



The Town of Manteo Board of Commissioners will meet in Regular Session in the Manteo Town Hall meeting room, 407 Budleigh Street and via teleconference\* on Wednesday, July 1, 2020 at 6:30 p.m. to hear and act upon the following:

Town Of Manteo  
Board of Commissioners  
July 1, 2020  
AGENDA

1. CALL TO ORDER - MOMENT OF SILENT MEDITATION
2. PLEDGE OF ALLEGIANCE
3. ADOPTION OF AGENDA AS PRESENTED OR AMENDED
4. CONSENT AGENDA
  - A. Approval of Minutes from June 3, 2020 Regular Meeting
  - B. Approval of Minutes from June 17, 2020 Recessed Workshop
5. PRESENTATION - Promotion of Local Economy by the Town of Manteo
6. PUBLIC COMMENT *Members of the public are invited to address the Board of Commissioners on any topic. Public Comment is not intended to require the Board to answer any impromptu questions or to take any action on items brought up during the public comment period. 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. Time limits are 3 minutes per person or 5 minutes per group. Please identify yourself and your location so that your statements can be recorded*
7. NEW BUSINESS
  - A. Town Common Advisory Task Force
8. OLD BUSINESS
  - A. Discussion and Consideration of Text Amendment in Section 12-7 (Boat Lifts)
9. MAYOR/COMMISSIONER COMMENTS
10. ADJOURN/RECESS

\* The public may access the meeting by calling +1-253-215-8782, +1-301-715-8592, or +1-346-248-7799 and then entering Meeting ID of 622-572-789. Members of the public are welcome to participate in the Public Comment segment.

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session June 3, 2020 at 407 Budleigh Street, Manteo, NC and via teleconference at 6:30 p.m.

The following members were present:

- Mayor Bobby Owens
- Commissioner Darrell Collins
- Commissioner Christine Walker (late)
- Commissioner Eddie Mann
- Commissioner Richie Burke
- Commissioner Betty Selby (late)
- Commissioner Jason Borland

The following members were absent:

Also present at the meeting were:

- Town Manager James Ayers
- Town Clerk Becky Breiholz
- Planner Melissa Dickerson (via teleconference)
- IT Director Carl Woody

Mayor Owens called the meeting to order at 6:30 pm followed by a moment of silent meditation in memory of George Floyd and the Pledge of Allegiance.

Town Manager Mr. Ayers did a roll call: Mayor Bobby Owens (present) Commissioner Eddie Mann (via teleconference) Commissioner Richie Burke (present) Commissioner Jason Borland (present) Commissioner Darrell Collins (present) and a quorum was established. Commissioner Betty Selby was having technical difficulties via teleconference and unable to connect and was not included in the quorum and Commissioner Christine Walker notified staff she would be late and not included in the quorum.

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

**MOTION:** Commissioner Borland seconded by Commissioner Burke to approve the agenda as presented was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Borland. Nays: None. Absent: Commissioner Walker and Selby

**SUBJECT:** Adoption of the items on the Consent Agenda as presented or amended.

**MOTION:** Commissioner Borland seconded by Commissioner Collins to approve the May 6, 2020 Regular Minutes; May 14, 2020 Recessed Budget Workshop; May 20, 2020 Recessed minutes; Resolution 2020-03 Outer Banks Hazard Mitigation Plan; Contract Services for Town Attorney on consent agenda as presented was approved by the following roll call vote: Ayes:

Commissioners Burke, Mann, Collins, Borland. Nays: None. Absent: Commissioner Walker and Selby.

**PUBLIC HEARING** to received comment on FY 2020-2021 Budget

**MOTION:** Commissioner Borland seconded by Commissioner Burke to enter into a public hearing was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Borland. Nays: None. Absent: Commissioner Walker and Selby

Mr. Ayers commented even though the public hearing will be held tonight the budget will not be approved until June 17<sup>th</sup> to allow for 24 hours written comments to be sent to the Town because of the Corona Virus. Mr. Ayers commented that we received an email and read the email into to record.

Bob Keeney 342 Fernando-I am not able to call in tonight but wanted to express my support for the proposed budget. Town staff and the Board have done an exceptional job in presenting a balanced budget without a tax increase but with an estimated reserve of about 75 percent. These are challenging times that no one could have expected weeks ago at a time when you were first considering the budget. The budget reflects a pause in some desirable activities and purchases based on anticipated reduction in revenues for the upcoming year. Thank you again all Town staff and board for maintaining services and government activities during this extraordinary time. It is much appreciated!

Mr. Ayers asked anyone wishing to speak on the FY Budget to hit \*9 on their phone to raise their hand and they will be recognized. There were no other comments

Commissioner Christine Walker joined the telephone conference at 6:43 pm

**MOTION:** Commissioner Borland seconded by Commissioner Collins to exit the public hearing was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland. Nays: None. Absent: Commissioner Selby

**PUBLIC COMMENT**

There were none.

**MAYOR'S/COMMISSIONERS COMMENTS**

Commissioner Collins asked that the cost of potential bonus for the employees versus vacation time be placed on the workshop agenda for discussion. He would also like the Manteo Police Department to be highlighted by video on community policing.

Commissioner Borland would like to address the upcoming protest he understands where the fear is coming from but does not think there is anything behind this protest other than love and honoring the deceased and bringing people together.

Commissioner Selby joined the teleconference call at 6:48 pm commented she was very irritated by not being able to join and wanted to hear what was going on and asked that Commissioner Borland repeat his statement which he did.

Commissioner Mann agrees with Commissioner Borland and thinks we need a dialogue with the minority and excited to have it here in Manteo.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Collins seconded by Commissioner Borland the meeting was recessed at 6:55 pm until June 17, 2020 at 5:00 pm was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland and Selby. Nays: None. Absent: None

This the 3<sup>rd</sup> day of June 2020

ATTEST:

---

Bobby Owens, Mayor

---

Becky Breiholz, Town Clerk

## MINUTES

The Town of Manteo Board of Commissioners held their Recessed June 3, 2020 on June 17, 2020 at Town Hall, 407 Budleigh Street, Manteo, NC and via teleconference accessing the meeting by calling +1-253-215-8782, +1-301-715-8592, or +1-346-248-7799 and then entering the Meeting ID of 622-572-789. Members of the public are welcome to participate in the Public Hearing or Public Comment segments at 5:00 pm

The following members were present:

- Mayor Bobby Owens
- Commissioner Darrell Collins
- Commissioner Eddie Mann
- Commissioner Christine Walker
- Commissioner Betty Selby
- Commissioner Richie Burke
- Commissioner Jason Borland

The following members were absent:

Also present at the meeting were: Town Manager-James Ayers; Assistant Town Manager Becky Breiholz, Town Clerk; Carl Woody, IT Director

Mayor Owens called the recessed June 17, 2020 meeting to order and Mr. Ayers did a roll call: Mayor Bobby Owens-present; Mayor Pro Temp Selby-present; Commissioner Richie Burke-present; Commissioner Jason Borland-present; Commissioner Collins-via teleconference; Commissioner Eddie Mann-via teleconference; Commission Walker-via teleconference.

### **DEPARTMENT HEAD REPORTS:**

The Department Head reports were given to the Board and are online for the general public to review and encourages everyone to look at them to see what the Departments having been doing.

**PRESENTATIONS**-Community Gardens by Michelle Lewis-Manteo and gave a slide show presentation. The Peace Garden Project started in New York and she gave background on how this started. At a church she was pastoring they started planting gardens and saw it as a way to connect the community. We not only grow healthy food we grow healthy communities. We have 6 gardens underway here on Roanoke Island. We partnered with local people and businesses that had extra property. It is not your typical community garden where you get a section of land and grow food for your own use; this is where the community plants the garden and the food is distributed to those in need. They are trying to eradicate the shame of food insecurity. 21% of people in Dare County are food insecure and what that means is there is some portion of the month where there is a lack of available sources of financial aid for food at the household level. We do not make people fill out waivers to prove that they are poor, if people show up and it is harvest day and they want a share of the food we just give them food. We are also working on a model so that it could be income generating in some way. They are a 501C3 and recognized as a non-profit. They have received a grant from the Leadership Institute and have 8 students they

are working with from Manteo and teaching them leadership skills and growing food; there is a spirituality component that they can opt into. Our Mission is to not only grow healthy foods but healthy communities. They also do workshops on racism, immigration, understanding homosexuality; we believe a lot of the problems in our society is due to lack of understanding. A slide was shown of the Board of Directors who not only work with this community but in New York. The students who are part of our Leadership Institute do get an education stipend of \$100-\$200 per week for the work they are doing. Working the gardens also has a healthy aspect to it, helps with self-esteem, physical activity, mental health and has been shown to help with the crime rate. It takes about \$800 a student to sponsor our youth in the summer youth program, they have had to turn students away because they did not have enough funds to sponsor those who wanted to be in the program. They also have 2 students from Duke University who are working with them this summer as virtual interns.

Commissioner Walker-loves the whole concept; how can we get the word out for what they are doing. Ms. Lewis commented we have a website; Facebook page and Instagram page. This is our 4<sup>th</sup> growing season and grown a ton of food to give to people in need. Another thing is if you know anyone who has land that they are not using have them contact us. The more gardens you have the more youth you will be able to engage and families you can feed. Commissioner Selby asked if the grant they have specifically for Manteo and does it cover the 8 students attending. Ms. Lewis commented that the grant they have received is specifically for Dare County and it almost covers the students that they have. We have raised some money through a mask project they had going on; we have a handful of people making masks and accept donations for those in Dare County, outside of the County they charged for those. Generally, the money raised in a community stays in that community and if anyone wants to sponsor a student, we will graciously accept that donation and it is tax deductible. Commissioner Collins asked how many kids in the program. Ms. Lewis responded we have 8 kids; 3 Latino students; 2 African American students and 2 more sending in applications; 4 white students and 2 other white students we have accepted in the program that we will have to raise money for. Commissioner Selby asked the age group and was told ages 12 through 18. For more information go to [Peacegardenproject.net](http://Peacegardenproject.net)

**PUBLIC HEARING** to receive comments for text amendment to Section 12-7 Boat Lifts

**MOTION:** Commissioner Borland seconded by Commissioner Selby to open the public hearing was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None.

Mr. Ayers commented even though the public hearing will be held tonight action on the text amendment will not be taken until July 1 meeting; to allow for 24 hours written comments to be sent to the Town because of the Corona Virus. Mr. Ayers commented that we received 3 written comments and read them into to record.

Clint Helper, Devon Street-"I cannot attend the town Commissioners Meeting tonight, but I'd like to voice favorably for allowing marinas to have boat lifts, just like they are allowed at private docks. A boat small enough to use a lift would not block people's views any more than the flying bridges on larger boats or the masts on sailboats. Don't understand why the Planning troops voted to turn them down!"

Bob Keeney, Fernando Street-written response will be made a part of these minutes and is in favor of allowing boat lifts.

Tracy Pavia, Dartmoor Street-written response will be made a part of these minutes and is in favor of allowing boat lifts.

Mr. Ayers asked for comments from those listening on the teleconference call to please hit \*9

#4640-Tim Teeple Fernando Street-does not have an issue with boat lifts but thinks it would make a difference and distract from the view. He also knows that it gives a false sense of security; during a storm, a boat on a lift was not removed and fell and caused major damage. If it does pass hopes, there would be an ordinance passed requiring boats to be removed during a storm. He believes it goes against the land use plan and hopes the Board will listen to the Planning Board and their recommendation to not approve it.

**MOTION:** Commissioner Borland seconded by Commissioner Collins to close the public hearing was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None.

PUBLIC COMMENT-there were none.

## **OLD BUSINESS**

**SUBJECT:** Adoption of FY 2020-2021 FY Budget-Public Hearing was held at the June 3, 2020 meeting and because of the Executive Order in place written public comments are allowed up to 24 hours after the meeting and we have received no new comments.

**MOTION:** Commissioner Burke seconded by Commissioner Borland to approve the FY 20-21 budget as presented was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker and Borland. Nays: Commissioner Selby. Absent: None.

**SUBJECT:** Approval of Budget Amendment #2-if approved will reduce the fund balance in the amount of \$50,000 from the General Fund. Due to COVID 19 and reduced slip rentals there is a shortfall in the dock funds and unexpected damages for repairs that needed to be made due to Hurricane Dorian.

**MOTION:** Commissioner Burke seconded by Commissioner Borland to approve Budget Amendment #2 as presented was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Selby, Walker and Borland. Nays: None. Absent: None.

## **Mayor/Commissioners Comments**

Mayor Owens -he does not have anything against boat lifts but has a problem with a past Mayor who built a boathouse across from the Cora Mae Basnight bridge yet is against boat lifts. The boat house definitely blocks the view.

Commissioner Selby-would like to find a way to help the Peace Garden project.

Commissioner Borland-thanked everyone for the peaceful demonstration and was very impressed with Commissioner Collins speech.

Commissioner Collins-the property on Sir Walter Raleigh that the Town owns if it is not sold maybe they could use that for the gardens. Agrees with Commissioner Borland about the peaceful demonstration and the amount of people that showed up.

Commissioner Walker-great idea to use the property on Sir Walter Raleigh St, if it can be worked out.

Commissioner Mann-thanked everyone for the peaceful demonstration and appreciated all the people that showed up. Manteo is about friendship, community and understanding.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Collins seconded by Commissioner Burke the meeting was adjourned at 5:47 pm was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland and Selby. Nays: None. Absent: None.

This the 17<sup>th</sup> day of June 2020

ATTEST:

\_\_\_\_\_  
Bobby Owens, Mayor

\_\_\_\_\_  
Becky Breiholz, Town Clerk





## Staff Report Planning Department

**June 26, 2020**

### **Boat Lifts**

The Town's zoning ordinance prohibits boat lifts in marinas in Section 12-7(a)(2). The current ordinance was passed on March 5, 2008.

At the April 15, 2020 Board of Commissioners meeting, a Board member suggested the potential deletion of this section of the zoning ordinance.

At the May 6, 2020 Board of Commissioners meeting, the Board referred the matter to the Planning and Zoning Board as required for any text amendment to the zoning ordinances. The Board of Commissioners also set a Public Hearing on the matter for June 17, 2020.

At the May 12, 2020 Planning and Zoning Board, the Board scheduled a public hearing for June 9, 2020.

At the June 15, 2020 Board of Commissioners meeting, a Public Hearing was held. Several comments were received.

Following the Board of Commissioner's Public Hearing one additional public comment was provided and shared with the Mayor and Board of Commissioners.

To lift the prohibition, the following text amendment would be required:

Delete the words "Boat lifts, or any devices attached to pilings or docks and designed to suspend a boat over the water, are not permitted in marinas" from the ordinance text.

### **2007 Land Use Plan Review:**

The 2007 Land Use Plan does not specifically address boat lifts.

The 2007 Land Use Plan does state that "**PA Policy 3:** New parks and open spaces should be sited and designed to maintain the town's natural edge, protect fragile areas, improve water quality, **preserve views to public trust waters**, and be in keeping with Manteo's historic character."



## **Staff Report**

### **Planning Department**

Figure 17 (Attachment 1) of the 2007 Land Use Plan designates the views from Marshes Light as “Important Public Views.” However, Figure 11 (Attachment 2), which also designates “Important Public Views” does not include Marshes Light.

The Planning and Zoning Board voted to adopt the consistency statement and recommended not changing the ordinance to allow boat lifts in Marinas.

#### **Consistency Statement:**

The Town of Manteo Planning and Zoning Board finds the action to amend the zoning ordinance to allow boat lifts in marinas to be inconsistent with the Town’s 2007 Land Use Plan. The Town’s 2007 Land Use Plan does not specifically mention boat lifts but Public Access Policy 3: states “New parks and open spaces should be sited and designed to maintain the town’s natural edge, protect fragile areas, improve water quality, preserve views to public trust waters, and be in keeping with Manteo’s historic character.”

#### **Recommendation to the Board of Commissioners:**

The Planning Board finds action to amend the Town of Manteo’s Zoning Ordinance Section 12-7 to be inconsistent with the Town’s Land Use Plan per §160A-383, in a 4 to 1 vote, the Planning Board recommends that the Board of Commissioners not amend the Town’s Zoning Code Article 12-USE PROVISIONS Section 12-7 Marinas (a) (2).

1  
2  
3  
4  
5  
6  
7 **AN ORDINANCE AMENDING THE ZONING ORDINANCE**  
8 **OF THE TOWN OF MANTEO, NORTH CAROLINA TO ALLOW FOR BOAT**  
9 **LIFTS IN THE SHALLOW BAG BAY SOUTH MARINA AREA**  
10 **(ZTA 2020-05Z)**  
11

12 **ARTICLE I. Purpose(s) and Authority.**  
13

14 **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Manteo (the “Town”)  
15 may enact and amend ordinances regulating the zoning and development of land within its  
16 jurisdiction and specifically the location and use of buildings, structures and land. Pursuant  
17 to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et.  
18 seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning  
19 Ordinance”) and has also codified other ordinance provisions Town in the Town’s Code of  
20 Ordinances (the “Town Code”); and  
21

22 **WHEREAS**, pursuant to N.C.G.S. § 160A-174, the Town may enact and amend  
23 ordinances which define, prohibit, regulate, or abate acts, omissions, or conditions,  
24 detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the  
25 city, and may define and abate nuisances within its jurisdiction; and  
26

27 **WHEREAS**, currently the Town’s Zoning Ordinance prohibits boat lifts and  
28 similar devices in marinas located in the Shallowbag Bay South area, and the Town desires  
29 to allow boat lifts and similar devices in that marina area; and  
30

31 **WHEREAS**, the Town further finds that in accordance with the findings above it  
32 is in the interest of and not contrary to the public's health, safety, morals and general  
33 welfare for the Town to amend the Town’s Zoning Ordinance and Town Code of  
34 Ordinances as stated below.  
35

36 **ARTICLE II. Construction.**  
37

38 For purposes of this ordinance amendment, underlined words (underline) shall be  
39 considered as additions to existing Town Code language and strikethrough words  
40 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the  
41 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses  
42 (“...”) shall remain as they currently exist within the Town Code.  
43

44 **ARTICLE III. Amendment of Zoning Ordinance**  
45

1 NOW, THEREFORE, BE IT ORDAINED by the Town Board of Commissioners of the  
2 Town of Manteo, North Carolina, that the Town's Zoning Ordinance be amended as  
3 follows:  
4

5 **PART I.** That **Sec. 12-7(a)(2)** of the Zoning Ordinance, Town of Manteo, North  
6 Carolina, is hereby amended to read as follows:  
7

8 (2) *Shallowbag Bay South* (south of the NC Maritime Museum). This area  
9 historically has been the site of traditional watermen activities such as crab-  
10 shedding, oystering, and wooden boat building. These uses are still encouraged  
11 even as the primary use shifts toward private, recreational boating. Further  
12 development of this area for commercial charter boats is not allowed. ~~Boat lifts,~~  
13 ~~or any devices attached to pilings or docks and designed to suspend a boat over~~  
14 ~~the water, are not permitted in marinas.~~  
15

16 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
17 **Reasonableness.**  
18

19 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
20 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
21 is applicable. For all of the above-stated reasons and any additional reasons supporting the  
22 Town's adoption of this ordinance amendment, the Town considers the adoption of this  
23 ordinance amendment to be reasonable and in the public interest.  
24

25 **ARTICLE V. Severability.**  
26

27 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
28 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
29 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
30 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
31 Town of Manteo, North Carolina which shall remain in full force and effect.  
32  
33

**ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Bobby Owens, Mayor

ATTEST:

Becky Breiholz, Town Clerk

Date adopted: \_\_\_\_\_

Motion to adopt by Commissioner \_\_\_\_\_

Motion seconded by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS