

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room April 6, 2011 at 6:30 pm.

The following members were present:

- Mayor Jamie Daniels
- Commissioner Richie Burke
- Commissioner Darrell Collins
- Commissioner Christine Walker
- Commissioner Hannon Fry
- Commissioner H.A. Creef
- Commissioner David Farrow

The following member(s) were absent:

Also present at the meeting were:

- Town Manager Kermit Skinner
- Asst. Town Mgr/Finance Shannon Twiddy
- Acting Town Attorney Wyatt Booth
- Planner Erin Trebisacci

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

SUBJECT: Adoption of Agenda as presented or amended; Amend the agenda to add under Town Manager's agenda Item E; Resolution to Oppose HB 353

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

A representative from the Women's League of Voters was present to distribute copies of the Citizens Guide to the Board and thanked them for their continued support.

SUBJECT: Adoption of the items on the Consent Agenda –

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

SUBJECT: Approval of minute's regular and closed March 2, with reference to certified CD recording.

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

SUBJECT: Approval of minute's Emergency session March 17, 2011 with reference to certified CD recording.

MOTION: Commissioner Farrow seconded by Commissioner Burke to approve the minutes of March 17, 2011 was approved by the following vote: Ayes: Commissioners Fry, Creef, Farrow, Walker, Burke and Collins. Noes: none. Absent:

SUBJECT: Approval of Government Access Channel Budget; approval of College of the Albemarle and UNC Coastal Studies as full members into GACC and approval of updated Interlocal Shared Use Agreement.

MOTION: Commissioner Farrow seconded by Commissioner Burke to approve the Government Access Channel budget and the College of the Albemarle and UNC Coastal Studies as full members into GACC was approved by the following vote: Ayes: Commissioners Fry, Creef, Farrow, Walker, Burke and Collins. Noes: none. Absent:

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.

Jim Tobin-supports the dredging request from Pirates Cove and the Peninsula

Commissioner Creef would like the Town to support keeping Oregon Inlet open.

Tommy Barnes owner of property on Highway 64 sold A&B Carpet building and kept the tanning shack. When he did an addition in 2005 he was forced to close one driveway to the A&B Carpet building. He said that entry into the building is not safe and has hurt their business. Stopping on Highway 64 to unload large trucks is dangerous. He requested the Board to allow him to re-open the other driveway and he wants something done. Two businesses should have two driveways; he never signed anything and wants something done.

MOTION: Commissioner Creef no second the motion was withdrawn and Planner Erin Trebisacci will put item on the Planning and Zoning Board agenda for investigation. None. Absent:

TOWN MANAGER'S AGENDA

SUBJECT: Discussion and consideration of liquor by the drink-Town Attorney Wyatt Booth and I met with a group of state, regional, and local ABC and ALE representatives to discuss the Town's position on the two local restaurants that have been granted temporary Residential Private Club Mixed Beverage permits. The long and the short of those discussions was that while the Town may have consistently voted against mixed beverages, if the applying restaurants met the criteria that they would be granted mixed beverage permits. The ABC representatives assured us that they would exercise all due diligence while reviewing the permits but that the final decision was out of the Town's hands. The only way to prevent future applications would be for the Town to hold a mixed beverage referendum, if the measure failed the ABC Commission would not process any future requests. I currently have one additional mixed beverage local government opinion letter pending and I am expecting a rash of others. Unfortunately under this current arrangement the Town has very little control over the licensing and operation of these mixed beverage establishments and will not receive any tax revenues regardless of how many permits the state issues. The last local vote on mixed beverages in Manteo was held in 1994 and no official policy has been issued since that time.

Lisa Ortega-701 Amanda St. Manteo asked that the BOC hold a special referendum on June 7, 2011 for liquor by the drink. The businesses are at a disadvantage; losing patrons and local and tourist dollars.

Grizelle Fearing-Uppowoc Manteo; asked what Manteo was afraid of to sell mixed drinks and asked that the BOC allow the people of Manteo to decide if they want liquor by the drink. Dare County is in the top 3 wedding destinations in the State. You can get just as drunk on beer and wine as you can on a mixed drink.

Jason Schultz-301 Uppowoc-been here for 3 years and people don't come here because they don't have alcohol, why do a few get the golden tickets while others don't?

Alan Hall-126 Dogwoods Manteo; Adrianna's private club has mixed beverage sales. Countless weddings are lost because mixed beverages could not be sold. Over \$30,000 in revenue has been lost in the past two years.

Mayor Daniels asked Town Attorney Wyatt Booth to explain why some places can sell mixed beverages and others cannot. Mr. Booth explained that enabling legislation for NC allows private clubs to sell mixed beverages if no referendum has been held since 2001. That door is open to all residential clubs that meet the criteria unless a referendum is held. Such permits are only issued to restaurants in a residential setting but final approval lays with the State ABC Commission not the Town of Manteo. Commissioner Creef commented that he thought a referendum be held. Commissioner Farrow asked why have one if the State has already decided

and Commissioner Fry said no that the voters should decide. Mr. Booth said unless a referendum is passed permits can be granted if the vote is held and not approved then no more restricted permits would be issued. Mayor Daniels asked the cost of a referendum and Mrs. Twiddy responded an estimate of \$3800. Commissioner Collins and Burke asked if the existing permits could be revoked if the referendum does not pass and Mr. Booth said he did not believe the existing permits would or could be revoked.

MOTION: Commissioner Creef seconded by Commissioner Farrow to hold a referendum for mixed beverages on June 7, 2011 was approved by the following vote: Ayes: Commissioners Creef, Farrow, Walker and Collins. Noes: Commissioner Burke and Fry. Absent:

MOTION: Commissioner Creef seconded by Commissioner Farrow for budget amendment #8 for \$3,000 was approved by the following vote: Ayes: Commissioners Creef, Farrow, Walker, Fry, Burke and Collins. Noes: none. Absent:

SUBJECT: Dare County Art Council update and request for funding-Richard Martin on behalf of the Dare County Arts Council gave background information on the artistic opportunities that they provide. They moved to the Dare County Courthouse in August 2010 with a five (5) year lease from Dare County. They have raised over \$370,000 for funding many of their programs. They have 370 volunteers and staff with over 13,000 volunteer hours a year. Mr. Martin is asking for \$1,000 from each town for programming in the schools. The Board asked Finance Officer Mrs. Twiddy to add \$1,000 to the budget and they will discuss the request during their budget workshop.

SUBJECT: Discussion and consideration of dredging partnership with Pirates Cove and the Peninsula. The Town has been approached by the Pirates Cove Homeowners Association and the Peninsular Homeowners Association to act as the local government partner in their efforts to secure funding from the State of North Carolina to dredge the entrances to both developments. Staff met several weeks ago with representatives from the North Carolina Division of Water Resources and representatives from both homeowners associations. At that meeting Mr. Skinner stated that he would be willing to bring the requests forward to the Board with a favorable recommendation provided that no monetary request was being made at this point and that adopting these resolutions would in no way obligate the Town in either the short or long term. He has discussed the process with Tom Reeder and Darren England, the two gentlemen in charge of the state's dredging granting program and they have assured him that these resolutions would not obligate the Town. What the adoption of these resolutions would do is to allow both of these associations to seek Sate assistance with their projects. No funding request is being made at this time; however it is likely that these two groups may seek financial assistance from the Board at some point in the future. Commissioner Creef suggested that Oregon Inlet component be added to these resolutions. Mr. Skinner made a few minor changes that he felt were in the best interest of protecting the Town from any financial obligations. The resolutions will be made a part of these minutes.

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

SUBJECT: Discussion and consideration of Outer Banks Visitors Bureau grant for a State bike ride. The Outer Banks Visitors Bureau has requested the Town's assistance with this year's Cycle North Carolina cross state bike ride. A group of approximately 1200 bicycle riders will be riding across North Carolina this October and the last night of the trip will be here in Manteo. The Visitors Bureau has asked the Town to be its local government partner in this project. What essentially that means is that the Town would act as the pass through agency to apply for the funds to provide security and shuttle services for the event. The grant would 100% reimbursable and there would be no out of pocket expenses for the Town. Staff is requesting permission to apply for these funds. Finance Officer Shannon Twiddy will add to the budget Cycle NC for a grant from the Outer Banks Tourist Bureau as a revenue and then as an expense.

MOTION: Commissioner Walker seconded by Commissioner Collins to allow staff to apply for a grant application with the Dare County Tourist Bureau was approved by the following vote: Ayes: Commissioners Fry, Creef, Farrow, Walker, Burke and Collins. Noes: none. Absent:

SUBJECT: Discussion and Consideration Resolution to Oppose House Bill 353 designation of Coastal Game Fish. This item was added to the agenda and the resolution will be made a part of these minutes.

MOTION: Commissioner Walker seconded by Commissioner Collins to allow staff to apply for a grant application with the Dare County Tourist Bureau was approved by the following vote: Ayes: Commissioners Fry, Creef, Farrow, Walker, Burke and Collins. Noes: none. Absent:

A 10 minute recess was taken.

FINANCE OFFICER'S AGENDA

SUBJECT: Discussion and consideration of letter received from the NC Department of State Treasurer regarding water and sewer audit. The Town received a letter from the State asking the Town for corrective action regarding the issues they discussed in their letter. A copy of the letter will be made a part of these minutes. They are asking for a written response to the deficiencies in the water and sewer fund. The Rural Water Associations Water Rate Study will provide the requested rates to the BOC at their April workshop meeting. Commissioner Walker asked what the NC Treasurer wanted and Mrs. Twiddy explained they are looking for a well defined rate schedule and budget and the Board discussed some of the rates. It was recommended that the Board adopted the new rate schedule by July 1. Board directed Mrs.

Twiddy to prepare a letter for the Mayor's signature and staff will present the Board with a budget at the May meeting.

PLANNER'S AGENDA

SUBJECT: Discussion and consideration of text amendment to codified ordinance to allow for urban chickens. The Planning Board reviewed the following amendment to the codified ordinance at the request of the mayor. They expressed concerns over the potential of contaminated Stormwater running off site. They were also concerned with the potential predators that chickens may attract.

Chickens will be allowed upon issuance of a valid permit within the municipal limits of the Town of Manteo provided that:

1. No more than 6 chickens shall be kept or maintained on any individual lot.
2. No male chickens/roosters shall be allowed.
3. The chickens must be confined in a chicken coop not less than four (4) square feet of floor area for each chicken. Chicken coops must not exceed eight (8) feet in height at the peak of the roof.
4. Chickens may be allowed outside their coops during daytime hours if fencing is constructed to restrict the chickens from leaving the owner or possessor's property.
5. The chicken coop and/or property shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odors.
6. The chicken coop shall be a minimum of thirty (30) feet from the nearest residence other than that of the owner and a minimum of five (5) feet from the lot line. Not all lots in Town will be able to accommodate chicken coops.
7. If chickens are removed from the premises for a violation of this Ordinance or other applicable law, the owner or possessor is not allowed to obtain a chicken permit for a minimum of one (1) year from the date of removal.
8. No sale of slaughtered chickens or chicken manure is allowed within the Town of Manteo.
9. It is recommended that the owner take an educational course on chicken care provided by the Dare County Cooperative Extension Office.

There was a lengthy discussion on why we should also allow roosters. The Board would like to change item #8 to state No residential sale of slaughtered chickens is allowed within the Town of Manteo. The corrected version will be made a part of these minutes.

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve text amendment 2011-02 Section 6-49 to the codified ordinance as amended was approved by the following vote: Ayes: Commissioners Fry, Creef, Farrow, Walker, Burke and Collins. Noes: none. Absent:

OLD BUSINESS:

Mayor Daniels went over the old business list. Manteo Water Garden Park Memorandum of Agreement will be discussed at the April workshop. Boardwalk repairs completed remove from the Old Business list; dredging resolutions approved and a report will be forth coming when a response from the state is received.

COMMISSIONERS AGENDA

Commissioner Walker asked for a status report on dredging around Roanoke Island Festival Park and Mr. Skinner will contact the State and report back to the BOC.

Mayor Daniels asked if anything had been heard back from the Fearing's about the lawsuit and Mr. Booth would inquire and report back as to a time frame in which he is required to respond.

Commissioner Collins reported that headway is being made on forming Collins Park non-profit and is moving forward.

Commissioner Walker commented that the fence between the Adams-Mann properties looked great and Mayor Daniels thanked Mr. Skinner for mediating between the property owners.

Commissioner Farrow asked if a gazebo could be built on the waterfront Davis lot the Town owns and Mr. Booth commented that no permanent structures are allowed on the lot because of the grants from the Friends of Elizabeth II and the Dare County Tourist Bureau.

Commissioner Fry asked about the marsh burn that was approved by the BOC and informed that the window to burn had already passed and weather conditions did not cooperate and Commissioner Fry will discuss this with her at a later date.

SUBJECT: CLOSED SESSION: NCGS 143.318.11 (a) prevent the premature disclosure of an honorary award.

MOTION: Commissioner Walker seconded by Commissioner Collins to enter into a closed session was approved by the following vote: Ayes: Commissioners Fry, Creef, Farrow, Walker, Burke and Collins. Noes: none. Absent:

The Board was asked for names of a Manteo citizen to be recognized on Dare Day.

SUBJECT: CLOSED SESSION: NCGS 143.318.11 (a) consult with attorney to consider and give instructions concerning potential claim.

MOTION: Commissioner Farrow seconded by Commissioner Creef exit the closed session was approved by the following vote: Ayes: Commissioners Fry, Creef, Farrow, Walker, Burke and Collins. Noes: none. Absent:

MOTION: Commissioner Walker seconded by Commissioner Collins the meeting was recessed at 9:00 pm until April 15, 2011 for a budget workshop at the Outer Banks Visitor Bureau at 8:00 am was approved by the following vote: Ayes: Commissioners Farrow, Walker, Fry, Creef, Burke and Collins. Noes: none. Absent:

This the 6th of April 2011

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk