

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, October 2, 2013 at 6:30 p.m.

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
- Town Clerk Becky Breiholz
- Planner Erin Burke
- Town Attorney Wyatt Booth

Mayor Daniels called the meeting to order at 6:35 pm followed by a moment of silent meditation and the Pledge of Allegiance.

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

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

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

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

**SUBJECT:** Approval of Minutes of Regular and closed September 4, 2013 meeting

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

**SUBJECT:** Approval of Minutes of Recessed September 18, 2013 meeting

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

**SUBJECT:** Approval of Resolution 2013-05 the Big Sweep

**MOTION:** Commissioner Farrow seconded by Commissioner Burke to approve Resolution 2013-05 as presented was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none.

**SUBJECT:** Approval of amendments to the Municipal Records Retention Schedule by the Department of Cultural Resources

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

PUBLIC COMMENTS -Town Manager stated that **Members** of the public are invited to address the Board of Commissioners on any topic. Please come forward to the podium and identify yourself so that your statements can be taped ( 3 minutes per person; 5 minutes per group) If anyone wishes to speak later in the meeting on a listed agenda item, please state your name and the agenda item and you will be recognized at that time. Action on items brought up during the Public Comment period will be at the discretion of the Board. Public Comment is not intended to require the Board to answer any impromptu questions. Speakers will address all the comments to the Board as a whole and not one individual Commissioner. Discussions between speakers and members of the audience will not be allowed.

None

TOWN MANAGER'S AGENDA

TOWN PLANNER'S AGENDA

**SUBJECT:** Site Plan Review Old Town Creamery The property at 500 N US HWY 64 was approved for retail sales of ice cream in a change of use by the Planning and Zoning Board in March of 2010. Planner Erin Burke presented the site plan review to the Board. Since that time it was brought to the attention of the Planning and Zoning Department staff that the retail sales had turned into a restaurant use. This is a change of use requiring a site plan per section 12-10 (d) (2). There is an additional requirement for parking for restaurant space and there is also an additional requirement sewer use. Lastly there have been ongoing sign violations at this location, including unpermitted signs and more signs than are permitted

in the B-2 Zoning District. Staff has contacted Mr. Zottoli to correct these violations. The Planning and Zoning Board recommends approval of the proposed change of use to allow for an eight (8) seat restaurant in addition to the real estate and retail sales at 500 N US HWY 64 per section 12-10 (d)(2) to the Board of Commissioners .

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

**SUBJECT:** Discussion of ordinance prohibiting Chinese lanterns. Staff has had requests for the use of these types of devices as a way to celebrate a wedding or other memorable event. These devices create a potential fire hazard and are a source of litter. Staff recommends the prohibiting of these devices by adopting the following language:

#### Chapter 26 - FIRE PREVENTION AND PROTECTION

##### Sec. 26-4 Aerial Luminary Devices, Flying Lanterns or Wish Lanterns prohibited.

1. Aerial Luminary Devices, Flying Lanterns or Wish Lanterns and the like shall be defined as any homemade or manufactured balloon or lantern designed to float in the air, often used to celebrate weddings, and other special events, typically constructed of flame-retardant paper or rice paper, that has an open flame, fuel cell or other heating device to heat the air as a lifting mechanism thus causing the balloon or lantern to lift into the atmosphere tethered or untethered leaving the height and distance it travels to be determined by existing atmospheric conditions. Such devices shall be deemed an aerial luminary device.
2. All aerial luminary devices shall be deemed a fire hazard.
3. It shall be unlawful to buy sell, possess, ignite or cause to ignite any such aerial luminary device.

Staff recommends that the Board of Commissioners adopts the language above as part of the Town of Manteo Codified Ordinances.

**MOTION:** Commissioner Collins seconded by Commissioner Walker to approve the text amendment to Chapter 26 Sec. 26-4 prohibiting Aerial Luminary Devices, Flying Lanterns or Wish Lanterns was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

#### COMMISSIONER'S AGENDA

Commissioner Fry commented that he has had some requests by businesses on Hwy. 64 for lights. Mrs. Burke commented that currently Dominion does not have a light fixture that

meets our ordinances. We have not prevented them from changing existing bulbs but we do not allow for new lighting to be placed that does not meet our ordinance. The problem has come from locating a fixture that will meet our ordinance. There had been discussion in the past with Dominion representatives about getting a fixture that would meet our ordinance. They want to be able to fix a cost for that service but they have to go through the NC Utilities Commission and she does not know the status of that process. Mrs. Burke informed the Board that a letter of support to the Utilities Commission would be helpful but Dominion has not yet requested a letter. The Board would like Mrs. Burke to report back to them at the October workshop the status.

The Board informed staff that the pole lights at the Tot lot and on the corner of Wingina and Barlow are not working. The Board also requested that the storm sewer grate on Sir Walter Raleigh Street be adjusted.

#### MAYOR'S AGENDA

**SUBJECT:** Report Outer Banks Tourist Bureau- the Tourist Bureau met and they discussed the Seafood Festival. He also reported that retail sales were down.

**SUBJECT:** Appointment of two (2) Members to the Planning and Zoning Board to fill the unexpired terms to January 2015. It was brought to the attention of the Town Clerk that we have two Planning and Zoning Board members whose terms expired in January 2013 and no one was appointed to fill those positions for a term to end January 2015. The Board will need to appoint or re-appoint members to fill the unexpired term for January 2015 for the Planning Board. Concerns were voiced on how members of the Planning Board voted against the Commissioners. Another concern was if their votes counted and Town Attorney Wyatt Booth commented that they serve at the pleasure of the Board and they are on the Board until the Commissioners say they are no longer on the Board. Staff has received applications from citizens to be appointed on various boards and Commissioner Fry would like to table this until the October 16<sup>th</sup> workshop meeting so that they can review those applications. Also on the agenda was appointment of two regular and two alternates to the Board of Adjustment and the Board would like this table also until the October workshop agenda.

**MOTION:** Commissioner Fry seconded by Commissioner Farrow to table the appointments of Planning Board and Board of Adjustment to the October 16, 2013 mid month meeting was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

Mayor Daniels commented that he has received some complaints about late fees and collection process on privilege license and have asked that staff prepare a report on

written procedure of the collection of bills and past due fees for their discussion at the October mid month meeting.

Mr. Skinner briefly discussed lighting downtown; he has had several requests to change the light bulbs to soft light; this had been previously discussed by the Board but no action was taken; and he is again asking the Board if they would like to change this. No action was taken by the Board.

**SUBJECT:** Rescheduling of January 2014 meeting. The first regular meeting for January falls on New Years Day. Consensus of the Board to change the January 1, 2014 regular meeting to January 8<sup>th</sup> and change the January 15, 2014 workshop meeting to January 22<sup>nd</sup>, 2014.

**MOTION:** Commissioner Walker seconded by Commissioner Peele to change the January 1, 2014 to January 8 and workshop to January 22<sup>nd</sup> was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

The Board briefly discussed the fireworks that will be set off at Roanoke Island Festival Park for the Blue Grass Festival. Mr. Skinner informed them that the plan was for the fire works to be set off from a barge and that it would have to be approved by the Fire Marshall, US Coast Guard and someone from the State.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Farrow seconded by Commissioner Peele the meeting was recessed at 7:10pm until October 16, 2013, at 4pm was approved by the following vote: Ayes: Commissioner Peele, Farrow, Collins, Walker Burke and Fry. Noes: none. Absent: none

This the 2<sup>nd</sup> day of October 2013

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Jamie Daniels, Mayor

ATTEST:

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Becky Breiholz, Town Clerk