

## MINUTES

The Town of Manteo Board of Commissioners held their April 2, 2008 Recessed Session April 9, 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 David Farrow
- Commissioner Darrell Collins

The following member(s) were absent:

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; Nathan Pharr; Johnny Boniface;
- Carl Jordan, Chief Vance Haskett

Mayor Daniels called the recessed meeting to order at 4:10 p.m.

Mayor Daniels would like to amend agenda to add a report from Green Engineering on the waste water performance evaluation after item C.

**MOTION:** By Commissioner Burke seconded by Commissioner Collins to amend the agenda to add report from Green Engineering was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, Collins and Creef Noes: None. Absent: none.

### OLD BUSINESS

**SUBJECT:** Department Head Reports-these were given to the Board at their regular meeting for review and will be on file for one year. Mayor Daniels asked each department head to go over their report. James McCleave went over his report. Nathan Pharr gave the board his report and informed them that they will be doing a town water flush next week. Chief Haskett went over his report and informed the Board that there will be a triathlon on Roanoke Island, April 26<sup>th</sup> and expecting it to be over with by noon. Commissioner Etheridge asked if swimming was involved and was informed that yes swimming is involved. Commissioner Etheridge commented that there were complaints about not being able to swim in Shallowbag Bay and the citizens concerns about the pollution and Town Manager Mr. Skinner commented that the private promoter of the triathlon were doing there own testing and would make the call on whether it was safe. Mr. Etheridge asked if we tested the water and was informed that we test it once a week but during the summer we test it 3 times a week. The Board asked staff to get the test results from the triathlon organizers. Mr. Boniface gave an update on the projects: Buck Seafood

demolition, cemetery sidewalk and the Collins Park cookhouse. Mr. Jozik went over his report. Mrs. Trebisacci gave an update on the Planning Department. She also informed the Board she received notice from the CRC that effective May 1, FEMA will institute a new policy: Flood insurance policies for buildings that are rated as having the lowest floor one foot or more below the base flood elevation (BFE) will no longer be eligible for the community's CRS discount. Mr. Skinner informed the Board about the budget retreat that has been set up for this year at the Outer Banks Tourist Bureau on May 16<sup>th</sup> at 8:30. Mrs. Twiddy had no additional information for the Board on her report.

**SUBJECT:** Budget Amendment 6-b demolition of Buck's Seafood property to begin the Water Garden complex

**MOTION:** Commissioner Etheridge seconded by Commissioner Creef to approve budget amendment #6b was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, Collins and Creef Noes: None. Absent: none.

**SUBJECT:** Discussion and consideration of budget amendment to Channel 20 Budget-Steve Jozik, IT Director- According to the agreement all the Towns have to approve any budget amendment for Channel 20; the funds are already in their budget and does not cost the Town any additional funds. Mr. Jozik commented Channel 20 has received a matching grant and to match this grant they need to amend the current year budget.

**MOTION:** Commissioner Farrow seconded by Commissioner Burke to approve budget amendment for Channel 20 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, Collins and Creef Noes: None. Absent: none.

**SUBJECT:** Presentation from Leo Green with Green Engineering on the performance evaluation of the waste water treatment plant. Mr. Green gave a slide show presentation which will be made a part of these minutes and went over each slide describing how the plant works. The evaluation study was initiated in 2004 and the primary purpose of the study was to determine what problems the operators were having at the facility at the time and what needed repairs or replacement and determine why some of the violations were occurring and to make recommendations to get the plant back on target. Mr. Green explained to the Board how the plant operates and explained that up to 90% of your pollutants can be removed in the headworks. He went over the design and permit parameters of the plant and that the plant is designed and permitted for 600,000 gallons a day; the Town can increase to a million gallons a day discharge once certain improvements have been made. During the 40 month study period from January 04 to April 2007 the average daily flow was 297,000 and we still have not reached 50% of the capacity of the system. Mr. Green informed the Board that 98% of the time the plant is meeting the various limits. He also commented that they don't have an infiltration inflow problem based on the values they don't recommend that the Town spend a lot of money replacing the pipes the money needs to be spent on infiltration and inflow in areas of intersections that flood more water and the manholes covers. He went over the violations from January 2004 to April 2007. Mr. Green went over recommendations he has for the plant. Mr. Green commented that there needs to be daily monitoring and that there used to be someone at the plant that did that and for whatever reason the Town decided to lease the lab out, "you need to have someone there on a daily basis and the plant needs to get back into daily monitoring." He also went over the

recommended improvements to the plant with a total estimated cost of \$679,000. He informed the Board that the replacement of the head works is a must and needs to be done, the grid system that removes all the sand hasn't worked properly in many months; the two influent pumps are completely worn out and have to be replaced today. We are getting ready to put the new pump station on line at Bowsertown and if we put it on line today there is no way those pumps can handle the flow and the \$165,000 for the headworks is an absolute must. The disinfection and chemical feed section is something the Town has already appropriated the money for and a tremendous amount of the violations are caused by that. Mayor Daniels went over each slide for discussion. Commissioner Etheridge asked if we had the capacity to furnish sewer if we build out in the entire Town and Mr. Green responded yes that they did a study for the Town several years ago and we have enough to handle if we were to be built out. Mr. Green stressed to the Board that they needed an additional operator at the plant. The Board would like staff to get the violations from the past 12 months and the current copy of the EPA watch list for them to review at their May meeting.

A 5 minute recess was taken at 5:45 pm

Mr. Fearing was allowed to make a comment and the reason he is here is to express his concerns about information he is receiving about the Waste Water Treatment Plant. The reason he is concerned about it, he has a daughter who has gone sailing from the Creef Davis Boathouse for 3 years. He could be using the wrong language and does not know the exact technical terms. When he reads Mr. Green's report of 124 violations which says wastewater; he has been told that wastewater can be excessive amounts of chlorine but it also says fecal chloroform bacteria and does not want to give the Town a black eye, he is a stakeholder in the cleanliness of our water but he does not want his child swimming in Shallowbag Bay when raw sewage is being dumped in there. He had a series of questions and does not know if this Board is aware that the treatment plant was inspected on January 23, 2007 and rated in noncompliance, he does not know what that means but to him it means it is not working; an inspection was also done on February 6, 2008 and was not in compliance. He has asked the Commissioners if anyone was aware of sewage coming out of the manholes in the Town. Commissioner Farrow commented that he knew of one incident. Mr. Fearing asked if it has occurred more than once and Commissioner Farrow stated yes. Mr. Fearing asked "when this occurs isn't the state supposed to be notified and he has been told it wasn't happening." He commented that Shallowbag Bay has a designation of a special secondary nursery area, if we are having a plant that is not functioning correctly especially the chlorine it kills the fish. He talked to the Health Department and has not received the answer but is his child at risk for being in that water. He further stated that C3 classification water says you are not supposed to be in the water. Mr. Fearing commented that he contacted J.D. Potts who is with the recreational water quality monitoring program shellfish, sanitation and regional section and he asked him today "should you be in the water" this is his quote: "he would not get into the water at the bridge and would certainly not advise getting into the water at the gazebo which is closer to the sewage outfall. He is simply asking questions of state officials and they are responding to them. Mr. Fearing commented he also has bills from Atlantic Sewage of tens of thousands of dollars that have been paid to them because of waste water. Mr. Fearing commented that he wants to bring some solutions, he has talked with Wayne Bryant, with DWQ and asked what can be done to help the Town and "the people that are fining you have people that can help you and he has the names." "One is the Technical Assistance Certification Unit

with the State, there is also the N.C. Rural Water Association that would come out and help with the system.” “Coastal Studies Institute would probably help.” “There is more to just writing a check and paying the fines, there should be some accountability with the operation of the plant, it is not the plant that is failing but the operation of that plant. He wants to find out if water in the bay is safe. Commissioner Fry gave the Board a list that he received of people that will help us out with plant and there is grant money that is available. Mrs. Twiddy commented that we have applied for a grant from DENR which has some of those components listed in Mr. Green’s report. Mrs. Twiddy also informed the Board that the grant would be reduced by any repairs done in the original request if they have already been completed prior to the awarding of the grant. The grant will not be awarded until November or December 2008. Commissioner Fry asked what causes the manhole on Grenville Street to overflow and Mayor Daniels commented that we are not supposed to be getting into a debate but stated that when the lift station fails it starts to backup and they have to go to the lift station to repair the motor and in the meantime have to call a pump truck to run it through the plant because it is not being pumped by the lift station. Commissioner Etheridge commented he thought the Board three or four years ago was supposed to set aside funds for capital improvement fund and we should have some money somewhere for this very thing that is happening and don’t we have enough money to cover the expense. The Board discussed the funding of the repairs. Mr. Skinner commented that we they have to remember that we have two separate budgets, a general fund budget and a water and sewer budget and unfortunately for the past several years our general fund budget which is tax driven has been subsidizing the water and sewer budget which is supposed to be a enterprise fund. We haven’t had a water and sewer rate increase in over 20 years.

## **PROJECT REPORTS:**

**SUBJECT:** Public Relations/Special Events- Martha Wickre gave the Board an update and that our second newsletter has gone out; we had a successful skateboard contest this past weekend and there was a lot of community support. The Special Events committee will be meeting Monday. She also informed the Board that the Christmas celebration that has been changed back and forth from the first weekend to the second weekend will now be the first weekend in December and will stay that way. Consensus of the Board was to change it to the first weekend in December and to keep it that way. Farmers Market is gearing up and will start in June. She reminded the Board about the Bideford visit and that personal invitations will be sent out and there will be a lunch on April 24<sup>th</sup> and a dinner that night at the aquarium. Mayor Daniels thanked Mrs. Wickre for all she does.

**SUBJECT:** Crosswalk Markings-Bulb Outs- Mayor Daniels asked this be removed from the agenda and send it back to the Planning Board.

**SUBJECT:** Manteo Water Garden Park- Everything is moving along.

**SUBJECT:** Report Grants:

- (a) CAMA Grant for waterfront pump out station-the pump out has been ordered and installation will occur about a week after it arrives.

**SUBJECT:** Haven Creek Lane Paving project-as per the Board instruction the Engineer removed the cul de sac from the plans and the plans have been sent out for bids and we do not have to go through the formal bid process because it is under the state threshold.

**SUBJECT:** CVS Light/Russell Twiford Road- We have paid Dominion Power and they have ordered the fixture and will be installed as soon as they receive it.

**SUBJECT:** Discussion Magnolia Market-we have three proposals and Mrs. Fearing has asked to continue her lease. Mr. Fearing commented that he is unable to rent out the spaces with people because he does not know what to tell them and they do not want to sign a lease only until December and has had two tenants move out. Mayor Daniels commented that we need to move on this and maybe we can come to some agreement with the restaurant about the bathrooms, the Town does not want to be in the landlord business or clean bathrooms. Mayor Daniels asked that the Board to go to the site and check it out and it will be put on the agenda for next month.

**MOTION:** Commissioner Farrow seconded by Commissioner Etheridge to enter into closed session NCGS 143.318.11 (a) 3 consult with attorney Baker, Jones, Daly and Carter regarding Wright vs. Town of Manteo lawsuit was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, Collins and Creef Noes: None. Absent: none

Town Attorney Daniel Khoury introduced Attorney Mr. Ron Baker who is here to give the Board an update on the lawsuit regarding Wright vs. Town of Manteo.

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

Town Attorney Daniel Khoury brought up the previous discussion that Mr. Fearing was addressing about the waste water treatment plant performance. It was commented that a lot of these problems were before Mr. Pharr came to work for the Town. Mr. Khoury commented he knows the public does not want an increase in the rates but he encourages the Board to think about raising the rates and we will be judged now by what needs to be done, but we have to protect the waters. It was commented that some of the pollution can be coming from Dough's creek and a lot of the septic tanks outside the Town are not treated. Mr. Skinner commented that Mr. Potts is making antidotal assumptions, no where in any of his emails is there anything to quantify an occurrence in the headwaters of Shallowbag Bay. Commissioner Fry gave the Board a hand out of the prices he has received from some local contractors to do tap fees. Mr. Khoury commented that we should be setting aside a certain amount every year and it is budget time and needs to be explored now during budget time. Mrs. Twiddy commented on the rates and that we are an average of 30% lower on water in communities our size and sewer rates approximately 10% lower than the state average but she would update the research per the recommendation of Daniel Khoury.

**MOTION:** Commissioner Etheridge seconded by Commissioner Burke to adjourn at 7:15 pm was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, Collins and Creef Noes: None. Absent: none.

Adopted this 9th, day of April 2008

ATTEST:

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Mayor Jamie Daniels

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Town Clerk Becky Breiholz