

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, October 6, 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

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 6:40 pm with a moment of silence followed by the pledge of allegiance.

**SUBJECT:** Adoption of Agenda as presented or amended. Amend the agenda to add to Planners agenda Item B a Resolution Designation of Applicant's Agent to accept funds from FEMA per Disaster Number FEMA 3314 EM NC

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

**SUBJECT:** Adoption of the items on the Consent Agenda –

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

**SUBJECT:** Approval of minute's regular meeting September 1, 2010 with reference to certified CD recording.

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

**SUBJECT:** Approval of workshop September 15, 2010 with CD recording.

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

**SUBJECT:** Dues and Subscriptions International Institute of Municipal Clerks \$135.00

**MOTION:** Commissioner Burke seconded by Commissioner Fry to approve dues and subscription as presented was approved by the following vote: Ayes: Walker, Commissioners Creef, Farrow, Fry, 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.

Edward Lee Mann-lives outside Manteo but owns property inside Manteo; his parents house and passed around some pictures which concern the fence that goes along the property line by their house and Dr. Adams building. One picture shows the north side of the fence which is acceptable and the south side of the fence which shows a different story. He knows the Board can't make someone go back and do something that has been grand fathered but you can make someone be a good neighbor; he read the zoning ordinance Section 15-3 adopted 2005. He described the condition of the fence with bolts sticking through and different sized nails. He gave the Board an estimate of a new fence for \$4,000. He does not want him to have to replace the fence but wants him to make the fence look nice on the side of his parent's property and he will even paint the fence. The fence is a disgrace; all he wants the Town to do is do the right thing.

**PUBLIC HEARING** to hear and receive comments regarding Affordable Housing Ordinance Section 11-1

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

Chris Parker Pirates Way-the affordable housing ordinance would provide him the opportunity to buy and live; he knows it lowers the price but it is still a lot of money; not in favor of having any restrictions on the land and would like to be able to do with the land as he wanted.

Jacqueline Dickviede-Fernando Street and would like to purchase a home but with all the restrictions on the affordable housing she can not do that and would like the restrictions taken off.

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

#### TOWN MANAGER'S AGENDA

**SUBJECT:** Discussion and consideration pier replacement project at the waterfront marina the documents are ready for bid. Mr. Skinner commented that it is the southern most piers closest to gazebo. The Board has been briefed on this before but wanted the Board to look at this before it was sent out to bid. There will be some wider berths and a larger t-head. After we receive the bids it will come back to the Board for their consideration.

**MOTION:** Commissioner Burke seconded by Commissioner Creef to direct staff to solicit bids was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Walker, Burke and Collins. Noes: none. Absent:

**SUBJECT:** Discussion and consideration of controlled burn of marshes- At the request of the Board, staff met with Rob Shackelford from the Forest Service to discuss a controlled burn of the marshes on the Manteo waterfront. The marsh area adjacent to the Boat House and the marsh area just south of the Ship's Store in Marshes Light were discussed. Marshes Light has indicated that they would allow the marsh to be burned. The marsh west of Pirate's Cove was also discussed, but upon reviewing the tax maps, it appears that marsh has been transferred to the state. Mr. Shackelford with the Forest Service is here to address any questions the Board has. There will be smoke concerns but should be no residual smoke in the area. He gave the Board handouts of what they do before they do a controlled burn. The preliminary contract for the two marshes downtown has a price range of \$350.00 to \$862.00. If the Town chose to proceed with the contract, the burn would occur sometime between the first frost and March 15, if conditions permitted. Before they do the burn they will do a public service announcement so everyone will know.

**MOTION:** Commissioner Creef seconded by Commissioner Collins to direct staff to enter into a contract with the Forest Service was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Walker, Burke and Collins. Noes: none. Absent:

**SUBJECT:** Discussion and consideration of Resolution 2010-08 Blanket resolution for procedures for disposal of surplus property valued at less than \$5,000. Mr. Skinner commented that we are disposing of what little surplus we have; we have computers, miscellaneous office equipment, old phone system, old cell phones. This would give the Town Manager authority to dispose of property.

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

## PLANNER'S AGENDA

**SUBJECT:** Affordable Housing Ordinance –This has been discussed at length at previous meetings and a public hearing was held in July and one tonight. The Board would like to find a more equitable solution that will enable the developers to move their property. Staff used calculations from the Department of Housing and Urban Development for the year 2010 and is derived from the median income of a family of four in Dare County which is \$63,300; 80% of that would be \$50,640.00. Lee Tugwell Croatan Ave. Manteo commented that he read the minutes from the last Planning Board meeting and they recommended keeping them affordable forever. He commented that this was not the original intent; and that the economic climate has changed. The restrictions placed make it difficult to borrow money and urges the Board to release the restrictions as they are proposed in the changes.

**MOTION:** Commissioner Fry seconded by Commissioner Creef to accept the amendment to the affordable housing ordinance as presented was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Walker, Burke and Collins. Noes: none. Absent:

**SUBJECT:** Resolution to Resolution Designation of Applicant's Agent to accept funds from FEMA per Disaster Number FEMA 3314 EM NC. Town had some damages during Hurricane Earl and staff was able to get money for the Town.

**MOTION:** Commissioner Fry seconded by Commissioner Walker to adopt the Resolution to designate Mrs. Trebisacci and Mr. Allen to be agents for the Town to accept the FEMA money was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Walker, Burke and Collins. Noes: none. Absent:

## OLD BUSINESS

Mayor Daniels went over the old business -Mrs. Trebisacci gave an update on water garden park-submitted artwork to get informational signs out there; setting up meeting to with the design engineer to get everyone on the same page. Waterfront repairs going to bid, can remove affordable housing from the to do list. Mr. Khoury gave an update on the Fisherman's Landing and they are working on getting the permitting. The dredging that Roanoke Island Festival Park is responsible for will be moving forward. Bucks Canal-contract has been delivered to the contractor and the contractor has several questions and he will contact the Town Attorney directly. The Roanoke Island Festival Park boathouse agreement-changes are to take place next year.

## TOWN ATTORNEY

Mr. Khoury gave an update on the contract about Bucks Canal.

## MAYOR'S AGENDA

**SUBJECT:** Report Water and Waste Water Committee meeting -still waiting on information and would like schedule a meeting.

**SUBJECT:** Report Shoreline Committee- met and is still waiting on the funds to come in.

**SUBJECT:** Report Outer Banks Tourist Bureau meeting- Next year in August there will be a week long event for the 150 year anniversary for the confederate battle at Hatteras

#### COMMISSIONERS AGENDA

**SUBJECT:** Special Events Committee report-Commissioner Burke the Farmers Market had a successful year with an average of 25 vendors each Saturday; the dates for the Christmas tree lighting will be December 3 and parade December 4.

**SUBJECT:** Cemetery Report from Commissioner Walker gave an update of the last meeting; and that 13 plots in the new section have been sold.

**SUBJECT:** Text amendment to codified ordinance Section 2-225 Cemetery rules and regulations. This would limit the height of monuments in the new section of the cemetery to 3 feet and all cremation markers will be flat.

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

**SUBJECT:** Discussion and consideration text amend to codified ordinance Section 46-114 Parking in excess of 24 hours. Commissioner Farrow commented that the Town has an ordinance that does not allow for non motorized or motorized vehicles over 20 feet in length to park in excess of 24 hours and wants to change that to any length of a non motorized vehicle. People are parking their trailers on the streets and using up valuable parking spaces and could be a hindrance. Mr. Khoury will review the amendment and have it for the Board's mid month meeting.

Commissioner Burke asked about Mr. Mann's problem and Mayor Daniels would like to discuss this with staff as to safety hazards; Commissioner Creef would like a letter sent to Dr. Adams. Mr. Mann commented that if the fence was fixed he has no problem painting the fence but the way it is now; it is piecemeal and each section is different. Mayor asked that staff meet with Dr. Adams and ask that he fix the fence. Staff to review ordinance to see if any changes can be done to clarify what good repair means.

Commissioner Collins commented that next Monday there will be a program honoring the 114 years of Pea Island Lifesaving Station receiving their medals.

A 5 minute recess was taken at 7:55pm

**SUBJECT:** Closed Session NCGS 143.318.11 (a) 3 consult with Town Attorney regarding the Fearing lawsuit over Old Tom Street.

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

Mr. Khoury gave the Board an update on the lawsuit regarding Old Tom Street and the Fearing's appeal. The Town was awarded a judgment on the case and awarded penalties but not the attorney fees and Mr. Fearing appealed the case.

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

**MOTION:** Commissioner Walker seconded by Commissioner Collins the meeting was recessed at 8:25 pm until October 20, 2010 workshop meeting at 4pm was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Burke, Walker Collins. Noes: none. Absent: none

This the 6<sup>th</sup> day of October 2010

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Jamie Daniels, Mayor

ATTEST:

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Becky Breiholz, Town Clerk