

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, May 5, 2010 at 6:30 pm.

The following members were present:

- Mayor Jamie Daniels
- Commissioner David Farrow
- Commissioner Richie Burke
- Commissioner Darrell Collins
- Commissioner Christine Walker
- Commissioner H. A. Creef
- Commissioner Hannon Fry (arrived 7:30)

The following member(s) were absent:

Also present at the meeting were:

- Town Attorney Daniel Khoury
- Town Manager Kermit Skinner
- Asst. Town Mgr/Finance Shannon Twiddy
- Planner Erin Trebisacci
- Town Clerk Becky Breiholz

Mayor Daniels called the meeting to order at 6:35 pm with a moment of silence followed by the pledge of allegiance.

SUBJECT: Adoption of Agenda as presented or amended - Agenda amended Town Managers Agenda Add Item D contract for bulk head/dredging. Add Item B under Finance Officer Agenda presentation of Budget.

MOTION: Commissioner Farrow seconded by Commissioner Walker to adopt the agenda as amended was approved by the following vote: Ayes: Commissioners Creef, Farrow, Walker, Burke and Collins. Noes: none. Absent: Fry

SUBJECT: Adoption of the items on the Consent Agenda –

MOTION: Commissioner Farrow seconded by Commissioner Collins to adopt the consent agenda as presented was approved by the following vote: Ayes: Commissioners Walker, Creef, Farrow, Burke, Collins. Noes: None. Absent: Fry

SUBJECT: Approval of minute's regular and closed meeting April 7, 2010 with CD recording.

MOTION: Commissioner Farrow seconded by Commissioner Collins to approve the minutes as presented was approved by the following vote: Ayes: Commissioners Walker, Creef, Farrow, Burke and Collins. Noes: None. Absent: Fry

SUBJECT: Approval of minutes Recessed workshop and closed April 21, 2010 with CD recording.

MOTION: Commissioner Farrow seconded by Commissioner Collins to approve the minutes as presented was approved by the following vote: Ayes: Commissioners Walker, Farrow, Creef, Burke and Collins. Noes: None. Absent: Fry

SUBJECT: Dues and Subscriptions NC American Public Works Assoc. \$151.00

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

SUBJECT: Dues and Subscriptions International Assoc. of Municipal Clerks \$150.00

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

SUBJECT: Dues and Subscriptions NCLM Service Fee \$1306.00

MOTION: Commissioner Farrow seconded by Commissioner Collins to approve dues and subscription as presented was approved by the following vote: Ayes: Commissioners Walker, Farrow, Creef, Burke and Collins. Noes: None. Absent: Fry

SUBJECT: Resolution 2010-4 Surplus Police Vehicle

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

SUBJECT: Proclamation Municipal Clerks Week May 2-8, 2010 -Mayor Jamie Daniels recognized Town Clerk Becky Breiholz.

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

NC League of Municipalities Green Challenge Award-NCLM recognizes municipalities' efforts at becoming greener and they have a program recognizing those who participate. Mrs. Trebisacci applied for the award and reported to the Board of the things that have been done around the Town to achieve this status. The Town was presented with a plaque for our initiative.

PUBLIC COMMENTS – Town Manager Kermit Skinner asked for any one to speak on items not on the agenda to come forward and if you want to speak on an item on the agenda please come forward so that the clerk can enter it into the record.

PUBLIC HEARING on text amendment to zoning ordinance Section 3-14 and Section 15-5 Walls and Fences.

MOTION: Commissioner Walker seconded by Commissioner Burke to open the public hearing was approved by the following vote: Ayes: Commissioners Walker, Farrow, Creef, Burke and Collins. Noes: None. Absent: Fry

No public comment

MOTION: Commissioner Walker seconded by Commissioner Burke to close the public hearing was approved by the following vote: Ayes: Commissioners Walker, Farrow, Creef, Burke and Collins. Noes: None. Absent: Fry

TOWN MANAGER'S AGENDA

SUBJECT: Request from Nags Head to adopt a resolution approving a 1% occupancy tax increase. This has been discussed at previous meetings. This was moved to the end of the agenda since Commissioner Fry wanted to speak on this and he will be late to the meeting.

SUBJECT: Code of Ethics Policy-NCGS requires that a code of ethics policy be adopted and that elected officials take ethics training. The School of Government developed a policy and the one presented is based from that model. A copy of the policy will be made a part of these minutes. Town Manager Kermit Skinner presented the draft policy and this would fill the General Statute requirement.

MOTION: Commissioner Collins seconded by Commissioner Walker to approve the code of ethics policy was approved by the following vote: Ayes: Commissioners Walker, Farrow, Creef, Burke and Collins. Noes: None. Absent: Fry

SUBJECT: Approval of Affordable Housing Application- Mr. Skinner commented that when an applicant meets our standards we then report to the Board that we have a qualified applicant and the Town has received a qualified applicant.

SUBJECT: Resolution Authorizing Town to apply for grant assistance from the Planning Grants Program- Mr. Skinner reported that the Rural Economic Development Department has money available that we can apply for our water and sewer needs. As Town policy the Board has to approve all applications.

MOTION: Commissioner Creef seconded by Commissioner Burke to approve the resolution authorizing the Town to apply for grant assistance was approved by the following

vote: Ayes: Commissioners Walker, Farrow, Creef, Burke and Collins. Noes: None. Absent: Fry

SUBJECT: Contract from Carolina Marine Structure this was added to the agenda regarding the bulk heading and dredging at the water garden park (Buck's Seafood); At the Board's last meeting Commissioner Fry presented basically the same information from them but was not in a contract. Mr. Skinner just received this today and the total estimated cost is \$54,444; we would want to amend that to not to exceed and suggested that Mr. Khoury review the contract and set it for an action item at the mid month meeting. A start and stop date would need to be added. The Board asked if we received any prices from others and Mr. Skinner commented that at their last meeting the feeling was from the Board that time was of the essence. Commissioner Farrow commented that a crabber on the canal asked that it not be started until after the crabbing season is over. Commissioner Burke would like it be put out to bid; CAMA permits were discussed; beside dredging and bulk heading the Board discussed the walkway that they wanted around it, since the price is for only dredging and bulk heading. If we put this out to bid we will need engineered plans; Mayor Daniels commented that we have an offer for them to do something but we have never put out what it is exactly this Board wants. Mr. Skinner commented that was his advice to the Board at the last meeting but staff was told time was of the essence so that is why the contract is in front of them tonight. If the Board is going to bid it they will need to hire an engineer to have plans drawn up. There are not enough funds for this project to be done so the Board would need to make a budget amendment.

MOTION: Commissioner Burke seconded by Commissioner Creef to have staff get an engineer to engineer plans for bulk head, dredging and boardwalk at the water garden park at Bucks Seafood was approved by the following vote: Ayes: Commissioners Walker, Farrow, Fry, Creef, Burke and Collins. Noes: None. Absent: Fry

SUBJECT: Request from Nags Head to adopt a resolution approving a 1% occupancy tax increase. This has been discussed at previous meetings. This was moved to the end of the agenda since Commissioner Fry wanted to speak on this and he will be late to the meeting. Bob Oakes Mayor of Nags Head brought the Board up to date on what has happened since the last time he was here; they have received approval from CAMA and the Shoreline Commission met and recommended to Dare County Board of Commissioners who have also sent a resolution requesting as a local bill. He would appreciate the Board's support and all the Towns benefit from the occupancy tax. Lengthy discussion on beach nourishment took place; the ocean is going to continuously wash away the beach. Commissioner Fry arrived at 7:30 pm.

MOTION: Commissioner Fry to approve the resolution **MOTION DIES FOR A LACK OF A SECOND**

PLANNER'S AGENDA

SUBJECT: Fence Ordinance Section 3-14 and Section 15-5-A public hearing was held earlier and this has been discussed at several meetings. As requested by the Board, staff has

prepared language requiring a permit be pulled for all fences. The proposed language is as follows:

Sec. 3-14 Building Permits Required.

- (b) Building permits to be approved by zoning administrator:
 - (9) *Fences and Walls **greater than six feet in height***

Sec.15-5. Walls and fences.

*Prior to construction of fences or walls **greater than six feet in height** a permit must be obtained according to §3-14 Building Permits Required. All property corners shall be marked and the fence or wall line shall be identified with a string-line prior to commencing construction.* The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any wall or fence within or abutting any residential district; no wall or fence shall exceed eight feet in height within a front, side or back yard. To promote visibility at driveways no opaque fence located within 15 feet of the edge of the street shall exceed four feet in height.

- (a) All existing commercial fences and walls, and future commercial fences and walls shall be maintained in good repair and in a safe condition. All commercial fences and walls shall receive regular structural maintenance. Any deteriorated, sagging, damaged or decayed fence materials shall be promptly repaired and any fence or wall post or section that leans more than 20 degrees from vertical shall be promptly repaired to correct that condition.
- (b) *Commercial Fences* shall have the same appearance on all sides.

This is the same language that the Board reviewed at their last meeting; the changes are shown in italics and bold is additional language proposed by the Planning Board. Adjacent notification of property owners was discussed and Mrs. Trebisacci commented that this is not done typically and would lengthen the permitting process. Commissioner Creef would like some type of permit is issued for any size fence and that the neighbors should be in agreement with it. How other agencies sent notifications was discussed and if someone is going to build a dock CAMA has to send notification to adjoining property owners that they have to sign off on. The Board would like the Planning Board to look at procedure to notify adjacent property owners to add to this text amendment and bring that back to the Board.

MOTION: Commissioner Burke seconded by Commissioner Creef to approve the proposed text amendments Sec. 3-14 and 15-5 as presented was approved by the following vote: Ayes: Commissioners Walker, Farrow, Fry, Creef, Burke and Collins. Noes: None. Absent: none

SUBJECT: Pump Out Ordinance - As requested staff with the help of the Town Attorney has crafted regulations regarding Marinas and will be made a part of these minutes. This was discussed at the workshop meeting.

MOTION: Commissioner Walker seconded by Commissioner Burke to approve the Pump out ordinance was approved by the following vote: Ayes: Commissioners Walker, Farrow, Fry, Creef, Burke and Collins. Noes: None. Absent: none

SUBJECT: Water front Marina Policies Waterfront – Staff has developed two policies for the marina one for boat safety and another for dye testing. Marina Boat Safety and Operability Policy. Boats docked at the Waterfront Marina shall be currently registered, maintained in safe, operable condition, and periodically used. The following criteria must be met.

1. “Safe” means equipped and maintained so as to not represent an undue risk to marina infrastructure and adjacent boats. Display of a current US Coast Guard Auxiliary “Vessel Safety Check” sticker is encouraged and will be accepted as conformance with this requirement.
2. “Operable” means capable of entering and leaving the marina under individual effort, sail or power without outside assistance and shall be demonstrated at the Harbormaster’s request. If inoperable, the member shall demonstrate operability within 45 days.

Staff recommends that this language be added to the lease agreements the town currently uses at the Waterfront Marina.

In an effort to improve water quality in Shallowbag Bay staff has been working to develop a policy that will discourage boaters in the Waterfront Marina from discharging their holding tanks directly into the bay. Staff was able to find language that would be suitable for our marina after reviewing a number of policies from around the country. A copy of the policy will be made a part of these minutes.

MOTION: Commissioner Burke seconded by Commissioner Collins to approve the policies as presented was approved by the following vote: Ayes: Commissioners Walker, Farrow, Fry, Creef, Burke and Collins. Noes: None. Absent: none

SUBJECT: Affordable Housing Ordinance-Staff had been asked to work with CDC to come up with an ordinance for affordable housing and for the CDC to administer the Town’s affordable housing lots. A copy of the proposed ordinance will be made a part of these minutes. Mrs. Trebisacci went over the highlights one of which includes a hardship clause which includes if the home owner has to move 90 miles out of town they will have the ability to rent it; also included is the ability to sale after 20 years at market rate instead of staying in the affordable housing program in perpetuity. The new ordinance would let the CDC administer the whole application process and would eliminate the need for Board approval of applicants and even though it is administered by them it will still be the Town's ordinance. Commissioner Walker asked about if it was rented how you control the rent to keep it affordable if the owners move

out due to a move of more than 90 miles. This will go to the Planning Board for their recommendations and then the BOC will set a public hearing at the June meeting.

Break taken at 8:10 for 5 minutes.

FINANCE OFFICER AGENDA

SUBJECT: Finance Officer Shannon Twiddy presented the Board with the FY budget 2010-2011; She also gave the current percentage of fund balance 57.9% if the Board includes the purchase of property and the dredging she estimates the fund balance to be reduced to 47.5%. She also gave the Board property tax levies and that Manteo's shared revenue is less than all the Towns and if the other Towns raise rates it would reduce Manteo's share. She also gave the Board a hand out on cost saving measures and on possible revenue sources. She also commented that \$65,400 is generated from the tax rate. It has been recommended to have at least two budget workshop meetings. She went over the each department; the dock section; the cemetery section and water and sewer fund. The Board approved a \$400,000 loan to the water and sewer but as of yet we have not had to transfer those funds. The water and sewer fund has not sustained itself but we are getting closer. She also created a chart which shows a rate increase broken down by residential, commercial and industrial customers which would generate an estimate of \$137,616. A public hearing needs to be held sometime in June and the budget has to be adopted by June 30th. The Board will hold the first budget workshop May 19th during the recessed meeting.

SUBJECT: Approval of Fee Schedule-There was only one change to the fee schedule which would reduce the cost of permit fees for improvements, additions and repairs from \$50.00 per \$1,000 to \$10.00 per \$1,000 based on cost.

MOTION: Commissioner Walker seconded by Commissioner Burke to approve the fee schedule as presented was approved by the following vote: Ayes: Commissioners Walker, Farrow, Fry, Burke and Collins. Noes: Creef. Absent: none

OLD BUSINESS

Mayor Daniels went over the old business – Water Garden Park-structurally it is complete and the contractor is having issues with Dominion Power and estimating two more weeks. Daniel Khoury reported on Fisherman's Landing and there is a meeting scheduled for May 22; Code of Ethics adopted and can be removed from list; dredging around Festival Park was discussed and Mrs. Twiddy found a document signed by N.C. Department of Archives that stated they would maintain that area in perpetuity and suggested that a letter writing campaign be undertaken. Sidewalk on Uppowoc Street-Dare County commented they would talk but they had no funds to place a sidewalk.

TOWN ATTORNEY AGENDA

Mr. Khoury -the judgment for the law suit regarding Old Tom has been prepared and sent to the judge for signature.

MAYOR'S AGENDA

SUBJECT: Report Water and Waste Water Committee meeting- the committee started going through the budget and there was not a whole lot that can be removed; they discussed a flat rate increase to generate revenue; are waiting on NC Rural Water who is going to do a rate study for us.

SUBJECT: Report Shoreline Committee- The Mayor represents the Town on this committee and the County has asked for 1% occupancy tax increase.

SUBJECT: Report Outer Banks Tourist Bureau meeting- The Bureau has cut their budget and was very conservative. Also included in the packet was statistics on how many people visited Dare County key sites.

COMMISSIONERS AGENDA

SUBJECT: Commissioner Collins-Collins Park committee report-The dedication of the Richard Etheridge statute at the round about is for Saturday, May 8 at 3:00 pm and would appreciate it if all the Commissioners would be there.

Commissioner Fry would like the Town to support the new ice cream parlor that will be opening and would like a ribbon cutting ceremony or something done.

Commissioner Farrow-wanted to bring up the possibility of having parking meters in downtown Manteo. This had been discussed several years ago which was investigated and the report came back as cost prohibitive; but we did find several companies that would do it with a franchise agreement and it would keep the traffic moving but would probably not be a viable revenue source. Enforcing the 3 hour parking requirement was discussed. Mr. Khoury suggested possibly notifying the downtown business owners by letter that the 3 hour parking will be enforced. Mayor Daniels asked if the Board wanted to start enforcing now or wait for the workshop to discuss and the consensus of Board to write the downtown merchants a nice letter reminding them and their employees of the 3 hour parking and inform them that Festival Park has parking available and then enforce this after two weeks. He also commented about the parking on Uppowoc Street by the White Doe Inn on the east side and either we make it a one way street or a two way street and enforce no parking; White Doe Inn has a parking lot for their clients. It is not enough for two way and parking on one side. Consensus is to discuss this at the workshop agenda.

The Closed Session scheduled for purchase of property was not held due to nothing to report to the Board.

Mayor Daniels commented that the Town needed a nomination for the Dare Day award which is in June.

MOTION: Commissioner Collins seconded by Commissioner Walker to nominate Dottie Fry as the Dare County recipient was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Burke, Walker Collins. Noes: none. Absent:

MOTION: Commissioner Burke seconded by Commissioner Creef the meeting was recessed at 9:45 pm until May 19 workshop meeting at 4pm was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Burke, Walker Collins. Noes: none. Absent:

This the 5th day of May 2010

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk