

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, July 18, 2012 at 6:30 p.m.

The following members were present:

- Mayor Jamie Daniels
- Commissioner Darrell Collins
- Commissioner Richie Burke
- Commissioner Christine Walker
- Commissioner David Farrow
- Commissioner Nancy Peele
- Commissioner Hannon Fry

The following members were absent:

Also present at the meeting were:

- Town Manger Kermit Skinner
- Town Clerk Becky Breiholz
- Planner Erin Burke
- Town Attorney Wyatt Booth

Mayor Daniels called the Regular 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- Amend agenda to add under consent agenda resolution 2012-12 honoring the Life and Legacy of Andy Griffith; add under the Town Manager's agenda outside Town water connections for residents in Dare County; add another closed session for acquisition of property.

**MOTION:** Commissioner Collins seconded by Commissioner Walker to approve the agenda as amended was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent: None

**SUBJECT:** Adoption of the items on the Consent Agenda

**MOTION:** Commissioner Burke seconded by Commissioner Walker to approve the consent agenda as amended was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent: none

**SUBJECT:** Approval of Minutes of Recessed meeting May 31, 2012 meeting

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

**SUBJECT:** Approval of Minutes Recessed June 6, 2012 meeting

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

**SUBJECT:** Approval of Minutes Regular June 6, 2012 meeting

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

**SUBJECT:** Approval of Minutes Recessed June 8, 2012 meeting

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

**SUBJECT:** Approval of Minutes Recessed June 20, 2012 meeting

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

**SUBJECT:** Approval Resolution 2012-11 Opposing Dominion NC Power rate increase.

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

**SUBJECT:** Approval Resolution 2012-12 Resolution honoring the life and legacy of Andy Griffith.

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

**PUBLIC COMMENTS** – Town Manager asked for any one to speak on items not on the agenda 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.

Dee Eisenhauer-lives<sup>4</sup> outside Town limits but has a business downtown and asks if the Board has given any thought or discussed what is going to happen about the Magnolia Market and the

operating of the public restrooms. Commissioner Collins would like to add discussion of this to the Commissioner's agenda.

#### TOWN MANAGER'S AGENDA

**SUBJECT:** Discussion of dredging projects Roanoke Island Festival Park, Peninsula and Pirates Cove. Property owners came to the BOC Budget Public hearing requesting funding for the Peninsula and Pirates Cove dredging projects. The Board had previously approved Resolutions 2011-04 and 2011-05 in support of the dredging projects at Pirates Cove Channel #7 and the Peninsula Scarboro Creek. Resolution 2012-13 reaffirms Resolution 2011-04 and Resolution 2012-14 reaffirms Resolution 2011-05.

The Board discussed Dough's Creek - Roanoke Island Festival Park dredging project first. The State is obligated to dredge around Roanoke Island Festival Park, but they have no funding to do so. Mr. Skinner gave the Board an update, a letter was received from Mr. Cooney from the N.C. Department of Cultural Resources and they are looking at granting options and are aware of their responsibility. In the letter sent they stated they would have a draft grant application to us by July 25<sup>th</sup>. Mr. Skinner commented that if the Board wants them to take a more aggressive stand that he and Town Attorney Wyatt Booth can look into what options we have. The Board would like staff to write letters to the Army Core asking for them to do a survey at Dough Creeks to see what shape the channel is in; write a letter to the Coast Guard asking that the channel markers be put back in place; write a letter to the NC Cultural resources regarding how important this project is and write a letter to the Governor asking for her assistance.

Pirates Cove and the Peninsula dredging projects discussed. The Board asked that all pertinent information be given to them for this meeting for discussion. John Robbins supplied the Board with the completed grant applications; CAMA permits and estimated costs. If the grant application is approved by the State they will fund 50% and they are asking that the Town fund the other 50%. They had come to the Board previously and the Board passed a resolution supporting them in the dredging project but was not committing any funds to the project. John Robbins commented that he thinks that State funds will be getting tighter. The Board discussed possibly doing a cost share with Pirates Cove and the Peninsula and possibly funding 25% of the 50% they are requesting and Pirates Cove and Peninsula pay the other 25%.

**MOTION:** Commissioner Fry seconded by Commissioner Farrow to approve Resolution 2012-13 and 2012-14 and approve the Town's funding 25% of the side channel #7 (Pirates Cove) not to exceed \$60,000 Budget Amendment 1C and Scarboro Creek (The Peninsula) dredging not to exceed \$32,000 Budget Amendment 1A; approve Resolution 2012-13 and 2012-14 reaffirming support and to appropriate 25% of the dredging at Dough's Creek (Roanoke Island Festival Park) was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: Absent:

**SUBJECT:** Outside Water Connections: Town staff has been contacted by Dare County with a request to assist them in supplying water service to several homes outside of Manteo's

corporate limits but not served by a Dare County waterline. The homes and home sites are on Wingina Avenue just north of our Town limits. In an effort to avoid duplication of services Dare County did not run a water main to these properties during their recent Roanoke Island expansion project. This has left these properties in uniquely awkward position. They are within Dare County's service area on Roanoke Island but the County is unable to service them. Manteo has a line that runs along Wingina Avenue but to tie into our system it would cost the property owners over twice what the other property owners on Roanoke Island have been assessed during the recent line expansion. In addition Nathan believes that those fees would likely not cover the amount of contracted work the Town would incur in making those connections. What Dare County is proposing is that County bear all the expenses of making the individual connections, road bores, lateral extensions, meter purchase and placement, etc. and that the Town then accept the connections as Manteo customers, paying our water rate for customers outside of our corporate limits. Shannon, Nathan, and I have reviewed this proposal and recommend that the Board allow these connections. All the work would be done to Town of Manteo specifications and under the supervision of Town of Manteo Personnel and there would be no out of pocket expense to the Town of Manteo. The Water & Sewer Fund would benefit by the additional customers paying the higher out of Town rates and the increased flow in the already existing Town line would be a benefit to the out of Town customers we already have on that line. I felt it was important that this matter be brought to the Board rather than Staff making such a decision as it involves the forgiveness of certain fees and I did not feel comfortable making a finical amendment of this nature without Board approval. I believe this matter can be addressed by a consensus to direct staff rather than a formal motion and vote as long as the Board's approval is reflected in the minutes. There maybe a few other properties just outside our corporate limits that are in essentially the same situation and Staff would request that they be given the authority to address these in the same fashion should Dare County make a similar request.

**MOTION:** Commissioner Collins seconded by Commissioner Peele to in an effort to not duplicate infrastructure; waive the water line connection fees for outside of Town residents that are not served by a county water line and where there is a Town water line with all connections costs to be borne by Dare County and to purchase meters of the Town's choice to be compatible with our software; all installation work to be coordinated and performed under the direction of Town of Manteo staff was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent: none.

## PLANNER'S AGENDA

**SUBJECT:** Discussion and consideration of setting a public hearing for text amendment to allow duplexes in B1. As requested at the March Planning and Zoning Board Meeting staff prepared text to amend the zoning ordinances to allow for duplexes in existing residences in the B-1 Village Business District. The BOC asked that this go back to the Planning Board for a more

detailed ordinance. The Planning Board cited the existing ordinance does not require onsite parking for any other use in B-1 recommended against requiring additional parking for duplexes in the B-1 district. Ms. Burke commented that the Board just passed an ordinance allowing event homes downtown and did not require them to have on site parking and that would affect parking more than allowing duplexes. Commissioner Farrow commented that we should start thinking about requiring on site parking in B-1. If the Board would like the Planning Board can discuss on site parking in B-1 and also address the lot coverage.

**MOTION:** Commissioner Burke seconded by Commissioner Walker to set public hearing for the September 5, 2012 meeting was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent: none.

#### COMMISSIONER'S AGENDA

Commissioner Collins-Magnolia Market uses open air area. Mr. Skinner commented that right now Barry Holt and Pembroke Bryant have the use of the area until September for a Tuesday craft fair and once a month artist fair. Commissioner Farrow noticed the main area that there was a picnic table with paint and paint brushes on it, and did not know the Pirates Ship was renting that part of the Market. Mr. Skinner commented that he told Mr. Strickland with the Pirate Ship that if there was no events going on that he could use it. They used to use outside underneath the magnolia tree but the Town placed mulch down and they don't want the children to get splinters. Commissioner Walker asked if staff had to clean up after the art craft events and Mr. Skinner stated not that he was aware of. Members from the audience suggested that the Town charge everyone who uses that area and possibly increase the privilege license fees and then use those funds to pay to clean the bathrooms or possibly charge to use public restrooms.

A lengthy discussion took place on the use and cleaning of the public restrooms at Magnolia Market. Commissioner Farrow would like to lock up the bathrooms and place a porta potty there, and if the merchants need those bathrooms so bad they can arrange for them to be cleaned. Commissioner Farrow would like staff to research the cost of porta potties and how many we need. Commissioner Fry commented that he agrees that everyone that uses the open space at the market should pay and that the Board would be discussing rules and regulations at the September 5<sup>th</sup> meeting. Commissioner Fry stated most merchants usually provide restrooms for their customers and that there are not many towns that offer public restrooms and that this Board has received nothing but complaints at every meeting for a year now and that we are doing the best we can. The Town pays for the water bill at those restrooms which amounts to over \$10,000 a year and if the businesses would like the Town would furnish the cleaning supplies and they could clean them on a rotation basis. Mr. Skinner commented that with the current staffing we have no one to clean the restrooms on the weekends and right now staff is cleaning them in the morning and afternoon. The Board would like the bathrooms need to be locked at night.

Commissioner Peele asked about the County Administrative Building and if we knew what the County plans were. Mr. Skinner commented he thinks they still use some of the offices but he thought at one time we had an agreement with the County that if they sold it, the Town would have first right of refusal.

Commissioner Fry wanted to recognize the passing of former Commissioner H.A. Creef owner of the Pioneer Theater and Duke of Dare Motel, who served on this board for 22 years. On the dredging projects he will speak with Frank Jennings with CAMA about a location for the spoils from Dough's Creek and possibly having them taken to where the other dredging projects spoils will be taken.

#### MAYOR'S AGENDA

**SUBJECT:** Report Outer Banks Tourist Bureau- Mayor Daniels gave an update.

Mayor Daniels also commented that it has been a tradition that this Board not hold their August meeting and if there are no objections we will not have the August meeting and meet at the regular September meeting. There were no objections by the Board and the August meetings will be canceled.

**SUBJECT:** CLOSED SESSION-NCGS 143.318.11 (a) 5 acquisition of property Dockmaster's office.

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

Consensus of the Board was to wait until the September 5<sup>th</sup> meeting to discuss this.

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

**SUBJECT:** CLOSED SESSION-NCGS 143.318.11 (a) 5 acquisition of property 107 Bideford Street.

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

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

Commissioner Collins informed the Board that this would be the last chance for the Town to possibly extend Agona Street and that he was informed that NCDOT had funding available for economic growth and education projects and that Ms. Burke was looking into it and that the Town could put in an offer to purchase with the contingency that we get grant funding for the property and to pave the road. Consensus of the Board was to offer \$90,000.

Commissioner Collins asked the Board to recuse him from voting as he wife is the listing agent for the property.

**MOTION:** Commissioner Fry seconded by Commissioner Walker to recuse Commissioner Collins from voting was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke and Peele. Noes: None. Absent: none. Recused: Commissioner Collins

**MOTION:** Commissioner Walker seconded by Commissioner Peele to offer purchase 107 Bideford Street property for \$90,000 contingent on getting a NCDOT grant for purchase and paving to extend Agona Street was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke and Peele. Noes: None. Absent: none. Recused: Commissioner Collins

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Collins seconded by Commissioner Peele the meeting was adjourned at 8:45 pm was approved by the following vote: Ayes: Commissioner Peele, Farrow, Fry, Walker, Burke, Collins. Noes: none. Absent: none.

This the 18<sup>th</sup> day of July 2012

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Jamie Daniels, Mayor

ATTEST:

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Becky Breiholz, Town Clerk