

MINUTES

The Town of Manteo Board of Commissioners reconvened their July 2nd, 2008 meeting on July 16th, 2008 at 4:00 pm at the Manteo Town Hall meeting room at 4:00 pm

The following members were present:

- Mayor Jamie Daniels
- Commissioner H.A. Creef, Jr.
- Commissioner Hannon Fry
- Commissioner Richie Burke
- Commissioner David Farrow
- Commissioner Darrell Collins
- Commissioner Edward Etheridge

The following member(s) were absent:

Also present at the meeting were:

- Town Manager Kermit Skinner
- Assistant Town Manager/
- Town Clerk-Becky Breiholz; Department Heads

Mayor Daniels called the meeting to order at 4:05 pm and asked for a motion to amend the agenda to include Public Comments and to add a closed session NCGS 143.318.11 (6) personnel

MOTION: Commissioner Etheridge seconded by Commissioner Burke amend the agenda to add public comments and a closed session NCGS 143.318.11 (a) personnel was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, Collins and Creef Noes: None. Absent: none

SUBJECT: Department Head Reports-these were given to the Board at their regular meeting for review and will be on file for one year. Chief Haskett gave the Board his report and informed them there have been a lot of stolen vehicles and reminded everyone to keep cars locked. Commissioner Etheridge asked about Shallowbag Bay using bird bangers because of the geese problem and Chief Haskett commented that it is against the Town ordinance to shoot anything in the Town limits. Mr. Pharr gave an update on his report; they did have a minor spill and have ordered new BFD's, they have finalized the pump out station at the waterfront. Carl Jordan updated the Board on the waterfront activity. Rodney Murray updated on the Board on the Public Works Department. Steve Jozik with IT updated his report and they are finalizing the wi-fi program with Charter. Mrs. Trebisacci, Planner gave her update, she is continuing to work on informing the public on storm water. Commissioner Collins asked about the Laundromat-complaints discussed at the last meeting and Mr. Boniface commented that the property owner has been notified of fire violations by letter and has 30 days to correct those violations. .

PUBLIC COMMENTS

Betty Selby-612 Agona Street and been here all her life. She is here for two things and one is about the wireless laptop and wireless internet and her niece's daughter has still not received her laptop. She is also here about the Haven Creek Lane and the road being put in on her family property. She wants them to come and see how much property the Burton's have to give up in

order for the two new houses being built by contractors to sell; and the road is to benefit the new homes, not the property owners that have been there for 40 and 50 years. They are taking a wide part of their property. Trees have been uprooted that have been there for a long time. She was told that it would be 30 some feet they would have to give up and the contractor told them it was 50 some feet She wants the Board to consider not taking all the property that they are taking and does not think it is fair and wants them to re-consider it.

Janice Burton-lived on Haven Creek Lane from 1970 to 1991 and came to the Town when it was annexed into the city and asked Mr. Skinner to put some dirt in the holes and he told her that it was an undeveloped road and could not go beyond the light pole that sits in the road, so we had to put dirt in the road. Now all of sudden the Town can come in and widen the road, pave the road and take their property for the purpose of the new street not to benefit them but the 2 new homes that have been built. They said it was a 30 foot right-a-way and the contractors are saying it is a 52 foot right-a-way. "You just can't go in and take people's property, that road and turnaround is not our problem and not our place to put it in there." "You are cutting down trees and moving the septic tank," "we put that septic down in 1970, you can't go and dig holes and put septic tanks in."

Shalom Burton-lives at Harbourtown Apartments and "the land the Town is trying to take over is a piece of land that is in my family." My dad has place back there and wants to fix it up for her to raise her child. "I asked the guys over there if they were going to cover up the septic tank and they said yes they were," "and if they pave over the septic tank how is that property livable." "This is not fair."

Lovey Moore-is here about the property that was owned by her parents, we have paid taxes on that land and she is concerned when she was called and told that the Town was tearing down the light post and trying to take their property. "I do not like it one bit when they were tearing up that road and thinks it is unfair." "How would you like it if someone came and took your property?"

Janice Burton spoke again and stated they put underground power back there on the left side and did not put anything on the right side, "I guess we aren't supposed to have power." "There was power running overhead to our property and they took that down." It was noted that they have a trailer back there with no power at this moment until they can fix it up. "When they ran the power they did not run the power on their side."

Commissioner Burke asked that the work be stopped there until we can get this straightened out. Mr. Skinner commented that would be up to the Board and there is a time frame on the contract and the Board would have to be willing to forgo the terms of the contract.

Commissioner Farrow commented he remembers when that part was annexed he did not like it and tried to stop it; "they told us at the meetings they had that they would run roads, wherever there was a paper road and sidewalks." "I think that is the only road left in the Town that isn't paved and they promised the people it would be paved and are just trying to follow through on the promises that have been made."

Commissioner Collins commented it is a 30 foot right away not a 52 foot right away as they are saying. Commissioner Fry and Burke told them that they were not going let their property be taken.

Mayor Daniels commented that Chris Sewell, an Attorney that represents the Burton family wrote a letter suggesting that they meet at the property with a tape measure and pull 92 feet and see where that falls. The Board agreed to do that tomorrow morning and the Burton's gave their permission. Commissioner Etheridge commented these are Town's people and we need to stop this project until we get all the facts.

MOTION: Commissioner Etheridge seconded by Commissioner Collins to stop this project until we can get the full facts was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, Collins and Creef Noes: None. Absent: none

SUBJECT: Comments on Dare Day by Sybil Ross-resident and business owner in Town. She gave the Town Clerk petitions signed by 22 businesses. She commented that there were a lot disgruntled businesses that are unhappy about the Dare Day events and ask why an Art Festival can be held downtown with the visitors being bussed in and they don't do that on Dare Days. First Friday is successful and uses local talent. "We usually don't have problems with events other than Dare Days." Dare Days was started thirty years ago and Manteo was dead and it started out for the local people with local vendors and it is now not that; all the locals dropped out when the vendor fees increased. The Town is involved in the planning of events with the Special Events Committee and the business owners feel like there could be a better plan. Dare Days starts putting up the stage on Thursday taking away parking spaces and closing streets, people could not find parking places for First Friday because the County had closed the roads and we do not have that problem with other events. She had received comments about one of the vendors making lewd remarks to the young girls down there; and the items being made in China and might be tainted and are they safe. Locals don't come because they can't find a place to park and there isn't anything local about it anymore. The business community is asking the Town to intervene on their behalf with the county and get something done. Locals don't come because they can't find a place to park and there isn't anything local about it anymore.

MOTION: Commissioner Burke seconded by Commissioner Collins to enter into a public hearing to receive comments on the reconfiguration of Marshes Light Marina was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, Collins and Creef Noes: None. Absent: none

Public Comments- no comments

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

SUBJECT: Consideration of reconfiguration of Marshes Light Marina-the Planning and Zoning Board has worked closely with the developers and they held a Public Hearing last month to receive comments on the reconfiguration of the marina and recommended to the BOC to hold

a public hearing and the Planning Board recommend approval with the following notes: The gravel parking lot is grand-fathered and shall remain graveled this shall be added as a note on the plan. The approved plan was for 188 and this amended plan shows only 158 slips but this plan does not preclude the applicant from providing the 30 additional slips subject to the Towns approval of location and configuration. Commissioner Creef keeps noticing more and more of the marshes being covered and they need to be told to stay out of the wetlands. Mrs. Trebisacci commented we have a map that delineates the wetlands.

MOTION: Commissioner Fry seconded by Commissioner Burke to approve the Marshes Light Marina reconfiguration with the conditions above was approved by the following vote: Ayes: Commissioners Farrow, Fry, Burke, Etheridge, Collins and Creef Noes: None. Absent: none.

SUBJECT: Budget amendment #1A-offer to purchase remaining ½ interest in the Davis lot on Queen Elizabeth Street.

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve budget amendment #1A as presented was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Fry, Burke, Collins and Creef Noes: None. Absent:

SUBJECT: Discussion of recycling franchise- Mrs. Trebisacci informed the Board that it would be a recycling subscription and an out of area contractor would come and pick up the recycling like the ones that have started in Duck, Kill Devil Hills and Nags Head. The recycling company would provide the containers and do the pickup and does not cost the Town anything; it would be a service available to property owners if they are interested. The franchise agreement would allow them to handle all the aspects of the franchise; we would need to first advertise a request for proposal and once we received those the Board would need to award the contract so right now we do not have a cost until we get a contract.

MOTION: Commissioner Burke seconded by Commissioner Creef to advertise request for proposal for recycling franchise was approved by the following vote: Ayes: Commissioners Farrow, Fry, Burke, Collins and Creef Noes: Etheridge. None. Absent:

SUBJECT: Discussion of bird bangers-Staff received an email from the President of the Shallowbag Bay Club Owners Association asking for assistance in allowing them to pursue removal and or control of the Canadian geese that are causing problems; pursuant to appropriate Federal and State laws. They are requesting a permit to utilize the “bird bangers/screamers” in conjunction with the visual control attempts and possibly changing our ordinances to allow for a bird banger. A bird banger is like a gun that shoots out a firecracker and makes a loud noise. Commissioner Etheridge commented that they have been having some success with sheep dogs at Whalehead and the golf course but does not know the cost and is against allowing someone to shoot off something in the Town. Consensus of the Board was that they had no interest in changing the ordinances.

SUBJECT: Discussion of Magnolia Lease-the Town re-advertised the request for proposals and received three from: Teresa Crawford; Freddy Ortega; Jason and Courtney Schultz. Mr.

Skinner informed the Board they are not obligated to accept any proposals. The Board can discuss the proposals received, negotiate a lease or re-advertise. Commissioner Creef commented about a requirement for a restaurant is to have its own restrooms and thinks they should have their own; it was intended to be an open air market. Commissioner Collins asked if we should pay for the restrooms; Mr. Skinner commented that could be something to negotiate with and Commissioner Creef thinks that should be taken into consideration. Commissioner Etheridge commented he would like to see the restaurant stay. Commissioner Etheridge would like to make a motion to accept Freddie Ortega's proposal; some of the Board members would like to wait and discuss this more. Mayor Daniels commented that he thinks Daniel Khoury is working on a lease and will get a copy of that and give to the Board members for their review.

OLD BUSINESS:

SUBJECT: Memorial/Donation policy-this has been discussed at length by the Board in response to someone wanting to donate a memorial bench with plaque at the waterfront. In the Board packet is some research Commissioner Farrow had asked for on how they tried to raise funds for the lighthouse project.

SUBJECT: Discussion of 50 foot setback on Highway 64/164-Commissioner Farrow commented that he voted for this 50 foot setback and had mixed emotions. He has been approached by people who own property on the highway and would like the 50 foot setback changed back to 15 feet that it was previously. A public hearing would need to be held. The Board would like to remove all the 50 foot setback requirements and no parking is allowed in the front yard setback along US 64/264 in the ordinance for B2 and B3. .

MOTION: Commissioner Fry seconded by Commissioner Burke to hold a public hearing to change the zoning ordinance to remove from B-2 and B-3 all the sentences "Along Highway 64/264, front yard setback is 50 feet. No parking is allowed in the front yard set back was approved by the following vote: Ayes: Commissioners Farrow, Fry, Burke, and Creef Noes: Etheridge and Collins. Absent:

Commissioner Concerns:

Commissioner Collins wanted to comment neither that he nor his wife has any interest in those lots on Haven Creek Lane. Commissioner Creef commented that it shows 30 feet on the map and needs to be rechecked and maybe resurveyed to find out if it is on someone's property. The Board would like to hold a special meeting after it has been determined about the Burton property.

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

Closed Session Personnel

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

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

This the 16th day of July 2008

ATTEST:

Mayor Jamie Daniels

Town Clerk Becky Breiholz