

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, March 3, 2010 at 6:30 p.m.

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
- Asst. Town Mgr/Finance Shannon Twiddy
- Town Clerk Becky Breiholz
- Planner Erin Trebisacci

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

SUBJECT: Adoption of Agenda as presented or amended-Mayor would like to add item B to the Managers agenda a request for funds from Roanoke Island Volunteer Fire Department

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

SUBJECT: Adoption of the items on the Consent Agenda –

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

SUBJECT: Approval of minute's regular meeting February 3, 2010 with CD recording.

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

SUBJECT: Approval of minutes Recessed workshop February 17, 2010 with CD recording.

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

SUBJECT: Dues and Subscriptions Outer Banks Chamber of Commerce \$300.00

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

SUBJECT: Resolution 2010-01 opposing the inclusion of Cape Hatteras and Cape Lookout National seashore Parks into Marine Protection Areas (MPA).

MOTION: Commissioner Creef seconded by Commissioner Farrow to approve Resolution 2010-01 as presented was approved by the following vote: Ayes: Commissioners Walker, Farrow, Fry, Creef, Burke and Collins. Noes: None. Absent: none

SUBJECT: 2010 Census Partner Proclamation

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

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. There were none.

SUBJECT: Presentation from Town of Nags Head regarding Beach nourishment-Renee Cahoon is here on behalf of the Town of Nags Head tonight about Beach nourishment to Nags Head; the Town of Nags Head passed a Resolution for a one percent occupancy tax for a beach nourishment project for Nags Head; they would like collection of a 1% occupancy tax in Dare County for 10 years ending December 31, 2020; allocation of \$20 million from the Dare County Beach Nourishment Fund for a permitted 10 mile long beach nourishment project in Nags Head; allocation of five years of the additional of 1% occupancy tax revenue to repayment of a revenue bond for the Nags Head Beach Nourishment Project. It is not meant to be a permanent solution; according to their engineers the sand will last ten years. The project is almost permitted; Nags Head has the most beach accesses of any town in North Carolina; funding through an occupancy tax will have the least effect on neighboring town and the county budgets; this plan refills the fund for future projects. Ms. Cahoon is not here to ask for action tonight she is here to answer any questions the Commissioners might have. She has also brought a draft resolution for the Board if they do decide to approve the 1% occupancy tax. She will leave with the Board a chart showing dedicated erosion fund balance. Commissioner Creef asked if they have looked at raising other taxes beside the occupancy tax and Ms. Cahoon commented that Dare County has already stated they would not favor a sales tax increase

which would also affect the local residents; a food tax would not raise enough money; Currituck already has a 6% occupancy tax and it does not seem to have adversely affected them. Jennifer Frost asked to speak and begs the BOC to accept Nags Head proposal of a 1% occupancy tax increase.

TOWN MANAGER'S AGENDA

SUBJECT: Interlocal Agreement for Town use of County VOIP System- The agreement that Dare County has provided and signed will allow us to integrate our new phone system with Dare County's. Our current phone system is at end-of-life and needs to be upgraded. This new phone system has been designed to fit into our current (2009-2010) budget. Town Attorney Daniel Khoury reviewed the agreement and has no problems with the agreement.

This agreement is beneficial to Manteo because:

- 1) Dare County is offering their services free-of-charge
- 2) The new phone system will be much more feature-rich
- 3) Dare County has offered support free-of-charge
- 4) The new phone system will save money in the long term.
- 5) The upgraded phone equipment will also be an upgrade to our data network.
- 6) The new system will make things much easier and more efficient for the front desk staff.
- 7) Integrating into Dare County's phone system saves us money because we don't have to buy all of the back-end equipment.

MOTION: Commissioner Burke seconded by Commissioner Walker to approve the Interlocal agreement with the County VOIP system was approved by the following vote: Ayes: Commissioners Walker, Farrow, Fry, Creef, Burke and Collins. Noes: None. Absent: none

SUBJECT: Request from Roanoke Island Volunteer Fire Department- Mrs. Twiddy presented the Board with a copy of page 3 from the contract for Fire Protection Service between the RIVFD and the Town and will be made a part of these minutes. Under Section 9 payment for services A states in March of each year the RIVFD will make a request for funding based on budgetary needs to be approved by the Board of Commissioners. Last fiscal year the total payment for fire protection was \$228,000. Mrs. Twiddy Finance Officer has received a request from Ken Daniels on March 2 requesting an increase of \$29,000 for a funding request for fiscal year 2010/2011 for \$257,000. The reason this is being brought to the Commissioner's attention is first the contract in effect for 5 years, prior to the renewal which was done in September, the old contract was based on percentage of the ad valorem tax; the new contract as it was renewed in September 2009 did not say they were entitled to a percentage of ad valorem tax that they would present to you budgetary needs and it would be up to the Board to decide the amount they will fund. Mrs. Twiddy asked if the Board wanted to approve this request or ask them to come to a future meeting and do a budget presentation. Prior to the new contract they were allowed up to 7% of the tax rate and what we had been doing is paying them 7 cents of the 21 ½ cents and when it was re-negotiated that is no longer a part of the contract. Commissioner Creef commented that the County pays money to the Roanoke Island Fire Department excluding the

Town of Manteo and Mrs. Twiddy commented that yes but she does not know what that figure is or what their request is to the County. Commissioner Creef would like to know this information. This will be tabled until the March workshop and have Ken Daniels do a presentation before the Board approves this request.

Town Manager Kermit Skinner commented that the Planner had scheduled a joint meeting with the Planning Board at the workshop to discuss stormwater and Mayor Daniels commented that we will put a time limit and that the agenda items will be from 4-5 and then the joint workshop with the Planning Board.

PLANNER'S AGENDA

SUBJECT: Discussion of Ordinance for Pump Outs at existing Marinas At the regular February Board of Commissioners meeting, staff was asked to research and develop an ordinance requiring that all existing marinas in the Town of Manteo have a pump out facility and maintain it in working condition. Staff developed the language in italics below. This language could go in one of two places in the Town's ordinances, first in the Zoning Ordinance under §12-7 Marinas or it could be placed in the Utilities Section of the Codified Ordinance.

All marinas with more than ten slips in the Town of Manteo shall have and maintain in good condition, a pump out station for boaters. The Town of Manteo Water and Sewer Department shall reserve the right to periodically inspect these facilities.

Staff would also ask the board to consider a stated amortization period for this ordinance, as some of the facilities may need a lot of work to bring up to working order. Town Attorney Daniel Khoury commented that it should go in the zoning ordinance and he asked for language to be added for annual inspections and if there is a violation the Town will have a way of enforcing it. Commissioner Collins asked that besides being well maintained the word operational is included; Commissioner Farrow would like a record of each boat that pumps out and Mrs. Trebisacci commented that you could require them to keep a log; our dock master keeps a log and she will speak with him to get the logistics. Consensus was for this to be reviewed by the Planning Board at the March meeting and come back to the BOC in April.

SUBJECT: Discussion of Ice House at Pirates Cove Pavilion- Coastal Sports & Entertainment, Inc. is seeking to establish a seasonal ice skating rink in the town of Manteo, located at the Pavilion in Pirates Cove. The business is anticipated to be open from Thanksgiving 2010 through early March 2011, and seasonally in winter each year thereafter. Based on historical operations, it is anticipated the business will create up to 6 part time jobs for seasonal workers and attract customers from nearby counties to enjoy the area's only winter sports experience.

Background

In winters 2007 and 2008, Coastal Sports & Entertainment (CSE) established a successful seasonal ice skating rink called “The Ice Haus” in Currituck County. No ice skating was offered in the 2009 season, but the Pavilion appears to be an attractive location for the winter 2010 season. CSE has ample time in 2010 to prepare the Manteo location and would seek to open the ice skating rink just prior to Thanksgiving 2010.

Management

CSE is run by Rich Cubin, a Dare County resident who is an expert in building and servicing ice skating rinks. His company, Rink Specialists, builds and services ice skating rinks all over the east coast, including the Scope in Norfolk, Virginia, home to the Norfolk Admirals professional ice hockey team. More details are available on www.rinkspecialists.com.

Historical Achievements

The 2007 season was the first time an ice skating rink had been put in place in Northeast North Carolina. Obviously the area is well known for its beaches in the summer time; however the area has no winter sports activities. The rink was built under a large enclosed temporary tent structure in front of a restaurant. Currituck County granted a temporary permit for the structure. The Ice Haus was immediately successful and generated a good deal of interest in the community. Customers of all ages enjoyed the experience, and many were first time skaters. Numerous get-togethers and birthday parties were serviced. The Ice Haus was open from late December 2007 to early March 2008. The 2008 season was similarly successful, with an expanded season in the same location and another temporary permit. The business ran multiple skating sessions on the weekends. Teenagers enjoyed having “something to do” on Friday and Saturday nights, and families found ice skating to be an activity they could all enjoy together. The Ice Haus was open from late November 2008 to early March 2009.

Following the success of the first two seasons, a permanent location was sought for 2009. A large metal warehouse building was rented and specially formatted, and the business expanded for summertime day-camps and roller-skating. Unfortunately this business could not compete with the beach activities in the summer and it was shut down, and the 2009 winter season was abandoned.

The new location at the Pavilion appears to be very attractive and as we have been told, easily accommodates special events far in excess of our ice skating session requirements. The structure is permanent and is used in the summer to host events and tournaments. It has not historically been used in the winter. Minimal work would need to be done to the site, other than an upgrade to the electrical transformer. The ice making equipment takes up only approximately 200 square feet and there is ample room for it. The chiller system will be trailer mounted at a minimal elevation of 42” and can be easily moved should inclement weather become an issue. Parking and concessions are already in place. The owners of the Pavilion are supportive, as is the homeowner’s association of Pirate’s Cove. CSE will have several months to prepare for the 2010 season, with the Ice Haus anticipated to be open by Thanksgiving.

Community Support

The Manteo location is well situated in the heart of the year-round residential area within Dare County. Year round residents of Manteo, Wanchese, Nags Head, Kill Devil Hills, Kitty Hawk, and Southern Shores are all within easy driving distance and there are numerous nearby schools. Due to the uniqueness of the attraction to the area, customers have historically traveled not only from Dare and Currituck Counties, but also from Tyrell, Pasquotank and Camden Counties as well. As part of its planned growth, The Ice Haus intends to implement multiple programs with the Parks and Recreation departments, including learn-to-skate programs, and youth ice hockey lessons. Promotional tie-ins with local hotels and rental agencies as well as tourism boards are also planned. Educational field trips with the local schools, focusing on how ice is made and the physics of friction are possible. These programs are a natural fit for The Ice Haus, but historically had not been pursued due to the newness of the enterprise.

Projected Success

CSE already has in place all the assets necessary for operation, including the ice-making equipment, the hockey boards, the rental skates, and the ancillary office equipment. Management believes the enterprise should be at least as successful as the 2008 season, perhaps even more so due to the proximity of year-round customers, increased name recognition, and additional planned programs. CSE is excited about the opportunity to once again bring the Ice Haus to the area. Consensus of the Board was in favor of the project.

OLD BUSINESS

Mayor Daniels went over the old business – water garden park is to be completed by May 1; Boardwalk repair quotes to be furnished at BOC budget workshop; working on setting up a meeting with CDC on affordable housing. Fisherman's landing was discussed and Mr. Khoury commented that there was support before he got sick and will spearhead getting that back on track. Policy for code of ethics should be available for the Boards review at their April meeting. Dredging- Mr. Skinner commented that there are no funds available and Commissioner Fry commented that we should call Raleigh to see if they have funds available and get on the list and he will work with Mr. Skinner on this. Buck's canal samples have been taken and sent to the lab.

TOWN ATTORNEY AGENDA

This item was not on the agenda but Mayor Daniels commented that a memo was given to the BOC from the Mrs. Twiddy about the past due rent from Magnolia Grill; staff sent a certified letter in November 2009 which was returned so the police department hand delivered it and at that time they were \$8,345.64 past due. We received \$1600 December 2 and \$250 January 15 and the past due balance is now \$9516.96; about the rent being in arrears Mr. Khoury commented that he is in default of his lease and the Board can set a date that if he is not current by a certain time the Town will start eviction proceedings. Consensus of Board for attorney to write a letter giving him twenty (20) days to pay the past balance of the rent.

MAYOR'S AGENDA

SUBJECT: Report Water and Waste Water Committee meeting things discussed in the meeting were the zero meter reading; schedule of reading and billing; reviewed readings from December and work on Pirates Cove averaging.

SUBJECT: Report Shoreline Committee-this is a Dare County committee and is an advisory board to the Dare County Commissioners to oversee the budget of the previous 1% tax which was collected to help with the erosion and from which Nags Head is requesting \$20 million of the funds for beach nourishment before the tax increase was voted down; the town has a seat but no one from the Town had been serving on it so the Mayor has been to last two meetings representing the Town and if there are no objections he will continue representing the Town; there were none. The committee has not met in over a year but since Nags Head is requesting funding they have started meeting again. Commissioner Creef does not like the idea of another tax increase. The next meeting is next Tuesday at 5:30 pm

SUBJECT: Report Outer Banks Tourist Bureau meeting-Mayor reported that they funded two projects one is a half marathon and the other event funded is the Outer Banks shag festival.

COMMISSIONERS AGENDA

Commissioner Walker Cemetery Committee report-nothing to report next meeting is March 18 at 9am.

Commissioner Collins-Collins Park Committee report-May 8th has been selected as the day for the dedication of the Richard Etheridge Statute and will have more details after their next meeting. Mrs. Trebisacci is working on the grants. Town Attorney will follow up on the status of the 501 C3.

Commissioner Burke asked about the paving on John Borden Street and Mr. Skinner informed them we had received a price for paving but has asked them to revise the contract since we have some other areas that need asphalt.

SUBJECT: Closed Session NCGS 143.318.11 (a) 5-acquisition of real property located on Ananias Dare Street

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

Acquisition of real property located on Ananias Dare Street and owned by Marietta Trainor.

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

MOTION: Commissioner Fry seconded by Commissioner Walker the meeting was recessed at 8:35 pm until March 17, at 4pm was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Walker, Burke, Collins. Noes: none. Absent: none

This the 3rd day of March 2010

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk