut down a significant amount of construction traffic.

MOTION: Commissioner Creef seconded by Commissioner Collins to delay action on this until we receive the report from the traffic engineer was approved by the following vote: Ayes: Commissioners Farrow, Collins, Etheridge, Tugwell, Fry and Creef. Noes: none. Absent: None

(OLD BUSINESS)

SUBJECT: Report Green Engineering water and sewer department. Green Engineering has sent an application for the Town to apply for an emergency loan to fund the portion of the Westside sewer interceptor system. This is to replace the Bowsertown Lift Station and relocate it in the area across from the waste water treatment plant and everything that has been served by that lift station will gravity flow to the new lift station. Staff is asking the Board to approve the application and resolution to apply for a loan of \$702,450 from the State at an interest rate of 2.19% for hopefully up to 20 years. The Bowsertown lift station has been in need of replacing for awhile and this will also help with the new developments coming into town. The developers will have to pay for their portion of installation if they want to have sewer.

MOTION: Commissioner Tugwell seconded by Commissioner Collins to authorize staff to authorize the engineer to apply for the loan and authorize the Mayor to enter into a contract **MOTION AMENDED** to add to approve the Resolution authorizing the filing of an application for state loan assistance for \$702,450.00 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Fry and Creef. Noes: none. Absent: None

SUBJECT: The Pea Island Cook Station has arrived at Collins Park and are proceeding with locating the building and designing the foundation.

SUBJECT: Report Wireless internet- nothing new

SUBJECT: Report Special Events-nothing to report

SUBJECT: Report on grants: Clean Water Trust Fund Stormwater Grant- Mayor Wilson asked the Board to take home the hand outs and review them for discussion at their workshop next week.

Boat Ramp Enhancement grant still awaiting the CAMA permit

COMMISSIONER'S AGENDA

Commissioner Creef thanked staff for helping him with a project for his hotel.

Commissioner Tugwell- asked about the budget schedule and the budget will be discussed at the workshop next Wednesday.

SUBJECT: Our Noise ordinance does not address construction noise and Planner Burke gave the Board what other Towns allow. Consensus of the Board is to regulate construction noise. The times to start and stop were discussed and consensus of the Board start at 7am stop at 9pm. Staff will prepare an amendment for the workshop session Wednesday to have a start and stop time for construction.

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to authorize staff to draft a text amendment to the noise ordinance for construction activities to start 7 am stop at 9 pm was approved by the following vote: Ayes: Commissioners Farrow, Collins, Tugwell, Fry, Etheridge and Creef. Noes: None. Absent: None

Commissioner Collins thanked staff for the help for the Pea Island Cook House move.

Mayor Wilson – the Board needs to RSVP for Kelly’s parade if they wish to sit in the reviewing stand; he has a plan for a lighthouse bell which is approximately 2 feet 28 inches across the bottom and asked Town Manager to verify with the Coast Guard if this is the correct size and to proceed; the Way finding kiosks- there is a possibility that 5 of the Wayfinding kiosks could be secured this year if the grant is awarded from the Tourist Bureau and all of the entities have agreed they want the kiosks. Festival Park and the Aquarium have appropriated their money for the kiosks. The Town needs to appropriate its money for it’s three and it is \$1,000 a kiosk and you pay for one and apply for a grant for 7. Consensus of the Board to have staff to apply for the grant for the kiosks. The people from Youghal Ireland will be coming at the end of June and staying about 10 days. The Coastal Resource Commission is asking each of the Towns to contribute \$500.00 to a reception when they are here on March 22nd at Owens Restaurant and it will be an invitation to all the Commissioners of all the Towns. Consensus of the Board to allocate \$500.00 to the Coastal Resource Commission reception.

MOTION: Commissioner Farrow seconded by Commissioner Creef to enter into a closed session NCGS 143.318.11 (a)5 acquisition of real property was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Fry and Creef. Noes: None. Absent: None

Discussion of land acquisition.

MOTION: Commissioner Creef seconded by Commissioner Etheridge to exit the closed session was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Tugwell, Fry 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 Tugwell seconded by Commissioner Fry the meeting was recessed 9:20 pm until Wednesday, March 8, 2006 at 4:00 p.m. and approved by the following vote: Ayes: Commissioner Fry, Collins, Tugwell, Farrow, Etheridge, and Creef. Noes: None. Absent: None.

This the 1st day of March 2006

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz