

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, March 5, 2003.

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: Acting Town Manager/Finance- 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 7:37 p.m. followed by a moment of silent meditation and the Pledge of Allegiance.

**SUBJECT:** Mayor Tugwell would like to add under Old Business which time is of the essence about the point source chlorination for water system improvements for discussion and possible consideration; add item 10 a Closed Session 143.318.11 (a) 6 Personnel. Commissioner Wilson would like to add a resolution for discussion and action and under old business he would like to report on the response received from others about the 45 mph speed limit at midway intersection. Commissioner Farrow would like a report on the Marshes lighthouse on old business.

**MOTION:** Commissioner Wescott seconded by Commissioner Collins to approve 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 February 5, 2003

**MOTION:** Commissioner Farrow 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 February 18, 2003

**MOTION:** Commissioner Creef 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  
(PUBLIC COMMENT)

None

(OLD BUSINESS)

**SUBJECT:** Discussion and consideration of text amendment for as built drawings/plans for utility line locations; to add text to Section 50-125. The intent of this amendment is to establish procedure when Town staff is asked to flag water lines; the policy will be included in these minutes. The Town Attorney has reviewed and is comfortable with the text amendment.

**MOTION:** Commissioner Wescott seconded by Commissioner Farrow to approve text amendment to Section 50-125 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**SUBJECT:** Discussions of breakdown of cost of repairs for the Creef/Davis Boathouse. The Board had received a quote from Calvin Gibbs and Jay Morris to repair the boathouse. The Board had requested that the repairs be broken down and to do the repairs in different phases to include raising the building to base flood elevation. Mr. Featherstone commented that he does not think it needs to be raised that much and thinks that if we could get the girder system just off the ground where a person could crawl under should be adequate which could probably help in the pricing of restoration. Mr. Featherstone also commented that if we could get an engineer to explore the existing foundation under it, it is possible we could go another band and girder system on top of what is under the building, it doesn't seem to be sagging. Commissioner Etheridge would like to know what it would cost to replace the whole building. Mr. Featherstone commented he thought there are some things that could be done that could bring the cost down, by possibly using the existing foundation; The Manager of the boat house had stated the possibility of using some of the volunteers at the boat building to do the reinforcement of the walls. Commissioner Wilson recalls why they didn't lift the building up in previous years was because of the cost so a drain pipe was placed under the building to the storm water ditch beside it. Commissioner Wilson also commented that he thinks when Chris Blanchard worked there that they already done 90% or 100% of the interior wall studs and probably what the Board needs to think about doing is the ceiling, ceiling joists, new rafters and a metal roof. The Board requested Mr. Featherstone to get a cost estimate on replicating the building.

**SUBJECT:** Discussion of the Chlorination system that is needed to be built to go to with the water system improvements which is part of the contract. Mayor Tugwell commented that we need an easement from Dare County. The location is on the northeast corner of the County property and the County's Social Service Building. The County has agreed in principle to this and would like to have the necessary documents by their Monday meeting for their consideration. Commissioner Wilson commented on the plans that it states cedar shakes to match existing and fiberglass shingles to match existing and would like to know what it is matching. Mayor Tugwell was told that this Board was to match exactly color, style, cedar shakes of the

Social Services Building owned by the County. Commissioner Wilson commented then it really is cedar shingles; not cedar shakes; with not more than 6 inch exposure to match the buildings already. Mr. Featherstone commented that he has asked the contractor to make it just like the county building. Commissioner Wilson commented that what is written on the plan does not match that and thinks it should. Discussion took place if the wood was to be salt treated and Mr. Featherstone commented yes even though salt treated is not on the plan. Commissioner Wilson would like the wording salt treated plywood be added to the plan. A copy of the plan will be made a part of these minutes showing Commissioner Wilson's recommendations for the Motion.

**MOTION:** Commissioner Wilson seconded by Commissioner Farrow to authorize council to negotiate and prepare the necessary documents with staff being allowed to enter into the agreement with the County on the condition that it is understood it is not cedar shakes but cedar shingles with a 6 inch exposure to match the county buildings and other revisions made on the plan which will be included in these minutes was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Wescott. Absent: None

**SUBJECT:** Report Roanoke Marshes Light House. Mayor Tugwell met with Ben Cahoon and the contractor to negotiate the price for the Roanoke Marshes Lighthouse. There has been some reduction for heating and air as well as the cupola on top. The price has been reduced but Mayor Tugwell has not yet heard back by how much. Commissioner Wilson has also agreed to negotiate with the builder on the cupola to try and reduce the cost more. Mayor Tugwell stated that if we can get the contract signed the lighthouse could probably be completed in six months.

#### COMMISSIONER'S AGENDA

This was added to the agenda by Commissioner Wilson.

**SUBJECT:** Resolution requesting that Dare County protect our water supply for the health, safety and welfare of its citizens by designating well points and recharge areas public water supply areas of environmental concern in the 2003 Land Use Plan Update and request each municipality in Dare county to consider adoption of this same resolution or similar. Commissioner Wilson would like to ask the County to designate well points and 1000 feet around them as areas of environmental concerns. Discussion of the 1000 feet radius and the Board would like to reduce that radius to a smaller size and Commissioner Wilson agreed to change it from 1000 feet to an appropriate radius and let Dare County decide what is appropriate.

**MOTION:** Commissioner Wilson seconded by Commissioner Collins to adopt the well point resolution Commissioner Wilson **AMENDED THE MOTION** second by Commissioner Collins adopt the resolution and delete the 1000 foot radius to state an appropriate radius was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**SUBJECT:** Reduction of speed limit at Midway from 45 mph. Commissioner Wilson reported on the requests for support the Town made to lower the speed limit from bridge to bridge to 45 mph. We have heard from most of those we sent who support the Town's request to lower the speed limit. Commissioner Wilson also commented that a consortium of sites independently of

our request have also passed a motion asking for new signage and a speed limit reduction at midway. Commissioner Wilson would like staff to forward the information to the appropriate people in Raleigh for help on these issues. Commissioner Wescott commented that there is only one little sign that says Roanoke Island just before you get to the intersection. Consensus of the Board is that there is a problem with the signage. Staff is to write a letter to the appropriate people about the speed limit and signs, to include Commissioner Westcott's speed calculation regarding what the difference is in seconds.

#### TOWN MANAGER'S AGENDA

**SUBJECT:** Town Manager Report with Department Head Reports, which will be made a part of these minutes. Discussion of the Cemetery report on internment fees and Ms. Twiddy gave a brief status commenting that we have buried over 50 people and Twiford Funeral Home has collected for 9 of these and Twiford's Funeral Home explained to her that it is not their responsibility to collect internment fees. Commissioner Wilson commented that he thought it says in the statute if we charge an internment fee the funeral home making the arrangements shall collect that money. Commissioner Wilson commented that the statute allows the Town to collect an internment fee to be collected by the funeral home making the arrangements and that the Twiford's Funeral Home was made aware of that when the Town implemented the \$100.00 fee. Staff asked to research the ordinance and statutes and make a report at the Board's mid month meeting.

**SUBJECT:** Consideration and approval of Budget amendment #21-appropriates \$5,000 in funds to be used to construct brick columns on the entrance to the existing cemetery and the expansion property.

**MOTION:** Commissioner Farrow seconded by Commissioner Wilson to approve budget amendment #21 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**SUBJECT:** Consideration and approval of Budget amendment #22-appropriates \$4,059.53 in funds to the Public Building Repair and Maintenance Line Item for the General Fund. Expenses were incurred for repairs necessary to the Town Hall due to a leak and damages extensive.

**MOTION:** Commissioner Wescott seconded by Commissioner Collins to approve budget amendment #22 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**SUBJECT:** Consideration and approval of Budget amendment #23-to appropriate funds to the Professional Legal Line Item for Water and Sewer. Charges over the budgeted amount of \$1,135.40 and an additional \$3,000 for future expenses.

**MOTION:** Commissioner Collins seconded by Commissioner Wescott to approve budget amendment #23 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**SUBJECT:** Consideration and approval of Budget amendment #24-appropriate funds to the Long Range Planning Study line item for \$893.25 for expenses incurred over the \$20,000 budget and \$3,000 for expenses that may be incurred later.

**MOTION:** Commissioner Farrow seconded by Commissioner Etheridge to approve budget amendment #24 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: Commissioner Wescott Absent: None

**SUBJECT:** Consideration and approval of Budget amendment #25-appropriate funds to Public Works Department for Vehicle Repair and Maintenance Line item for the General Fund. \$297.25 for expenses incurred over the \$5,000 budget and \$3,000 for expenses that may incur later in the fiscal year.

**MOTION:** Commissioner Wescott seconded by Commissioner Farrow to approve budget amendment #25 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**SUBJECT:** Consideration and approval of Budget amendment #26-appropriates \$291.51 in funds for the July 4<sup>th</sup> celebration and Christmas celebration, expenses were more than budgeted funds.

**MOTION:** Commissioner Collins seconded by Commissioner Wescott to approve budget amendment #26 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**SUBJECT:** Consideration and approval of Budget amendment #27-appropriate funds to the Professional Services line item for Water and Sewer. Expenses occurred for \$794.75 over the appropriated amount and an additional \$2,000 for future expenses if needed in this fiscal year.

**MOTION:** Commissioner Wescott seconded by Commissioner Farrow to approve budget amendment #27 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**SUBJECT:** Budget amendment #28 this expenditure was for the TV testing and Sewer pipe lining project. The funds were budgeted in last fiscal year 2002-2003 but the work was not completed until this fiscal year.

**MOTION:** Commissioner Wescott seconded by Commissioner Farrow to approve budget amendment #28 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

(TOWN ATTORNEY'S AGENDA)

**SUBJECT:** Report on pending projects-None

Mayor Tugwell called for a 5 minute recess at 8:30 p.m.

**MOTION:** Commissioner Wescott seconded by Commissioner Creef to enter into closed session NCGS 143.318. (a) 3 consult with Town attorney was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**CLOSED SESSION-** NCGS 143.318.11 (a) 3- Consult with Town Attorney-Damages to streets in Pirates Cove because the water lines were marked according to the plans the Town had on file but the lines were not actually there and were broken by digging. The Town received two price quotes one from Barnhill and one from RPC Construction. Town Attorney Daniel Khoury to draft a letter to Pirates Cove with the offer of the lowest bid and to include a hold harmless clause if something like this happens again it is not the responsibility of the Town and that this is a goodwill gesture. Board requested that the funds be taken from the water and sewer line item contract services.

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

**MOTION:** Commissioner Wescott seconded by Commissioner Farrow to direct Town Attorney, Daniel Khoury to draft a letter to pay road repairs to Pirates Cove using the lowest bidder of Barnhill, to include a hold harmless clause was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**MOTION:** Commissioner Etheridge seconded by Commissioner Wescott to enter into closed session NCGS 143.318.11 (a) 6 Personnel matters was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: None

**CLOSED SESSION-** NCGS 143.318.11 (a) 6 Personnel

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

No Action taken.

Commissioner Etheridge-Staff had been investigating about mixed beverages being served at Pirates Cove on the basis that they are a sports bar. Ms. Twiddy stated that letters have been written to Local ABC Board, State ABC Board to see if the Town is eligible for shared revenues but we have not heard from them. The Board discussed if it was even a sports bar and is the permit issued correctly and if so we should we have the rights for shared revenues. Staff is to furnish the Town Attorney with our correspondence to the ABC Boards and then to contact Attorney General to find out answers to the Boards questions.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Wilson seconded by Commissioner Farrow meeting was adjourned at 9:50 p.m. and approved by the following vote: Ayes: Commissioner Wilson, Wescott, Farrow, Etheridge, Collins, and Creef. Noes: None. Absent: None.

This the 5<sup>th</sup> day of March 2003

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Mayor Lee Tugwell

ATTEST:

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Town Clerk Becky Breiholz