

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, May 1, 2013 at 6:30 pm.

The following members were present:

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

The following members were absent:

Also present at the meeting were:

- Town Manger Kermit Skinner
- Asst. Town Mgr. /Finance Shannon Twiddy
- IT Administrator Steve Jozik
- Secretary Susan Ditta
- Planner Erin Burke
- Town Attorney Wyatt Booth

Mayor Daniels called the meeting to order at 6:37 pm followed by a moment of silent meditation and the Pledge of Allegiance.

**SUBJECT:** Adoption of Agenda as presented or amended-

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

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

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

**SUBJECT:** Approval of Minutes of Regular April 3 2013 meeting

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

**SUBJECT:** Approval of Minutes of Recessed Workshop April , 2013 meeting

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

**SUBJECT:** Budget Amendment #11

**MOTION:** Commissioner Collins seconded by Commissioner Fry to approve Budget Amendment #1 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele Walker, Burke and Fry . Noes: None. Absent: none

**SUBJECT:** Resolution to participate in the NC Employer Deferred Compensation Program

**MOTION:** Commissioner Collins seconded by Commissioner Fry to approve the Resolution was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele Walker, Burke and Fry . 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.

#### AWARDS AND COMMENDATIONS

Presentation to Edward Green – Mayor Daniels and Commissioner Farrow presented Edward Greene a plaque for his work on the New Worlds Art Festival that Mr. Green organizes every year on behalf of the Town. Mr. Green commented that he has enjoyed doing this and that it will be the last year that he will be doing it and that he will turn it over to the Dare County Arts Council which was started in 1981 from a grant furnished by the Town which is now self sufficient and this will be the 32<sup>nd</sup> year.

#### TOWN MANAGER’S AGENDA

**PUBLIC COMMENTS:** Becky Evans and lives in the Town of Manteo and is asking if all the grates are open yet and that at the corner of Fernando and Agona the water came up. Mayor Daniels asked that an update of the stormwater project be added to the Town Manager's Agenda.

Allison Fearnig Martin has concerns about the Town's sidewalks that are very difficult to maneuver if handicapped in a wheel chair or people using strollers. She gave the Board pictures of the phone poles in the middle of the sidewalks. Mayor Daniels asked that discussion of ADA accessibility be added to the Planner's agenda.

**SUBJECT:** Presentation by The Community Care Clinic of Dare. Mr. Rick Gray gave a brief presentation about the service and mission of the Dare Community Clinic. The Clinic helps address the health needs of Dare County and to provide basis health care and financial assistance to those unable to afford health care. He gave an overview of the percentage of people they have helped in Manto which is 19%.

**SUBJECT:** Update on stormwater project. Mr. Skinner stated that on the Sir Walter Raleigh Street portion of the project all the pipe is in the ground all the streets are open; they are in the process of doing th final grade work and site restoration and will be probably be two weeks before the paving crew comes in. When they come in to do the paving they will also do other paving that has been marked. Mr. Skinner commented that as far as he knows all the inlets are

open but some may have filter cloth in them and a dam had to be built around the outfall in order to pump it down deep enough to set the outfall pipe. All the dirt work has been done and the catch basin at Fernando and Agona was not a part of the original project but it is corrugated metal pipe and when they were making the tie into our line; that line does not have an outfall to the sound but ties into our line that we replaced and we had to build a junction box and tie that lie in and during the tie in it was determined that the metal pipe was at the end of its useful life and we replacing that pipe and should be remedied in the next few days. The second project the oil and grit separator at the boat ramp on Ananias Dare Street is complete. Mayor Daniels next concern is the small pipe that runs on the property where the old Town Hall was located.

## **PLANNER'S AGENDA**

**SUBJECT:** Rezoning Request at 105 Simon Street Ms. Sharon Golden, owner of the property at 105 Simon Street has requested the Town of Manteo to consider rezoning her property. It is currently zoned B-2 General Business and has been zoned that way since the property was annexed into the Town in the early 1980s. The changes in the zoning ordinance since that time now prevent Ms. Golden from placing a mobile home on this site. Ms. Golden, who is from Manteo, currently lives in Arizona but would like to relocate to her home town. She would like to place a mobile home at this location upon receiving a rezoning. Ms. Golden has requested to be rezoned to R-2M, this zoning classification allows for mobile homes. The residential properties on the west side of Simon Street are currently zoned R-2M, so this requested rezoning would be consistent with those properties and would not be considered spot zoning.

All of the adjacent property owners have been mailed a written notice via first class mail and the property was posted as well as the public hearing advertised in the newspaper.

**SUBJECT:** PUBLIC HEARING for rezoning request for 105 Simon Street

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

Anthony Pugh- Owner of Pugh's Car Center and his question to the attorney is that is an estate and she is the executor of the estate what legal action does the rest of the individuals have of her putting a home on that piece of property. The reason he asks is because he tried to buy it several years ago and nobody wanted to discuss it; if that property is changed to R2M and is no longer commercial property than I can never buy it if I had a chance and disagrees with it totally and sees no reason to change it. She doesn't not have enough room to put a mobile home on it.

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

Commissioner Farrow informed the Board that he owns the property next to it and is not voting as he has a conflict of interest.

**MOTION:** Commissioner Collins seconded by Commissioner Walker to approve rezoning 105 Simon Street from B2 to R2M was approved by the following vote: Ayes: Commissioners Collins, Peele Walker, Burke and Fry . Noes: None. Absent: none Abstain: Commissioner Farrow.

**SUBJECT:** Discussion Lighting Ordinance As requested by the Board of Commissioners, the Planning and Zoning Board discussed the lighting ordinance at their April meeting. Due to the short notice there was no representative from Dominion at the Planning Board Meeting. They tabled the discussion pending more information and a meeting with a Dominion rep. They will take this item up at their May meeting and staff will report back to the Board of Commissioners at their May workshop meeting. Mayor Daniels commented that we will be having a joint workshop with the Planning Board to discuss this and would also like to add the ADA accessibility non compliant sidewalks we have in Town. Ms. Burke said we had a company come in a few years ago that shaved lifts and that works until the tree roots push them up again. As far as the telephone poles in the middle is not sure how that can be handled but she can write a letter to them about the hazards. Commissioner Farrow would like something done about the brick sidewalks too; they are dangerous. Mrs. Twiddy commented about the utility poles and as previous planner that was one of the projects she had undertaken and tried to locate the utilities underground in the B1 area and it was estimated about 12 years ago as 1.6 million to put the utilities under ground and at the point the utility commission stated it is not required to do that and unless the Board is willing to fund the underground utility replacement then there is not much that can be done. Mrs. Twiddy commented that the Board could create a special tax district for B1 to fund that project if they chose.

**SUBJECT:** It was brought to the attention of the Preservation and Architectural Review Committee (PARC), by the owner of the house at 621 Croatan Avenue that their house had been left off of the list of historic structures. This house was built in 1939. During Hurricane Irene the house had a significant amount of water inside of it. The owners are in the process of applying for a building permit to elevate the house. They have requested that their house be placed on the list of Historic Structures. According to section 2-224 of the Town Code, the Preservation and Architectural Review Committee propose that the Board of Commissioners add the house at 621 Croatan Avenue to the list of historic structures for the Town of Manteo.

**MOTION:** Commissioner Walker seconded by Commissioner Fry to approve adding 621 Croatan Avenue to the list of historic structures was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele Walker, Burke and Fry . Noes: None. Absent: none

#### FINANCE OFFICER'S AGENDA

Mrs. Twiddy as Finance Officer presented the Board with the official presentation of the budget; she will not discuss the specifics as the Board will need ample time to review the document. She gave the Board a quick overview of the budget which is an annual management and legislative process which is a legal ordinance that establishes property tax rate and approves of Town services. She explained what the budget does, what the process is and how it is balanced. Mrs. Twiddy explained how shared revenue is affected by the amount of the town's tax, the higher the tax the more shared revenue. She asked that to help offset expenses for upcoming stormwater projects she asks that the Board consider appropriating another cent or two or creating a special

tax district to help with the costs of stormwater projects the Board wants to do. She also commented that solid waste costs are expensive and the Board might want to consider setting aside funds for capital improvement planning for solid waste disposal.

Consensus of the Board to start the Budget discussion at their May mid month meeting.

Town Manager Kermit Skinner asked the Board if we could apply for a grant; it is the Community Transformation grant project through Albemarle Regional Health Services. It is a program to promote healthy living and one of the things they fund is promoting healthy eating by increasing or enhancing the number of new Farmer's Market; hoping to do some publicity for the Farmer's market. Mr. Skinner commented that as Board policy we need to ask before we can apply for a grant. Consensus of the Board was for Mr. Skinner to apply for the grant. Mayor Daniels commented that the Board might want to revisit the policy.

#### TOWN ATTORNEY'S AGENDA

SUBJECT; Roanoke Voyages Corridor Regulations: Wyatt Booth informed the Board that the Roanoke Island Commission was granted power by the Legislature to regulate the Roanoke Voyages Corridor which is US 64 through unincorporated and corporate Manteo. The Commission passed regulations through their Roanoke Voyages Corridor Committee that regulates advertising. When legislature changed hands one of the first things that they did was to take enforcement of the corridor regulations away from the Commission and place it in the hands of the Town and County. The Town incorporated the corridor regulations into our ordinance so that we would at least have the enforcement authority we needed. What has happened our first enforcement letter to the scooter place of business where they placed the scooters physically in the right of way of US 64, that is still in process and part of the enforcement process there may be other areas in Town that are not in strict compliance with corridor regulations. Ms. Burke has found where those are and we need guidance from the Board how strictly they want to enforce these regulations; the right of way of US 64 is being infringed upon but the corridor regulations provide for a setback and regulate activity within that 50 foot setbacks. Ms. Burke commented that there is a 50 foot setback on US 64 and within that the same regulations apply within the right of way. The way the regulations are written allows for one piece of outdoor advertising within that 50 foot setback, that includes boats, vehicles or anything a business might sell or service within 50 feet can be construed as outdoor advertising. Historically that issue has been ignored but with the issue with High Tide Scooters it needs to be enforced. The scooter store claims that other businesses are doing the same thing. Commissioner Farrow commented that he does not think you should enforce people from using their own property. The Corridor regulations leave a lot of gray area which makes them difficult for staff to enforce. Mr. Skinner commented that as staff we need to get a feel for the philosophy of this Board on how to enforce this. Consensus of the Board is that something needs to be done about US64 and the enforcing of it; there are a few that are out of our jurisdiction at the north end of the island.

#### COMMISSIONER'S AGENDA

Commissioner Burke commented that the Farmer's Market is coming up.

Mr. Skinner informed the Board that the Lost Colony choral group will be doing two free concerts for the public one in June and one in July. The peanut roaster has had some health issues are moving and he has had interest from someone leasing that and that as soon as he has something he will come back to the Board with that.

#### MAYOR'S AGENDA

**SUBJECT:** Report Outer Banks tourist Bureau-Mayor Daniels commented that he worked with the nutrition counselor of Dare County and they are looking for volunteers to deliver or serve meals to elderly people over 60.

Mr. Skinner commented that Warren Eadus with Quibble and Associates and principal engineer on our stormwater project; they did an assessment of the back flow prevent ors and out of that came the Board wanted some time gages in place to get some some information; has installed an electronically that measures the tide and if this proves useful the Board might want to consider having a more sophistacted one installed.

Commissioner Fry commented that there is a bad pothole on Croatan Street; on Agona and on Devon Street.

**CLOSED SESSION: NCGS 143.318.11 (a) 2** prevent premature disclosure of honorary award

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

Nominations for the Dare Day Award.

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

**CLOSED SESSION: NCGS 143.318.11 (a) 3** consult with attorney

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

Discussion of potential litigation on letter received by an attorney on behalf of Henry Thrash; no action was taken.

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

**SUBJECT:** CLOSED SESSION-NCGS 143.318.11 (a) 3 consult with Town Attorney possible litigation

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

Discussion of possible litigation, the parking of the scooter business in the right of way of the Roanoke Island Corridor. No action taken.

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

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Fry seconded by Commissioner Peele the meeting was recessed at 8:00 pm until the workshop meeting of May 15, 2013 at 4pm was approved by the following vote: Ayes: Commissioner Peele, Farrow, Walker, Fry, Collins, Burke. Noes: none. Absent: None

This the 1<sup>st</sup> day of May 2013

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Jamie Daniels, Mayor

ATTEST:

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Becky Breiholz, Town Clerk