

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, June 3, 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 7:30 pm with a moment of silence followed by the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended- Amend the agenda to add under Town Manager agenda NCDOT secondary road right of way agreement for the roundabout at Sir Walter Raleigh and Bideford.

MOTION: Commissioner Farrow seconded by Commissioner 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 Farrow 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 minute's regular meeting May 6, 2009 with CD recording.

MOTION: Commissioner Farrow 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 Recessed Budget workshop and closed meeting May 20, 2009 with CD recording.

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

SUBJECT: Budget Amendment #17

MOTION: Commissioner Farrow seconded by Commissioner Fry to approve budget amendment #17 as presented was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Walker, Burke and Collins. Noes: None. Absent:

SUBJECT: Resolution 2009-06 request to NCDOT for 3-4 way stop signs

MOTION: Commissioner Farrow seconded by Commissioner Fry to approve Resolution 2009-06 as presented was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Burke Walker, Collins. Noes: None. Absent:

SUBJECT: Dues and Subscriptions \$50.00 Building Inspector

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

SUBJECT: Text Amendment to Personnel Policy-retiree insurance

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

SUBJECT: Text Amendment to Personnel Policy-Federal Medical Leave Act.

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

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.

PLANNER'S AGENDA

SUBJECT: Fence Maintenance text amendment The Planning and Zoning Board has discussed the following ordinance and made some changes. They would like to the ordinance to be retroactive.

Maintenance Required:

All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired and any fence or wall post or section that leans more than 15 degrees from vertical shall be promptly repaired to correct that condition.

The Planning and Zoning Board recommends approval. A public hearing would have to be held prior to approval. This ordinance would apply to everyone; it was asked how will it be enforced and Mrs. Trebisacci commented that it would difficult and it is more subjective. Commissioner Farrow commented that he thought it could be handled by Town staff. No motion was made.

SUBJECT: Solid Waste Management Plan update and Resolution 2009-07-This is a requirement by the State that our Solid Waste Plan is updated every five years.

MOTION: Commissioner Creef seconded by Commissioner Collins to adopt resolution 2009-07 was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Burke Walker, Collins. Noes: None. Absent:

TOWN MANAGER'S AGENDA

SUBJECT: NCDOT agreement for storm water funding for water garden park at Buck's Seafood property. This has been discussed in the past and the Town has been given the opportunity to develop this project with federal stimulus funds. The Town's project was picked by NCDOT since it was a shovel ready project. If at all possible NCDOT would like the documents to be executed by July 1.

Erin Fleckenstein-lives downtown Manteo and works with Coastal Federation. She highlighted items in a letter sent by Jan DeBlieu. There are a number of individuals in the audience who are in favor of this project. The engineer on the project is here to address any questions the Board may have. It will treat all pollution from rains that are less than a tenth of an inch; it will treat first flush of large storms, it will provide a site for environment education in town and the NC Federation will provide environmental education programs at no cost to the town or the schools. The Coastal Federation is involving Manteo Middle School and High School students to help with the planting and maintenance.

Dick Welch Wingina-believes the water quality is slowly getting better and is glad this larger project is going to be done.

MOTION: Commissioner Creef seconded by Commissioner Farrow to accept the funding and enter into an agreement with NCDOT was approved by the following vote: Ayes: Commissioners Farrow, Walker, Fry, Creef, Collins, Burke. Noes: none. Absent: none.

SUBJECT: Schedule Public Hearing for FY 2009-10 Budget-The Board has been presented with the FY Budget and is available for the public to review it. Changes can be made up until the Board adopts the budget. The Board would like to have another budget workshop meeting before they have the public hearing at 4pm Thursday, July 11th

MOTION: Commissioner Burke seconded by Commissioner Collins to hold a public hearing on June 17 mid-month meeting was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: None. Absent: none.

SUBJECT: Secondary Right away agreement with NCDOT for the roundabout at Sir Walter Raleigh and Bideford. This was added to the agenda, and Mr. Skinner commented that we received this today but the Board has known about it for some time. The Board would like to approve this with the condition that Town Attorney Daniel Khoury will review the document and notify if there is a problem with the agreement.

MOTION: Commissioner Collins seconded by Commissioner Fry to adopt the agreement with Town Attorney Daniel Khoury's approval was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: None. Absent: none.

Town Manager would like Board direction on repairs to the leaks under Sir Walter Raleigh that were identified by the Rural Water Association. This was discussed at the workshop meeting and the Board had wanted these repairs done since we are losing water and hopefully it will help with the revenue in the water and sewer department. If they want it done immediately it will cause inconvenience, be expensive and portions of the road will be closed during certain times. It was discussed if it could be done at night and Mr. Skinner will see if the water and sewer department has that ability; if it is done at night it will require over time and in the past the Board wanted to eliminate overtime. We will do our best to do it in segments so as to cause as little disruption.

OLD BUSINESS

Old business list was gone over-

Mayor Daniels asked about the water garden at Bucks Seafood and if while they are doing work there for the rain garden to get the canal dredged out. Mrs. Trebisacci commented that there are only certain times during the year that it can be done. Staff to get a price on dredging and bulk heading that area. Update on Fisherman's Landing- Staff has been working with Daniel

Khoury, Warren Eadus from Quible Engineering and Jonathan White of Beacon Architecture on developing plans for the Fisherman's Landing. On the 19th we met at the Army Corps of Engineers office in Washington to discuss the project with the permitting agencies. The proposed location appears to conflict with some of the regulations regarding enclosed structures over water. Following that meeting the group is working on addressing the agencies' concerns while trying to keep the integrity of the project. There are some alternative designs and location that are being investigated. Update on the bathrooms at Magnolia Market was given and they are almost complete.

TOWN ATTORNEY'S AGENDA

SUBJECT: Resolution supporting the purchase of ½ interest in the remainder of the Davis lot. Town Attorney Daniel Khoury gave a brief history and the property was previously appraised at \$700,000; the Board paid \$350,000 for the first half to those heirs willing to sell and offered the remaining heirs \$350,000 for the second half. The economy has forced the appraisal of that second half to be less than it was originally appraised. The Friends of Elizabeth II will provide \$125,000 and they have approved that funding and Dare County Tourist Bureau is funding \$112,500. This property will be open space in perpetuity and the Friends of Elizabeth II have asked for right of first refusal if the Town ever decides to sell it.

MOTION: Commissioner Farrow seconded by Commissioner Burke to approve Resolution supporting the purchase of the other ½ of Davis lot was approved by the following vote: Ayes: Commissioners Farrow, Creef, Burke Walker, Collins. Noes: Fry. Absent

Finance Officer Shannon Twiddy commented that budget amendment #17 on the consent agenda needs to be amended because she did not have the correct amount for the contribution from Elizabeth II and it needed to be changed from \$112,500 to \$125,000. Commissioner Fry asked how much the Town would pay and it would be \$112,500 but the Board had previously approved the full amount of \$350,000 and the remainder will be returned to fund balance.

MOTION: Commissioner Walker seconded by Commissioner Burke to amend budget amendment #17 was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: Fry Absent: none.

COMMISSIONERS AGENDA

Commissioner Collins asked about the street repair estimates for Essex and Sir Walter Raleigh, Budleigh, Ananias Dare and Croatan and Mrs. Twiddy commented that Robbie Parker with RPC gave an estimate of approximately \$9800.

Commissioner Fry assumed everyone of salary did not get overtime and asked about the overtime pay for the Water and Sewer Superintendent. Mr. Skinner commented that the Water and Sewer Superintendent and Public Works Director work is more hands on than administrative so they fall in a different classification and explained the FLA standard. Mrs.

Twiddy commented that there are three employees that are exempt from overtime, Town Manager, Finance Officer and Police Chief and explained overtime. He also asked where we were charging businesses for extra trash pickups and would like to know what other Towns are doing. He has seen the Public Works Director and Waterfront Coordinator working on holidays and wanted to know if they got paid overtime for working a holiday and Mrs. Twiddy explained that if they work on a holiday they take another day off to replace that holiday. Commissioner Collins asked about allowing comp time instead of overtime and Mrs. Twiddy explained that the Board previously did away with allowing comp time to accumulate and any time someone has comp time they have to take it off during the pay period it was earned.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Burke seconded by Commissioner Creef the meeting was recessed at 8:30 pm until Thursday, June 11 at 4pm for a budget workshop and then Wednesday, June 17, 2009 at 4pm was approved by the following vote: Ayes: Commissioner Farrow, Creef, Fry, Walker, Burke, Collins. Noes: none Absent: none.

This the 3rd day of June 2009

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk