

MINUTES

The Town of Manteo Board of Commissioners held their February 3, 2010 Recessed Session February 17, 2010 at 4:00 pm at the Manteo Town Hall meeting room.

The following members were present:

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

The following member(s) were absent:

Also present at the meeting were: Town Manager, Kermit Skinner Finance Officer Shannon Twiddy; Town Clerk-Becky Breiholz; Department Heads Steve Jozik, Erin Trebisacci, Nathan Pharr, James McCleave, Carl Jordan, Building Inspector Ralph Allen;

Mayor Daniels called the recessed meeting to order at 4:04 pm

Department Head Reports- were given to the Board at their regular meeting for review and will be on file for one year. Steve Jozik IT Department went over his report and we are switching email because of an ongoing problem with filtering, we are working on getting underway with the phone system and working with the police department about updating their laptops; Mr. Jozik met with Channel 20 group and there will be some changes and none of it will affect the amount the Town pays.

Mayor Daniels would like to amend the agenda to move discussion of porta-johns after the department head reports and add a report on shoreline committee meeting before the closed session.

MOTION: Commissioner Farrow seconded by Commissioner Collins to amend the agenda was approved by the following vote: Ayes: Commissioners Fry, Walker, Collins, Farrow, Burke, and Creef Noes: Absent:

Mr. McCleave went over his department head report and they have put up high water signs in the downtown area and they still have to put out barricades but people still ride around them; they have put up new Manteo Town limit signs. Planner Erin Trebisacci went over her report and they have issued a few building permits, Building Inspector Ralph Allen is working with Dare County Fire Inspector on doing fire inspections and he will be out of town next week attending classes to get his licenses in order. She also attended a meeting on the 2010 Census. Carl Jordan went over his report regarding the waterfront docks. Chief Haskett is out sick today. Mr. Skinner

commented that we have had a number of business break-ins the last week and the police do have a suspect but are waiting on results from lab tests sent to the SBI. Nathan Pharr went over his report and he has spoke with DENR about the heavy rainfall and there will be no violations. Town Manager Mr. Skinner thanked Nathan for all his hard work these last few weeks. The application from ATC and DENR requesting to be allowed to dump into our plant the clean up of the Laundromat has withdrawn their application.

SUBJECT: Discussion of Port-A-John Waste Disposal- Mr. Pharr has informed the Board that they have gotten back on track of having the porta potties being dumped at the plant. This has been discussed at several meetings and the Board was given recommendations by Mr. Pharr at their regular meeting and was asked to review them for discussion at the workshop meeting. After evaluating the TOM waste disposal agreement with Port-a-John, here are our Departmental suggestions for improvements prior to renewing the contract:

- Randomly sample any and all loads being discharged into the WWTP. This will have a proposed slight increase to offset cost of samples.
- Addition of a 3" electric flow meter and meter assemble installed at WWTP to be referred to as outside waste station. This would also allow the town to meter any all gallons introduced manually outside of the collection piping for better water accountability. Estimated cost of meter and installation is around \$6,000.
- Due to cost of infrastructure improvements we suggest that we raise the commercial rate to \$0.0126 per gallon, \$10.26 per 1000 gallons pumped.
- Keep \$20 employee flat rate
- Keep penalties
- Cut off and terminate the sewer dumping service across from old loading station on Croatan Ave. to prevent I&I

Commissioner Farrow asked about the dump out at the tourist bureau welcome center and possibly having that metered. Mr. Pharr commented that the unmonitored places can pretty much dump any thing they want. Pump out at Pirates Cove Marina and Shallowbag Bay was discussed, they have pump outs but are not in use at this time. The most expensive cost to have a meter to those places is getting electricity to it. Pump outs at marinas was discussed and the only two that Mr. Pharr knows of that are working is ours at the waterfront dock and Marshes Light marina but he does not think that one is on yet. Commissioner Fry thought we were going to have an ordinance where the pumps out had to be operable; and Mrs. Trebisacci commented that the ordinance currently says all new marinas have to have them. Commissioner Fry would like an ordinance that all marinas pump outs need to be operating. This will be placed on the agenda for March. Mayor Daniels commented that we need to get the new recommendations into the new contract for renewal with A&A contract. Mr. Skinner commented we can take the existing contract and update the contract with these recommendations and have the Town Attorney review it. Commissioner Collins asked if we increase his rate do we have to increase rates for others and Mr. Pharr commented

that this is the only company that we have doing this so this is an increase between us and them for us to take their waste. Mr. Skinner commented that based on our previous experience at the plant it is not a business that we should expand either and Mr. Pharr agreed with him. Mr. Skinner will work on the contract with the attorney.

SUBJECT: Presentation from Firegel South East-Mayor Daniels introduced Will Smith who is with Firegel and this company asked to give a presentation about the product that they sell called Barricade II which reduces the chances of homes suffering damage due to radiant heat or direct exposure to sparks. They do not suggest that they fight fire but instead sell a product that in the event of a fire surrounding homes can be sprayed on the exposed side of their structure to reduce their chances. Mr. Smith played a DVD for the Board demonstrating the use of the product.

SUBJECT: Discussion of wetland line at Marshes Light-This was brought up at the regular February meeting during the discussion of the site plan approval for the Ship's store at Marshes Light and Commissioner's Creef concerns that they were invading the wetlands. Staff was to have CAMA come and mark the wetland line to make sure they were not encroaching into the wetland and this has been done by CAMA. Warren Eadus with Marshes Light is here to answer any questions the Board has. Frank Jennings with Coastal Management came and put out stakes and the building is not in the wetland line. The line was originally established in 2004.

SUBJECT: Water Garden Park report- Staff and Meet with George Wood on site today and he will be taking more samples and then he will talk with DENR about getting that dredged. On Wednesday, February 10, 2010 the Project Manager gave the following report for the Water Garden: We have received and reviewed several submittals that have been provided by the Contractor. We approved most of them and asked for additional information on a few. Some of the Erosion and Soil Control measures are in place and the Contractor is waiting for the concrete structures to arrive before beginning land disturbance. The concrete structures are fairly deep and need to be installed before the water garden is excavated and shaped for plantings. It seems that the Contractor is making every effort to get the necessary submittals approved and is getting ready to get actual dirt moving soon. Mr. Skinner received a phone call from the engineer and they plan on starting work tomorrow.

MOTION: Commissioner Collins seconded by Commissioner Walker to excuse Commissioner Fry at 5:20 pm was approved by the following vote: Ayes: Commissioners Fry, Walker, Collins, Farrow, Burke, and Creef Noes: Absent:

SUBJECT: Discussion of usage of public parks-This item is to discuss the usage of the public areas for weddings. In the past the Town has allowed weddings to be done at the gazebo, Creef Davis Park and the lighthouse pier. Because these are public areas and built with grant funding the Town can not charge the public to use these areas; the Town makes no guarantees to the wedding party of exclusive use just that we will only book 1 wedding per day. The Town does not get involved in any other way as to clean up, set up that is all the responsibility of the

booking party. In the past this has not been a problem but with weddings becoming a big business on the Outer Banks, the wedding planners are booking up the waterfront areas at a rapid pace and are now becoming a problem as the dates are taken and others want the same date. Mr. Skinner gave the Board an overview of what has been taken place over the years with the usage of the public areas and that we make no guarantee of exclusive use because grant money was used for the development of those public areas. Staff is looking to the Board for direction. Discussion took place about the fact that you are not reserving the area and that we make not guarantee that the public won't be down there using the area; in fact if another wedding goes down there we do not get in the middle or referee. Linda Bradley with Beach Ball Events commented that the actual ceremony takes 22 minutes; 30 minutes beforehand to set up but they understand that they can not block access to the public. These weddings bring in a lot of revenue for the businesses in Manteo and would be sad to stop that. Some of the problems that have come up are the trash left in the area; the Town having to clean up; complaints that people have been run off. Town Clerk Becky Breiholz commented that she has no problem with the way it has been done and what she has done is blocked off the days for Dare Days, 4th of July, OBX Marathon, Arts Festival and is not taking requests for weddings. What causes problems is when people want the same day at a different time which can get confusing. Linda Bradley commented that she has no problem working with other wedding planners to work out and let them work it out. Consensus is to keep the system that we have been using and book one wedding a day and if someone wants to use it the same day they can contact who has it to see if they can work it out.

SUBJECT: Discussion of amendment to require a permit to build a fence. As requested at the regular meeting of the Board, staff has prepared language requiring a permit be pulled for all fences. If the Board is in favor of this it will need to go to the Planning Board for review and then back to the BOC to set a public hearing. The proposed language is as follows:

Sec. 13-14 Building Permits Required.

(b) Building permits to be approved by zoning administrator:

(9) *Fences and Walls*

Sec.15-5. Walls and fences.

Prior to construction of fences or walls a permit must be obtained according to §13-14 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) Fences shall have the same appearance on all sides.

It was asked how much this would cost a homeowner to put in a fence; Mrs. Trebisacci commented that Kill Devil Hills charges a \$100 fee. The cost will depend on if they have a survey and the pins are in place and the homeowner can find the pins then that should not cost them anything; the way the language is written it is for any fence. Commissioner Creef commented that if you own a home you generally have a plat that was surveyed for you. There are several instances where fences have been moved over and there needs to be something to protect the homeowner besides having to go to civil court to protect them; so the Town does not protect the residents. This does not apply to existing fences; how does this apply to existing fences being grand fathered. The way the grandfather ordinance is written that you can build it back as how it was before if it was destroyed by natural causes. The language needs to be changed in (b) to say commercial fences. Commissioner Burke commented if they want to put up a fence and need a survey he does not think a homeowner should have to have the additional expense of putting up a fence. You have no way of verifying the pins unless there is an actual survey and will make this an expensive process. The Board would like this to go to the Planning Board.

MOTION: Commissioner Burke seconded by Commissioner Walker to enter into closed session was approved by the following vote: Ayes: Commissioners Walkers, Collins, Farrow, Burke, and Creef Noes: Absent: Fry

SUBJECT: CLOSED SESSION NCGS 143.318.11(a) 3 Fearing vs. Town of Manteo Old Tom Street

MOTION: Commissioner Farrow seconded by Commissioner Burke to exit into closed session was approved by the following vote: Ayes: Commissioners Walkers, Collins, Farrow, Burke, and Creef Noes: Absent: Fry

MOTION: Commissioner Burke seconded by Commissioner Collins to adjourn at 6:35 pm was approved by the following vote: Ayes: Commissioners Walker, Collins, Farrow, Burke, and Creef Noes: Absent: Fry

This the 17th day of February 2010

ATTEST:

Mayor Jamie Daniels

Town Clerk Becky Breiholz