

MINUTES

The Town of Manteo Board of Commissioners held their February 13, 2008, 2008 Recessed Session February 6th, 2008 at 4:00 pm at the Manteo Town Hall meeting room

The following members were present: Mayor Jamie Daniels
Commissioner Edward Etheridge
Commissioner H.A. Creef, Jr.
Commissioner Hannon Fry
Commissioner Richie Burke
Commissioner Darrell Collins

The following member(s) were absent: Commissioner David Farrow

Also present at the meeting were: Town Manager Kermit Skinner
Assistant Town Manager/Planner- Shannon Twiddy
Town Clerk-Becky Breiholz
Department Heads: Erin Trebisacci; Steve Jozik;
James McCleave; Chief Vance Haskett; Nathan Pharr; Johnny Boniface

Mayor Daniels called the recessed meeting to order at 4:05 p.m.

Amend the agenda-Town Manager Kermit Skinner commented he would like to add approval site plan of Roanoke Island Festival Park; they gave the Board a presentation at their last week meeting and the Planning Board reviewed the site plan last night and asked the Board if they would consider adding it to the agenda. Mayor Daniels added it to the agenda as item #3 and Commissioner Fry would like to add a closed session NCGS 143.318.11 (a) personnel.

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

SUBJECT: Department Head Reports-these were given to the Board at their regular December meeting for review and will be on file for one year. Each department head went over their reports; Steve Jozik gave his report on the IT Department and informed the Board that they facilitated the wireless request from Pirates Cove with Charter and that the Homeowners Association will need to work it out with Charter. Chief Haskett-went over his report and informed the Board that he was appointed to the Dare County Juvenile Crime Prevention Counsel (JCPC) and that it would not take him out of town. James McCleave went over his report; they have installed two kiosks besides doing their other duties. Commissioner Collins wanted to commend James and his crew for the help at the cookhouse. Nathan Pharr gave his report and they have had no NOV's for December and they are moving along with the Bowsertown project and he gave a report on the first state inspection since 2005. Mr. Boniface gave an update about on going projects and Commissioner Collins thanked him for all his work on the cookhouse.

Finance Officer Shannon Twiddy commented that Commissioner Farrow called and will not be able to attend the meeting and asked to be excused.

MOTION: Commissioner Collins seconded by Commissioner Fry to excuse Commissioner Farrow from the meeting was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Fry, Burke, and Creef Noes: None. Absent: Farrow.

Planner Trebisacci gave the Board an update on the Board of Adjustment meeting to be held on Monday, at 5:30 pm February 18th; she gave the Board a report on the items approved at the Planning Board last night. Mayor Daniels asked that the Salt Meadow landing intersection at Midway be explained to the Board. A handout was given to the Board of the site plan and will be made a part of these minutes. There is proposed a deceleration lane on Hwy. 64 and Mrs. Trebisacci commented that she sent a letter to NCDOT that if they lowered the speed limit to 50 mph and made the new road a regular road it would save money but she has not heard back from NCDOT yet. The realignment of Russell Twiford Road was discussed and proposed funding is for year 2011. Another issue Mayor Daniels asked about was the Marina at Marshes Light about the realignment of their docks and Mrs. Trebisacci gave the Board an update and brief history of the plans submitted for environmental review from 14 state agencies; the layout the Town approved was not necessarily the best for the environment and they recommended changes and as a result there is a marina layout as proposed by Marshes Light to CAMA for approval and it eliminated two finger piers on the north side and reduced the slips from 188 to 173; it has added a 400 foot wave attenuator in the sound; and when the proposal was brought to her she objected and she discussed it with Marshes Light and issued a letter January 17th, that she believed it was a significant change and therefore it would need to go back through the entire process. Mrs. Trebisacci commented her biggest concern is that the wave attenuator is in the sound and affects the general public. In January she asked for the Planning Board opinion. Mayor Daniels asked what their options were and Mrs. Trebisacci commented they can seek an appeal to the Board of Adjustment which the clerk has received a letter today that they wish to seek an appeal; their second option is to come back and re-open the permit and the third option would be to seek legal counsel. Commissioner Fry commented that 14 agencies approved this and they do that every day and Mrs. Trebisacci commented that she understands, but the way the ordinance is written if it is a significant impact on the general public, neighboring properties or those that may use or live within the development then it is considered a significant change. Commissioner Fry asked what the severe impact was and Mrs. Trebisacci commented that the concern she has is the wave attenuator which is 400 feet long and is in public trust waters. Commissioner Fry asked why it all had to go back to the Planning Board and Mrs. Trebisacci commented I wish it didn't however, the way the ordinance is written I am charged with enforcing the ordinance. Commissioner Fry asked if there was something that could be done and Town Manager Kermit Skinner commented change the ordinance. Commissioner Fry does not see anything wrong with what they have and the wave attenuator protects the boats tied up at the north end. Mrs. Trebisacci also commented that she has spoken to other people and a wave attenuator are the best thing to protect coastland marshes and things like that; is very large and thinks the way the ordinance is written this is a significant change. Mickey Hayes, developer gave the Board a picture of the configuration as to what it was proposed as; what was approved for and what it will be now and his contention is they have made marina smaller than the one that was approved and should not be construed as a

significant change and hope the town sees fit to agree with him and drop the opposition. Mayor Daniels commented that we have not mentioned there was any opposition from the Town we want to know what can be done now. Mr. Hayes commented that we had a wave attenuator approved that is farther out. Commissioner Fry commented what we approved sticks out more and 14 different government agencies showed him what need to be done and what is Town going to do fight the federal and state government. Mayor Daniels commented that they can go through the Board of Adjustment. Mr. Skinner asked Mrs. Trebisacci two questions: 1) the area shown in red on the map Mr. Hayes supplied them with; has a CAMA permit been issued for that dock? Mrs. Trebisacci commented no, that no permits had been issued. Mr. Skinner secondly the letter that Mr. Hayes supplied them with date April 12, 2006 when you gave administrative approval to what is shown in red and the submission on the new docks shown in green what was the reasoning behind approving administratively? Mrs. Trebisacci "in 2006 was prior to the adoption of our current land use plan; our current land use plan has very strict strong language about protecting the public access to public trust waters, by installing this wave attenuator it creates this feeling of privacy and discourages and almost prevents the public from accessing those waters." Commissioner Fry commented we approved one that sticks out farther and that is what is confusing him. Mrs. Trebisacci commented that was approved prior to the adoption of our land use plan, once the land use plan was adopted she has to seek other government documents within the planning department to make her decisions.

PROJECT REPORTS:

SUBJECT: Public Relations/Special Events-Martha Wickre commented she gave the Board an update on the Outer Banks Triathlon to be held April 27th. She also gave them an update on the Bowsertown Road and the street closures. The kiosks are up one at Collins Park and one at Maritime Museum.

SUBJECT: Crosswalk Markings-Bulb Outs-Town Manager Kermit Skinner commented that when the Board received the cost estimates he felt the Board did not want them to pursue this and were not interested in spending that kind of money; Mr. Skinner informed the Board that the Public Works has repainted the crosswalks; and we still looking at getting the thermal applications. Mr. Skinner also commented that he sent the plans to NCDOT and we did get a verbal agreement from Jerry Jennings that we could do the bulb out provided it met their specs.

SUBJECT: Manteo Water Garden Park- Mrs. Trebisacci moving along as scheduled; planning staff is pursuing a grant for construction was submitted. Commissioner Creef asked about the NC. Coastal Federation and was informed that is what the Board of Adjustment will be holding a hearing on Monday. Mr. Skinner commented we have not scheduled the demolition; we are still developing a RFP for that; we have received a waiver from the county to accept the debris at no cost. Mrs. Twiddy commented she believes the property needs to be ready by June 1st and the tenants need to be out March 31st. A gentleman with China King has asked if he can stay a little longer past March 31st. Manager Skinner commented it would be up to this Board. Mayor Daniels commented that we will look into it so we can't give him an answer yet. Staff will contact Town Attorney for more information.

SUBJECT: Report Grants: (a) Clean Water Trust Fund Grant-Nutrient Reduction-Shannon Twiddy asked permission to remove from the Old Business list as the grant as it has been completed and delivered to the Board. The Board gave permission to remove it.

(b) CAMA Grant for waterfront pump out station- Mrs. Trebisacci commented the initial approval was verbal and the state is awaiting Federal approval.

SUBJECT: Haven Creek Lane Paving project-The Board had asked for a breakdown of the cost and the Town was provided with a cost from Green Engineer \$13,000 Performance \$7,868 Albemarle Engineering \$7,200. Mr. Skinner recommended the Board go with Albemarle Engineering and direct staff to prepare a budget amendment for the March agenda.

MOTION: Commissioner Creef seconded by Commissioner Collins to award Albemarle Engineer the contract was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Fry, Burke, and Creef Noes: None. Absent: Farrow.

SUBJECT: Liquor by the drink –Mrs. Twiddy gave the Board a report on how the money was split; she explained that there were two liquor tax revenue sources. That each of the two sources are split using two different formulas, one being 42 ½ percent to the Dare County Social Services Department with 15% going to Dare county and the remainder being split between each of the five participating towns. The second source is 15% to Dare County and the remainder having been split between the other five towns. There are currently 5 municipalities participating and her estimate for approximate revenue would be between 30,000 and 35,000 about ½ cent of the tax rate. Mrs. Twiddy gave the Board dates of when liquor by the drink was voted on. Discussion took place on if the Commissioners should have it placed on the ballot or have the people get a petition together for it to be on the ballot. She explained there were two ways to place Liquor By the Drink on the ballot, one having a petition signed by 35% of the registered voters in the Town and the other by a vote of the Board of Commissioners.

MOTION: Commissioner Burke seconded by Commissioner Fry to put liquor by the drink on the ballot was **NOT** approved by the following vote: Ayes: Commissioners Fry and Burke, Noes: Collins, Etheridge and Creef Absent: Farrow.

SUBJECT: Fee schedule-This was given to the Board last week to review and the majority of changes are in Administration fees. The water/sewer tap fees are still being discussed by the Board. Mr. Skinner commented if the Board does not approve the entire fee schedule could they please amend the fee schedule to reflect the changes made for copies. The Board reviewed the schedule and consensus of the Board was to keep the Board of Adjustment fee to \$500.00.

MOTION: Commissioner Fry seconded by Commissioner Burke to approve the fee schedule as presented by staff with keeping Board of Adjustment at \$500.00 was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Fry, Burke, and Creef Noes: None. Absent: Farrow.

SUBJECT: Discussion of water taps fees The Board had requested more information from last week meeting and Nathan Pharr gave the Board a report on what it cost and the report will

be made a part of these minutes. Mr. Pharr commented that the taxpayers are paying for those that are coming on to the system now; if you add the increase the new customer is paying for his tap and paying in to maintain the system that is already established which is now being paid for by the taxpayers. Commissioner Etheridge commented he spoke with some contractors who can do the same thing for \$1600 to \$1800 which is a big discrepancy between the figures presented and this is one way to discourage people to build in the Town. Commissioner Etheridge stated all these years everyone has been charged the same rate and now all of a sudden we have to raise it 5 times, maybe 2 times but not 5 times and no way the money lost can be recouped. Mrs. Twiddy informed the Board that from the last audit report we had to take \$276,000 last year out of the water and sewer savings account to pay for operation costs. Commissioner Etheridge asked why we didn't start doing this 4 or 5 years ago when we started having a deficit. Mrs. Twiddy commented it was brought to the Board's attention 4 years ago and each budget year after that asking this Board to consider this. Mayor Daniels took a poll of the Board and Commissioner Burke, Fry and Collins will go with the proposed fee. Commissioner Etheridge is against this. Commissioner Creef commented that the increase is needed to operate the system and possibly we could cut the water fees. Consensus of the Board would be to place this on the March agenda.

SUBJECT: Budget preparation basics-Finance Officer Shannon Twiddy gave the Board an overview of the budget, statutes and terminology to help the Board better understand the budget and complying with the state laws. She commented that it is up to this Board to instruct staff what they want funded. Mrs. Twiddy commented that the Board needs to take into consideration non-recurring revenues, we can not depend on the land transfer tax with the real estate market in its current state, we can not continue to count on sales tax and occupancy tax revenues to be distributed at our current rate as other towns continue to increase their tax rates our current share of those revenues will continue to decline. Mrs. Twiddy commented this is a highlight of the budget and what it is supposed to do. The Finance Officer was asked to explain what a Fund Balance is and she commented that it is a pot of money unrestricted, undesignated and available for expenditures. Mrs. Twiddy explained Shared Revenue to the Board and is based on property tax and the lower your tax rate the less money you receive. Town Manager Kermit Skinner informed the Board that they used to do a budget retreat, hire a facilitator and have it done at a neutral place; but over the past several years we have gotten away from that. If the Board chooses to do that Mr. Skinner will try to find someone. Mrs. Twiddy commented she would like if the Board could schedule this late March or early April giving the department heads a chance to get costs comparisons together. The Board would like staff to organize and retreat.

SUBJECT: Site Plan review for Roanoke Island Festival Park- Mr. Skinner commented that Festival Park gave the Board a presentation at their last meeting and it was presented to the Planning Board last night and it is up to this Board if they want to approve it or place it on March's agenda. It was explained to the Board that if the state is building in your locality they do not have to get permits and the State does their own inspections; but they have to abide by our zoning ordinance. The Planning Board recommended approval with the condition that the additional sewer fees be paid.

MOTION: Commissioner Fry seconded by Commissioner Creef to approve the site plan with the additional fees being paid was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Fry, Burke, and Creef Noes: None. Absent: Farrow.

Commissioners/Staff Concerns/Comments

Commissioner Etheridge commented that the stoplight at the end of Ananias Dare Street is too long before it turns green and he has brought this up before. Town Manager will contact NCDOT.

Commissioner Creef asked about the street light at the CVS/Russell Twiford Road and Mr. Skinner gave an update about the meeting they had with Dominion Power.

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

Discussion of hiring outside attorney for Town when Town Attorney is unable to represent the town. No action taken

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

MOTION: Commissioner Creef seconded by Commissioner Etheridge to adjourn at 7:20 pm was approved by the following vote: Ayes: Commissioners Etheridge, Collins, Fry, Burke, and Creef Noes: None. Absent: Farrow

Adopted this 13th day of February 2008

ATTEST:

Mayor Jamie Daniels

Town Clerk Becky Breiholz