

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, July 6, 2011 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

The following member(s) were absent: Commissioner Hannon Fry

Also present at the meeting were: Town Manager-Kermit Skinner
Interim Town Attorney, Wyatt Booth
Finance Officer Shannon Twiddy
Town Clerk Becky Breiholz
Planner Erin Trebisacci

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 the agenda to add under Town Manager appointment to the Roanoke Island Commission and under Finance Agenda add water rate discussion and add a closed session for property acquisition.

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

SUBJECT: Adoption of the items on the Consent Agenda

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

SUBJECT: Approval of minutes Regular and closed meeting June 1, 2011 with CD recording.

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

SUBJECT: Approval of minutes Recessed workshop meeting June 15, 2011 with CD recording.

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

SUBJECT: Approval of audit contract with Dowdy and Osborne

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

SUBJECT: Resolution 2011-08 surplus vehicle

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

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.

Edward Mann-property Highway 64/264 and came to the Board several months ago about a problem he was having with a fence next to his property and he wants to thank the Board for the work they put into having this mediated and the new fence looks real good.

Ruth Lewis has property on 514 Sir Walter Raleigh and commented that the property next to hers the yard is overgrown and the trees are overgrown and there are snakes and would like someone to look at it. Mr. Skinner commented that someone would take a look at it.

PUBLIC HEARING- to receive comments on the rezoning of Sir Walter Raleigh Street.

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

Clarence Lewis 514 Sir Walter Raleigh Street and been a resident for a long time and he is for the rezoning but there are some folks here tonight who had some questions.

Lisa Berry Bryant here for the benefit of her mom Vivian Berry at 810 Sir Walter Raleigh Street and they are not clear on what it is they want to do and where it applied. This is outside of the Town limits and will not affect her property

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

TOWN MANAGER'S AGENDA

SUBJECT: Appointment to Roanoke Island Corridor Committee-Commissioner Hannon Fry is currently the Town's representative and has asked that he be allowed to resign from that Committee due to other responsibilities. The way the statute is written it is the Mayor or his designee. The Town needs to appoint someone and Mayor Jamie Daniels has agreed to be on the committee.

MOTION: Commissioner Collins seconded by Commissioner Walker to appoint Mayor Daniels to the Roanoke Island Committee was approved by the following vote: Ayes: Commissioners Creef, Farrow, Burke Walker, Collins. Noes: None. Absent: Fry

FINANCE OFFICER

SUBJECT: Ms. Twiddy commented that she is not asking for any discussion at this time but would like the Board to be aware of Dare County proposing to increase our water rates. This all came about back in December 2010 when we received an email from Dave Clawson, Dare County Finance Director and their updated cost calculation for the wholesale rate for Manteo. The new rate will be \$1.83 per thousand gallons effective July 1. She, Mr. Skinner and Mayor Daniels had a meeting with Dare County. During that meeting, Dare County was going to work on revising the existing contract to be more consistent with the contracts of other entities they provide water sales to. Also they discussed the possibility of deferral of payments and or billings. Mrs. Twiddy received an email, July 6 from Mr. Clawson which stated "what I have from Bobby Outten is to work something out regarding deferral of payments and or billings." "He has told me that what is sold will be at the calculated rate and we can work out deferring a portion of the bill or, what I think will work better accounting wise, a deferral of a portion of the rate billed. Ms. Twiddy responded to that email stating she was hesitant to admit that she may have missed something on the discussion of deferral of payments and or billings. She recalled from the meeting in Bobby's office that Dare County was going to work on revising the existing contract and she does not remember the actual rate discussed or a time frame determined for rate increases to become effective over a period of years. Upon receipt of the information she will forward this information to the Board of Commissioners for discussion and a way to pay for the proposed rate increases. Our budget was prepared and approved as of July 1 not reflecting a water purchase rate increase. She believes incremental increases and a pay as you go system may work best as the Manteo Water and Sewer Fund is still not solvent and has been

supported and subsidized by loans from the General Fund for each of the last two years. The water and sewer funds does not have the funds to cover this increase at this time.

PLANNER'S AGENDA

SUBJECT: Discussion and consideration of re-zoning R-2M to R5 and B2 to R5 west side of Sir Walter Raleigh Street. At the March Planning and Zoning Board Meeting staff was directed to write letters to the property owners immediately adjacent to Sir Walter Raleigh Street from US HWY 64 to Bideford Street. The letters explained the possible zoning change and how it may affect their property. This was done at the request of Commissioner Collins. There are two existing zoning districts in this area B-2 and R-2M. The rezoning would make all of the properties R-5, thus making is more compatible with the rest of the Sir Walter Raleigh Street and the Historic District. Of the 20 properties affected, there were 16 property owners. The town included a prepaid self-addressed envelope to encourage a quick response to the letters mailed on March 17, 2011. As of June 24, 2011 staff has received ten responses. Eight of those responses indicated that the property owner was "in support of" the rezoning, and two were "opposed" to the rezoning. Also included in the packet is a copy of the map for the area to be rezoned, and a copy of the noticed that was mailed via First Class mail to all property owners and adjacent property owners. The area was also posted with signs. Staff received a number of inquiries about the public hearing but no further feedback in support of or against the rezoning after the notices were posted and mailed.

Mayor Daniels asked what the difference would be as going from R2M to R5 and Mrs. Trebisacci commented that once it is R5 mobile homes would no longer be allowed, except those that already exist can continue to stay and can be replaced if they are destroyed by a fire or hurricane; it just prevents someone from bringing in a trailer that wants a new one. Modular homes would be allowed since they are not classified as a mobile home. The two properties Ace Hardware and Pizza Hut will stay B. Commissioner Collins asked to be recused from voting as he owns property in that area.

MOTION: Commissioner Walker seconded by Commissioner Burke to recuse Commissioner Collins from the vote since he owns property in the area was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Noes: None. Absent: Fry

MOTION: Commissioner Walker seconded by Commissioner Creef to approve amending the zoning map from RM2 to R5 west side of Sir Walter Raleigh was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker and Burke. Noes: None. Absent: Fry. Recused: Collins.

MOTION: Commissioner Walker seconded by Commissioner Burke to approve amending the zoning map from B2 to R5 west side of Sir Walter Raleigh was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke.. Noes: None. Absent: Fry. Recused: Collins.

SUBJECT: Site Plan review for Trade Mart- Trade mart is applying for a permit to construct an 11'x 22' addition on the west side of their store to accommodate a freezer and dry storage. There will also be alterations made to the interior of the existing structure to accommodate a donut over and new coffee bar. The addition will be in keeping with the existing style of the building and will include an emergency exit door. The existing ADA parking space, currently located where the addition is proposed, will be relocated and a new sign will be installed. This project does not increase lot coverage or lighting or alter existing landscaping. As this is addition is considered a significant change to the Conditional Use Permit issued in 1997 it is treated as a new application per Sec 3-21 of the Zoning Ordinance.

The Planning Board recommends the following conditions:

1. Sealed sewer calculations be provided;
2. Lights to be shielded according to the lighting ordinance and foot candles be measured;
3. Elevations to be shown;
4. Parking be eliminated on the US Hwy. 64 side of the building or a parking lot buffer be placed in that location.

Commissioner Creef commented on item #4 and stated that area was allowed for connectivity and does not want that parking to be eliminated. The Board discussed all the conditions and Commissioner Farrow agrees with Commissioner Creef and thought that none of the conditions should be placed on this site plan.

MOTION: Commissioner Farrow seconded by Commissioner Walker to approve as presented without the recommended conditions was approved by the following vote: Ayes: Commissioners Farrow, Creef, Burke, Walker, Collins. Noes: None. Absent: Fry

Project List Update

Dredging Update- Mr. Skinner commented that the Board was given the update but Mr. John Robbins is here tonight if the Board has any questions. There were none. No changes to the project list.

TOWN ATTORNEY'S AGENDA

MAYOR'S AGENDA

SUBJECT: Report Water-waste water committee-still waiting to hear from the Rural Water Association on the rate study.

SUBJECT: Report Outer Banks Tourist Bureau-the numbers are up for the summer.

COMMISSIONERS AGENDA

Commissioner Farrow-would like to request that the items the Board previously approved not put in the budget and are now in the budget be prioritized so that when funds do come available we can do those and would like that done at the workshop. Mayor Daniels commented that he thought items were discussed at the budget workshop but were never put in order of importance. Mr. Skinner commented that at the budget retreat the Board established some goals and they had talked about posting those goals in the meeting room; and thinks the goals were put in order as they were discussed and he could supply the Board with those goals from the facilitator's notes and the Board could prioritize them in the order they want. Mayor Daniels commented we could prioritize the goals with the projects. Commissioner Farrow commented prioritize it as money already approved and does not think we should take a project that we haven't approved and put ahead of a project that we had approved. Commissioner Farrow stated that everything approved has been put on hold because of the repair to the town docks; we are taking money that has already been approved for projects to go on another project and does not think they should be put on hold for something that wasn't approved. Commissioner Walker commented that the repair of the docks takes precedent as they are in need of those repairs. Commissioner Farrow commented that since he has been on this board he has not seen too many members of this board that come up with any ideas; and everyone here knows it and I will say "I am the one that comes up with the most of them."

Commissioner Collins asked about the boat shed and the area has been staked off; we had solicited bids for the project several months ago and received those in which Calvin Gibbs was the lowest bid, once the Board gave us the go ahead we contacted Mr. Gibbs and asked if he would honor his bid which he agreed to do that. We are holding off on the construction until after the dedication of the Collis Gallop Playground. We have staked the corners and would like the Board to look at it to make sure it is where the Board wants it and it was staked in a fashion so we would not have to remove any trees. Mr. Skinner met with NPS Doug Stover and they approved the shed design and said they would allow the Town to clean the boat.

Mr. Skinner reminded the Board about the dedication July 9th of the tot lot starting a noon; this is dedicating the playground in memory of Town of Manteo employee Collis Gallop.

Recess taken at 7:45

SUBJECT: Closed session to discuss acquisition of property NCGS 143.318.11. (a) 5 acquisition of real property on Bideford Street.

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

NCGS 143.318.11 (a) 5 Property acquisition 107 Bideford and 109 Bideford Street.

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

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Burke seconded by Commissioner Farrow the meeting was recessed at 8:10 pm until 4:00 pm Wednesday, July 20th, 2011 for a workshop was approved by the following vote: Ayes: Commissioner Farrow, Creef, Walker, Burke, Collins. Noes: none Absent: Fry.

This the 6th day of July 2011

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk