

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, March 7, 2012 at 6:30 p.m.

The following members were present:

- Mayor Jamie Daniels
- Commissioner Richie Burke
- Commissioner Darrell Collins
- 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 6:30 pm with a moment of silence followed by the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended- agenda was amended to include a closed session NCGS 143.318.11 (a) 2 potential litigation.

MOTION: Commissioner Burke 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:

SUBJECT: Adoption of the items on the Consent Agenda

MOTION: Commissioner Collins 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:

SUBJECT: Approval of Minutes of Regular February 1, 2012 meeting

MOTION: Commissioner Collins 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 of Minutes Recessed February 15, 2012 meeting

MOTION: Commissioner Collins 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 of Budget Amendment #7-Miscellaneous Housekeeping items.

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

SUBJECT: Approval of Budget Amendment #8 record revenue/expenses from Hurricane Irene.

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

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.

TOWN MANAGER'S AGENDA

SUBJECT: Appointments/reappointments to Planning and Zoning Board -Mr. Skinner commented that appointments to the Planning Board and Board of Adjustment are needed as terms are expiring. John Robbins-Puddle Lane asked the Board to consider some of the new applications that were presented to the Board. Mayor Daniels opened the floor for nominations for the Planning and Zoning Board and there are three appointments that need to be made. Nominated were: Jack Gregory; Phil Scarborough; Bill Parker; Beth Storie and Terry Gore. a written ballot was done and signed by the Commissioners: the votes are as follows:

Commissioner Peele: Jack Gregory, Terry Gore and Phil Scarborough;
Commissioner Walker: Bill Parker; Beth Storie and Jack Gregory;
Commissioner Collins: Bill Parker, Phil Scarborough and Jack Gregory;
Commissioner Farrow: Beth Storie, Bill Parker and Phil Scarborough;
Commissioner Fry: Phil Scarborough; Jack Gregory and Terry Gore.
Commissioner Burke: Bill Parker, Jack Gregory and Phil Scarborough;

Total Votes received: Bill Parker 4; Phil Scarborough 5; Beth Storie 2; Jack Gregory 5; Terry Gore 2

MOTION: Commissioner Collins seconded by Commissioner Farrow to appoint Bill Parker, Phil Scarborough and Jack Gregory was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent:

MOTION: Commissioner Collins seconded by Commissioner Farrow to appoint Bill Parker as Chairman was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent:

SUBJECT: Appointments/reappointments to Board of Adjustment. There are 3 appointments that need to be made and Mayor Daniels opened the floor for nominations. Nominations Stuart Wescott, Bo Ross; Michael McOwen and Terry Gore.

Commissioner Peele: Terry Gore, Stuart Wescott, John Bo Ross
Commissioner Walker: John Bo Ross, Stuart Wescott, Michael McOwen
Commissioner Collins: John Bo Ross, Michael McOwen, Stuart Wescott
Commissioner Fry: John Bo Ross, Stuart Wescott, Terry Gore
Commissioner Farrow: John Bo Ross, Michael McOwen, Terry Gore
Commissioner Burke: John Bo Ross, Michael McOwen, Stuart Wescott

Total votes received Stuart Wescott 5; Bo Ross 6; Michael McOwen 4; Terry Gore 3.

MOTION: Commissioner Farrow seconded by Commissioner Collins to appoint Stuart Wescott, John Bo Ross and Michael McOwen to the Board of Adjustment was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent:

MOTION: Commissioner Farrow seconded by Commissioner Collins to appoint John Bo Ross as the Chairman to the Board of Adjustment was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent:

SUBJECT: Discussion and consideration of Resolution 2012-06 to set a public hearing for annexation of Town owned property. As a result of Dare County's water line extension project, the town received an assessment of \$1700.00 for a parcel that had been procured by Town through eminent domain in 2007. This parcel is located immediately north of the Haven Creek Lane parcel and was condemned to allow for the construction of a stormwater treatment area. As a result of this parcel being located outside of the Town limits it is eligible for the County's assessment to fund their project. In order to preclude paying the Town would have to annex the property into the corporate limits. The Town has the ability to annex this parcel through the typical public hearing and annexation ordinance process. Staff recommends that the Board of Commissioners set a public hearing for April 4, 2012 for the annexation of parcel number #031039000 located at the end of Elsie Daniels Lane. Town Attorney Wyatt Booth commented that since this is a town owned parcel and is contiguous to the Town that the Board

needs to adopt the resolution to hold a public hearing at the April meeting and after the public hearing the Board can adopt an ordinance to extend the town limits.

MOTION: Commissioner Fry seconded by Commissioner Farrow to approve Resolution 2011-06 and set the public hearing for April 4, 2012 was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent:

SUBJECT: CAMA Access grant application;-as requested by the BOC staff has begun preparing an application for the CAMA Access Grant Program to construct the Boardwalk and viewing platform at the Stormwater Garden Park. As this Board's policy staff has to get permission to apply for the grant. The Grant terms will require a 25% match. The cost estimate for this project is not available but will be disclosed to the Board before acceptance of any grant funds. Consensus of the Board for staff to apply for the grant.

SUBJECT: Discussion of proposed lease by First South Bank for Dockmaster Office. The Town has been trying to purchase condo #14 at the waterfront for the Dockmaster office and our Town Attorney put in a offer to purchase with Ray Hollowell who was the owner at the time; the property was foreclosed on by First South Bank before the sale could be completed; the Board had authorized Mr. Booth to negotiate a lease for \$700 with First South Bank until the completion of the recording documents could be done; First South Bank countered with an offer of \$900.00. Mrs. Twiddy stated that the Town has paid the light bill and water bill for that space from the very beginning as it is tied in with our laundry area. It appears our laundry area has encroached into a portion of the condo and the Town has been paying the Condominium Association Fees on that area. Mrs. Twiddy has been speaking with Steve Gruninger with First South Bank and he stated they would be interested in entertaining an offer to purchase when they get converting the property to commercial condos. Discussion took place and the Board would like staff to counter the offer at \$800 with first right of refusal to purchase and to be all inclusive with no additional fees.

MOTION: Commissioner Collins seconded by Commissioner Fry to enter into a six month lease for \$800 inclusive with no additional condo fees or other fees and also first right of refusal when property becomes available for sale was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent:

COMMISSIONER'S AGENDA

Commissioner Collins commented that the community calendar in the Coastland Times has our meeting time at 7:30 pm; Town Clerk will call them tomorrow.

Commissioner Peele-commented that the Town web site needs to be revamped. Town Manager Mr. Skinner commented that staff will work on improving the web site. Commissioner Peele would also like to see Budleigh Street turned back into a two way street. Mr. Skinner

commented that since Budleigh is a NCDOT street a request would have to be put in with NCDOT Consensus of the Board for staff to contact NCDOT and put that request in.

Commissioner Peele commented that she has a list of trees that are blocking vision at different areas around town and Mr. Skinner commented that we can trim them if they are in the right of way. Commissioner Peele will get a list to Mr. Skinner.

Commissioner Peele asked Mr. Skinner if any proposals come in for Magnolia Market and he commented that only the two the Board has seen; and someone came to the office today asking to rent the outside space that was used by the blacksmith and Mr. Skinner asked him to put his request in writing and as soon as he receives it he will give it to the Board. . Commissioner Peele asked if we were reimbursed by FEMA for the golf cart; Mrs. Twiddy commented that we have received reimbursement from FEMA but it was not listed specifically. Commissioner Peele also asked about the pine trees on the cemetery across from the cable TV property and if anything could be done about those.

Commissioner Farrow commented about something white and chalky on the column at the cemetery and would like that removed. He also commented that the street sign on the corner of Wingina and John Borden is missing and would like that replaced.

Mr. Skinner reported that we have heard from the parent company of 7-11 and they are going back into that building without gas pumps. He also heard from the Secretary of NC Department of Cultural Resources and they will be requesting the Governor to fund money to dredge the area around Roanoke Island Festival Park that is required to be maintained by them.

MAYOR'S AGENDA

SUBJECT: Report Water-waste water committee- Mrs. Twiddy commented that they are still working on it. There are three components to the study: water and sewer rate structure; capital improvement study and a space needs study. There have been some discussion among staff about the replacement of equipment and Mr. Pharr is re-prioritizing some items which will change financial stability.

SUBJECT: Report Outer Banks Tourist Bureau- Mayor Daniels commented nothing to report.

MOTION: Commissioner Collins seconded by Commissioner Fry to enter into a closed session NCGS 143.318.11 (a) 3 consult with the attorney possible litigation was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent:

Town Attorney Wyatt Booth was asking for direction from the Board regarding a matter from 2009 in which Malcolm Fearing came to the Town asking to cost share in repairs the Town was having done to sidewalks by Hatchell Concrete. Mr. Fearing had asked the Board since they were fixing sidewalks on Budleigh Street he would like to have his sidewalks done when the

Town started repairing sidewalks in the area and that he would pay for his portion of cost to the Town. The Board minutes of March 4, 2009 and April 1, 2009 show when this was discussed. Staff billed Mr. Fearing but to date have received no payment.

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

MOTION: Commissioner Farrow seconded by Commissioner Fry for staff to write letter for the Mayor's signature requesting that Mr. Fearing pay \$4500 was approved the as presented was approved by the following vote: Ayes: Commissioners Farrow, Fry, Walker, Burke, Peele and Collins. Noes: None. Absent:

Mrs. Twiddy asked the Board to be thinking about special projects, capital purchases, and improvements they would like to see done in the upcoming year as she has begun preparing the draft budget and it would be most helpful to be able to include those items in the first draft if possible. She asked that the Board Members stop by or call and their items would be included. Mrs. Twiddy then asked for clarification regarding the request made by several downtown merchants at the February Workshop for an allocation of \$500 per week for Tuesday events in the summer month's downtown and asked if the Board wanted that request included in the draft budget. Some of the Commissioners pointed out that nothing has been allocated for the businesses on US 64 and after a brief discussion by consensus the Board told the Finance Officer not to include the request in the draft budget.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Farrow seconded by Commissioner Walker the meeting was recessed 8:00 pm until 4:00 pm Wednesday March 21, 2012, for a workshop was approved by the following vote: Ayes: Commissioner Peele, Farrow, Fry, Walker, Burke, Collins. Noes: none. Absent:

This the 7th day of March 2012

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk