

MINUTES

Amended minutes done at the November 6, 2013 meeting.

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, September 4, 2013 at 6:30 p.m.

The following members were present:

- Mayor Jamie Daniels
- Commissioner Darrell Collins
- Commissioner David Farrow
- Commissioner Nancy Peele
- Commissioner Richie Burke
- Commissioner Hannon Fry
- Commissioner Christine Walker

The following members were absent:

Also present at the meeting were:

- Town Manger Kermit Skinner
- Asst. Town Mgr. /Finance Shannon Twiddy
- Town Clerk Becky Breiholz
- Planner Erin Burke
- Town Attorney Wyatt Booth

Mayor Daniels called the meeting to order at 6:35 pm followed by a moment of silent meditation and the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended-

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

SUBJECT: Adoption of the items on the Consent Agenda- .

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

SUBJECT: Approval of Minutes of Regular July 3, 2013 meeting

MOTION: Commissioner Collins seconded by Commissioner Walker to approve the July 2, 2013 minutes as presented was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

SUBJECT: Approval of Minutes of Recessed Joint Workshop July 17, 2013 meeting

MOTION: Commissioner Collins seconded by Commissioner Walker to approve the July 17, 2013 joint workshop meeting with the Planning Board as presented was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

SUBJECT: Approval of Minutes of Recessed Public Hearing July 24, 2013 meeting

MOTION: Commissioner Collins seconded by Commissioner Walker to approve the recessed July 24, 2013 minutes as presented was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

PUBLIC COMMENTS -Town Manager stated that **Members** of the public are invited to address the Board of Commissioners on any topic. Please come forward to the podium and identify yourself so that your statements can be taped (3 minutes per person; 5 minutes per group) If anyone wishes to speak later in the meeting on a listed agenda item, please state your name and the agenda item and you will be recognized at that time. Action on items brought up during the Public Comment period will be at the discretion of the Board. Public Comment is not intended to require the Board to answer any impromptu questions. Speakers will address all the comments to the Board as a whole and not one individual Commissioner. Discussions between speakers and members of the audience will not be allowed.

John Robbins-would like to reserve the right to speak on Attorney's Agenda Item 10 of the Agenda

Presentation by Renate Matchirole with the council of North Carolina Developmental Disabilities and Proclamation request. Ms. Matchirole stated that post secondary education has intellectually challenged students to go to college and become productive and well rounded people of the communities and that over 200 colleges in 37 states are enrolling students with intellectual disabilities. The College of the Albemarle, Dare County campus will be the 10th secondary education program in the state of North Carolina and is asking for a proclamation of support by the Board. Ms. Matchirole introduced three of the students that are in the pilot program who are: Dorothy Patton, Caroline Parks, Laura Long Besides the three young ladies there are two gentlemen who will also be in the program. Mayor Daniels commented that he has issued a proclamation and would like to change the proclamation to a resolution so that the whole Board can support it.

MOTION: Commissioner Collins seconded by Commissioner Fry to change the Proclamation to a Resolution for the full Board approval was approved by the following

vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none.

TOWN MANAGER'S AGENDA

SUBJECT: Appointment to the Local Fire Fighters Relief Fund Board Tony Duval with the Roanoke Island Volunteer Fire Department (RIVFD) has informed me that the Local Firefighter's Relief Fund Board has lost two of its longtime members, Orman Mann and Irvin Aldridge and is requesting that the Town appoint their replacements. The Local Firefighter's Relief Fund Board is a State mandated entity whose purpose to dispense State funds to qualified local volunteer firefighters in the event they are injured in the course of duty. Tony told me that Chris Seawell, the RIVFD's Attorney has agreed to serve if appointed and asked if I would consider serving. I informed Tony I would be happy to fill the position if the Manteo Board of Commissioners chose to appoint me. My serving on the Local Firefighter's Relief Fund Board would in no obligate or commit the Town to any financial or administrative responsibility. After our discussion Tony asked that I convey to you that the RIVFD is formally requesting that the Town of Manteo Board of Commissioners appoint Chris Seawell and me to the Local Firefighter's Relief Fund Board.

MOTION: Commissioner Walker seconded by Commissioner Collins to appoint Kermit Skinner to the Local Fire Fighters was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

TOWN ATTORNEY AGENDA

SUBJECT: Review of Personnel Policy Article V, Section 5 "Employment of Relatives." It has been brought to the Boards attention about this section in our personnel policy manual and that one of the employees spouse plans to run for office. The Board will need to either change the policy or let the employee go if the spouse is elected to office. The Town Policy is below:

Section 5. Employment of Relatives

The Town prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" is defined in Article VII, Section 12. The Town also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, Board of Commissioners Member, Town Manager, Assistant Town Manager, Town Clerk, Finance Director, or Town Attorney. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- 1) result in a relative supervising relatives;
- 2) result in a relative auditing the work of a relative;
- 3) create a conflict of interest with either relative and the Town; or
- 4) create the potential or perception of favoritism.

This provision shall not apply retroactively to anyone employed when the provision is adopted by the Town.

"Immediate family" shall be defined as spouse, child, parent or step-parent, brother, sister, grandparent, grandchild, son-in-law or daughter-in-law of the employee or spouse of the employee, or guardian.

John Robbins asked if an immediate family member currently employed by Town and one of their family member's runs for office and if the family member is elected to office what happens next?

Town Attorney Wyatt Booth commented this issue has been brought to his attention by the Town Manager and the current personnel policy for the Town, which includes a provision of employment of relatives. The issue is if there is an existing employee listed in the policy and a family member runs for office what happens to that employee. In reading the policy Mr. Booth pointed out that the first clause relates to hiring and employment and the perspective is in the future, it says "hiring and employment," and prohibits any person into a permanent position. He reads this to impact employees already of the Town and they were already an employee when someone becomes Mayor or a Board of Commissioner or Town Clerk. Mr. Wyatt believes most Towns have this policy especially in small towns where you have a new mayor or board elected so that would not be able to hire immediate family and that is the concept behind the policy. Commissioner Fry asked what happens at budget time and you are voting on salaries and seems awkward to him. Mr. Booth commented that this is a Town policy not an ordinance. Commissioner Burke asked if someone is working for the Town and a family member runs for office what happens then. Mr. Booth responded the policy states hiring and employment if it said hiring or employment then he would read it to say that whoever an employee of the Town was would need to be terminated; since it says hiring and employment a new mayor or commissioner can't hire his brother to be police chief. Commissioner Burke and Fry do not read it that way and Mr. Booth said you have to read it very narrow. Commissioner Fry's concern is still the budget which would make it awkward and thinks it needs to be re-defined; he would like this to go to the workshop session. Commissioner Burke asked what the League's opinion was and Mr. Skinner commented he spoke with them and an ordinance of that nature is legal and he did not ask for an interpretation of that. Commissioner Burke also commented that it also affects the household income. Mr. Skinner will get the League's opinion on that. The Board would also like to see other Town's policies and something in writing from the league for discussion at the workshop.

COMMISSIONER'S AGENDA

SUBJECT: Commissioner Walker consideration of text amendments to Section 2-225 and Section 2-224 of the cemetery rules and regulations. It came to the cemetery Board's attention that some of the cemetery ordinances needed to be clarified when someone

wanted to place a headstone at the wrong end of the grave because they buried the person not in the traditional position. The Cemetery Board added language to Section 2-225 (g) marking of graves and the text amendment will be made a part of these minutes. It was also brought to their attention that Section 2-224 Deeds for lots needed to be updated for allowing the Town Manager to sign those deeds and will be made a part of these minutes.

MOTION: Commissioner Walker seconded by Commissioner Collins to approve text amendment Sec. 2-225 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

MOTION: Commissioner Walker seconded by Commissioner Fry to approve Sec. 2-224 was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

Commissioner Farrow does not think there should be a height restriction in the new section. There are also some tombstones that are knocked over and someone needs to make a note of what needs to be done. Mayor Daniels commented that cemetery lots are private property and could get kind of sticky, but there are some tombstones that could be fixed. The Board would like the Cemetery Board to make a list of tombstones that needs improvements.

MAYOR'S AGENDA

SUBJECT: Report Outer Banks Tourist Bureau-Mayor Daniels gave the Board an update of the Outer Banks Tourist Bureau and met the new superintendent of the Park Service and seemed very customer oriented. They rehired Jay Wheless has their attorney and gave away grant money; two towns applied for Christmas lights but did not get grants.

SUBJECT: Discussion and consideration of sidewalk on Uppowoc near College of the Albemarle/Skate Park. A narrative from the Town Manager Kermit Skinner was provided to the Commissioners as an agenda item attachment which stated: Staff was working with Hatchell Concrete to come up with the most economical plan to install a sidewalk along Uppowoc Street. The sidewalk would begin at US 64 and be on the north/west side (the COA side) of Uppowoc Street connecting with the small existing section of sidewalk behind the new COA Professional Arts Building. It would then cross Uppowoc and continue to Fernando Street on the east side of the street. This switch is necessary because of the multiple conflicts on the west side. The sidewalk can be installed on the east side with little site work, no major stormwater considerations, and no curb and gutter will be needed. If on the other hand we located the sidewalk on the west side the shallow swale that runs the entire length would have to be replaced with culvert pipe, a system of drop inlets and catch basins, and most costly the entire run would require the installation of concrete curb and gutter. The cost quote for the east side installation is \$17,000.00 while a west side

location would in all likely hood exceed \$100,000.00. This portion of the sidewalk would be installed completely within the existing Uppowoc Street right of way and would not require any easements or property acquisitions. The project was halted and not completed. Staff is asking for direction from the Board.

Robert Keeney Fernando Street-home for 3 years wants to talk about public safety and intent of placing a sidewalk on the east side of Uppowoc. They have had discussions with staff on this issue. Clearly there is a public safety issue there and the pedestrians use the roads. He thinks the price of \$17,000 is to low an estimate and to put it on the west-side estimate of \$100,000 is too high. If the sidewalk is put on the eastside, Roanoke Marshes side it would involve the need of at least 3 crosswalks to walk over to the skate-park or the college and is a very dangerous situation. Some of the property owners would like the Board to take another look and place that sidewalk on the west-side and public safety would be better served if placed on the west side. He also stated that there is poor drainage on Uppowoc and constructing a sidewalk on the west side would take care of that issue. Mr. Keeney stated although, more costly, siting the sidewalk on the west side would take care of two dangerous situations- one, the flooding and the other, children walking in the road to enter the ball park, skate park and COA.” He also thinks that the skate park buffering needs to be looked at. He also thinks that the County should be involved in this.

Mayor Daniels-we have looked at this for quite some time and we can look at it again and try and get some more estimates and different options of what can be done on the west-side. Planner Burke to have this information for their October meeting.

SUBJECT: Discussion and consideration of expansion of Manteo Skateboard Park. Some local skaters approached the Mayor with an rough estimate of about \$85,000 for expansion to the park. This is on Commissioner Burke’s project list.

Phillip Haselstein and lives on Uppowoc and does not think this area needs to be expanded; despite the trash receptacles it is the dirtiest, trash ridden part of town. He has participated in the litter pickup and more trash is generated from that area and that the users of that area not responsible enough now and the users of that park need to learn good citizenship and responsible behavior. His suggestion to the Board is that the decision be deferred for at least a year until those using the area can show more responsibility of the area.

Mayor Daniels commented that some good points were made and that he would turn this over to Commissioner Burke.

SUBJECT; Appointment or re-appointment of Member to the Planning and zoning Board. According to our ordinances Section 2-203 if a Planning and Zoning Board member misses two (2) meetings in a row they are removed from the Board. The Commissioner’s

may choose to re-appoint the member or nominate someone new. Grizelle Fearing has missed two consecutive meetings.

MOTION: Commissioner Walker seconded by Commissioner Fry to re-appoint Grizelle Fearing was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

SUBJECT: Historic Preservation Discussion- what brought this about is the old gym which Dare County Board of Education wants to tear this down and add more space for the elementary school and some residents of the Town do not want it torn down because of its historic value. Mayor Daniels stated that the old gymnasium is in a state of dis-repair and would be expensive to fix it up; the DMV in the old community building will be moving to where Vista Florist used to be and what will happen to that building. Mayor Daniels would like the Planning and Zoning Board and/or the PARC Committee to get a list of historic buildings, their condition, what is happening to them and possible uses for them before they go beyond repair. Grizelle Fearing commented this will keep happening because some of these buildings are owned by the County and thinks the Commissioners should talk with the County Board to make a plan.

MOTION: Commissioner Farrow seconded by Commissioner Burke to have the Planning and Zoning Board to get a list of historic buildings, their condition and possible uses for them before they go beyond repair was approved by the following vote: Ayes: Commissioners Farrow, Collins, Peele, Burke, Walker and Fry. Noes: None. Absent: none

SUBJECT: Manteo Elementary School update-Mayor Daniels gave the Board a timeline update of the project. August 5th is when the county funded the project and when the school board meets in September they will be entering into a contract with the architect. It probably would not be submitted to us mid November and it depends of when they submit it to go to the Planning Board in December and won't come to the Board until January.

Commissioner Collins commented that a sign needs to be placed at the Tot Lot that says slow children playing.

Commissioner Walker-rebar and stakes at playground sticking out of ground.

Commissioner Fry-commented that it is very dangerous for night kayaks on the water and would like Mrs. Burke to check and see if there is a USCG regulation; if not Commissioner Fry would like the Town to have an ordinance.

Commissioner Farrow would like the Mayor to talk to the Tourist Bureau to see if we can fly a flag vacant lot downtown. He would like the position of being Ambassador for Flags; because he has over the years gone to different places on the highway and asked them to

put up flags and that have. So when he sees people he likes to ask them to put up a flag or a flag pole. Staff to order business cards for Commissioner Farrow.

SUBJECT: Closed Session NCGS 143.318.11 (a) 3 with Town Attorney (Attorney Client privilege) pending threatened litigation

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

SUBJECT: NCGS 143.318.11 (a) 3 with Town Attorney (Attorney Client privilege) pending threatened litigation Manteo Elementary School-No action taken

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

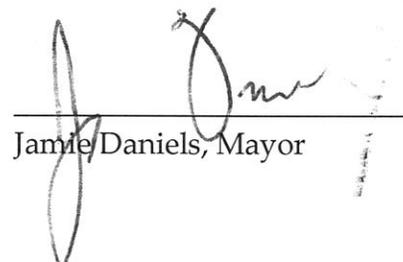
There being no further business to come before the Board or other persons to be heard a motion by Commissioner Fry seconded by Commissioner Collins the meeting was recessed at 8:30 pm until the joint workshop meeting with the Planning and Zoning Board on September 18, 2013, at 4pm was approved by the following vote: Ayes: Commissioner Peele, Farrow, Collins, Burke and Fry. Noes: none. Absent: Walker

This the 4th day of September 2013

ATTEST:



Becky Breholz, Town Clerk



Jamie Daniels, Mayor



These minutes were amended by a Motion at the November 6, 2013 BOC regular meeting. Motion by Commissioner Collins seconded by Commissioner Farrow and approved by all in attendance.