



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, October 7, 2020 at 6:30 p.m. to hear and act upon the following:

Town Of Manteo
Regular Board of Commissioners Meeting

AGENDA

1. CALL TO ORDER - MOMENT OF SILENT MEDITATION
2. PLEDGE OF ALLEGIANCE
3. ADOPTION OF AGENDA
4. CONSENT AGENDA
 - A. Approval of Minutes Regular Meeting on September 2, 2020
 - B. Approval of Minutes Recessed Workshop on September 16, 2020
 - C. Approval of Recycling Contract Amendment with Bay Disposal
 - D. Approval of Budget Amendment #1
 - E. Approval of Resolution 2020-09 for State Revolving Loan for Shallowbag Bay Sewer Pump Station Replacement
5. PRESENTATIONS & REPORTS
 - A. Update on College of the Albemarle Campus
 - B. Update on Economic Development Initiatives
 - C. Report on Marshes Light Boardwalk
 - D. Discussion of Budget Options for Board Initiatives
 - E. Discussion of Public Policy Options for Essential Housing
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 location so that your statements can be recorded.*

7. NEW BUSINESS
 - A. Appointment of Representative to Dare County Tourism Board
 - B. Award of Town Common Construction Contract
 - C. Consideration of Sealed Bids for 604 Sir Walter Raleigh Street
 - D. Setting a Public Hearing for College of the Albemarle Zoning Text Amendment 2020-08Z

8. OLD BUSINESS
 - A. Setting a Public Hearing for Boat Lift Zoning Text Amendment 2020-07Z

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. In addition, you may view the meeting online via Zoom conference (use passcode 539735) at the following link: <https://us02web.zoom.us/j/622572789?pwd=RkVUVTZpSGpVM2dPaDRBK0lJMINGZz09>.

MINUTES

The Town of Manteo Board of Commissioners held their Regular session September 2, 2020 at 6:30 p.m. at 407 Budleigh Street, Manteo, NC and via teleconference. 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.

The following members were present:

- Mayor Bobby Owens
- Commissioner Darrell Collins (6:35pm)
- Commissioner Christine Walker (6:37pm)
- Commissioner Eddie Mann
- Commissioner Richie Burke
- Commissioner Betty Selby
- Commissioner Jason Borland

The following members were absent:

Also present at the meeting were:

- Town Manager James Ayers
- Town Clerk Becky Breiholz
- Town Attorney Ben Gallop
- Program Manager Michele Bunce

Mayor Owens called the meeting to order at 6:00 pm. Mr. Ayers did roll call verifying that there was a quorum: Mayor Owens-present; Commissioner Selby-present; Commissioner Burke-present; Commissioner Mann present; Commission Borland-present; Commissioner Collins and Walker no response. A quorum was established. Mayor Owens dedicated the moment of silence to Mr. Bull Bailey. He was a family man, a firefighter, a master mechanic, and so much more as he served our community. Our thoughts and prayers are with his family and friends and followed by the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended

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

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

MOTION: Commissioner Selby seconded by Commissioner Borland to approve the Regular August 5, 2020 minutes and Interlocal Agreement with the County for Management of Funds from the Coronavirus Relief Fund was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Borland, and Selby. Nays: None. Absent: Collins and Walker

PUBLIC HEARING-to receive comments on Annexation of Town-Owned Property at 0 Sir Walter Raleigh Street. This is for property owned by the Town and is across from the Pea Island

Cookhouse. The Board will not take action on the annexation tonight but at a future meeting because the N.C. State law requires a 24-hour comment period be allowed after the public hearing.

Commissioner Collins entered the meeting via teleconference at 6:35 p.m.

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

Mr. Ayers stated that to speak at the public hearing press * 9 and you will be recognized by the last 4 digits of your phone number.

Commissioner Walker stated she was having difficulty signing in and was unable to enter the virtual meeting as a panelist. It was noted that she entered the meeting at 6:37 p.m.

There were no public comments for the public hearing.

MOTION: Commissioner Borland seconded by Commissioner Collins to exit the public hearing at 6:40 p.m. was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None

PUBLIC COMMENTS *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. If you are participating electronically, please hit *9 and you will be recognized with the last 4 digits of your phone number.*

Tim Teeple-Fernando Street. He hopes the Board has had a chance to look at what he sent them regarding downtown parking. This topic has been discussed at several meetings and this idea might ease some of the parking issues. The lack of lines or parallel lines limits the spaces on streets in the downtown area, not to mention the yellow faded curb paint. It might also help people realize they cannot park on the yellow curbs, which also causes a disruption of the traffic flow. He has discussed this with idea with many residents of the downtown area and they are in favor of this idea to come a reality. He is asking the Board to look into this idea during the off season so as not to disrupt businesses.

There were no other public comments.

NEW BUSINESS

SUBJECT: Selection of Engineering Firm for Shallowbag Bay Sewer Pump Station Replacement Authorization to Negotiate Professional Services Contract for Shallowbag Bay Sewer Pump Station Replacement. Mr. Ayers stated the solicitation was posted locally and

statewide, including listing on the NC DOA website and its HUB (historically underutilized business) portal. Newspaper advertising, online postings, and related activities were used to supplement the outreach efforts and before it can be built it needs to be designed.

The Town of Manteo issued a Request for Qualifications (RFQ) for engineering and related services for the Shallowbag Bay Sewer Pump Station Replacement. The procurement followed North Carolina General Statute § 143-64.31 and the qualifications-based selection (QBS) process. This process requires us to select a firm based on qualifications and then to negotiate a contract for a fair fee with the best qualified firm.

One firm submitted a qualifications package by the deadline on August 26, 2020, and the submittal was responsive to the RFQ. The submittal was evaluated by the review team in accordance with the evaluation criteria listed in the RFQ, including technical approach, work experience, firm & staff qualifications, and past performance. The assessment indicated this firm was well-qualified for the proposed project, including successful completion of similar projects for other municipalities. Here is the qualified firm:

1. Green Engineering (Wilson, NC)

The proposed action is for the Board of Commissioners to authorize the following:

- The Town Manager is to negotiate a contract with Green Engineering; and
- The Town Manager is to sign the contract and any amendments.

Mayor Owens thought we needed three bids; Mr. Ayers reported that 3 bids are required for a construction contract but not for this type of project.

MOTION: Commissioner Walker seconded by Commissioner Borland to authorize the Town Manager to negotiate a contract with Green Engineering and to sign the contract and any amendments was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland and Selby. Nays: None. Absent: None

OLD BUSINESS

SUBJECT: Proposed Code of Ordinances Text Amendment 2020-06COD to Establish the Community-Police Advisory Board and the Special Events Committee. This was discussed at last month's meeting and the Board thought it would be suitable to establish these committees since they are long standing committees. In the text amendment there will be 3-7 members; be required to meet quarterly and have town staff as liaisons. Mayor Owens asked if this was just to establish the Boards and Mr. Ayers responded yes, they will come back to the Board with applications that are received for their review. Mr. Ayers stated that we will send out notification on the water bills, social media and be doing a widespread outreach program for applications on various boards.

MOTION: Commissioner Selby seconded by Commissioner Borland to approve text amendment 2020-06COD was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None

SUBJECT: Consideration of Program Contribution for Community Garden. During the June 17, 2020 meeting of the Board of Commissioners, an advocacy presentation was given by Michelle Lewis of the Peace Garden Project. Ms. Lewis described the programs offered by the Peace Garden Project, including planting and cultivation of produce, distribution of produce to community members in need, and the Youth Leadership Institute. Since that presentation, the Peace Garden Project has distributed tons of free produce to local residents and families.

This item appears on the agenda per Board member request, and it is up for the Board to consider if a program contribution to the community garden should be authorized. In anticipation of these deliberations, it has been confirmed that the Peace Garden Project is listed with the Internal Revenue Service as a non-profit organization, headquartered in Manteo, and classified as a Public Charity.

If the Board of Commissioners should decide to make a contribution to the Peace Garden Project, then a vote would be appropriate to direct the Town Manager to make such a payment in the amount chosen by the Board out of the Board's Discretionary Fund.

Commissioner Borland asked how much, and Commissioner Selby responded \$500.00. Commissioner Collins would like this to be a recurring donation and Mr. Ayers commented that thinks this would be problematic and we should not encumber funds from future budget, but it can be included each year during their budget discussion. Commissioner Mann suggested \$1,000.

MOTION: Commissioner Mann seconded by Commissioner Borland to authorize a program contribution of \$1,000 to the Peace Garden Project out of the Board's Discretionary Funds was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None

SUBJECT: Consideration of request by Homeowners of Marshes Light regarding the Town taking over the Marshes Light Boardwalk During the July 15, 2020 meeting of the Board of Commissioners, an advocacy presentation was given by Bob Keeney on behalf of homeowners in Marshes Light. Mr. Keeney proposed the donation of a portion of the Marshes Light Boardwalk to the Town of Manteo for use as a park. Mr. Keeney noted that the existing Conditional Use Permit requires Marshes Light homeowners to maintain/re-build the boardwalk in the 30-foot easement for public use. Concerns were expressed in the event of a storm and possible damage, following which the Town could apply for FEMA/CAMA funds that are not available to the homeowners. Other issues such as liability and related items were noted as well, and Mr. Keeney's complete comments are summarized in the minutes of the July 15th meeting available at manteonc.gov.

Town staff was directed to gather information on the boardwalk agreement and the estimated fee for an engineering assessment of the boardwalk condition and costs. The estimated cost for an engineer to do the inspection, evaluate repair needs, and provide anticipated future costs for replacement would be \$2,800.00. With regard to the existing agreement, the Easement & Maintenance Agreement for the Marshes Light Boardwalk dated May 10, 2006 was included in the agenda packet.

This item appears on the agenda per Board member request, and it is up for the Board to consider if it would like to engage an engineer for the boardwalk assessment as the first step in determining feasibility of the proposed transaction.

If the Board of Commissioners should decide to take this step, then a vote would be appropriate to direct the Town Manager to contract with a consultant for the assessment of the boardwalk and pay the costs for such services out of the Board's Discretionary Fund.

MOTION: Commissioner Borland seconded by Commissioner Selby to authorize the Town Manager to contract with a consultant for the assessment of the Marshes Light Boardwalk and pay the costs for such services out of the Board's discretionary fund was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland and Selby. Nays: None. Absent: None

MAYOR'S/COMMISSIONERS COMMENTS

Commissioner Walker is interested in the Town painting parking space lines in the downtown area and would like this on the next agenda and Commissioner Collins agrees and would like the Town Manger to work with the business group and to see what can be done. Mayor Owens suggested that this be put on the September 16th workshop session for discussion.

Commissioner Burke noted in the meantime he would like the Town at least touch up the yellow areas.

Commissioner Borland is excited and looking forward to working with the Special Events.

Commissioner Mann would like to encourage all walks of life to apply to be on the committees established and all views come into play.

Commissioner Selby agrees with Commissioner Mann and Borland. She also thanked the Board for contributing to the Peace Garden.

Mayor Owens has 3 items he would like to bring up. Thinks it is time to start talking seriously about affordable housing and how we can make this happen. There are 2 or 3 places in Town that we can consider. We have the accessibility to water and sewer, and it is time we start thinking about doing it. The next item is the cleaning up of the causeway from Pirates Cove to Midway. Thinks we should hire a part time person to clean it up once a week. Pirates Cove pays ½ of our taxes and we can pitch in and get that cleaned up. The next item the Mayor asked if we have received any bids on the surplus property across from the church on Sir Walter Raleigh Street. Mr. Ayers commented that they are sealed bids and they are not due until September 15, 2020. The Mayor will wait then on discussing this.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Burke seconded by Commissioner Borland the meeting was recessed at 7:20 pm until September 16, 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 2nd day of September 2020

ATTEST:

Becky Breiholz, Town Clerk

Bobby Owens, Mayor

MINUTES

The Town of Manteo Board of Commissioners held their September 2, 2020 on September 16, 2020 2020 at Town Hall, 407 Budleigh Street, Manteo, NC and via teleconference at 5:00 pm, 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.

The following members were present:

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

The following members were absent:

Also present at the meeting were: Town Manager-James Ayers; Town Attorney-Ben Gallop; Finance Officer/Assistant Town Manager-Shannon Twiddy, Becky Breiholz, Town Clerk; Carl Woody, IT; Michele Bunce, Program Manager.

Mayor Owens called the meeting to order at 5:00 p.m. and Mr. Ayers did a roll call: Mayor Owens, Commissioner Mann, Burke, Selby, and Borland all present. Commissioner Collins and Walker via teleconference.

PRESENTATIONS

Recognition of Employee Service-Mr. Ayers is pleased to recognize a valued colleague tonight as we celebrate 20 years of service by Kim Espinoza. Prior to her time with the Town of Manteo, Kim was employed in the private sector, with jobs in the insurance industry and, prior to that, in homebuilding. Luckily, the Town was able to bring Kim over to the public sector where she has faithfully served the people of Manteo for two decades. I have heard from so many residents who have praised Kim's friendly yet professional approach to the job, and she is a great person to have as a co-worker and colleague as well.

Introduction of New Employee-Mr. Ayers stated it is my pleasure to introduce the latest hire here at the Town of Manteo. Jamie Carol McCleave Whitley started work today, and she is our new Deputy Town Clerk and Assistant to the Town Manager. Jamie is returning home to Manteo where she graduated from Manteo High School. Ms. Whitley has excellent experience in fields ranging from education to local government, including her most recent tenure as Town Clerk for the Town of Selma. Jamie earned her bachelor's degree from

North Carolina Wesleyan with majors in political science, criminal justice, and sociology, plus she has extensive training through UNC-Chapel Hill and its School of Government.

Because Mrs. Whitley will be serving the Board of Commissioners and other boards and committees in her role as Deputy Town Clerk, she will be sworn in tonight by Town Clerk Becky Breiholz.

Town Clerk Becky Breiholz gave the Oath of Office to Deputy Town Clerk Jamie Whitley.

Department Head Reports-these were given to the Board and can be found on the website with the agenda.

Report on bids received for 604 Sir Walter Raleigh Street-Mr. Ayers reported that we have received two (2) bids. One for \$51,000 and one for \$65,000 and will be on the October 7 agenda. It was asked who the bidders were, and Mr. Ayers responded the high bidder was Frank and Susan Hiner.

Report on Parking Space Pavement Marking Feasibility Issues-Mr. Ayers gave a slide show presentation of feasibility issues and it is more than just painting lines. A sample of feasibility issues are timing, supply and availability, space yield, use restrictions, behavioral approaches, aesthetics, funding, and community engagement. Space Yield and influencing factors-debate between marked versus unmarked; gross versus net yield; design consideration, space size, loading zones etc. Use restrictions: restrictions on free parking, parking lot versus street parking, number of hours versus paid parking in lots, overnight only for residents by permit. Restrictions on deliveries by time and or truck size. Behavioral approaches-parking campaigns, business/employee incentives, kiss the bumper, etc. Sample project area-Downtown and Sir Walter Raleigh St. (east and west of Hwy. 64) Design and related services \$5K to 10K; striping installation \$23K-25K, line design (not full box) thermoplastic (not paint). Future Maintenance is to be determined. Community Engagement-recent public comments at Planning Board and Board of Commissioner meeting; recommend input on key action that will change the look of the Town; standalone community conversation versus comprehensive plan, funding priorities. The Board will be discussing the budget at the October meeting and if this is something the Board wants to do it can be added to that.

Mayor Owens commented that there are a lot of towns that wish they had our parking problem and does not think we need to rush into this. Commissioner Borland agrees with the Mayor and he has not seen a huge outcry one way or the other and has concerns about spending 35K of the taxpayer's money, could this be something that could be included in the comprehensive plan. Commissioner Burke would like a study done after the Town Common parking lot is completed. Commissioner Walker thinks it is best to wait to see how the Town Common is utilized, we need to have smarter parking not necessarily more

parking. Commissioner Collins likes the idea of 3-hour parking on the street, but we took that restriction off and thinks 3-hour parking on the street might solve some of the problem. Commissioner Selby thinks we should wait and see; she is not a fan on time limit parking, we want people to stay in the Town. Commissioner Mann commented that whatever we do we should consult with N.C. Department of Transportation. Consensus was to wait until after the Town Common is done. Mr. Ayers commented that we will continue the research.

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 location so that your statements can be recorded, to be recognized press *9 and you will be recognized by the last 4 digits of your phone number.*

Tod Clissold-Compton Street and as a business owner thinks we should do a test parking project on Queen Elizabeth Street by painting lines on the street and see how it goes, if the paint last 5 years see how it works.

Malcom Fearing-Manteo and wanted to start off by recognizing Kim and she exemplifies how we are as a Town, she is the first person you come in contact and a great choice to recognize. The new website is a great improvement and he can now get the agenda. What he came for tonight was to support the Mayor's comments in the paper about housing. He has been working with staff and had great input with staff about a project he wants to develop in year-round housing and wanted the Board to know about it. We have the land; we have the desire to address year-round housing. The property is on the north side of Bowsertown Road, west of the EMT Station. We can get 16 or so units and it would be for year-round housing. To support the initiative, he would like to offer to work with the Board and staff to accomplish this. He is talking about small one- or two-bedroom rentals. As you discuss please include us as a willing partner to address this issue.

Mr. Ayers commented this will be on the October agenda for further discussion with the Board.

OLD BUSINESS

SUBJECT: Annexation of Town-Owned Property at 0 Sir Walter Raleigh Street

The Town of Manteo owns the property at 0 Sir Walter Raleigh Street across from the Pea Island Cookhouse Museum. At its meeting on August 5, 2020, the Board of Commissioners adopted Resolution #2020-06 stating its intent to annex this property in accordance with the North Carolina General Statutes.

A public hearing on this annexation was held on September 2, 2020. No comments were received during the public hearing. In accordance with North Carolina Session Law 2020-3, the Board allowed written comments on the subject of the public hearing to be submitted up to 24 hours after the public hearing. However, no written comments were received on this matter.

In order to complete the annexation process, the Board of Commissioners would need to adopt Ordinance #37 to extend the corporate limits of the Town of Manteo to include the Town-owned property located at 0 Sir Walter Raleigh Street.

The Town Manager recommends the adoption of Ordinance #37 to annex the Town-owned property at 0 Sir Walter Raleigh Street

MOTION: Commissioner Collins seconded by Commissioner Borland to approve Ordinance #37 to annex Town-owned property at 0 Sir Walter Raleigh Street was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None.

Mayor/Commissioners Comments

Commissioner Walker asked if the Town has been approached by any of the traditional folks that took on the Halloween festivities. Mr. Ayers commented that we have not received a request from the two churches that have done those events in the past.

Commissioner Collins wanted to know about the assessment of the Marshes Light Boardwalk. Mr. Ayers stated the bulk of the assessment was done yesterday and we should have a report by the next Board meeting. Commissioner Collins also informed the Board that the Pea Island Preservation Society received a \$14,000 grant to develop a web site program for the Dare County Schools about the history of Dare County and about the Pea Island Life Saving Station.

Commissioner Burke asked if we had a contract for Shallowbag Bay pump station design. Mr. Ayers reported yes.

Commissioner Borland appreciates the feedback on the parking. I hope we can make something work with Mr. Fearing.

Commissioner Mann would like to see the Town move forward with affordable housing, work with County and excited with Malcolm's offer.

Mayor Owens noted we need to grab hold of this opportunity, financing is available, the County is still interested.

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

This the 16th day of September 2020

ATTEST:

Bobby Owens, Mayor

Becky Breiholz, Town Clerk

NORTH CAROLINA
DARE COUNTY

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Director

AMENDMENT TO RECYCLING CONTRACT BY AND BETWEEN
TOWN OF MANTEO AND BAY DISPOSAL

THIS AMENDMENT TO RECYCLING CONTRACT (the “Amendment”), made and entered into, by and between the Town of Manteo, a North Carolina municipal corporation and body politic (the “Town”), and Bay Disposal, LLC, formerly known as Bay Disposal, Inc., d/b/a Bay Disposal & Recycling, a Virginia limited liability company with an address of 2224 Springfield Avenue, Norfolk, Virginia 23523 (“Contractor”):

WITNESSETH:

WHEREAS, on June 13, 2017 the Town and Contractor entered into a written contract for Contractor to collect, remove, and recycle Recyclable Materials (which term is defined in the Contract) within the corporate limits of the Town (the “Contract”);

WHEREAS, Section 1.c of the Contract requires the Contractor to transport the Recyclable Materials to an appropriate recycling material handling and disposition facility and prohibits the Contract from disposing of the Recyclable Materials in a landfill or incinerator facility;

WHEREAS, the parties desire to amend Section 1.c to suspend the prohibition against disposing of Recyclable Materials at an incinerator, but only as long as such disposal at an incinerator occurs pursuant to the permit number identified below;

WHEREAS, Sections 1 and 3 of the Contract provide that the Contractor is to collect recyclables and the Town is to pay for such collection pursuant to the terms of the Contract;

WHEREAS, the parties desire to amend Sections 1 and 3 of the Contract so that, to the extent that the Contractor shall collect Recyclable Materials from Town residents and businesses, the Contractor will not do so under the Contract but, instead, will enter into a separate subscription agreement with each such individual resident or business to collect the Recyclable Materials from such individual or business;

WHEREAS, the parties also desire to amend Sections 1 and 3 of the Contract to provide for the Contractor to collect and dispose of Recyclable Materials from dumpsters at the Town's recycling center and such other locations within the Town's jurisdiction that the Town may designate, at an established rate per dumpster; and

WHEREAS, the Town desires to have some time between when this Amendment is executed and when this Amendment becomes effective, in order for the Town to inform the community of the changes that this Amendment will create in the Town's recycling program.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good consideration, the parties agree as follows:

A. Section 1 of the Contract is hereby deleted in its entirety and replaced with the following:

"1. Description of Services. Contractor agrees to provide labor, equipment, materials, tools, supervision, and other items as may be necessary (collectively the "Services") to:

a. Collect recyclable materials (the scope of materials deemed "recyclable" to be determined by Contractor, in its discretion, from time to time, but in no instance less than cardboard, paper materials (including newspaper and magazines), glass, aluminum, tin, and #1, #2 and #5 plastics) (collectively the "Recyclable Materials") from each dumpster located within the Town's jurisdiction and designated by the Town as being subject to this Contract, once per week, 52 weeks per year.

b. In consideration of the Consideration to be provided by the Town under this Contract, the Contractor shall provide each of the residents and businesses of the Town with the opportunity to enter into a separate agreement with the Contractor for the Contractor to provide curbside collection of Recyclable Materials from each such resident or business (each such contract being a "Subscription Agreement"). The initial price for each such Subscription Agreement shall not exceed \$11.35 per home or business per month and shall not be subject to a price increase until the first anniversary date of such Subscription Agreement. Service under each Subscription Agreement shall be provided no less frequently than the services are to be provided to the Town under Section 1.a of this Contract.

c. Transport and deliver collected Recyclable Materials to an appropriate recycling materials handling and disposition facility, to be determined by Contractor in its discretion, which facility shall then place the Recyclable Materials into the recycling stream. Except as otherwise provided in this

paragraph, in no case shall Recyclable Materials be disposed of in a landfill or incinerator facility. Notwithstanding the provisions of the forgoing sentence to the contrary, the Town hereby agrees to suspend the prohibition against the incineration of Recyclable Materials under this Contract only as long as NCDEQ allows Contractor to dispose of such Recyclable Materials at an incinerator under Permit No. 2706-TRANSFER-2013.

d. Provide same-day pick up and removal of any Recyclable Materials that escape, for any reason, Contractor's collection trucks or containers from which the Contractor collects Recyclable Materials under this Contract or any Subscription Agreement.

e. Provide same-day cleanup of any liquid spills from Contractor's collection trucks.

f. Provide monthly reporting to the Town regarding collection activity, including a summary of Recyclable Materials collected, and a summary of materials collected that were delivered to a landfill or incinerator for reason of not being recyclable.

g. Provide an annual service compilation report on or before May 31 of each service year.”

B. Section 3 of the Contract is hereby deleted in its entirety and replaced with the following:

“3. Pricing. The compensation to be paid by the Town for the Services shall be the payment of \$143.77 per month per 8 cubic yard dumpster that is serviced by the Contractor under this Contract. There shall be no minimum or maximum number of dumpsters to be serviced by the Contractor hereunder. Contractor shall bill the Town for the Services on a monthly basis, and Town agrees to make payments to Contractor within thirty (30) days of the Town’s receipt and approval of such bills and the required monthly reporting.”

C. This Amendment is executed as of the Execution Date (defined below), but shall not become effective until the first day of the month following the day that is thirty (30) days after the Execution Date (the “Effective Date”). (For example, if this Amendment is executed on October 7, 2020, it shall become effective on December 1, 2020). Notwithstanding the forgoing provisions of this Section C. to the contrary, the Town may, in its sole discretion, delay the Effective Date until January 1, 2021.

D. Except as otherwise amended pursuant to this Amendment, the Contract shall remain in full force and effect pursuant to its terms.

IN WITNESS WHEREOF, the Town and the Contractor have executed this Amendment on the ____ day of _____, 2020 (the "Execution Date") to be effective as of the Effective Date (which term is defined above).

Bay Disposal, LLC, formerly known as Bay Disposal, Inc., d/b/a Bay Disposal & Recycling, a Virginia limited liability company

By: _____
Name: _____
Title: _____

Town of Manteo

By: _____
Name: _____
Title: _____

ATTEST:

Town Clerk, _____

(TOWN SEAL)

Town of Manteo
Budget Amendment No. 1
Fiscal Year 2020-2021

BE IT ORDAINED by the Governing Board of the Town of Manteo, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

GENERAL FUND

The following revenues are increased in the General Fund:

10-3991-9910 Fund Balance Appropriated General Fund	\$10,195
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The following appropriations are increased in the General Fund:

10-4190-3810 Camera Project	\$10,195
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This portion of the budget amendment is necessary to appropriate funds into the 20-21 year for a contract entered into that was not completed at 6/30/20. The appropriation has two parts \$5,925 for the light pole purchase and \$4,270 for the light pole installation. Both components of the project have open Purchase Orders from the 19-20 fiscal year.

GENERAL FUND

The following revenues are increased in the General Fund:

10-3991-9910 Fund Balance Appropriated General Fund	\$17,500
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The following appropriations are increased in the General Fund:

10-4125-3805 IT Software and Services	\$17,500
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This portion of the budget amendment is necessary to appropriate funds into the 20-21 year for a contract entered into that was not completed at 6/30/20. The website design is \$14,000 and \$3,500 for the first year of hosting. This project has an open Purchase Order from the 19-20 fiscal year.

GENERAL FUND

The following revenues are increased in the General Fund:

10-3991-9910 Fund Balance Appropriated General Fund	\$6,021
---	---------

The following appropriations are increased in the General Fund:

10-4110-3810 Gov Access PEG Grant Expense	\$6,021
---	---------

This portion of the budget amendment is necessary to appropriate funds into the 20-21 year for planned expenses/projects that were not completed at 6/30/20. The appropriation is carried forward to complete video segments and eligible reimbursable expenses. There are no open Purchase Orders from the 19-20 fiscal year.

GENERAL FUND

The following revenues are increased in the General Fund:

10-3991-9910 Fund Balance Appropriated General Fund \$2,000

The following appropriations are increased in the General Fund:

10-4910-1990 Planning Professional Services \$2,000

This portion of the budget amendment is necessary to appropriate funds into the 20-21 year for a contract entered into that was not completed at 6/30/20. The contract is for the update to the Zoning Map and has a balance of \$2,000 to complete the project. This project has an open Purchase Order from the 19-20 fiscal year.

GENERAL FUND

The following revenues are increased in the General Fund:

10-3991-9910 Fund Balance Appropriated General Fund \$75,000

The following appropriations are increased in the General Fund:

10-4120-1990 Administration Professional Services \$75,000

This portion of the budget amendment is necessary to appropriate funds into the 20-21 year for a contract entered into that was not completed at 6/30/20. The contract is for the Town Common Design. This project has an open Purchase Order from the 19-20 fiscal year.

GENERAL FUND

The following revenues are increased in the General Fund:

10-3991-9910 Fund Balance Appropriated General Fund \$2,200

The following appropriations are increased in the General Fund:

10-4190-3510 R&M Buildings and Grounds \$2,200

This portion of the budget amendment is necessary to appropriate funds into the 20-21 year for a contract entered into that was not completed at 6/30/20. The contract is for the removal of the second curb cut at #506 Lord Essex Street. This project has an open Purchase Order from the 19-20 fiscal year.

GENERAL FUND REVENUES

The following revenues are increased in the General Fund:

10-3491-3631 2020 Fireworks Refund	\$27,500
------------------------------------	----------

The following appropriations are decreased in the General Fund:

10-3991-9910 Fund Balance Appropriated	\$27,500
--	----------

Per the contract with Pyrotechnico the Town of Manteo was able to receive a refund of \$27,500 for the cancellation of the 2020 Fireworks within the timeline provided in the contract. The revenues need to be recorded into the General Fund. If approved this portion of the Budget Amendment will reduce the fund balance appropriated previously requested in Budget Amendment #1.

GENERAL FUND REVENUES

The following revenues are increased in the General Fund:

10-3491-3646 Dare County C-19 COVID Grant	\$26,141
---	----------

The following appropriations are decreased in the General Fund:

10-3991-9910 Fund Balance Appropriated	\$26,141
--	----------

The Town of Manteo applied for the C-19 COVID Grant and was awarded funding up to the first \$26,141 spent for COVID-related personnel expenses in the amount of \$26,141. The revenues need to be recorded into the General Fund. If approved this portion of the Budget Amendment will reduce the fund balance appropriated previously requested in Budget Amendment #1.

GENERAL FUND SUMMARY

The requested funding from Fiscal Year 19-20 carried forward at June 30, 2020 is \$112,916 after recording unexpected revenues in the amount of \$53,641 the request from Undesignated Fund Balance has a net effect of \$59,275 for the General Fund.

WATER & SEWER FUND

The following revenues are increased in the Water and Sewer Fund:

60-3991-9910 Fund Balance Appropriated W & S Fund	\$8,685
---	---------

The following expenditures are increased in the Water and Sewer Fund:

60-7140-1990 Sewer Professional Services	\$8,685
--	---------

This portion of the budget amendment is necessary to appropriate funds into the 20-21 year for a contract entered into that was not completed at 6/30/20. This contract is with Green Engineering for the development of an Engineering Action Plan. The balance at 6/30/20 of the contract is \$8,685. This project has an open Purchase Order from the 19-20 fiscal year.

WATER & SEWER FUND

The following revenues are increased in the Water and Sewer Fund:

60-3991-9910 Fund Balance Appropriated W & S Fund \$123,132

The following expenditures are increased in the Water and Sewer Fund

60-7140-1990 Sewer Professional Services \$123,132

This portion of the budget amendment is necessary to appropriate funds into the 20-21 year for a contract entered into that was not completed at 6/30/20. This contract is with Green Engineering for the AIA Asset Inventory project. This project has an open Purchase Order from the 19-20 fiscal year.

WATER & SEWER FUND

The following revenues are increased in the Water and Sewer Fund:

60-3991-9910 Fund Balance Appropriated W & S Fund \$95,960

The following expenditures are increased in the Water and Sewer Fund

60-7140-5900 Sewer Capital Queen Elizabeth Lift Station \$95,960

This portion of the budget amendment is necessary to appropriate funds into the 20-21 year for proposals received but not awarded. The balance is needed to fund the contract for the project to begin in the 20-21 fiscal year. Project is expected to cross over into the 21-22 fiscal year. There is not an open Purchase Order for this project from the 19-20 fiscal year.

The requested funding from Fiscal Year 19-20 carried forward at June 30, 2020 is \$227,777 for the Water and Sewer Fund.

This the 7th day of October 2020

Bobby Owens, Mayor

Attest: _____
Becky Breiholz, Town Clerk



RESOLUTION # 2020-09

BY THE

TOWN OF MANTEO BOARD OF COMMISSIONERS

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Revolving Loan in the amount of \$1,106,660.00 for the construction of the Shallowbag Bay Sewer Pump Station Replacement.

WHEREAS, the Town of Manteo intends to construct said project in accordance with the approved plans and specifications,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MANTEO:

That the Town of Manteo does hereby accept the State Revolving Loan offer of \$1,106,660.

That the Town of Manteo does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II – Assurances will be adhered to.

That Town Manager James Ayers, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Town of Manteo has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th Day of October at Manteo, North Carolina.

Signature of Chief Executive Officer

Attest

Becky Breiholz, Town Clerk

Date



STAFF REPORT

Administration

October 2, 2020

Appointment of Representative to Dare County Tourism Board

Mayor Bobby Owens is the current Dare County Tourism Board Representative for Town of Manteo. His term expires January 2021. He is eligible for reappointment for another two years.

Dare County has requested that our recommendation for a representative be submitted no later than December 1, 2020.

If you have any questions about this agenda item, please call the Town Manager at 473.2133 or the staff member listed below prior to Wednesday Evening.

Name: Jamie Whitley

Telephone: 473-2133



Department Head Report Administration

October 7, 2020

Authorization to Execute Construction Contract for the Town Common

The Town of Manteo issued an Invitation for Bids (IFB) on August 30, 2020 for the construction of the Town Common. The procurement process followed North Carolina General Statute § 143-129 for formal bidding. The solicitation was posted locally and statewide, including listing on the NC DOA website and its HUB (historically underutilized business) portal. Newspaper advertising in North Carolina and Virginia, online postings, and related activities were used to supplement the outreach efforts.

Responses were due on September 28, 2020, and three firms submitted bids:

1. Hatchell Concrete, Inc. (Manteo, NC)
2. RPC Contracting, Inc. (Kitty Hawk, NC)
3. Barnhill Contracting Company (Kitty Hawk, NC)

The bids received from contractors included a base bid number that covers items required to be completed in this phase, including the parking lot, park area, landscaping, lighting, etc. Also, we solicited prices on bid alternates such as irrigation, permeable pavers, and the trellis feature. A complete tabulation of bids is attached hereto along with the Engineer's recommendations. Town staff concurs with the Engineer's recommendation to award the contract to the low bidder, RPC Contracting, and the value of \$458,410.00 will include the base bid along with all desired alternative bid items. This contract is within the appropriated budget.

The proposed action is for the Board of Commissioners to authorize the following:

- The Town Manager is to execute a contract with a value of \$458,410.00 with RPC Contracting and any amendments within the allocated budget.

*Attachments: Letter from Engineer dated 09/29/20 on Bid Results & Recommendations
Spreadsheet with Bid Results*

If you have any questions about this agenda item, please call the Town Manager at 473.2133 or the staff member listed below prior to Wednesday Evening.

Name: James Ayers

Telephone: 473-2133



September 29, 2020

Mr. James Ayers, Town Manager
Town of Manteo
PO Box 246
Manteo, NC 27954

RE: Town Commons Project – Bid Results and Recommendations

Dear Mr. Ayers:

Find attached the spreadsheet breakdown of the base bid and all alternatives. RPC Contracting is the low bidder and is qualified to perform this work. As we discussed yesterday after the bid opening, the Town desires to accept all alternatives except 3, the bollard installation; 6, the stamped concrete in the Central Circle element; and 10, the extra watering. All others will be accepted and included in the final contract.

The attached spreadsheet shows the Base Bid and Alternatives for each bidder. I have totaled the Base Bid and all Alternatives and then retotaled them excluding Alternatives 3,6 and 10.

I recommend that the Town consider awarding this work to RPC Contracting, Inc in the amount of \$458,410.00. If I can provide any additional information, please do not hesitate to contact me.

Sincerely,


John M. DeLucia, PE
Principal Engineer



Enc

cc: File

**Manteo Town Common Project
Bid Results September 28, 2020**

Entity	Engineers Estimate	Hatchell Concrete Inc	RPC Contracting	Barnhill Contracting
Item				
Base Bid	\$452,035.00	\$538,027.50	\$380,950.00	\$440,800.00
Alt 1 Parking Pavers	\$79,495.00	\$64,685.00	\$34,230.00	\$42,696.00
Alt 2 Waterline Replacement	\$8,736.00	\$14,586.00	\$12,000.00	\$12,036.00
Alt 3 Bollard Install	\$3,500.00	\$15,000.00	\$15,650.00	\$12,684.00
Alt 4 Trellis	\$10,000.00	\$9,631.25	\$8,730.00	\$8,800.00
Alt 5 Central Circle Element in Pavers	\$5,720.00	\$20,901.25	\$5,370.00	\$16,159.00
Alt 6 Central Circle Element in Stamped Concrete	\$440.00	\$11,040.00	\$3,720.00	\$8,300.00
Alt 7 Irrigation	\$90,000.00	\$12,000.00	\$11,930.00	\$10,500.00
Alt 8 Bench Installation	\$1,800.00	\$6,325.00	\$2,200.00	\$4,680.00
Alt 9 Cinder Paths	\$2,800.00	\$1,500.00	\$3,000.00	\$5,730.00
Alt 10 Watering	\$5,000.00	\$36,000.00	\$17,900.00	\$17,745.00
Total Base Bid with all Alternatives	\$659,526.00	\$729,696.00	\$495,680.00	\$580,130.00
Total Base Bid w/out Alt 3, 6, & 10	\$650,586.00	\$667,656.00	\$458,410.00	\$541,401.00



Department Head Report Administration

October 7, 2020

Property Disposal – 604 Sir Walter Raleigh

The Board of Commissioners authorized the sale of surplus property at 604 Sir Walter Raleigh Street using the sealed bid process under Resolution 2020-05. The sealed bid process was performed in accordance with North Carolina General Statutes. Two bids were received by the deadline on September 15, 2020. Both bids were deemed to be responsible, and the high bid was \$65,000.00. In accordance with Resolution 2020-05, the record of bids was reported to the Board of Commissioners at the meeting on September 16, 2020. Resolution 2020-05 also noted that the Board of Commissioners would make its award decision at the meeting on October 7, 2020.

The Town of Manteo established a reserve price of \$50,000, and this estimated value was incorporated in the revenue forecast for the Town's General Fund in the FY20-21 Budget. Even after payment of any necessary closing costs, the high bid of \$65,000 will increase anticipated revenues in the current fiscal year.

The proposed action is for the Board of Commissioners to authorize the following:

- The Town Manager is to take all necessary actions, including execution of closing documents, as needed to sell the lot at 604 Sir Walter Raleigh to the highest bidder.

If you have any questions about this agenda item, please call the Town Manager at 473.2133 or the staff member listed below prior to Wednesday Evening.

Name: James Ayers

Telephone: 473-2133



1
2
3 **AN ORDINANCE AMENDING THE ZONING ORDINANCE**
4 **OF THE TOWN OF MANTEO, NORTH CAROLINA TO UPDATE PROVISIONS**
5 **APPLICABLE TO THE COLLEGE, UNIVERSITY, AND COMMUNITY**
6 **COLLEGE CAMPUSES**
7 **(ZTA 2020-08Z)**

8
9 **ARTICLE I. Purpose(s) and Authority.**

10
11 **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Manteo (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning Ordinance”) and has also codified other ordinance provisions Town in the Town’s Code of Ordinances (the “Town Code”); and

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18
19 **WHEREAS**, pursuant to N.C.G.S. § 160A-174, the Town may enact and amend ordinances which define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances within its jurisdiction; and

20
21
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23
24 **WHEREAS**, due to the limited historical application of regulations to college, university and community college campuses the Town’s Zoning Ordinance has become outdated or places unnecessary restrictions upon such uses. Therefore, the Zoning Ordinance should be amended to provide reasonable accommodations which will allow for the modernization and improvement of the existing campuses within the Town’s jurisdiction while honoring the traditional aesthetic of the Town; and

25
26
27
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30
31 **WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town’s Zoning Ordinance and Town Code of Ordinances as stated below.

32
33
34
35
36 **ARTICLE II. Construction.**
37

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

6
7 **ARTICLE III. Amendment of Zoning Ordinance**

8
9 NOW, THEREFORE, BE IT ORDAINED by the Town Board of Commissioners of the
10 Town of Manteo, North Carolina, that the Town’s Zoning Ordinance be amended as
11 follows:

12
13 **PART I.** That **Sec. 8-2(h)** of the Zoning Ordinance, Town of Manteo, North Carolina,
14 is hereby amended to read as follows:

15
16 (h) Maximum square footage: Shall not exceed 20,000 square feet of total
17 building area (this does not include schools, colleges, universities, community
18 colleges, churches, or government buildings), whether on one floor or multiple
19 floors, including porches, decks, and accessory uses under one roof except any
20 building and its use existing on or before June 2002 shall be grandfathered and
21 allowed to remain and/or be rebuilt at the pre-existing square footage provided
22 the new structure meets other applicable zoning requirements. Separate
23 buildings may not be connected when the total square footage of the connected
24 structures exceeds 20,000 square feet. Separate buildings shall be separated by
25 at least 20 feet.

26
27 **PART II.** That **Sec. 14-3(12)** of the Zoning Ordinance, Town of Manteo, North
28 Carolina, is hereby amended to read as follows:

29
30

12	Colleges, universities, community colleges, (including associated facilities	One space for each 150 <u>185</u> square feet of gross floor area, including associate buildings (may be adjusted during the conditional use permit process)
----	---	--

31
32
33 **PART III.** That **Sec. 8-6** of the Zoning Ordinance, Town of Manteo, North Carolina, is
34 hereby amended to read as follows:

35
36 (d) Colleges, Universities and Community Colleges: Site design for Colleges,
37 Universities and Community Colleges shall refer to the Guideline and the
38 remainder of this section except for the following matters:

39
40 (i) Exterior brick foundations need not be red brick if the remainder of the
41 structure is a modern interpretation of outer banks building materials

1 such as horizontal siding and the same materials need not be used on
2 all sides of the building.

3 (ii) Buildings may exceed 20,000 square feet.

4 (iii) Parking may be provided between the front of the building or campus
5 and the street, and the building need not front a public right-of-way.

6 (iv) Building façade materials may be scaled to the size of the building or a
7 maximum of an eight (8) foot dimension.

8 (v) Parking areas need not be permeable pavement.

9
10
11 **PART IV.** That **Sec. 18-6(n)** of the Zoning Ordinance, Town of Manteo, North Carolina,
12 is hereby amended to read as follows:

13
14 (n) Banners used in lieu of permitted signs for longer than two weeks are
15 prohibited unless such banners are attached the light poles at the limits of the
16 area of a college, university or community college campus.

17
18 **PART V.** That **Sec. 18-9(a) (8)** of the Zoning Ordinance, Town of Manteo, North
19 Carolina, is hereby amended to read as follows:

20
21 (8) College, university or community college campuses may have one (1) sign
22 consisting of a brick wall or other structure consistent with the architecture of
23 the site and of appropriate size to accommodate 150 square feet of sign area.
24 The structure of the sign shall be designed by a licensed professional engineer.
25 Although the sign or its letters may have backlighting, such sign may not be
26 lighted from an internal source and may not protrude from the associated
27 structure more than six (6) inches. Notwithstanding anything to the contrary
28 herein, other signs may be placed at the campus entry points in accordance with
29 the existing Zoning Ordinance.

30
31 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
32 **Reasonableness.**

33
34 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
35 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
36 is applicable. For all of the above-stated reasons and any additional reasons supporting the
37 Town’s adoption of this ordinance amendment, the Town considers the adoption of this
38 ordinance amendment to be reasonable and in the public interest.

39
40 **ARTICLE V. Severability.**

41
42 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
43 hereby repealed. Should a court of competent jurisdiction declare this ordinance
44 amendment or any part thereof to be invalid, such decision shall not affect the remaining
45 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
46 Town of Manteo, North Carolina which shall remain in full force and effect.

1 **ARTICLE VI. Effective Date.**

2

3 This ordinance amendment shall be in full force and effect from and after the ____ day of
4 _____, 20__.

5

6

Bobby Owens, Mayor

7

ATTEST:

8

Becky Breiholz, Town Clerk

9

10

Date adopted: _____

11

Motion to adopt by Commissioner _____

12

Motion seconded by Commissioner _____

13

Vote: _____ AYES _____ NAYS

14



Staff Report Planning Department

October 2, 2020

Boat Lifts

On July 1, 2020 the Town of Manteo Board of Commissioners approved a zoning text amendment to allow boat lifts in marinas. The Commissioners referred to the Planning and Zoning board additional considerations to the boat lift ordinance. The consideration was for restrictive language such as moving boats during named storms, length of boat allowed on lifts and prohibition of boat lifts on property owned by the Town of Manteo.

At their August meeting, the Planning and Zoning Board asked staff to consult with the Town Attorney on language that would accomplish the Board of Commissioners request.

At their September meeting, the Planning and Zoning Board recommended the attached text amendment to the Board of Commissioners.

If you have any questions about this agenda item, please call the staff member listed below.

Name: Melissa Dickerson

Telephone: 252-473-4112



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3 **AN ORDINANCE AMENDING THE ZONING ORDINANCE**
4 **OF THE TOWN OF MANTEO, NORTH CAROLINA TO REGULATE BOAT**
5 **LIFTS**
6 **(ZTA 2020-07Z)**
7

8 **ARTICLE I. Purpose(s) and Authority.**
9

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

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

23 **WHEREAS**, the Town desires to regulate boat lifts and similar devices; and
24

25 **WHEREAS**, the Town further finds that in accordance with the findings above it
26 is in the interest of and not contrary to the public's health, safety, morals and general
27 welfare for the Town to amend the Town’s Zoning Ordinance and Town Code of
28 Ordinances as stated below.
29

30 **ARTICLE II. Construction.**
31

32 For purposes of this ordinance amendment, underlined words (underline) shall be
33 considered as additions to existing Town Code language and strikethrough words
34 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
35 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
36 (“...”) shall remain as they currently exist within the Town Code.
37

38 **ARTICLE III. Amendment of Zoning Ordinance**

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** of the Zoning Ordinance, Town of Manteo, North Carolina, is
6 hereby amended to read as follows:

7
8 ...

9 (d) Boat lifts. Where boat lifts are of a proposed development the following must
10 be provided:

11
12 (1) Boat lifts, and similar devices, are prohibited and may not be attached
13 to waterfront boardwalks adjacent to Shallowbag Bay, which are owned by
14 the Town of Manteo or a dedicated public easement, from the Cora Mae
15 Daniels Basnight Bridge to Marshes Light Marina at bulkhead (point L21)
16 referenced the plat recorded in the Dare County Public Registry at Plat Cabinet
17 G, Slide 34

18
19 (2) Boats should be removed from boat lifts within 24 hours of expected
20 arrival a named storm.

21
22 (3) Boat lifts shall only be installed to accommodate boats 28 feet or less in
23 length.

24
25 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
26 **Reasonableness.**

27
28 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
29 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
30 is applicable. For all of the above-stated reasons and any additional reasons supporting the
31 Town’s adoption of this ordinance amendment, the Town considers the adoption of this
32 ordinance amendment to be reasonable and in the public interest.

33
34 **ARTICLE V. Severability.**

35
36 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
37 hereby repealed. Should a court of competent jurisdiction declare this ordinance
38 amendment or any part thereof to be invalid, such decision shall not affect the remaining
39 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
40 Town of Manteo, North Carolina which shall remain in full force and effect.

41
42 **ARTICLE VI. Effective Date.**

43
44 This ordinance amendment shall be in full force and effect from and after the ____ day of
45 _____, 20____.

Bobby Owens, Mayor

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ATTEST:

Becky Breiholz, Town Clerk

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS



Consistency Statement:

The Town of Manteo Planning and Zoning Board finds the action to amend the zoning ordinance place restrictions on boat lifts to be consistent with the Town's 2007 Land Use Plan. The Town's 2007 Land Use Plan 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."

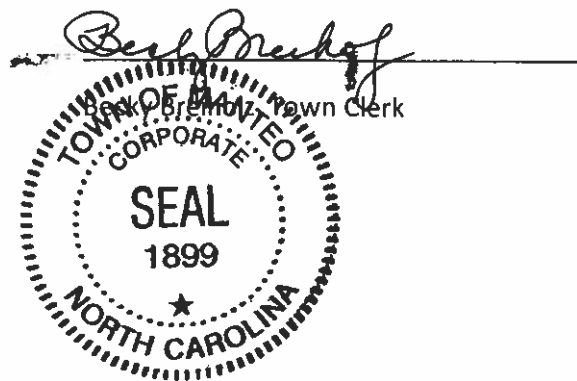
Recommendation to the Board of Commissioners:

The Planning Board finds action to amend the Town of Manteo's Zoning Ordinance Section 12-7 to be consistent with the Town's Land Use Plan per §160A-383, in a _ to _ vote, the Planning Board recommends that the Board of Commissioners amend the Town's Zoning Code Article 12-USE PROVISIONS Section 12-7 Marinas (a) (2) with the included text.

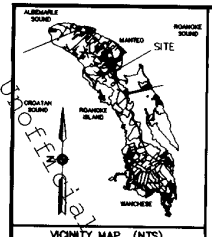
This the 8th day of September, 2020.


Sherry Wickstrom, Chair

ATTEST:



P.C. 6 S1. 340



LEGEND
 EX. P/WP. EX. REBAR
 CONC. MON. SET EX. P/W. MAIL
 P/W. MAIL SET SENER SERVICE
 WATER METER PHONE PEDestal
 EASEMENT POINT UTILITY POLE
 GUY WIRE FIRE HYDRANT
 ELECT. TRANS.

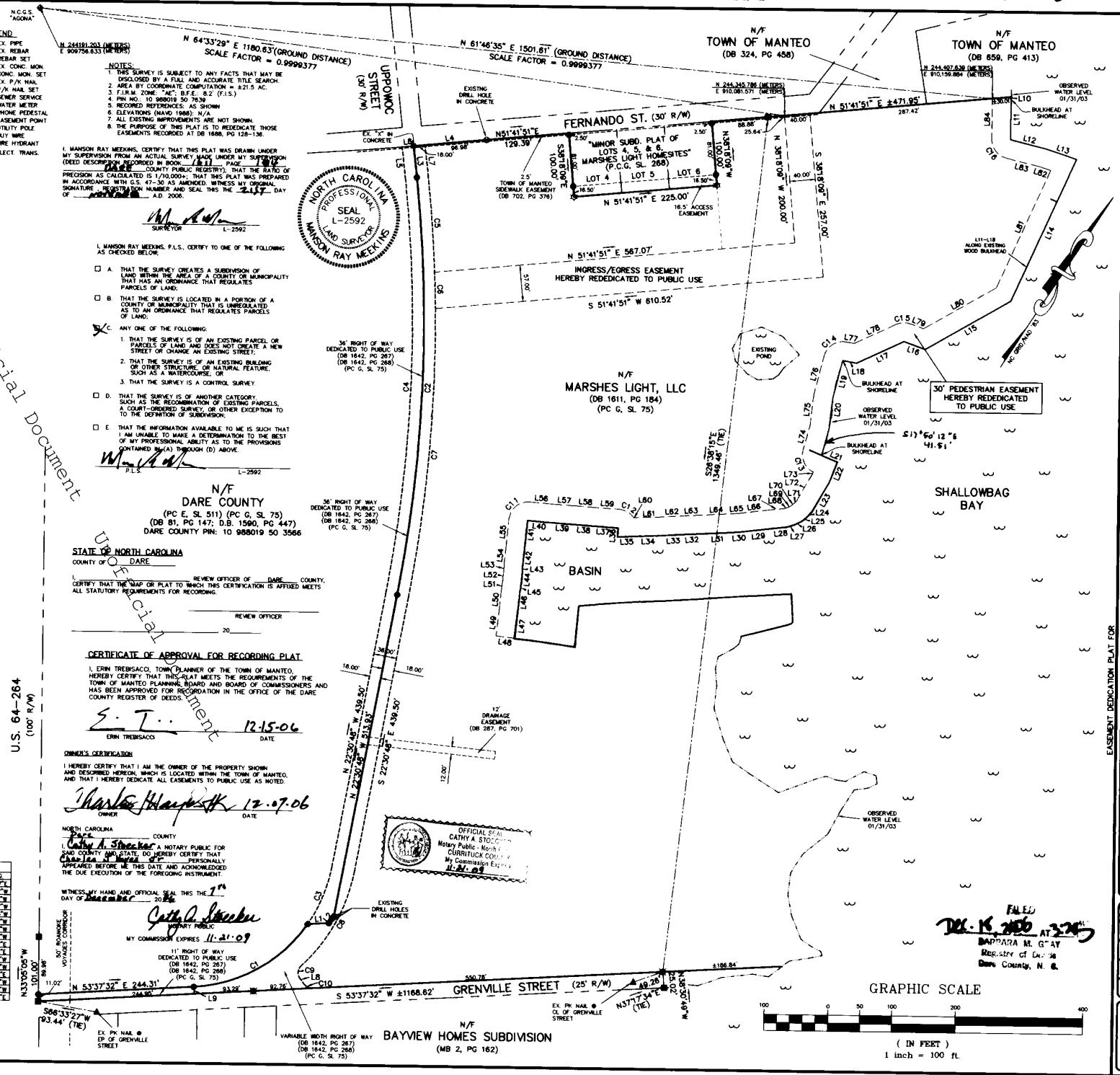
NOTES:
 1. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
 2. AREA BY COORDINATE COMPUTATION = 827.5 AC.
 3. P.I.R.M. ZONE: "AE", B.F.E. 0.2 (F.I.S.).
 4. FIN. INV. TO 10/00/00 50 75/00
 5. RECORDED REFERENCE: AS SHOWN
 6. ELEVATIONS (NAVD 1988): N/A
 7. ALL EXISTING IMPROVEMENTS ARE NOT SHOWN.
 8. THE PURPOSE OF THIS PLAT IS TO REDELEGATE THOSE EASEMENTS RECORDED AT DB 1686, PG 126-136.
 I, MANSON RAY MEEDINS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACCURATE SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____ COUNTY PUBLIC RECORDS). THAT THE RATIO OF PRECISION AS CALCULATED IS 1/10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITH MY ORIGINAL SIGNATURE AND NOTARIAL NUMBER AND SEAL THIS THE 21ST DAY OF DECEMBER, A.D. 2006.
 M. Ray Meedins
 SURVEYOR L-2592

LINE TABLE

LINE	LENGTH	BEARING
L1	35.54	S83°38'50"W
L2	12.24	N01°52'44"E
L3	48.63	S76°24'47"E
L4	114.88	S01°42'15"E
L5	50.02	S38°24'42"W
L6	18.90	S01°54'15"E
L7	49.32	S36°24'42"W
L8	11.34	S89°28'12"E
L9	11.00	S36°22'26"E
L10	4.20	S34°28'26"E
L11	62.08	S32°26'32"E
L12	58.91	S32°26'32"E
L13	51.55	N73°01'30"E
L14	245.72	S08°40'56"E
L15	154.70	S08°40'56"E
L16	35.41	S78°30'44"W
L17	87.53	S31°43'12"E
L18	22.58	S86°30'22"E
L19	80.48	S38°11'12"E
L20	49.35	S82°30'22"E
L21	28.00	S72°46'15"E
L22	35.21	S11°42'29"E
L23	53.78	S02°30'22"E
L24	11.50	S10°48'10"W
L25	11.80	S18°40'07"W
L26	11.58	S30°45'01"W
L27	11.57	S32°40'10"W
L28	23.54	S60°26'06"W
L29	51.48	S32°30'22"E
L30	5.86	S83°38'33"W
L31	58.07	S83°33'11"W
L32	20.44	S83°30'22"E
L33	40.15	S83°32'51"W
L34	38.30	S84°26'26"W
L35	28.03	S84°26'26"W
L36	14.17	N28°25'00"W
L37	38.16	S80°24'37"E
L38	28.46	S80°24'37"E
L39	37.52	S80°43'00"W
L40	33.40	S82°30'22"E
L41	42.06	S81°24'04"W
L42	30.18	S72°22'02"E
L43	9.70	S71°48'07"E
L44	18.16	S71°48'07"E
L45	13.11	S24°00'18"E
L46	33.25	S72°46'15"E
L47	40.08	S28°24'34"E
L48	30.00	S83°30'22"W
L49	38.70	S83°30'22"W
L50	33.82	N47°48'50"W
L51	15.28	N49°00'18"W
L52	14.47	N27°26'28"W
L53	9.85	N31°28'07"W
L54	31.18	N47°22'00"W
L55	42.02	N27°31'00"W
L56	35.18	N81°34'04"E
L57	32.40	N60°48'00"E
L58	29.41	N61°18'00"E
L59	39.00	N60°34'37"E
L60	1.71	N94°24'30"E
L61	36.08	N54°56'36"E
L62	36.93	N53°30'11"E
L63	20.48	N54°36'40"E
L64	58.88	N53°34'21"E
L65	4.73	N52°38'33"E
L66	50.84	N50°10'32"E
L67	20.78	N50°10'32"E
L68	6.34	N36°40'15"E
L69	5.90	N36°44'01"E
L70	6.31	N18°04'03"E
L71	6.05	N10°38'19"E
L72	47.92	N11°34'26"E
L73	3.71	N63°00'46"W
L74	38.81	N17°30'28"W
L75	48.08	N28°26'32"E
L76	82.48	N18°31'12"E
L77	13.14	N88°30'22"E
L78	72.10	N83°33'24"E
L79	21.48	N78°53'44"E
L80	131.11	N27°04'22"E
L81	202.63	N81°44'45"E
L82	17.08	S70°07'35"W
L83	86.79	S70°31'58"W
L84	63.31	S52°38'35"W

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHD.BRC
C1	230.00	34.90	211.40	203.88	N47°32'47"E
C2	225.00	18.52	257.14	154.79	N82°37'47"E
C3	232.00	43.84	97.10	96.38	N102°31'23"W
C4	2210.00	16.30	491.83	494.47	N30°27'47"W
C5	2246.00	13.04	130.73	130.72	N11°27'27"E
C6	2248.00	12.74	57.11	57.10	N34°30'18"W
C7	2248.00	13.96	154.80	154.82	N82°18'42"E
C8	2248.00	38.46	171.57	168.89	N10°10'25"E
C9	15.00	83.30	21.90	20.01	S27°38'37"E
C10	15.00	188.21	14.88	14.88	N82°04'10"E
C11	30.00	180.24	48.70	42.12	S18°30'32"E
C12	30.00	2130.18	27.14	28.23	S86°27'48"W
C13	30.00	1028.27	23.34	38.16	S20°30'20"E
C14	30.00	80.43	44.87	40.80	S87°28'45"E
C15	30.00	4530.10	23.58	22.98	S54°24'38"W
C16	30.00	7629.20	40.05	37.14	S70°53'24"E



I, MANSON RAY MEEDINS, P.L.S. CERTIFY TO ONE OF THE FOLLOWING AS CHECKED BELOW:

A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT DOES NOT HAVE AN ORDINANCE THAT REGULATES PARCELS OF LAND.

C. ANY ONE OF THE FOLLOWING:
 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
 2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE OR NATURAL FEATURE, SUCH AS A WATERCOURSE, OR
 3. THAT THE SURVEY IS A CONTROL SURVEY.

D. THAT THE SURVEY IS OF ANOTHER CATEGORY SUCH AS THE RECOMMISSION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

E. THAT THE INFORMATION AVAILABLE TO ME IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

W. Ray Meedins
 P.L.S. L-2592

DARE COUNTY
 (PG C, SL 511) (PG C, SL 75)
 (DB 81, PG 147; DB 1590, PG 447)
 DARE COUNTY PIN: 10 98019 00 3566

STATE OF NORTH CAROLINA
 COUNTY OF DARE

REVIEW OFFICER OF DARE COUNTY
 I, ERN TREBSACCO, REVIEWER OF DARE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER
 ERN TREBSACCO
 DATE 12-15-06

CERTIFICATE OF APPROVAL FOR RECORDING PLAT

I, ERN TREBSACCO, TOWN PLANNER OF THE TOWN OF MANTEO, HEREBY CERTIFY THAT THIS PLAT MEETS THE REQUIREMENTS OF THE TOWN OF MANTEO PLANNING BOARD AND BOARD OF COMMISSIONERS AND HAS BEEN APPROVED FOR RECORDATION IN THE OFFICE OF THE DARE COUNTY REGISTER OF DEEDS.

Ern Trebsacco
 DATE 12-07-06

OWNER
 Charles H. Hain
 DATE 12-07-06

OWNER'S CERTIFICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED WITHIN THE TOWN OF MANTEO, AND THAT I HEREBY DEDICATE ALL EASEMENTS TO PUBLIC USE AS NOTED.

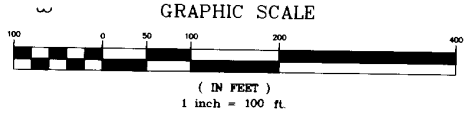
Charles H. Hain
 DATE 12-07-06

NOTARIAL CERTIFICATION

I, CATHY A. STODOLSKA, A NOTARY PUBLIC FOR DARE COUNTY AND STATE, DO HEREBY CERTIFY THAT CHARLES HAIN PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

Cathy A. Stodolska
 My Commission Expires 11-31-09

WITNESS MY HAND AND OFFICIAL SEAL THIS THE 21ST DAY OF DECEMBER, 2006



ESSEMENT, RECORDATION PLAT FOR
MARSHES LIGHT, LLC

PROPERTIES OF MARSHES LIGHT, LLC - TOWN OF MANTEO - ROANOKE ISLAND
 NAGS HEAD TOWNSHIP - DARE COUNTY - NORTH CAROLINA

Seaboard Surveying & Planning, Inc.
 103 W. WOOD HILL DRIVE - LAUREL, P.O. BOX 88, WOOD HILL, N.C. 27988-0088

FILE NO.: 0203075
 DRAWN: 07/21/06 MS
 SURVEYED: 07/25/06 TG
 CHECKED: 11/21/06 MCR
 SCALE: 1" = 100'

SHEET NO.
 1
 OF 1 SHEETS