

The Town of Manteo Board of Commissioners held their September 4, 2013 recessed meeting September 18, 2013 at 6:30 pm at the Manteo Town Hall meeting room.

The following members were present: Mayor Jamie Daniels  
Commissioner Nancy Peele  
Commissioner David Farrow  
Commissioner Darrell Collins  
Commissioner Christine Walker  
Commissioner Hannon Fry

The following member(s) were absent: Commissioner Richie Burke

Also present at the meeting were: Town Clerk Becky Breiholz; Shannon Twiddy, Assistant Town Mgr. /Finance Officer Wyatt Booth, Town Attorney, Department Heads.

Mayor Pro Temp Darrell Collins called the recessed meeting to order at 4:10 pm

**SUBJECT:** Department Head Reports-Derek Boutchyard went over his report; James McCleave Public Works went over his report and that 4<sup>th</sup> of July went well; they removed the cable at the playground at the waterfront and doing their everyday duties. Steve Jozik, IT, the student laptop program went well and he received a letter from one of the students thanking the Board for the program; he working with channel 20 on video projects. Barry Wickre went over his report and that they had a very good summer for the sailing program, the Tuesday shad boat rides and have the boat show coming up October 25<sup>th</sup>. Chief Haskett went over his report and they were busy July and August for special events. Chief Haskett informed the board on the status of the new officer and that they are waiting on paperwork. Nathan Pharr, Water and Sewer have done 10% of their state required sewer cleaning, no violations and it is calming down a little bit. Commissioner Fry asked about the flooding at Darryl's Restaurant and Mr. Pharr commented that the ditch between Weeping Radish and Christmas Shop needs cleaning out. He has been talking with NCDOT and they are working on some of the problems in that area. Commissioner Fry asked about the pump truck and Mr. Pharr commented that as far as he knew that was in the Boards hands. Mrs. Twiddy commented that she received the specs from Mr. Pharr but to meet the NC State bidding laws some changes need to be made and she will get that to Mr. Pharr by the end of the week. Carl Jordan went over his report and informed the Board that articles about the Manteo Marina were in several magazi

Mayor Daniels arrived at 4:20 pm

Commissioner Fry commented that at the last meeting they discussed boats at night without lights, especially kayaks. Commissioner Fry explained that he has observed kayaks at night with no light source and felt it was a safety hazard. Staff was asked to investigate and report back to the Board as to USCG regulations regarding lights required on vessels. The results of the research were that non motorized vessels were not required to have lights but flash lights should be used for kayaks. Several other regulations were discussed. It was stated for the record that there are several boats anchored in the narrow channel without anchor lights and they are required. Mr. Wickre commented that is something that is regulated by the Coast Guard but he will ride out and talk to those sailboats. Commissioner Fry commented that this is a safety issue and would like some more patrolling out there at night. Barry Wickre volunteered to speak with the moored sailboats and the kayak rental companies and ask that they use lights.

The question was asked if there were abandoned boats out there and staff was directed to research and begin the process to remove abandoned boats. Additional discussion took place on the boats anchored out in the harbor and Mrs. Twiddy commented that if the Board possibly stopped allowing amenities to those anchored out that might make it less appealing to those boaters to anchor in the bay and rent slips. If we enforce the head inspection policy and not allowing them access to our water it might help, Mr. Wickre commented that they can be sited if they are in violation of the closed head regulations but he was not aware of any mechanism to force the boaters to move from the bay. Mayor Daniels would like more information gathered so that this can be discussed at the October workshop. Mr. Wickre and Mr. Jordan were asked to research the issues discussed and be prepared to report back to the Board at the next workshop.

**SUBJECT:** Remove item #5 discussion of Manteo Elementary School from the agenda.

**MOTION:** Commissioner Fry seconded by Commissioner Collins to remove Item 5 from the agenda was approved by the following vote: Ayes: Commissioners Walker, Collins, Farrow, Fry and Peele Noes: none. Absent: Burke

**SUBJECT:** Discussion of Town of Manteo Personnel Policy- As per the Board's instructions please find copies of several other local governments' policies on the employment of relatives. Also as per the Board's direction I contacted Diane Juffras, Public Employment Specialist with the University Of North Carolina School Of Government. After her review of ARTICLE V. CONDITIONS OF EMPLOYMENT Section 5. Employment of Relatives of the Town of Manteo Personnel Plan, Ms. Juffras opinion was that the policy as written would not require the resignation or dismissal of current employees if an immediate family member were to seek and obtain elected office. However it would preclude the hiring of an immediate family

after the office seeker is sworn in. Also John Phelps an attorney with the N.C. League of Municipalities agrees with our Town Attorney Wyatt Booth's interpretation that the policy as currently written would not apply to existing employees and he suggested that if any changes were made that it would not be retroactive to current employees.

Town Attorney Wyatt Booth commented that some of those are similar to ours and he stated that Kure Beach has another stipulation in theirs that states "if a family member of an employee is elected and wins the election that the employee must resign at swearing in. Mr. Booth commented that they could change

Assistant Town Manager Shannon Twiddy asked for clarification of intent of the Board if the policy was changed to reflect the current ordinance of Kure Beach that not only limited hiring employees into positions but also requires current employees to resign if they were related to an elected official. Ms. Twiddy asked if a date would be determined that would not affect any current employees but would only affect employees hired after a specific date forward. Town Attorney Wyatt Booth stated it would be his opinion that a specific date forward would be recommended if the policy was changed and it was also the opinion of John Phelps the Attorney for the N.C. League of Municipalities. The clarification included a statement from the Attorney that even newly elected official relationships would not affect any employees hired before the date of adoption of a new/amended ordinance. A brief discussion took place regarding the relationships of employees to elected officials and the consensus was that this would need to be considered while drafting any future changes. The current ordinance only addresses certain positions of authority; Commissioner Walker suggested the inclusion of Department Heads may want to be considered.

Commissioner Fry would like the Town Attorney to write something up for their review at another meeting; Mr. Booth read the current definition of immediate family and stated it was a very broad encompassing definition and that during the consideration of future changes the Board may want to relax the inclusion of some family members. Consensus of the Board was for Mr. Booth to write a policy for their review.

**SUBJECT:** Discussion of proposed text amendment to Section 46-113 No Parking Lord Essex. Commissioner Farrow commented that after researching the issue and taking many trips to observe parking patterns throughout town, he is requesting that the Board consider an amendment to Section 46-113 to prohibit parking on the west side of Essex Street. Concerns have been expressed that this particular area creates a hazard to public safety and by prohibiting parking on both sides of the street this will not only increase traffic flow but will create a safer roadway. Our children use the streets to traverse back and forth to school as well as many of our residents and visitors. The

current ordinance reads No person shall park or leave standing any vehicle, whether attended or unattended at any time on the following streets: Essex Street, east side, from Sir Walter Raleigh Street to Devon Street. The proposed text amendment would state both east and west sides from Sir Walter Raleigh to Devon Street. The parking restriction on the west side of Essex is to be suspended on Sundays to provide additional parking close to the Mount Olivet Church. Commissioner Farrow commented that instead of prohibiting possibly make it a 3 hour parking limit on the west side to exclude Sunday. Commissioner Peele commented that there could be the perception that this specific area of town was being targeted and that she felt other areas in town also needed to be addressed as there were other areas where traffic was often held up and the two way traffic was not passable at times and that the other areas should also be addressed. Commissioner Farrow commented that we are not suppliers of parking spaces for individuals who do not have parking spaces on their property; our ordinance requires a minimum of two parking spaces on property. Mary Burrus Basnight an adjacent property owner with a driveway entering into this area of Lord Essex Street stated that she is often unable to exit her driveway and that when she has visitors they have to park blocks away from her home as the adjacent street parking is not available and is encumbered by the same vehicles daily for days at a time. Commissioner Fry asked for the required parking requirements for single family residences and residences with cottage industry/home occupations. Ms. Twiddy responded that the current ordinance requires two spaces for a single family home and three spaces for a residence with cottage industry/home occupations on site.

The Board discussed what section of our ordinance this needed to be placed in if they are going to allow for 3 hour parking because Section 46-113 is the section for parking prohibited. Consensus of the Board was for new language be added to Section 46-115 stating: "No person shall park or leave standing any vehicle for more than 3 hours, excluding Sunday, on the following streets:

Essex Street on the west side from Sir Walter Raleigh Street to Devon Street.

**MOTION:** Commissioner Farrow seconded by Commissioner Fry to prepare the text amendment as stated above to create section 46-115 for 3 hour parking, on Essex Street on the west side from Sir Walter Raleigh Street to Devon Street was approved by the following vote: Ayes: Commissioners Farrow, Walker, Collins, Peele and Fry. Noes: None. Absent: Burke

**SUBJECT:** Discussion Economic Development Committee-Mayor Daniels commented that at one time there was a Downtown Business Association but that seems to have fizzled out and

he would like to try and get all the businesses together on how they can all work together. He spoke with Lee Nettles who suggested possibly doing some economic seminars.

**BOARD MEMBER CONCERNS:**

Commissioner Fry reiterated discussion from a previous meeting to ensure that Staff and the Town Attorney understood that Staff works for the Manager, and the Manager and the Attorney work for the Board. Assistant Town Manager Shannon Twiddy was asked how she handled requests made of her if they were cumbersome and lengthy. She responded that if the record or information requested existed she would complete the request as quickly and thoroughly as possible but the public information act did not require staff to create a new record. Each request received a response and if the request was for something that required extensive time to prepare she would advise them to come to a Board meeting to ask the Board to instruct staff to complete the task if it was the wishes of the Board. Wyatt Booth Town Attorney reiterated that he understood the relationship between the Board and requests from the public that he would also acknowledge receipt of the request but would not allocate extensive time to a request from the public as it would require direction from the Board outside requests and inquiries are ultimately billed to the Town for time required to respond. Consensus of the Board was to acknowledge receipt of inquiry and advise outside inquiries to the Board of Commissioners.

Commissioner Fry also commented that someone wrote a letter to the Manteo Elementary School saying it was from the Town and that they were in violation of parking on Wano Lane. He spoke with Mr. Skinner who commented that no one on Manteo Town Hall staff wrote that letter. Commissioner Fry commented he would get a copy of that letter.

**MOTION:** Commissioner Collins seconded by Commissioner Walker to adjourn at 6:20 pm was approved by the following vote: Ayes: Commissioners Walker, Collins, Fry, Farrow and Peele Noes: none. Absent: Burke

This the 18<sup>th</sup> day September of 2013

ATTEST:

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Mayor Jamie Daniels

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Town Clerk Becky Breiholz