

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, December 2, 2009 at 6:30 p.m.

The following members were present:

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

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 7:40 pm with a moment of silence followed by the Pledge of Allegiance.

SUBJECT: ORGANIZATIONAL MEETING:

Reading of the abstract of votes from the regular election held on Tuesday, November 3, 2009 by Town Clerk Becky Breiholz:

Office of the Mayor (2 year)	Jamie Daniels - 57 (Write in) – 2
Office of Commissioner (4 year)	Richie Burke - 59 David Farrow - 57 Christine Walker - 55 (Write in) - 1

SUBJECT: Administer Oath of Office to Mayor and Commissioners. Town Clerk Becky Breiholz administered the oath of office to Mayor-elect Jamie Daniels and Commissioners Richie Burke, David Farrow and Christine Walker.

SUBJECT: Nomination of Mayor Pro-Temp

MOTION: Commissioner Collins seconded by Commissioner Burke to appoint Commissioner Creef as Mayor Pro Tem was approved by the following vote: Ayes: Commissioners Creef, Fry, Farrow, Walker, Burke and Collins. Noes: none. Absent: none

SUBJECT: Appointment of Town Manager, Town Clerk, Town Attorney.

MOTION: Commissioner Creef seconded by Commissioner Farrow to re-appoint Becky Breiholz Town Clerk, Dan Khoury Town Attorney, Kermit Skinner as Manager was approved by the following vote: Ayes: Commissioners Creef, Fry, Farrow, Walker, Burke and Collins. Noes: none. Absent: none

SUBJECT: Adoption of Agenda as presented or amended-

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

SUBJECT: Adoption of the items on the Consent Agenda –

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

SUBJECT: Approval of minute's regular meeting November 4, 2009 with CD recording.

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

SUBJECT: Approval of minutes Recessed workshop November 18, 2009 with CD recording.

MOTION: Commissioner Farrow seconded by Commissioner Creef 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: Dues and Subscriptions NC City and County Management Association \$150.50

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

SUBJECT: Write off of water and sewer account receivable bad debts

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

SUBJECT: Budget Amendment #3

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve budget amendment #3 as presented was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Walker, Burke and Collins. Noes: None. Absent: none

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.

Sybil Ross-102 Grenville Street and business owner downtown; wanted to comment on the OBX marathon. She thinks it is a good thing for the county and charities it benefits, but this year they did something they have not done in the past which was shutting down the parking lots downtown on Friday. She related a story of a customer who was told they could not park in parking lots by someone who yelled at them. As a result of having no parking downtown she did less than ½ of business than last year, and does not understand why we can't have parking on Friday for first Friday and shopping on Saturday. She thinks there needs to be some type of arrangement made for Friday and Saturday for parking.

PLANNER'S AGENDA

SUBJECT: PUBLIC HEARING

MOTION: Commissioner Walker seconded by Commissioner Burke to enter into a Public Hearing was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Walker, Burke and Collins. Noes: None. Absent: none

John Robbins-Puddle Lane outside of Manteo and works at Cypress Cove which is the first development to adhere to the new zoning codes. He has a problem with item #4 on the amendment about an additional off street parking space be provided. It would create a hardship for their development since the lots are shrunk because of the affordable housing ordinance; Mr. Robbins also spoke on the setback in the text amendment. He supports the 5 foot setback for accessory dwelling units because once again the lots at their development are small and the way it is now it would again create difficulties for the development to those who want an accessory building. Commissioner Creef thinks it should be at least 8 feet on sides and back since he thinks it can overshadow the neighbors and there can be 2 accessory buildings on one lot which would create a crowded feel. Commissioner Farrow agrees with Commissioner Creef and also thinks that parking off street should be encouraged as parking is limited in the Town. Mayor Daniels commented that this ordinance would combine accessory dwelling units and accessory building and make them the same. The way the ordinance is proposed the Town would be able to control the impact on water and sewer. Commissioner Fry thinks the Planning Board should revisit this.

MOTION: Commissioner Burke seconded by Commissioner Fry to exit the Public Hearing was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Walker, Burke and Collins. Noes: None. Absent: none

SUBJECT: Discussion of Accessory dwelling units/Accessory buildings – This has been discussed at the last several meetings and staff was directed to present a text amendment for the Board’s review and to set a public hearing for December. More discussion took place after coming out of the public hearing and Commissioner Farrow commented that he is opposed to allowing on street parking. A lengthy discussion took place on parking on street and off street and Mrs. Trebisacci commented our ordinance also allows for stacking. Commissioner Creef commented that he thinks 5 feet is still not enough of a setback.

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

SUBJECT: Award of bid for Stormwater Improvement project-(known as Bucks Seafood) the bid tabulation received will be made a part of these minutes as well as the recommendation. We had three bids and RPC was the lowest bid \$249,389; if the Board wants to have the Boardwalk they will have to come up with funding for it. RPC alternate bid was for \$206,011.00 without the boardwalk. Commissioner Farrow wants to know how we can dig out the canal. We received \$250,000 in grant funding for the project and Albemarle Engineering's construction management proposal is \$30,000 plus there will be other expenses such as power hook up for the pump. The reason the boardwalk is so expensive is that this is a NCDOT project and their requirements for a boardwalk are stricter and Mrs. Trebisacci commented that there are a number of places we can go for funding. Mr. Skinner commented that this funding is provided with a time line and construction has to start fairly soon and wants to make sure the Board is aware that the things the Board wants, boardwalk and dredging is not included in this funding and will have to come later after this project is done.

MOTION: Commissioner Collins seconded by Commissioner Walker to approve contract to RPC for \$206,011.00 as presented was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Walker, Burke and Collins. Noes: None. Absent: none

Mr. Skinner also commented that the Board has selected Albemarle Engineering as the project construction manager for this project and he received the contract yesterday and if the Board is not comfortable he asks that this be placed on the mid month agenda for action; this has to be approved before construction can be started.

SUBJECT: Amendment to Memorandum of agreement with Dare County-We have had an agreement with Dare County since 1992 for help with building inspections when either entity is unable to do so. This adds to the existing agreement the help for fire inspections.

MOTION: Commissioner Farrow seconded by Commissioner Fry to approve the MOU with Dare County was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Walker, Burke and Collins. Noes: None. Absent: none

SUBJECT: Discussion of Police car markings-We have taken delivery on a new police car that was approved in the budget; we have had a policy that we mark all police vehicles and Chief Haskett has asked that this car be left unmarked. The vehicle will be assigned to Detective James Burroughs.

Consensus of the Board was to leave the vehicle unmarked.

OLD BUSINESS

Mayor Daniels went over the old business – The cemetery can be removed from the old business list. Collins Park Committee-the NPS has offered to loan a surf boat and they can keep it until we can get a storage shed built. Mrs. Trebisacci will have something for the board to review for affordable housing being administered by CDC at the mid month meeting. We are working on the dredging with Frank Jennings for Festival Park and Scarborough Creek. The meeting for the water and sewer committee will be December 15th at 4pm.

TOWN ATTORNEY'S AGENDA

Town Attorney Daniel Khoury reported to the Board that Robert Trivette who has been working on a case for the Town has been appointed to a judgeship. Mr. Khoury commented that Norm Shearin with the firm will be handling the case that Mr. Trivette was handling.

MAYOR'S AGENDA

SUBJECT: Nomination and Appointment/re-appointment 3 Planning Board Members

MOTION: Commissioner Farrow seconded by Commissioner Creef to re-appoint Bill Parker, Phil Scarborough and Beth Storie to the Planning Board was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Fry, Collins. Noes: none. Absent:

SUBJECT: Nomination and Appointment/re-appointment Planning Board Chair

MOTION: Commissioner Collins seconded by Commissioner Farrow to appoint Bill Parker as chair was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Fry, Collins. Noes: none. Absent:

SUBJECT: Nomination and Appointment/re-appointment Cemetery Board 5 members-The Board appointed three members for three year terms and will consider two more members at a their January meeting.

MOTION: Commissioner Walker seconded by Commissioner Collins to appoint Amy Etheridge, Joanne Walker, Lynda Midgett to three year terms was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Fry, Collins. Noes: none. Absent:

SUBJECT: Nomination and Appointment/re-appointment Board of Adjustment (4)-The Board would like to move June Neri from alternate member to fill the unexpired term of Joe Jordan.

MOTION: Commissioner Walker seconded by Commissioner Burke to reappoint Talmadge Jones regular member and June Neri to fill unexpired term of Joe Jordan was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Fry, Collins. Noes: none. Absent:

MOTION: Commissioner Burke seconded by Commissioner Walker to reappoint Stuart Wescott and appoint David Davenport as alternates was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Fry, Collins. Noes: none. Absent: none

SUBJECT: Appointment/re-appointment Commissioner as liaison to Cemetery Committee

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

SUBJECT: Appointment/re-appointment Commissioner liaison to Special Events Committee

MOTION: Commissioner Collins seconded by Commissioner Walker to appoint Commissioner Burke as liaison to Special Events was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Fry, Collins. Noes: Commissioner Burke. Absent:

COMMISSIONERS AGENDA

SUBJECT: Nomination to Outer Banks Tourist Bureau-Commissioner Farrow wishes to resign this position so the Board will need to nominate someone to that position.

MOTION: Commissioner Farrow seconded by Commissioner Collins to nominate Mayor Jamie Daniels to fill the unexpired term for Commissioner Farrow was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Fry, Collins. Noes: none. Absent:

Commissioner Walker asked about the day care that was approved at the Planning Board; Mrs. Trebisacci had left so no one could answer the question and this will be put on the workshop agenda. Also the parking at the marathon was brought up and Mr. Skinner commented that he

plans to arrange a meeting with Mike Kelly and Webb Fuller organizers for the event, and the business owners.

MOTION: Commissioner Creef seconded by Commissioner Burke the meeting was recessed at 8:30 pm until December 16, at 4pm was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Walker, Burke, Collins. Noes: one. Absent:

This the 2nd day of December 2009

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk