

## MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, April 1, 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 p.m. with a moment of silence followed by the Pledge of Allegiance.

**SUBJECT:** Adoption of Agenda as presented or amended- The agenda will be amended to add: Employee Recognition after Consent agenda; after Town Manager agenda add Finance Officer Sidewalk repairs; under Mayors agenda add underground utilities and zoning change at the 45 mph section on highway 64/264. Commissioner Collins would like to remove item D under consent agenda (approval of the joint cemetery board meeting) and be placed on the Commissioner's agenda for discussion as item E.

**MOTION:** Commissioner Burke seconded by Commissioner Collins 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 as amended removing Item D.

**MOTION:** Commissioner Farrow seconded by Commissioner Walker to adopt the consent agenda as amended 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 4, with CD recording.

**MOTION:** Commissioner Farrow seconded by Commissioner Walker 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 Joint P&Z Board Recessed meeting March 11 2009 with CD recording.

**MOTION:** Commissioner Farrow seconded by Commissioner Walker 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 March 18, 2009 with CD recording.

**MOTION:** Commissioner Farrow seconded by Commissioner Walker 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 Government Access Channel budget amendment and Proposed 09-10 budget.

**MOTION:** Commissioner Farrow seconded by Commissioner Walker 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 NC Fire Marshals Association \$15.00

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

**SUBJECT:** Budget Amendment #11 Purchase Waterfront condo Capitol Outlay.

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

**EMPLOYEE RECOGNITION**-Mayor Daniels presented Public Works employee Collis Gallop with a plaque for his twenty (20) years of dedicated service to the Town of Manteo.

**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.

John Bo Ross-102 Grenville Street-and is here tonight requesting a handicap parking space on Budleigh Street in the vicinity of 207 Budleigh in front of his wife's shop; and he is asking the BOC to contact NCDOT and have them place a handicap space there. Town Manager Kermit Skinner commented that if the Board choose to contact NCDOT they would need to amend the codified ordinances to reflect the new designated handicap space.

Brenda Hall-shop owner His Shells by Brenda and is asking the BOC to consider placing a sign on US 64 notifying people that there is shopping and restaurants downtown.

Charles Evans-presented the BOC a petition requesting that underground service is placed on Sir Walter Street where Dominion Power are replacing the poles. Mr. Evans read the petition to the Board and gave it to Mayor Daniels and is asking for their consideration to have this done.

Courtney N. Gallop-would respectfully ask that the Cemetery Board meeting minutes be forwarded to Gallop Funeral Services from this point forward.

Those wishing to speak on items on the agenda: Duke Geharity 7C; Courtney N. Gallop 11 A,B,C and E; Bryan Allen 7A; Lisa Penosky 7A; Brenda Hall 7A; John Robbins 10A

#### PLANNER'S AGENDA

**SUBJECT:** Site Plan Review of new portion of Cemetery layout-Ray Meekins with Seaboard Survey has done a layout and Planner Trebisacci commented that the only addition since last reviewed is the actual sites for cremated remains.

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

#### TOWN MANAGER'S AGENDA

**SUBJECT:** Improvements to Magnolia Market-Town Manager Kermit Skinner-the Board has been presented with 3 options for bathroom improvements to the Magnolia Market-one for \$80,000 for additional 2 bathrooms and renovate existing bathrooms; option 2-build the ones drawn for \$50,000 or option 3 and newest option to just renovate the existing restrooms for \$25,000 on western end of the building to include replacement of flooring and walls brought half way up with a waterproof fiberglass coating so they can be hosed down; replacement of all the fixtures and lighting.

Bryan Allen-new business owner in Manteo thinks even with the renovations of the Magnolia Market restrooms they will still be inadequate; he gave the Board some figures of on the amount of visitors we have and the number of businesses. He also has concerns about construction during the peak season hindering business and does not think a \$20,000 fix will be

adequate or what the Town needs and should be looking at expanding out to other areas for public restrooms. He also commented that he has current photos of the condition of the restrooms from this afternoon and based on those photos it is an embarrassment. As far as the matter once the renovations are done; he read from his lease agreement Section 11 .01; the second sentence which states that the maintenance of the public restrooms will be the responsibility of the tenant in unit A of Magnolia Market which is Freddy Ortega at Magnolia Grill. Mr. Allen then read from the October 1, 2008 Board of Commissioner minutes where Town Manager Mr. Skinner commented that we are not in the position, nor have the staff to keep public restrooms monitored on daily basis and thinks it is unfair that he or Freddy Ortega have to monitor them and would like the Board to consider this when considering any budget for public restrooms.

Lisa Penosky-Puparazzi owner and under the terms of her lease at the Phoenix they cannot allow the public to use their restrooms and would like the Town to improve the restrooms at the Magnolia Market.

Brenda Hall-His Shells by Brenda downtown and thinks that we should not have to send our visitors over to Festival Parks or the other side of the village away from your business to use the restrooms and that they consider improving the restroom facilities.

Mayor Daniels commented that when the Market was built it was intended for public restrooms to be down there and we are in agreement that those restrooms are an embarrassment to the Town. The problem comes in when you look at spending \$80,000 for a building that is below base flood and there has been no money budgeted for that and this has been discussed a lot. Commissioner Fry commented that previous Mayor Wilson had drawn up some plans for restrooms in different locations which have been discussed the last several years; also he did not think the taxpayers would be willing to pay for restrooms for downtown businesses and does not know if this is legal. Commissioner Farrow commented that before we put a lot of money in the restrooms at Magnolia Market we go with the \$25,000 renovations and search for other options for placement of more restrooms. The Board was polled to see which option they preferred.

**MOTION:** Commissioner Farrow seconded by Commissioner Burke to approve option #3 renovations for \$25,000 was approved by the following vote: Ayes: Commissioners Farrow, Walker, Fry, Creef, Burke. Noes: Collins. Absent: none.

**SUBJECT:** Budget Amendment #13 for Magnolia Market renovations in the amount of \$25,000

**MOTION:** Commissioner Creef seconded by Commissioner Fry to approve budget amendment #13 for \$25,000 was approved by the following vote: Ayes: Commissioners Farrow, Walker, Fry, Creef, Burke. Noes: Collins. Absent: none.

**SUBJECT:** Sidewalk repair-Finance Officer Shannon Twiddy. Staff is asking for consideration of authorizing the replacement on the four curb and gutter projects for an amount not to exceed \$5820.00 as a change order to the existing contract. We received a quote from Hatchell Concrete for the demolition, debris removal and replacement of the sidewalks on four properties along Budleigh Street. The Town has already awarded a contract to Mr. Hatchell for sidewalk repairs in the amount of \$18,500. Mr. Fearing approached the Board at a previous meeting and requested that the BOC consider cost sharing the project with him as he owned the sidewalks and the Town owns the curb and gutter; we have done previous cost share projects in the past with owners along Queen Elizabeth in which the owners bore the cost of the sidewalk and the Town paid for the curb and gutter work. Mr. Fearing owns two of the four properties. Mrs. Twiddy contacted the other two owners and they both expressed interest but did not commit as one needs to have the homeowner's association permission and will get back to us in a week or two. Two prices were given (and the quote will be included in these minutes) \$4796 with a monolithic poured curb and gutter and \$5820 for a customary curb and gutter and staff recommends that the customary curb and gutter method be chosen as this would allow us to maintain the elevation of the asphalt and the ability to mill the asphalt down in the future to ensure proper drainage. Consensus of the Board to allow staff to amend the current contract of \$18,500 as a change order to not exceed \$5820.

**MOTION:** Commissioner Creef seconded by Commissioner Fry to approve the contract for sidewalk repair for customary curb and guttering was approved by the following vote: Ayes: Commissioners Farrow, Walker, Fry, Creef, Burke, Collins. Noes: None. Absent: none.

**MOTION:** Commissioner Fry seconded by Commissioner Collins to approve budget amendment #14 for sidewalk repair was approved by the following vote: Ayes: Commissioners Farrow, Walker, Fry, Creef, Burke, Collins. Noes: None. Absent: none

**SUBJECT:** Request from Dare County to contribute to the legal fund regarding the insurance rate increase; Budget Amendment #12. Bobby Outten, Dare County Attorney had come to the Board at their last month workshop meeting and gave a comprehensive presentation on the proposed insurance increases and had asked the Town to join the suit against the Insurance Commission; at that meeting the Board agreed to join with the County in the lawsuit to try and forestall the insurance rate increases. The Board had asked staff to bring a budget amendment for \$5,000 for their consideration at the April 1<sup>st</sup> meeting.

Duke Geharity-103 Winery-thanked the Board for approving the budget amendment and gave the Board a presentation on the partnership of the NC-20; which is a public private partnership of the 20 Coastal Counties of North Carolina to support the common environmental and sustainable economic development interests within the 20 coastal counties through coordinated communication. NC-20 was began as an ad hoc committee of eastern counties in response to recent storm water legislation that was based on flawed data and is asking the Board to join this partnership; the cost is 10 cent per capita and is asking for \$110.00 based on Manteo's population. Mayor Daniels asked that this be put on the workshop agenda for discussion.

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to approve budget amendment #12 was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: None. Absent: none.

A 5 minute recess was taken.

#### TOWN ATTORNEY'S AGENDA

#### OLD BUSINESS

Old business list was gone over- Manteo Water Garden Park-Planner Erin Trebisacci commented that we were contacted by NCDOT and since our water garden park was shovel ready for construction and installation of the storm water park it is eligible to receive \$250,000 that they received for stimulus projects. A lengthy discussion took place on whether or not we should go forward with this project; what percentage of stormwater would actually be cleaned and possibly using this money elsewhere. Commissioner Farrow commented that he thought it was only going to clean about 10-15% of the water and is a waste of money and we should find a better location that can handle cleaning more stormwater. Long range planning for stormwater was discussed as was other locations for the project. Mrs. Trebisacci commented that the funding is available only for the shovel ready project and not for anything else. Cemetery data software input- Mr. Meekins commented that they are in the process of doing the field work; CAMA Boardwalk grant and Mrs. Trebisacci commented that she contacted them and was informed that our application has been rejected. Mr. Skinner commented that we will seek other funding sources for those repairs. Items to be removed from old business list: cemetery fees/cemetery text amendment; sidewalk repair bids; Magnolia Market renovation.

#### MAYOR'S AGENDA

**SUBJECT:** Award of affordable housing unit-per the affordable housing ordinance staff advertised the available affordable housing unit and lots for a period of 30 days. Staff received one application during this time for tier one of the selection process. The Planner, Manager and Finance Officer reviewed the application and find the applicant to be an eligible buyer. Staff recommends the applicant be presented to Steve Daniels of Renaissance Construction Company as a prospective buyer for the first affordable housing unit in Town.

John Robbins 109 Puddle Lane outside Manteo-wanted to comment about the affordable housing ordinance and thinks there is one thing that would make it better. It is being advertised in 4 tiers one tier at a time every 60 days and thinks it would be more efficient if it was advertised for all tiers rather than drag out this process and thinks this would be a good change to the ordinance and would like to see it revised so that the rest of the tiers be advertised all at once. Town Attorney Daniel Khoury will meet with Planner Trebisacci tomorrow and they will see what can be done. Commissioner Fry asked about the taxes on these properties and Mrs.

Trebisacci commented that she is working with Dare County tax department about reducing those tax values of the affordable property and the affordable lots were marked on the recorded site plan.

**MOTION:** Commissioner Collins seconded by Commissioner Fry to approve the applicant for the affordable housing was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: None. Absent: none.

**SUBJECT:** Request to review Darrell's Restaurant site plan at the mid month meeting-they are submitting a site plan to the Planning Board and he wants to get it done; unless there is any objections from the Board Mayor Daniels commented that they will review and possibly approve this at the workshop meeting; there were no objections.

**SUBJECT:** Underground Utilities-Dominion Power is replacing power poles on Sir Walter Raleigh and the Town would like to ask them to consider placing them underground; to begin the request we would need a quote from Dominion Power as to the cost of placing them underground and see if there is any funding available. Consensus of the Board was for staff to proceed with having Dominion Power place the power underground.

**SUBJECT:** Zoning Change discussion at the 45 mph section of Highway 64 from the Christmas Shop to the County Courthouse that have not been annexed into the Town of Manteo. Planner Erin Trebisacci passed out the section of the zoning map of that area and Mayor Daniels wanted to discuss the parts not zoned by the Town and his question to the Planning Board is how they wanted that to be zoned if the were annexed; do they continue as B-2, B-3 or another zoning district. Commissioner Fry commented that he spoke with NCDOT and they will be placing stop lights up by the County courthouse and considering changing the speed limit to 35 mph from the stoplight to the Christmas Shop to be consistent with the rest of the 35 mph speed limit along Highway 64. Mayor Daniels commented that if there is no objection he would like this to go to the Planning Board for their review and recommendations of that unincorporated part of the Town. There were no objections.

#### COMMISSIONERS AGENDA

**SUBJECT:** Discussion of text amendment to Cemetery ordinances-this has been discussed at several meetings. Courtney N. Gallop 6917 S. Croatan Hwy. Nags Head; appreciates the commitment of the cemetery board and staff, but is "disappointed that they have been working on this for one year and I have not been contacted, invited, welcomed to the table, my advice, expertise has not been sought on this major overhaul." "Unfortunately I am forced to come on board at this late stage of the discussion to voice my concerns about these items" "I am, number one in the ultimate service industry, I help families when they are most distraught, upset and vulnerable." "Secondly, I do have seven years experience with local government in writing ordinances, I think the committee would have been very well served by having me at the table over this period and perhaps we could have come to a final ordinance in a much quicker time

frame." "I have several concerns with this ordinance, I do own a funeral home in Nags Head called Gallop Funeral Services for the record." My funeral home was referenced incorrectly in the minutes which we will get to in item E." "I would like to respectfully ask this Board to consider tabling this decision and giving this ordinance more time," "I really do feel in my expertise as a funeral director and as a former zoning official this ordinance is not ready to be adopted." "There are holes in this ordinance that leave the Town open and leave the funeral home open and the family vulnerable to uses and misinterpretations of this language." "I would like to be around the table to offer my perspective and expertise." "If the Board decides to move on with this ordinance, I would like to point out some definite shortcomings in the language." Item g the word appropriate needs to be changed to permanent; Mayor Daniels commented that we did agree to change appropriate to permanent which will be done. Ms. Gallop also suggested changing Section 2-228 title to say "in ground urn niches." She also suggested under that section item c be changed to state permanently placed on a base; item f should say all cremated remains must be placed in an urn vault. The Board discussed the changes and to change appropriate to permanent in Section 5 item (g); Section 2-228 change item (c) to "permanently affixed," and change (f) to add the word urn in front of vault. The corrected version of the text amendment will be made a part of these minutes.

**MOTION:** Commissioner Farrow seconded by Commissioner Walker to approve text amendment to the codified ordinance with changes was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: None. Absent: none.

**SUBJECT:** Establishing a cemetery site fee to place cremated urn remains. Courtney N. Gallop commented for most families choosing the cremation option cost are a concern and would like the Board to please consider these fees very closely and finds them quite severe. She asks the Board to reconsider these fees for the urn niches. Commissioner Walker commented that we did compare prices with other cemeteries. Commissioner Collins suggested \$350.00 for town resident; \$600 out of town county residents; and \$850 for out of county. The corrected fee schedule will be made a part of these minutes.

**MOTION:** Commissioner Collins seconded by Commissioner Fry to approve the amended fee schedule was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: None. Absent: none.

**SUBJECT:** Discussion of raising cemetery fees - This has been previously discussed by the Board.

Courtney Gallop reiterated she is a servant for bereaved families and there is a severe economic crisis and finds it unconscionable that the Board would raise these fees in these economic times. Someone needs to advocate for the families and let the grave site prices remain the same and she thinks these prices are unfair and that she cannot even interpret what it means by out of county resident, town resident and who can buy those graves. Commissioner Creef commented that this is a perpetual care cemetery and should be self supporting which it is not. Commissioner Burke would like to increase each one by \$100.00; \$800 for residents; \$1000

County residents; \$1600 out of county residents; the corrected fee increase will be made a part of these minutes.

**MOTION:** Commissioner Farrow seconded by Commissioner Burke to approve the rate increases by \$100 for each site was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Fry, Burke, Collins. Noes: None. Absent: none.

**SUBJECT:** Discussion of RFP for internment locator- Courtney Gallop-this involves everyone-no one knows where all the graves are-we had a family that wanted to inter in the cemetery; we got there with the grave digger and if we had dug where town staff thought it was it would have been in the wrong site and no one feels comfortable except Twiford's; but he is not a surveyor and commented that you need a neutral third person to tell us where to dig. Ray Meekins with Seaboard Survey wanted to reference the sketch plan that was previously approved, he drew that based on a rough sketch and fit it into the plat of section 2 as he thought it exists and after searching for this he found in the courthouse an earlier version of a recorded plats with many more lots and the previously recorded signed version does not have room for the urn garden and there is some cleanup work that needs to be done and the title needs to be searched and before we proceed the deed needs to be fixed to match the one presented tonight for approval. Mr. Meekins commented that it is also easier to locate the graves if they are pinned on the ground and the plat only shows the exterior corners not the individual grave sites and he may be required to set those pins. Mr. Green did not do that when he laid out the previous section of the gravesites and can be problematic locating those as well. David Twiford-Twiford Funeral Home-commented that it needs to be brought to the Board's attention that someone will have to be available on a seven day, 24 hour basis to locate graves. Mayor Daniels commented that by consensus Town staff will write an RFP for an internment locator to be sent out and come back to the Board for review.

**SUBJECT:** Approval of minutes Recessed Joint Cemetery Board meeting March 19, 2009 with CD recording this was removed from the consent agenda by Commissioner Collins. Courtney N. Gallop-the minutes "I feel are inaccurate and incomplete and not ready to be acted upon." Ms. Gallop commented she has a list of the corrections and Mayor Daniels commented that only Commissioner Walker and he were there so the Commissioners will not know if they are accurate or not. Ms. Gallop commented that her name has been excluded as an attendee and her business was referenced incorrectly, her business is Gallop Funeral Services, Incorporated, "we are not Gallop Funeral Home." Mayor Daniels commented that he knows the minutes are not word for word of the entire 2 hour meeting and asked that Ms. Gallop give her corrections to him and he and Commissioner Walker will review them. This item was tabled until the next regularly scheduled meeting.

Commissioner Fry-where are we with the Davis property. Mrs. Twiddy commented that we purchased one half for \$350,000; we are in the process of buying the other half and have filed for a \$125,000 grant with the Tourist Bureau. Commissioner Fry does not want to see any

conservation easements where we can not do anything on that property, like any of our special events. Mrs. Twiddy commented that we have budgeted the amount to buy the property ourselves and Commissioner Fry suggested we need to look at that. Town Attorney Daniel Khoury, we have \$125,000 from Dare County Tourist Bureau; we also have \$125,000-\$150,000 from Elizabeth II. The money would come with the stipulation that the land be green space. Mr. Khoury drafted the conservation easement which he emailed a copy to Mr. Skinner. Copies were furnished to the Commissioners and will be made a part of these minutes. If the Town wants those funds the site has to remain open spaces but we will still be able to use it for all the events we have used it for in the past. It was asked what the difference is between this conservation agreement and the one at Buck's property. Mr. Khoury commented that the one at Buck's was for a different application; that grant was approved for stormwater purposes and it is the way the application was filled out and it was approved based on those restrictions. The application for Buck's is totally different than the one for the waterfront.

Commissioner Walker received a call from someone about the wireless network out at Cartwright Park at Headstart. Mr. Skinner commented a new router has been placed out there and we are waiting on Charter. Mayor Daniels commented that this was a free service provided by Charter and since they are bankrupt problems have arisen. Dare County should probably put the internet out at the Headstart building. This Board needs to decide where we want to go with wireless.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Burke seconded by Commissioner Farrow the meeting was recessed at 10L25 pm Wednesday, April 15 at 4pm was approved by the following vote: Ayes: Commissioner Farrow, Fry, Walker Collins. Noes: Burke. Absent: none. Excused: Creef

This the 1<sup>st</sup> day of April 2009

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Jamie Daniels, Mayor

ATTEST:

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Becky Breiholz, Town Clerk