

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, February 6th, 2008 at 7:30 p.m.

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

The following member(s) were absent: None

Also present at the meeting were: Town Manager-Kermit Skinner
Finance Officer- Shannon Twiddy
Town Clerk-Becky Breiholz
Town Attorney-Daniel Khoury
Planner Erin Trebisacci

Mayor Daniels called the Regular meeting to order at 7:30 p.m. with a moment of silence followed by the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended- Amend agenda to add discussion of fee schedule as item K and to add a Closed Session to consult with Town Attorney NCGS 143.318.11 (a) 3 to protect attorney client privilege and to remove Item B discussion of Haven Creek Lane for next Wednesday workshop.

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

SUBJECT: Adoption of the items on the Consent Agenda

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

SUBJECT: Approval of minutes Regular Meeting January 2nd, 2008

MOTION: Commissioner Collins seconded by Commissioner Farrow to approve the minutes of January 2nd, 2008 as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

SUBJECT: Approval of minutes recessed and closed Meetings of January 9th, 2008

MOTION: Commissioner Collins seconded by Commissioner Farrow to approve the regular workshop minutes and closed minutes of January 9th, 2008 as presented was approved by the following vote: Ayes: Commissioners Farrow, Creef, Etheridge, Burke, Collins and Fry
Noes: None. Absent: none

SUBJECT: Approval of Budget Amendment #4-legal fees for Board of Adjustment and Police Officers Workman's Compensation Insurance and miscellaneous line items that have been expended.

MOTION: Commissioner Collins seconded by Commissioner Farrow to approve budget amendment #4 as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke
Noes: None. Absent: None.

SUBJECT: Approval of Budget Amendment #4a-appropriate additional funds to be used for the replacement of the Chemical Feed System at the Waste Water Treatment Plant.

MOTION: Commissioner Collins seconded by Commissioner Farrow to approve budget amendment #4a as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke
Noes: None. Absent: None.

SUBJECT: Dues and Subscriptions Outer Banks Chamber of Commerce \$330.00

MOTION: Commissioner Collins seconded by Commissioner Farrow to approve Dues and subscriptions Outer Banks Chamber of Commerce \$330.00 as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke
Noes: None. Absent: None.

SUBJECT: Dues and Subscriptions NC Association of Zoning Officials \$80.00

MOTION: Commissioner Collins seconded by Commissioner Farrow to approve the dues and subscriptions \$80.00 as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke
Noes: None. Absent: None.

SUBJECT: Report on the OBX Marathon-Mike Kelly one of the organizers gave the Board an update on the 2006-2007 review of the marathon. He thanked the Town for its support of the race and the race is becoming a destination event with over 4,000 runners. He also praised the Town staff for the wonderful job they did. Mr. Kelly went over the statistics of where the runners came from and how they registered and also comments from the runners about the race. Webb Fuller also an organizer of the event presented Mayor Daniels with a picture of the Marathon.

PUBLIC COMMENTS

Todd Clissold owner of Poor Richards Sandwich Shop at the waterfront and is here to ask the Board to put liquor by the drink on the ballot in November. Strippers and Hurricane Mo's are allowed to sell liquor by the drink because they are private clubs and by a state law allowed to do this and thinks it is only fair that the other business in Town have the same opportunity.

(TOWN MANAGER AGENDA)

SUBJECT: Board of Adjustment appointments/re-appointments for the expired terms of Joe Jordan and Michael McOwen regular members and filling of un-expired term of Member Carl Jordan. Member Joe Jordan and Michael McOwen have expressed an interest in serving again and Alternate Member Edward Mann commented he would be willing to fill the un-expired term of Carl Jordan. This will also leave a spot open for an alternate.

MOTION: Commissioner Creef seconded by Commissioner Farrow to re-appoint Joe Jordan and Michael McOwen as regular members to the Board of Adjustment was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

MOTION: Commissioner Creef seconded by Commissioner Fry to appoint Edward Mann to fill the unexpired term of Carl Jordan was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

MOTION: Commissioner Collins seconded by Commissioner Burke to appoint Stuart Wescott as alternate member was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

SUBJECT: Discussion and consideration of paving of Haven Creek Lane. This was postponed to next Wednesday workshop meeting.

SUBJECT: Report on street light on Russell Twiford Road at CVS-The Board requested price quotes for the installation of a street light at the intersection of Russell Twiford Road and the drive way entrance to CVS Pharmacy. NC Power gave us seven applications and pricing ranging from \$0.00 to \$1950.54 depending on the type of fixture, mounting and wattage. None of the options meet the requirements of the Town of Manteo Zoning Ordinance and if we installed any of the lights we would be violating our own ordinance. It was asked what kind of fixtures we have now and was told sodium. Commissioner Farrow commented if we can get one free and it is across the street on a 6 foot arm that would put out enough light to see where to turn. Mr. Skinner commented that the problem is that the Power Company does not have a light that meets our ordinance. Commissioner Creef would like to put something temporary there until we could get something there that met the ordinance. Commissioner Collins

suggested having staff find a light that could be placed there. Town Manager Mr. Skinner commented that the Board could ask the Planning Board to address this with a text amendment or have them find a light that would meet our ordinance. This will be referred to Planning Board for their next week meeting on Tuesday and put on the agenda for the workshop session.

SUBJECT: Planner-discussion and consideration of setting a public hearing for text amendment to signage-Staff has been wrestling with enforcement of the sign ordinance as it pertains to structures containing more than one business. An ordinance has been developed that will address where signs may be placed on these type of buildings. There is no intention of allowing larger signs. This has come about because of the signage at the waterfront condos. Commissioner Etheridge commented that he thought there were too many state signs and many duplicate signs.

MOTION: Commissioner Farrow seconded by Commissioner Creef to hold a Public Hearing March 5th, 2008 for signage was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

SUBJECT: Planner-discussion and consideration of setting a public hearing for text amendment for boat lifts. This has come about by Marshes Light receiving a request for a boat lift to be installed at the water front and staff has developed an ordinance concerning this type of fixture. The concern was that you would end up with a full marina on the waterfront with poles and suspended boats.

MOTION: Commissioner Collins seconded by Commissioner Etheridge to hold a public hearing March 5th, 2008 for boat lifts was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

SUBJECT: Planner-discussion and consideration of text amendment to the codified ordinance Section 10-2b fire ordinance. It has come to the attention of the building inspector that the established fire district ordinance may have some deficiencies. The Inspector would like to see additional language to restrict "all construction in the fire district to noncombustible materials on the exposed area." As the ordinance reads now only construction made to present buildings is specifically addressed overlooking the possibility of detached new structures under 80 square feet. It may also be helpful to require roofing permits in the fire district. The permit could be at no charge or a fee established at \$5.00 per square foot. Staff is recommending amend the ordinance and make the necessary changes to the fee schedule if the Board so chooses to place a charge. The Board would like to just change the ordinance without adding a fee at this time.

MOTION: Commissioner Collins seconded by Commissioner Creef to approve text amendment Section 10-2b fire ordinance only was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

SUBJECT: Planner-request to apply for CAMA funds for boardwalk repair- Planning Staff received notice of Pre-application for Access Grant Proposals from CAMA. Staff would like to seek funds to replace just the boardwalk from Poor Richards to Cora Mae Basnight Bridge. The funds would be to replace the decking and any necessary repairs made to the support structures. This project would be as invasive as the project further south on the Boardwalk because it would not require the installation of bulk heading. If the Board chooses to allow the application to be submitted staff will seek bids and submit to CAMA prior to the February 29th deadline. CAMA has changed their match conditions and we are located in Tier 2 and would only require a 10% match and not a 25% match as required in the past.

MOTION: Commissioner Creef seconded by Commissioner Farrow to allow the Planner to apply for the grant was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

SUBJECT: Discussion and consideration of text amendment to codified ordinance Article IV, Division 4, Section 2-234 (2) (a) ; Board of Adjustment Powers and duties: this would require that the applicant submit 10 copies of application, 10 copies of the site plan to include all supporting documents. The Town requires that the applicant supply copies to the Planning Board and Board of Commissioner's and would like to add that requirement to the Board of Adjustment.

MOTION: Commissioner Creef seconded by Commissioner Burke to approve text amendment Article IV, Division 4, Section 2-234 (2) (a) was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

SUBJECT: Planner-request to apply for grant for storm water improvements.

MOTION: Commissioner Fry seconded by Commissioner Farrow to allow the Planner to apply for a grant for storm water improvements was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

SUBJECT: Review and update of Tri-party agreement and Roanoke Island Festival Parks Improvement update. Town Manager Mr. Skinner commented that this is a two part request one to give the Board an update on the improvements and The North Carolina Maritime Museum has requested to be allowed to withdraw from the tri-party operational agreement which the Town, the Roanoke Island Commission, and the Museum entered into in 1997. The day to day operations of the site have been manned by employees of Festival Park for quite some time and from an operational perspective there should be no interruption or diminishment of visitor services in the short term. Mr. Skinner commented he has had numerous discussions with the staff at Festival Park and with the Maritime History Committee of the Roanoke Island Commission regarding this new arrangement and believes that a two party arrangement will allow for greater local control over the programming and exhibits and

programming at the Boat House and the Light House. Hopefully this new partnership will allow those two facilities to attain their full potential. Mr. Skinner commented that the Maritime History Museum has asked to be released from the agreement immediately; according to the terms and conditions of the agreement they can be released with six (6) months notice and what this does is release them immediately as opposed to serve notice and being released in six (6) months. Town Attorney Daniel Khoury commented that they are asking the Board to release them from the six (6) month requirement and if that is done the Town will have to at a later date amend the agreement with Festival Park. Scott Stroh gave the Board a brief presentation of the improvements at Festival Park and thanked the Town for all that the Town does for the Park. Commissioner Etheridge commented that the boardwalk around the outside of park along the canals needs attention and Mr. Stroh commented that they are aware of that and they have recently received a grant that will facilitate repair to those boardwalks and also an installation of a kayak launch.

MOTION: Commissioner Collins seconded by Commissioner Fry to waive the six month written notice and allow for the NC Maritime Museum to withdraw from the Tri Party Agreement immediately was approved by the following vote: Ayes: Commissioners Farrow, Creef, Fry, Collins and Burke Noes: Commissioner Etheridge. Absent: None.

SUBJECT: Discussion of changes to the Fee Schedule-Commissioner Collins asked this be tabled so they can review it. Mayor Daniels commented that we will not take any action but allowed Planner Trebisacci to go over the schedule and explain the fee schedule. This will be discussed a next week's workshop meeting.

COMMISSIONER'S AGENDA

Report Collins Park- Commissioner Collins commented that the Public Works Department has almost finished painting and the trim work has started. They are looking at purchasing display cases and are seeking volunteers.

Report Cemetery Committee-Town Manager gave a brief update that we have sent out request for proposal for sidewalks in the new section and we are slowly working with the new software on placing people with graves and the grid work is not lining up with the old portion of the cemetery and locating them will have to be done grave by grave in the old section. The new software works great on the new portion. Commissioner Etheridge asked what the age of the cemetery was and who was buried there first. No one was sure but thought after the church was established.

Commissioner Creef asked about the speed limit at midway and we have asked on several occasions over the years that the speed be lowered from bridge to bridge to 50 mph which was never done and would like something to be done. Commissioner Etheridge commented it is not the intersection it is the drivers who speed and make it dangerous and the speed limit is not enforced. Town Manager Mr. Skinner commented that we can contact NCDOT and make that

request again. The Board would also like Senator Basnight's office be contacted again. Planner Trebisacci commented that she has written NCDOT regarding the Salt Meadow Landing curb cut area and their proposed driveway at midway and that we have problems with it with the current speed limit of 55 mph. The Board would like to view a map of the area with proposed changes with Salt Meadow Landing and the addition to the Dare County Justice Center next week at the workshop. The Board would also like some facts and figures included in the letter of the accidents in that area.

Commissioner Fry asked about the liquor by the drink brought up during Public Comments and wanted to know what type of revenues we could get if we allowed liquor by the drink. Commissioner Creef commented it has been voted on 4 times and not passed. Staff is to get revenue information to the Board for discussion at workshop. The Board would also like to know how it could be placed on the referendum.

MAYOR'S AGENDA

Discussion of placing possible conditions on Magnolia Market Lease-Mayor Daniels commented that the tenants there now have to be out when the lease expires December 2008. Commissioner Creef commented that whoever leases it out should allow those that are already there priority to stay and sub leases rented on a year round basis rather than monthly. The length of the lease was brought up and Commissioner Creef commented that it is for 10 years now and should not be any less than that. Commissioner Farrow commented we can't tell someone we lease it to what to do. Mayor Daniels commented that we can make it a condition of the lease the new tenant would extend the terms of any sub tenants for an additional two years and make it a policy. Town Attorney Daniel Khoury commented whoever you decide to lease Magnolia Market to you are asking on one hand that they give consideration or allow existing sub tenants to remain on for a period of time; but he thinks that the terms within that lease would be negotiated between the new tenant and the sub-lease. Commissioner Farrow commented that he would like the bathrooms that have been discussed previously completed well ahead of the time it is leased and he also feels the restaurant should have its own bathrooms and we should put them in. Mayor Daniels asked to make this a policy "as condition of the new lease the tenancy would be extended to the sub tenants for two years with the terms to be negotiated by the tenants and the sub tenants" and consensus of the Board that a clause should be placed in the new lease to that effect.

MOTION: Commissioner Collins seconded by Commissioner Creef to enter into a closed session NCGS 143.318.11 (a) 3 was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Creef, Fry, Collins and Burke Noes: None. Absent: None.

SUBJECT: NCGS 143.318.11 (a) 3 Attorney Client privilege-Town Attorney Khoury gave the Board an update on a request for a release of Public Information asking for to copy the hard drives of the Town's computers.

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

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Collins seconded by Commissioner Creef the meeting was recessed 10:00 pm until Wednesday, February 13th, 2008 at 4:00 p.m. and approved by the following vote: Ayes: Commissioner Fry, Burke, Farrow, Etheridge, Collins and Creef. Noes: None. Absent: None.

This the 6th day of February 2008

Jamie Daniels, Mayor

ATTEST:

Town Clerk Becky Breiholz