

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, May 6, 2009 at 7:30 p.m.

The following members were present:

- Mayor Jamie Daniels
- Commissioner David Farrow
- Commissioner Richie Burke
- Commissioner Darrell Collins
- Commissioner Hannon Fry
- Commissioner Christine Walker
- Commissioner H. A. Creef

The following member(s) were absent:

Also present at the meeting were:

- Town Manager-Kermit Skinner
- Town Attorney, Daniel Khoury
- Finance Officer Shannon Twiddy
- Town Clerk Becky Breiholz
- Planner Erin Trebisacci

Mayor Daniels called the Regular meeting to order at 7:35 p.m. with a moment of silence followed by the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended- amend the agenda to add Finance Officer Report after Town Manager's agenda for presentation of draft budget.

MOTION: Commissioner Burke seconded by Commissioner Walker to adopt the agenda as amended was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Walker, Burke and Collins. Noes: None. Absent:

SUBJECT: Adoption of the items on the Consent Agenda

MOTION: Commissioner Collins seconded by Commissioner Fry to adopt the consent agenda as presented was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Burke, Walker, Collins. Noes: None. Absent:

SUBJECT: Approval of minutes Regular and closed meeting March 19 Joint Cemetery Meeting, with CD recording.

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

SUBJECT: Approval of minutes Regular and closed meeting April 1, 2009 with CD recording.

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

SUBJECT: Approval of minutes Recessed meeting April 15, 2009 with CD recording.

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

SUBJECT: Dues and Subscriptions IIMC 75.00

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

SUBJECT: Resolution 2009-05 Declaring Public Works Refuse Truck Surplus Property

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

SUBJECT: Budget Amendment #15 Special Events Farmer's Market

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

SUBJECT: Dues and Subscriptions N.C. League of Municipalities \$1299

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

Presentation of Safe Boating Week Proclamation-Mayor Daniels presented the Safe Boating Week Proclamation to the Auxiliary USCG.

PUBLIC COMMENTS – Town Manager asked for any one to speak on items not on the agenda and if you want to speak on an item on the agenda please come forward so that the clerk can

enter it into the record. Lynda Midgett would like to speak on item 8A and John Robbins would like to speak on item 7B

PLANNER'S AGENDA

SUBJECT: Cistern discharge regulations-Planner Erin Trebisacci gave a background on discharge of non-potable water uses not being allowed and would like to amend the ordinance to add the discharge of non potable water into the town sewer. The ordinance amendment would allow cisterns for flushing of toilets in a manner deemed appropriate to the town and in compliance with North Carolina State Building Code. It would be more along the lines of an irrigation meter. The homeowner would bear the cost of the installation. The Board discussed what the Division of Water Quality had to say about this and would like to know that information. The Board also discussed how this would work and would like some more details on this. Mrs. Trebisacci commented she will discuss this with Mr. Nathan Pharr for more detail and report back to the Board

SUBJECT: Affordable Housing Administration Policy-this policy is to help clarify the administration of the affordable housing ordinance. Erin Trebisacci gave the Board background information on how this policy came about. The ordinance was based on a tier level and we thought we would have a flood of applications which we didn't. This would allow for an open enrollment period instead of staggering them by tiers and hopefully this will clarify that. The policy will be made a part of these minutes. John Robbins had asked to speak on this and has a few issues and on Step 2 thinks it would be best if a preliminary review be added to the policy to give the applicant time to complete it if it is incorrect and then send them a letter. Mr. Robbins would like clarification on Step 4 who reviews, evaluates and awards those applications. The way the ordinance currently reads it states applicant will be reviewed by the Finance office, Planner and Town Manager or the Mayor may appoint any other parties and no where in the ordinance does it say the Board of Commissioners will vote on it and thinks the ordinance needs to be changed to keep it from being politicized. The ordinance currently states for 30 days and the policy says 60 days and would like that be kept at 30 days. Language will be added to step 2 that application has been received, a preliminary review is done and informing the applicant within 7 days of receipt so that if their application is incomplete they can correct it before the deadline. The Board discussed changing the 60 day waiting period to 30 or 45 days and consensus was 45 days. Awarding of the lot or house was discussed and what the best process would be. Consensus was if there is more than one applicant for the same property the Board will call a special meeting; if only one than staff will award the property. Mrs. Trebisacci will amend the ordinance to reflect this change.

MOTION: Commissioner Creef seconded by Commissioner Walker to adopt the policy as rewritten was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Burke Walker, Collins. Noes: None. Absent:

SUBJECT: Report Wind Energy Seminar- Mrs. Trebisacci gave the Board a report on a seminar she attended about wind energy for commercial applications. A few residents have called about installing wind turbines on their property. Kitty Hawk, Kill Devil Hills and Currituck have drafted ordinances on this and she is working on something for their review.

TOWN MANAGER'S AGENDA

SUBJECT: Request for plaque honoring Jules Burrus-this was brought up at the April 15th workshop and was a request from Lynda Midgett and Malcolm Fearing to be allowed to place a plaque on the cross that is on the waterfront honoring Mr. Burrus's contributions to the Town. Lynda Midgett thanked the Board for allowing her to speak and commented that they are not asking for any funds from the Town. They would like the Board to appoint one person from the Town to work with them on the wording and placement of the plaque. Consensus of the Board was to appoint Lynda Midgett to be the Town's representative to meet with the Town Manager for the wording and placement of the plaque. Mrs. Midgett also commented that they would like to have a reception and dedication when that does happen.

MOTION: Commissioner Creef seconded by Commissioner Collins to allow a plaque be placed and Lynda Midgett will meet with Town Manager to select a location and wording for the plaque and the Town will pay for the plaque was approved by the following vote: Ayes: Commissioners Farrow, Walker, Fry, Creef, Collins, Burke. Noes: none. Absent: none.

SUBJECT: Request from the Cemetery Board to designate lots 1-16 at the new portion of the cemetery as single graves. This item was discussed at the April 15 workshop and placed on the regular May agenda for consideration to allow for the sale of single grave sites. Commissioner Farrow disagrees and wants the single graves at the old section of the cemetery along the brick wall sold first before we start selling those at the new section. It is either 64 or 128 single sites depending on how many lots per plot and there are approximately 20 singles in the old section. After no consensus could be reached it was not voted on and the Cemetery Board will re-address this at their next meeting.

SUBJECT: Sidewalk Project on Budleigh Street-the repairs were previously approved in March for the Town owned portion of the repairing the sidewalks and cost sharing with Malcolm Fearing on the north and south side of Budleigh Street. Hatchell Concrete was awarded the contract and may have already started on the project. Staff had approached the owners of the Phoenix Shops to see if they wanted to cost share with the Town to repair the sidewalks they owned. Staff was informed that the property owners did not have an interest in paying for the project themselves but would give the Town an easement if the Town wanted to pay for the sidewalk repairs. Staff is asking the Board how they want to proceed. Mayor Daniels would like to spend the money and fix those sidewalks. The Town could fix the sidewalk and assess the property owners. Commissioner Farrow would like to go ahead get an easement and pay for the sidewalks by the Phoenix Shops. Mrs. Twiddy commented that if the Board agrees to an easement then the Town takes liability for accidents, falls and medical costs incurred. The

cost of that portion of repair was discussed and it would be \$3528 and the Finance Officer would need a budget amendment.

MOTION: Commissioner Farrow seconded by Commissioner Burke to get an easement and the Town pay for the sidewalks by the Phoenix was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: None. Absent: none.

MOTION: Commissioner Farrow seconded by Commissioner Walker to approve a budget amendment for \$3528 to repair the sidewalks by the Phoenix was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: None. Absent: none.

FINANCE OFFICER

Shannon Twiddy commented that the budget message that was sent out yesterday was not accurate and was done for discussion between staff. Mrs. Twiddy handed out the draft budget to the Board and went over the budget briefly. Mrs. Twiddy went over the water and sewer fund and there is a \$400,000 shortfall in the water and sewer fund and the information is included in the budget message and she suggested that we do a loan transfer from the general fund and not be transferred unless needed. She is asking for an additional 15% increase since the previous rate increases have not yielded the anticipated revenue. Mrs. Twiddy also included a letter behind the budget message from the Local Government Commission and read a portion which states that a net loss was reported in the Water and Sewer Fund and that cash flow generated is not sufficient to cover operating costs and debt service. No funds have been set aside for capital improvements to the water and sewer system and we are supposed to putting away the amount of the depreciation schedule and last year it should have been \$228,000. Mayor Daniels asked the Board to look over the budget and make their requests for any special projects. Mrs. Twiddy commented that the Commissioner's contact her with any questions or requests before their budget retreat May 20th. Town Manger Kermit Skinner thanked Mrs. Twiddy for her hard work on the budget and she has done a marvelous job. Mr. Skinner commented that a Budget Workshop has been scheduled for May 20th at 8:30 am at the Outer Banks Tourist Bureau.

OLD BUSINESS

Old business list was gone over-

Bathrooms at Magnolia Market are in progress and on schedule; establishing a 501C3 for Collins Park still ongoing. Manteo Water Garden Park-Mayor Daniels would like to have a workshop next week Wednesday at 4pm to discuss Storm-water and Mrs. Trebisacci has left a message for Costal Studies Institute to attend this meeting but has not heard from them. Mayor Daniels commented that the workshop session will also include a closed session to consult with the Town Attorney regarding a legal matter. Mayor Daniels also commented that the Manteo Water Garden Park is on the June 3rd agenda. Mr. Skinner commented that we have received the

reimbursable agreement from NCDOT today for the storm-water park and it has been emailed to the Town Attorney for his opinion.

TOWN ATTORNEY'S AGENDA

Daniel Khoury reported on two property purchases-the Dockmaster office at the waterfront condo's and we are ready to close on that. Mr. Khoury also commented that in 1987 when we did the original 20 year lease for the docks part of the consideration was the space that we have always had, we got a deed for the actual space but didn't make it marketable because it wasn't officially part of the condominium, we will actually get a deed back for an actual unit at the condominium and will end up with two units, the one we are buying and the exchange of the space and give us the opportunity to clean that up. In conjunction with that Mr. Hollowell asked if the Town would be willing to purchase the public bathrooms on the first floor and Mr. Khoury stated that he told Mr. Hollowell that the Town might consider it if he gave the bathrooms to the Town which Mr. Hollowell has agreed to. Mr. Khoury asked the Board to consider them taking those bathrooms. They are still moving forward on the purchase of the Davis lot, we have \$112, 500 from the Tourist Bureau and the Friends of Elizabeth II are meeting tomorrow and hopefully they will give a grant for \$125,000 and once that is finalized we can close on that property.

MAYOR'S AGENDA

SUBJECT: Fisherman's Wharf report-In November Angel Khoury came before the Board and discussed the concept of a mariner's trail and it was a determined that a fisherman's wharf would be a great extension to the Maritime Museum and Boat Shed already on the waterfront. Town Attorney Daniel Khoury had arranged a meeting with staff and representatives from Marshes Light to try and make this a reality and be built on the boardwalk where the Town boardwalk and Marshes Light board walk met. It would also be a great starting point for a maritime trail leading people throughout Town and telling Manteo's story and how closely it is related to the maritime history. Staff has met with representatives from Marshes Light, Quible Engineering and Beacon Architecture to discuss making this wharf a reality and Marshes Light is willing to make a sizeable contribution to work with the Town. Staff will be meeting with some representatives from the state on May 7 to discuss any permitting issues that will be associated with the project. One obstacle will be with the Army Corp of Engineers who do not support buildings over water and Commissioner Creef commented that at one time there was a building there. Mrs. Trebisacci commented that might be something we need to research further.

COMMISSIONERS AGENDA

Commissioner Creef-has heard some comments about how long it takes someone to get a building permit; having to go to Planning and Zoning and then Manteo Way of Building sometimes 2 to 3 months; he also commented that he likes the idea of the Manteo Way of

Building but it should be offered as suggestions as what can be done and not as something that has to be done. Commissioner Fry commented it is an advisory committee and there should be a number they can call asking for suggestions and not have to wait. Mrs. Trebisacci explained the process and that it has to be submitted to the Planning Board 21 days ahead of time which is in the ordinance and if it goes to the BOC it would go on the agenda the following month; if it is in the historic district it also has to go to PARC and they have a regular meeting every month on Monday before the Planning Board meeting. To build a house it goes to PARC if it is in the historic district but does not go to the Planning Board. PARC will hold a special meeting if there is an emergency. How the PARC committee was established was discussed and Mrs. Trebisacci commented it was established by the Planning Board to help them review architectural designs and the Planning Board appoints the members.

Commissioner Walker asked about the wireless at the Head-start building and Steve Jozik is working on that.

Mr. Skinner apologized to the Board regarding the repairs to Croatan Street and gave them an update on that. Mayor Daniels reminded the Board about the stormwater workshop next Wednesday and Mr. Skinner commented that a Budget Workshop has been scheduled for May 20th at 8:30 am at the Outer Banks Tourist Bureau.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Fry seconded by Commissioner Burke the meeting was recessed at 9:45 pm until Wednesday, May 13 at 4pm and then May 20 at 8:30 am for a budget workshop at the Tourist Bureau was approved by the following vote: Ayes: Commissioner Farrow, Creef, Fry, Walker, Burke, Collins. Noes: none Absent: none.

This the 6th day of May 2009

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk