

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, June 6, 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
- Assistant Town Manager Shannon Twiddy
- 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 the agenda to add to the Town Manager's agenda discussion of downtown drainage issues and prohibiting through trucks on Sir Walter Raleigh St. between Simon and Bideford St.

**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 Peele to approve the consent agenda 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 of Regular May 2, 2012 meeting

**MOTION:** Commissioner Burke seconded by Commissioner Peele 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 May 16, 2012 meeting

**MOTION:** Commissioner Burke seconded by Commissioner Peele 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 Budget Amendment #10 Legal Fees

**MOTION:** Commissioner Burke seconded by Commissioner Peele to approve budget amendment #10 as presented was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent: none

**SUBJECT:** Reorganize Privilege License Fees established by NC General Assembly

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

**SUBJECT:** Resolution 2012-09 Surplus Property

**MOTION:** Commissioner Burke seconded by Commissioner Peele to approve resolution 2012-09 as presented was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent: none

**SUBJECT:** Resolution 2012-10 Support a sightseeing fee at Jennette's Pier

**MOTION:** Commissioner Burke seconded by Commissioner Peele to approve Resolution 2012-10 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 Esenhauer owns and operates a business downtown Manteo. Have concerns and objections to the Magnolia Market crafters fair that is being allowed on Tuesday and Thursdays. They pay no rent; no sales taxes or have a business license and this are unfair and the merchant's downtown would like a level playing field. Does not object to competition but they need to play by all the rules and regulations. They have no liability insurance if someone gets hurt is the Town responsible? What happens to those who don't follow the rules and regulations is the Town responsible? Why isn't the Town collecting rent? She would like answers to these questions. If they are not required to have a business license then why does she have to have one, again all they want is a level playing field.

Paul Shearin-Full Moon cafe downtown Manteo- stated we had two big storms which flooded downtown and by noon the Public Works had the streets cleaned and swept and wanted to give a big kudos to the Public Works Department. The other item is that the 3 hour parking is not being enforced and the merchants would like the signs removed; the boating tours downtown bring lots of people and the people are terrified that they will get a ticket and after they do a boat ride they leave.

Sharon Enoch Full Moon cafe thinks we lose business because of 3 hour parking and would like the BOC to remove the 3 hour limit.

Brenda-shop owner downtown stated a large number of merchants are against the Tuesday and Thursday crafter's fair being held at Magnolia Market. They would like to try and do something special calling it a special Tuesday. Asking that the BOC use Magnolia Market building in a proper way. They are all trying to rebuild after Hurricane Irene. We already have lots of crafter shows and would like the BOC to stop the craft shows on Tuesday and Thursday. Wants the BOC to be more selective of what takes place at the Magnolia Market. She would also like the area to be patrolled more as there was a fight there.

Jared Stricklan-Pirate Adventure and he has a problem with them setting up in the same building he is in because they pay no rent, have no business license and pay no sales tax and not in favor of the craft fair. He would also like the area patrolled more.

Jennifer Frost would like to report that the public restrooms downtown are disgusting

Nancy Huse-Nancy Pottery agrees that the crafter's fair at the Magnolia Market is unfair for the merchants downtown and also commented that when they have entertainment at the Market it the music is too loud and she has to close her doors; she likes music but doesn't think it needs to be quite that loud.

Denise Gooddale is on of the crafters at Magnolia Market and it was never their intention to cause problems with the downtown merchants; did not know that a business license is required and will check into that; she pays taxes. She loves Manteo

Mayor Daniels would like discussion of Magnolia Market uses be placed on June workshop agenda. Commissioner Collins would like to add discussion of 3 hour parking under his agenda.

MOTION: Commissioner Collins seconded by Commissioner Fry to amend the agenda to add discussion of 3 hour parking to the Commissioner's agenda was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent:

## TOWN MANAGER'S AGENDA

**SUBJECT:** Discussion of downtown drainage issues- Mr. Skinner commented a number of residents of properties along Sir Walter Raleigh, Budleigh and between Lord Essex and Uppowoc wished to address the Board about their drainage concerns. The Town did a preliminary study and found that the drainage pipe under Manteo Furniture had collapsed and does not allow for the water to drain properly. Michael McOwen who lives on Sir Walter Raleigh did a power point presentation for the Board and distributed maps showing how the water flows through the Town to Shallowbag bay. The primary drain downtown under Manteo Furniture has collapsed and probably only allows for 5 or 10% of the water to drain; causing backup and flooding of yards. Mr. McOwen also read a letter from homeowners at 307 Sir Walter Raleigh Street Yvonne and Mike Farmer. It was stated in the letter that they were unaware there was an inoperable ditch located near that back of their property and that when it rains it results in flooding of their property. They as taxpaying citizens request the Town take immediate action to correct the drainage problems. Mr. McOwen's presentation will be made a part of these minutes.

**SUBJECT:** Discussion and consideration of text amendment to prohibit through trucks on Sir Walter Raleigh Street between Simon Street and Bideford Street. As per the Board's instructions staff contacted NCDOT and requested the adoption of a State regulation prohibiting through truck traffic on Sir Walter Raleigh Street west of US 64. NCDOT adopted such an ordinance, but for the Manteo Police Department to be able to issue Town citations the Board will need to adopt a companion language into our codified ordinances and upon adoption can begin enforcing this ordinance.

**MOTION:** Commissioner Collins seconded by Commissioner Walker to approve the text amendment as presented was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, and Collins. Noes: Commissioner Peele. Absent:

A 5 minute break taken

Mayor Daniels called the meeting back to order at 7:55 pm

## PLANNER'S AGENDA

**SUBJECT:** Discussion and consideration of beekeeping ordinance and possible public hearing. The Planning and Zoning Board discussed a bee keeping ordinance for the past four months. The Board had asked that staff to re-do this ordinance to make it simpler. Town Attorney Wyatt Booth has done that and it will be made a part of these minutes. Prior to establishing an apiary a beekeeper shall obtain written consent from all adjoining landowners and the written consent does not run with the land if the property is sold. Mr. Booth said that a form will be drawn up for BOC to review in July.

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

**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. Ms. Burke commented that they were unable to discuss at their last month meeting but plan on discussing this at their next meeting next week. The Board would like parking, stormwater, fire codes discussed.

#### FINANCE OFFICER AGENDA'S

**SUBJECT:** Setting Public Hearing for FY 2012-2013 Budget

**MOTION:** Commissioner Walker seconded by Commissioner Collins to set public hearing for the budget June 20, 2012 at 5:30 pm as presented was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent: none.

#### COMMISSIONER'S AGENDA

Commissioner Collins- would like to try removing the 3 hour parking limit downtown on a temporary basis effective June 15 through the end of the September and then have the merchants come to the BOC meeting in October to let them know how it went.

**MOTION:** Commissioner Collins seconded by Commissioner Fry to temporarily remove 3 hour parking downtown effective June 15<sup>th</sup> through end of September was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, and Collins. Noes: Peele. Absent: none.

#### MAYOR'S AGENDA

**SUBJECT:** Report Outer Banks Tourist Bureau-Mayor Daniels reported that there will be a Seafood Festival in October in Nags Head and we are working with the tourist bureau to use our shad boat.

**SUBJECT:** Rescheduling of BOC July 4<sup>th</sup> meeting until July 18 starting at 6:30 pm.

**MOTION:** Commissioner Collins seconded by Commissioner Walker to change the regular July 4<sup>th</sup> meeting to July 18<sup>th</sup> at 6:30pm as presented was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent: none

Commissioner Peele commented about the jet packs that are launching at the public boat ramp downtown and the nuisance they are causing by crowding up the boat ramp; and making waves in a no wake zone. Mr. Skinner will contact the Marine Fisheries about who enforces the no wake zones.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Collins seconded by Commissioner Fry the meeting was recessed at 8:25 pm until 5:30 pm June 11<sup>th</sup> , for a budget workshop was approved by the following vote: Ayes: Commissioner Peele, Farrow, Fry, Walker, Burke, Collins. Noes: none. Absent: none. After the meeting adjourned the Board discussed meeting earlier for the budget workshop due to conflicting schedules and the consensus of the Board was to change the recessed meeting from June 11<sup>th</sup> to Friday, June 8<sup>th</sup> at 5:00 pm.

This the 6<sup>th</sup> day of June 2012

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Jamie Daniels, Mayor

ATTEST:

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Becky Breiholz, Town Clerk