

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room September 4, 2002.

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

The following member(s) were absent: Commissioner Stuart Wescott

Also present at the meeting were: Town Manager-Kermit Skinner, Jr.
Assistant Town Manager/Finance- Shannon Twiddy
Town Clerk-Becky Breiholz
Town Attorney-Daniel Khoury
Police Chief-F. T. D'Ambra
Planner-Fred Featherstone

Mayor Tugwell called the Regular meeting to order at 7:36 p.m. followed by a moment of silent meditation and the Pledge of Allegiance.

SUBJECT: To amend the agenda - Mayor Tugwell moved item # 8 Introduction of new employees after Item #3 adoption of agenda.

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

SUBJECT: Introduction of New Town Employees. Police Chief F. T. D'Ambra introduced to the Board two new police employees. Jeremy Hemilright who is the Town's new police officer and Carl Jordan who is the part-time civilian seasonal enforcement and informational officer.

SUBJECT: Approval of Minutes Regular Session August 7, 2002

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

SUBJECT: Approval of Minutes workshop Session August 21, 2002

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

(PUBLIC COMMENT)

Mayor Tugwell asked if there was anyone who wished to comment during a specific agenda item to identify themselves, there were none. There were no Public Comments.

SUBJECT: Public Hearing-to receive comments on petition for satellite annexation received from Ray Hollowell, 1013 S. Highway 64/264

MOTION: Commissioner Collins seconded by Commissioner Farrow to enter into a Public Hearing was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: None. Absent: Commissioner Wescott

There were no comments.

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

SUBJECT: Report from Mike Bell, Regional Engineer, NCDENR Public Water Supply Section on the Town's request to utilize a phased application in its water improvement program. Mr. Bell gave a brief account of the water history in the Town of Manteo and about the complaints received about iron, odor and small lines water lines with no pressure. He supports the water tank for the Town of Manteo. His first concern is public health and safety. He commented that he had concerns several months ago when his department issued an advisory to boil the water because there was no pressure in the system, when Dare County had to shut down the water line to make a tie in at the intersection of the new bridge. He also commented that one of the best prevention of contamination is pressure. So when the pressure gets too low there is the concern of contamination introduced into the system and there is no protection to keep it out. Pressure was lost when it was shut down and they had to warn people to boil the water, and wait until samples were collected by Dare County and analyzed before they could say the water was safe. From the Public Health standpoint he does not think the water line should be shut down for a construction process, a water line break, or some interruption of water coming from Dare County, and the only thing that can keep the Town of Manteo running normal until the situation can be corrected is an elevated storage tank. He also commented that from a Public Health standpoint they think it is important for Manteo to have an elevated water tank, it provides the Town with storage and pressure when the water supply is lost from the county. Eventually the Dare County tank will have to be shut down for service repairs to it and they will only be able to provide temporary provisions but probably not the amount of water that the Town may need or rely on for normal operations. Mr. Bell also commented on Fire protection and that a water tower would give the town a much more reliable fire protection system. Mr. Bell also discussed the grant. He state these grants are evaluated by a point schedule so the Town is competing with other water systems for the grant money. The Town scored enough points to qualify for a \$800,000 grant and the only reason the Town received that money because the Town was awarded points based on a public health concern. He stated that "you receive the highest points for Public Health concerns or for compliance with drinking water standards." He commented that what the Town proposed was to strengthen the distribution system by adding an elevated water

tank and the Town reduced the potential for water outage and inadequate water pressure. The information they had in the report that was submitted to justify these points indicated that under the present situation we could not do that. Mr. Bell commented that without the tank they are not sure that they can us give those points that were needed to compete for the grant. Mr. Bell also stated he knows there has been a request to modify the application to provide information that the Town might be able to correct these problems with the water system without the tank. Mr. Bell also stated that if the Town chose to do that it was our prerogative but it will require engineering information and then the people who evaluate the grant applications will have to decide if they are satisfied with what we are proposing. He also commented that they deal with water quality, primarily water that could have an adverse affect on health and do not consider iron or odor as health related problems. Commissioner Creef commented that it is a rare occasion that he has bad water, but the problem is where the lines go to a dead end. Commissioner Creef commented that if we fix the lines first and then need a tank then so be it. Mr. Bell responded that the information provided to them stated the Town had pressure problems and if they don't have pressure problems the Town would not have qualified for the points that we did receive. The point values assigned with grants only deal with health issues. Commissioner Wilson commented we are not requesting a change in design of the project that has been funded, we are requesting that the project be followed, that the pipes be put in as Phase One after which the pressure be taken and if the pressures are not up to federal standards or fire protection that we proceed with Phase Two, and build the water tower exactly as it is designed. Commissioner Wilson also commented that in this time of great state financial crisis, that we not spend \$350,000 building a water tower if we don't need it. Mr. Bell commented he thinks we are jeopardizing a portion or the entire grant by taking that approach this money has already been appropriated and if we lose points by taking the water tank out we will probably lose the grant. Commissioner Wilson commented that we are not leaving the tank out, we don't want to change the project, we want to follow the plan exactly the way it was intended, Phase One followed by Phase Two, so there is nothing to rescore. Commissioner Wilson commented that we deserve an answer from the people that make the decision in Raleigh to our original question, we do not want to change the project, we simply want to do the exact project that was funded and scored by building Phase One and Phase Two. Commissioner Wilson also commented that he was led to believe that we are going to be allowed to do that but we do not have an official letter from anyone who can make that decision and if this will put the project in jeopardy then we need to reconsider the request.

SUBJECT: Town Clerk Report on certificate of Sufficiency of petition for Satellite annexation by Ray Hollowell. Town Clerk Becky Breiholz commented that the petition was investigated and found it to be in accordance with NCGS 160A-58.1A

(COMMISSIONER'S AGENDA)

SUBJECT: Discussion and consideration of N.C. School of Design Proposal-Commissioner Wilson supplied the Board with information that was received from the College of Design. The proposal is for Phase I of a new 20 year Master Plan for Manteo and uses the same public participation methodology that was used 22 years ago. Phase I work will take place during the Fall and Spring semesters with a final report for the Board of Commissioners consideration being completed by June 2003. The Town's obligation includes out of pocket expenses to be paid up

front in the amount of \$19,525.00 and the Town budgeted \$20,000.00. The Town would also be responsible for postage for the surveys and housing of the students. Commissioner Wilson commented that he will ask Festival Park for housing at the student dorm, Commissioner Creef has offered housing, and he is willing to offer housing but there is a nominal charge to cover maintenance and cleaning. Phase II would include anew Land Use Plan and proposed new Zoning Ordinance based upon the Master Plan adopted by the Board of Commissioners. The Land Use Plan could be funded by CRC and rewrite of the Zoning Ordinance could be funded by either a grant or budgeted for next year. If we keep to a schedule this could be completed by November 2003. If this is approved tonight and authorize the Town Manager to execute the agreement with the university, work could begin this month.

MOTION: Commissioner Wilson seconded by Commissioner Creef to accept the proposal with the NC School of Design Proposal and authorize the Town Manager to execute the agreement so the project may be started in September. **MOTION AMENDED BY** Commissioner Wilson seconded by Commissioner Creef to add that the project not exceed \$20,000 unless authorized by this board was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: None. Absent: Wescott

SUBJECT: Discussion and consideration of a recycling drop off site at the Town Hall. Commissioner Farrow requested to postpone to the September workshop session.

(TOWN MANAGER'S AGENDA)

SUBJECT: Town Manager Report and Department Head reports which will be made a part of these minutes. He also advised the Board that Dare County will be moving October 18, and they have asked that Budleigh Street be blocked off for their move and also NCDOT the street patching program in Manteo will be started Friday. Commissioner Wilson asked if the Town Manager would contact Dare County and find out what they plan to do with those properties downtown

(FINANCE OFFICER'S AGENDA)

SUBJECT: Discussion and consideration of Budget Amendment #9 purchase of real property, Budget amendment #10 attorney fees and budget amendment #11 overtime special events

MOTION: Commissioner Collins seconded by Commissioner Farrow to accept budget #9 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: None. Absent: Commissioner Wescott

MOTION: Commissioner Collins seconded by Commissioner Etheridge to accept budget #10 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: None. Absent: Commissioner Wescott

MOTION: Commissioner Collins seconded by Commissioner Farrow to accept budget #11 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: None. Absent: Commissioner Wescott

(PLANNER'S AGENDA)

SUBJECT: Discussion and consideration of satellite annexation petition received from Ray Hollowell, 1013 S. Hwy. 64/264. Chairman Bill Parker reported that the Planning Board was unanimous in its favorable response to this annexation petition. Commissioner Wilson asked that once the property is satellite annexed it is contiguous to several other properties that have petitioned for annexation, who currently receive water and sewer but do not pay real estate taxes will this cause them to pay taxes. Mayor Tugwell commented that it was our intent that when we did utility extension to put condition on those that said when they become contiguous they would automatically come into the town. Town Attorney, Daniel Khoury commented that he believes they will have to go through the Public Hearing process. It was commented that each time those that received water and sewer extensions went through the annexation process and Ms. Twiddy, who was the previous Planner stated that everything was done as if it would be annexed at that time, but the previous Town attorney and her disagreed on some of the technicalities. Ms. Twiddy felt that it would require an additional public hearing because it was not actually annexed in the Secretary of States Office within six months as required by the statutes. All the steps have been taken except the last step and it was suggested that Town Attorney Dan Khoury research and report back to the Board. Commissioner Wilson asked if the annexation of this one parcel will complete the annexation of those adjoining parcels so that all of them are getting water and sewer and not paying taxes will begin to pay real estate taxes very soon after this annexation. Town Attorney Khoury commented that was correct.

MOTION: Commissioner Wilson seconded by Commissioner Creef to accept the annexation petition from Ray Hollowell, was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: Commissioner Wescott

SUBJECT: Discussion and consideration of ordinance to extend the corporate limits of the Town of Manteo.

MOTION: Commissioner Farrow seconded by Commissioner Wilson to accept the ordinance to extend the corporate limits was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: None. Absent: Commissioner Wescott.

(TOWN ATTORNEY'S AGENDA)

SUBJECT: Report on pending projects-Town Attorney Daniel Khoury stated that he will proceed to close on property with AME Zion Church. Regarding the cemetery easements he has received some comments from the Neri's about their concerns on whether or not the easement would impact their lot coverage, use of it as storage or being able to landscape, he will make some revisions to the easements and give the document to the Town Manager. On the Sidewalk Easements he will report to the Board at the October meeting

MOTION: Commissioner Collins seconded by Commissioner Creef to enter into closed session NCGS 143.318.11 (a) 3 Consult with an attorney was approved by the following vote:

Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: None. Absent: Commissioner Wescott.

Discussion of possible litigation. No action taken

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

MOTION: Commissioner Etheridge seconded by Commissioner Creef to enter closed session NCGS 143.318.11 (a) 5 (i) Acquisition of real Property was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, Wescott, and Creef. Noes: None. Absent: Commissioner Wescott

Discussion of acquisition of property. No action taken.

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

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

Review of Closed Session sealed minutes of March 6, 2002-April 3, 2002 NCGS 143.318.11 (a) (3) Scarborough Square Et. Al vs. Town of Manteo; NCGS 143.318.11 (a) 5 (i) Acquisition of Real Property; August 7, 2002 and August 21, 2002 NCGS 143.318.11 (a) 5 (ii) Personnel.

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

MOTION: Commissioner Collins seconded by Commissioner Farrow to approve closed session sealed minutes of March 6, 2002, April 3, 2002, August 7, 2002, August 21, 2002 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Wilson, and Creef. Noes: None. Absent: Commissioner Wescott.

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

Discussion NCGS 143.318.11 (a) 5 (ii) Personnel-No action taken.

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

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

This the 4th day of September 2002

Mayor Lee Tugwell

ATTEST:

Town Clerk Becky Breiholz