

## MINUTES

The Town of Manteo Board of Commissioners held their November 7<sup>th</sup> Recessed Session December 12<sup>th</sup>, 2007 at 4:00 pm at the Manteo Town Hall meeting room

The following members were present: Mayor Jamie Daniels  
Commissioner Edward Etheridge  
Commissioner H.A. Creef, Jr.  
Commissioner Hannon Fry  
Commissioner Richie Burke  
Commissioner David Farrow  
Commissioner Darrell Collins

The following member(s) were absent:

Also present at the meeting were: Town Manager Kermit Skinner  
Assistant Town Manager/Planner- Shannon Twiddy  
Town Clerk-Becky Breiholz  
Department Heads: Erin Trebisacci; Steve Jozik;  
Rodney Murray; Carl Jordan; Chief Vance  
Haskett; Nathan Pharr; Johnny Boniface

Mayor Daniels called the recessed meeting to order at 4:00 p.m.

**SUBJECT:** Department Head Reports-these were given to the Board at their regular December meeting for review and will be on file for one year. Commissioner Etheridge asked about the trucks that were parked behind Chesley Mall and that they are using that area as a transfer station. Planner Trebisacci commented that a certified letter was sent to them and they will have 10 days to cease and desist. Mr. Boniface reported on the Collins Park Cook house; and they can disregard the letter to Cedar Bay development that has been rectified. Commissioner Etheridge complained to the Chief about a barking dog in his neighborhood and Chief commented that a letter had been sent to him and he will have an officer write him a ticket. Mr. Pharr gave the Board an update on the lift station downtown; on notice of violations and the testing that is done at the plant.

**SUBJECT:** Resolution to enter into agreement with N.C. Local Governmental Employee's Retirement System to provide death benefits. Finance Officer Twiddy gave the Board a report on the retirement system and also on the retirement benefits the Town offers. This was received December 7<sup>th</sup>, 2007 and needs to be returned by January 1, 2008.

**MOTION:** Commissioner Farrow seconded by Commissioner Fry to approve the Resolution to enter into agreement with N.C. Local Governmental Employee's Retirement System to provide death benefits by the following vote: Commissioners Etheridge, Farrow, Fry, Burke, Collins and Creef Noes: None. Absent: none

**SUBJECT:** Report possible text amendment no mailboxes in bulb outs-this has not been received by the Town Attorney. Commissioner Creef commented he would like to recommend a

stripe be painted to indicate the parking width and it would also give someone a reasonable notification that something is ahead. Estimate of the cost of a bulb out was about \$50,000. Planner Trebisacci commented that the cost of thermally applied crosswalks was estimated at \$20,000 for all the crosswalks where the four way stop signs were placed and the ones that are painted downtown. Mr. Skinner gave a brief history; citizens wanted to slow traffic down throughout Town and placed 4 way stop signs at several intersections and they were removed by NCDOT since the right of way belongs to them and staff was instructed by the Board to get estimates for bulb outs. The design work has been sent to NCDOT but when they approve it we will have to get an encroachment agreement with them to place the bulbs out in the right of way. Commissioner Farrow would like to table the bulb outs for future and pursue the cost of crosswalks or use signs. The Board would like this to be researched by the Planning and Zoning Board.

**SUBJECT:** Discussion of possible uses at Magnolia Market-Mayor Daniels commented that Mr. Fearing proposed this market to the Town 10 years ago and asked the Board what their vision was for that area. Commissioner Fry commented he personally likes the restaurant as did Commissioner Farrow. Commissioner Farrow would like something else to be there that would be good for the Town and to start thinking about what we are going to do about the restrooms for the public. He suggested the Town take part of the building to have public restrooms and the Town to maintain those and let the restaurant have their own restrooms. Commissioner Farrow commented that when it was submitted to the Town it was going to be open air and we requested public restrooms be placed. The Board discussed having more arts there. Commissioner Creff liked the idea of the first plan as an open air market and was surprised when they put a restaurant with no restrooms inside and they used the public restrooms as their restrooms. Commissioner Etheridge commented he liked the blacksmith and the restaurant. Commissioner Collins likes the restaurant and they should provide their own bathrooms and possibly more family oriented shops. The Board had advertised request for proposals on the property and Mr. Skinner commented that we have received 2 RFP's which he faxed to the Board and in both of those they wanted the Town to take over the bathrooms. Commissioner Fry commented that according to the lease agreement we can't put out a lease sign until 6 months prior to the expiration of the lease. Mr. Fearing thinks the Board needs to remember what the condition of the Town was in 10 years ago and the original proposal was for an open air market and the improvement was done as a gift to the Town in hopes to help revitalize the Town; it was also to give small business owners an affordable rent, the small spaces rents for \$200.00 in November of 1998 and it will be \$200.00 in December 2008. Mr. Fearing explained how a restaurant came about he was approached by Freddy Ortega to have a restaurant and he told Mr. Ortega if he could get a permit for a restaurant he could lease it and the town permitted the restaurant. It has been asked why they have not made a proposal and Mr. Fearing stated, "he is not going to beg, if you are not satisfied with us and the condition that we have maintained the property, the treatment of our tenants and you want us gone we will leave, but I am not going to beg." He commented that in the lease you can't put a sign or exhibit the premises for six months before the lease expires and the building should not have been advertised and that advertisement has prevented them from leasing to tenants who want to rent the building if you are not satisfied with them or their performance they will move on. There has been controversy over the bathrooms and the bathroom situation needs to be resolved before the lease is renewed. Mr. Fearing asked the board for one thing and that is that they need to protect Freddy and his family and urges the Board to

carefully consider what they would do to his family if they are no longer able to operate their restaurant.

**MOTION:** Commissioner Burke seconded by Commissioner Fry to enter into closed session NCGS 143.318.11 (a) 3 consult attorney was approved by the following vote: Commissioners Etheridge, Farrow, Fry, Burke, Collins and Creef. Noes: None. Absent: none

NCGS 143.318.11 (a) 3 consult with Town Attorney-John Robbins vs. Planner Erin Trebisacci and Town Attorney Daniel Khoury. Mr. Wyatt Booth Attorney with Vandeventer and Black our Town Attorney's firm gave the Board a report.

**MOTION:** Commissioner Creef seconded by Commissioner Etheridge to exit Closed session personnel was approved by the following vote: Commissioners Etheridge, Farrow, Fry, Burke, Collins and Creef Noes: None. Absent: none. Excused: Commissioner Collins.

**MOTION:** Commissioner Farrow seconded by Commissioner Burke to excuse Commissioner Collins and allow him to leave was approved by the following vote: Commissioners Etheridge, Farrow, Fry, Burke, and Creef. Noes: None. Absent: none. Excused: Commissioner Collins.

The Board will ask staff to do an ordinance change that will require all change of uses to come before the Board of Commissioners.

**MOTION:** By Commissioner Fry seconded by Commissioner Burke to ask staff to reword the ordinance that will require all change of uses will come before the Board of Commissioners was approved by the following vote: Commissioners Etheridge, Farrow, Fry, Burke, and Creef. Noes: None. Absent: none. Excused: Commissioner Collins.

**MOTION:** Commissioner Fry seconded by Commissioner Farrow to enter into Closed session personnel NCGS 143.318.11 (a) 6 personnel was approved by the following vote: Commissioners Etheridge, Farrow, Fry, Burke, and Creef. Noes: None. Absent: none. Excused: Commissioner Collins

NCGS 143.318.11 (a) 6 Personnel

**MOTION:** Commissioner Farrow seconded by Commissioner Creef to exit Closed session personnel was approved by the following vote: Commissioners Etheridge, Farrow, Fry, Burke, Collins and Creef Noes: None. Absent: none. Excused: Commissioner Collins.

**MOTION:** Commissioner Etheridge seconded by Commissioner Creef to enter into Closed session personnel NCGS 143.318.11 (a) 6 personnel was approved by the following vote: Commissioners Etheridge, Farrow, Fry, Burke, and Creef. Noes: None. Absent: none. Excused: Commissioner Collins

NCGS 143.318.11 (a) 6 Personnel

**MOTION:** Commissioner Creef seconded by Commissioner Burke to exit Closed session personnel was approved by the following vote: Commissioners Etheridge, Farrow, Fry, Burke, Collins and Creef Noes: None. Absent: none. Excused: Commissioner Collins.

Commissioners Concerns:

Commissioner Etheridge-asked when sidewalks would be repaired and if anything is being done about it. Town Manager Kermit Skinner commented that there is money in the budget; the problem is that the people who own the sidewalks will not give an easement. We have an easement by prescription but to do improvements we need to have an easement agreement with the owners. Mr. Skinner commented that historically we just fixed them when they needed to be fixed. Commissioner Etheridge commented that the sidewalks that need to be looked at are the ones downtown that are getting the most pedestrian use.

**MOTION:** Commissioner Creef seconded by Commissioner Fry to adjourn at 6:34 pm was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, and Creef Noes: None. Absent: none. Excused: Commissioner Collins.

Adopted this 12<sup>th</sup> day of December 2007

ATTEST:

---

Mayor Jamie Daniels

---

Town Clerk Becky Breiholz