

MINUTES

The Town of Manteo Board of Commissioners held their Workshop session in the Manteo Town Hall meeting room March 14, 2007 at 4:00 pm

The following members were present: Mayor-John Wilson, IV
Commissioner Lee Tugwell
Commissioner David Farrow
Commissioner H.A. Creef, Jr.
Commissioner Hannon Fry
Commissioner Darrell Collins

The following member(s) were absent: Commissioner Edward Etheridge

Also present at the meeting were: Town Manager Kermit Skinner
Finance Officer- Shannon Twiddy
Town Clerk-Becky Breiholz
Planner-Erin Trebisacci
Building Inspector-John Boniface
IT Administrator-Steve Jozik
Police Chief F. T. D'Ambra
Water Superintendent Nathan Pharr
Dock Master-Carl Jordan

Mayor Wilson called the workshop meeting to order at 4:00 p.m.

SUBJECT: Department Head Reports-will be on file at the Town Hall for a period of one year.

SUBJECT: Chief D'Ambra staffing concerns-He gave the Board a power point presentation showing the officers schedule when they were fully staffed and how it is now with the current staffing. There were 11 days when there was only 1 officer working in February. He gave the Board an overview for the month of March. He also pointed out according to the personnel policy employees are not allowed to accrue over 240 hours of vacation on a yearly basis or they lose it and several of his officers are already over that limit and not able to take a vacation. The Police Department recommends that the Board consider restoring the position already included in this year's budget and allow them to rehire the vacancy. We are not recommending an increase in staff or incurring an additional budgetary expense. Our authorized full time staff is sufficient at 8 officers at this time. Restoration of this budgeted position will incur no additional equipment expenses. After discussion with the Manager, the Chief believes that he is not opposed to this action. Commissioner Tugwell commented about the number of calls that the Police do for business checks, security door checks and questions why we are providing private

security and would think they could shift some of the priorities and do things that he thinks would be better to secure the people. Commissioner Tugwell commented that he thought the Town Manager should be presenting this and Town Manager Mr. Skinner commented he was not asked for a recommendation and this Board had instructed him to not fill this position. Mayor Wilson commented it was this Board upon motion who decided if any officer who had been hired initially with funding from a grant were to leave our employment this Board instructed the Manager to not re-hire that position. Commissioner Tugwell has advocated having 2 officers on duty most of the time and also thinks we are still in the antiquated 12 hour schedule and believes that adjustment can be made to the schedule that would be more efficient and kinder to the officers. Chief D'Ambra commented if they had 10 officers they could do that but he is not asking for that; he would like to have what we had. Mayor Wilson commented that as he recalls it was a unanimous vote by the Board to not re-hire if someone left and yet we have comments we want 2 people on duty, so maybe we need to reconsider our motion. Commissioner Collins commented that summer time is coming and we need someone now. Mayor Wilson commented that he thinks it gets tough whenever the Board of Commissioners directs the manager on what to do with his operations and does not know if the Board should authorize the Chief to re-hire or rescind the motion that said not to re-hire. Commissioner Tugwell would like to re-assess the duties and priorities of the police department.

MOTION: Commissioner Collins seconded by Commissioner Fry to allow the Chief to fill the vacant position that has already been budgeted **MOTION AMENDED** to rescind the previous motion that restricted the manager from re-hiring and to authorize the manager to fill the position as they appear in the personnel plan and as budgeted at his discretion was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Collins, Fry and Creef. Noes: none. Absent: Etheridge.

SUBJECT: Discussion dock usage recommendations-the Board was given a copy of the rules and regulations and the waterfront proposal mix of uses at last week's meeting and will be made a part of these minutes. The Board discussed the restrictions of the docks placed by previous Boards.

MOTION: Commissioner Tugwell seconded by Commissioner Farrow to reaffirm use of west side of the Centennial Pier/Lighthouse Pier by the Maritime Museum for its interpretive programming; use of west side of the lighthouse platform for passenger embarkation and disembarkation that includes the Coast Guard, other military, the Roanoke Island Commission, approved passenger boats by the Town of Manteo; no person shall moor or tie a boat or other personal watercraft to the docks adjacent to the boat ramp located on the north side of the foot of the Cora Mae Basnight bridge and leave such vessel unattended for a period exceeding one hour and the east side of the lighthouse pier is for people to tie up for a maximum of 24 hours without a fee and the gazebo pier and the south side docks from the gazebo to the lighthouse pier remains open for daily docking with no overnight docking for anyone visiting the Town was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Collins, Fry and Creef. Noes: none. Absent: Etheridge

Mayor Wilson commented he thinks they all agree that if they are running full in the rental docks the marina can be expanded into those areas to increase the revenue.

SUBJECT: Discussion of the rules and regulations: The Board discussed no chartering or commercial operation of any vessel will be permitted without the prior express written permission of the zoning administrator. Planner Erin Trebisacci commented that B1 extends over a portion of Dough's Creek that goes over to Festival Park and it would have to be a use in B1. A lengthy discussion took place on limiting and regulating commercial usage at the water front Mrs. Twiddy commented that the intent of the discussion previously was that anything in B1 was a conditional use and if it was a questionable use then it should go through the Planning Board and the Board of Commissioners. Mayor Wilson commented that makes sense it has nothing to do with B1, because we also have that conflict that over the water can't be regulated by zoning because it is Coast Guard authority. Commissioner Tugwell commented as long as it does not lead us to being arbitrary. Mayor Wilson commented until someone can write some fair rules for docks or do we say no chartering or commercial operation of any vessel will be permitted without the prior written permission of the Town Manager after consultation with the Board of Commissioners. Commissioner Tugwell commented that it can be a zoning issue if a portion of that vessel's activity is land based; it affects parking and all kinds of things. Commissioner Tugwell commented he has no problem treating this as conditional use but thinks we should amend B1 to include the docks and charter boat operations as a conditional use and a list of traditional water front commercial operations. The Board would like staff to prepare a zoning amendment to address it in the long term and the short term no charter or commercial operation will be permitted without written permission of the Town Manager and he can consult with the Board if he wants to.

MOTION: Commissioner Creef seconded by Commissioner Tugwell to approve the rules and regulations changing "no charter or commercial operation will be permitted without written permission of the Town Manager and he can consult with the Board if he wants to," and for staff to prepare a zoning amendment to address commercial usage in the long term was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Collins, Fry and Creef. Noes: none. Absent: Etheridge

Commissioner Tugwell asked the dock master Carl Jordan if the Town should be considering a mooring field. Mr. Jordan commented that he read if a marina has a commercial mooring field it no longer allows them to anchor on their own. The Board would like staff to research a mooring field, the law and how we do it.

SUBJECT: Proposed mix of uses at docks-Dock Master Carl Jordan gave the Board the Manteo waterfront proposal mix of uses which will be made a part of these minutes. The Board would like the mix of uses at the docks to be adjusted by the dock master according to the demands; however he shall always maintain 20 transient slips, no greater than 6 live a boards; and no more than 4 commercial slips and all other dock space shall be adjusted by the Dockmaster according to the market.

MOTION: Commissioner Tugwell seconded by Commissioner Fry for the Dockmaster will always maintain 20 transient slips, no greater than 6 live a boards; and no more than 4 commercial slips and all other dock space shall be adjusted by the dock master according to the market was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Collins, Fry and Creef. Noes: none. Absent: Etheridge

Commissioner Tugwell commented he might have a conflict of interest with the text amendment allowing for System Built homes and asked to be excused from the discussion and voting of this text amendment.

MOTION: Commissioner Farrow seconded by Commissioner Creef to recuse Commissioner Tugwell from the discussion on this text amendment for a possible conflict was approved by the following vote: Ayes: Commissioners Farrow, Collins, Fry and Creef. Noes: none. Absent: Etheridge. Abstain: Commissioner Tugwell.

Mayor Wilson commented that in 1979 Manteo made a decision not to have modular homes or mobile homes in most of the zoning districts in the Town; modular homes in those days were poorly built, the industry has changed so much that modular homes today are built to the current codes and they met the 120 mph wind code and the Town is considering a text amendment to allow these buildings into the town which seemed to be called system built homes. Planner Trebisacci commented that they were informed at their Planning Board meeting they are called off frame system built homes and separates them from mobile homes.

SUBJECT: Discussion and setting Public Hearing for text amendment allowing for System Built Home (previously known as modular home) be allowed in all zoning districts provided they meet the Manteo Way of Building Guidelines. Planner Trebisacci commented the way the text amendment is written she has eliminated the term modular homes and the definition of a modular home works with a system built home and there is also a definition for a mobile home.

MOTION: Commissioner Farrow seconded by Commissioner Creef to hold a public hearing at the regular April 4th meeting for text amendment for off frame system built homes was approved by the following vote: Ayes: Commissioners Farrow, Collins, Fry and Creef. Noes: none. Absent: Etheridge. Abstain: Commissioner Tugwell.

MOTION: Commissioner Creef seconded by Commissioner Fry to re-instate Commissioner Tugwell was approved by the following vote: Ayes: Commissioners Farrow, Collins, Fry and Creef. Noes: none. Absent: Etheridge. Abstain: Commissioner Tugwell

SUBJECT: Discussion and setting Public Hearing for text amendment Article II Basic Definitions and interpretations-building setback line-allowing HVAC unit less than 5 tons in side and rear setbacks no closer than 5 feet from any property line will serve a single family home adequately. The Board would like the amendment to say HVAC unit or series of units and to change the less than 5 tons to total of 5 tons. Commissioner Tugwell was thinking limiting it to 5 ton units but no more than 2 or 3 units per stand and the other problem he has is the no closer than 5 feet from the property line it does not help in those really tight lots and

would like it to say cannot extend anymore than 4 feet from the house. The Board would like language be included to say all efforts shall be made when sighting buildings and residences to contain all features within these setbacks exceptions can be made to the outer most 3 feet of any uncovered, porches, steps, decks eaves, gutters and similar fixtures; HVAC units at the discretion of the zoning administrator to encroach side or rear setbacks not to exceed from 5 feet of the building setback line, uncovered steps may encroach into the front setback, unit or series of units to not exceed 10 tons

MOTION: Commissioner Tugwell seconded by Commissioner Creef to prepare with language discussed above for PH April was approved by the following vote: Ayes: Commissioners Farrow, Tugwell, Collins, Fry and Creef. Noes: none. Absent: Etheridge

SUBJECT: The Land Use Plan-The Board went over the plan. There are six categories and policies. Page 92 Titles are required by the state and policies are our own; Page 96 LCU policies # 9 change 50% affordable housing to 20%. Commissioner Farrow would like LCU action 1 village business district not be extended beyond its existing boundaries. Commissioner Tugwell would like to see in B1 all efforts shall be made in future development or redevelopment that all stormwater run-off be contained on site. Commissioner Tugwell is still waiting for clarifications of shall, should, maybe. Mayor Wilson commented that it is not going to matter, that anytime the Board considers changing its zoning ordinance and prior to adoption of the change the Board will have to vote on the single question does this change in conflict with the land use plan which is the new state law, if we find it is conflict we have to notify CRC and amend the land use plan before we can amend the zoning ordinance; if we find it is not in conflict with the land use it will not be a problem. New Development and re-development was discussed and Policy 8 about sea level rise is a broad subjective statement. The Board would like to change that statement to the possibility of sea level rise should be considered when reviewing new development or re-development. Change Policy 6 page 96 pathways and gathering spots in the 50 spot setback to say new development and redevelopment on 64 should be set back 50 feet to accommodate the voyagers corridor buffer and sidewalk and delete pathways, local pedestrian way and gathering way; in demographics discussion of considering light industry, page 16 and add a LCU Planning 10 policy on page 97 to encourage light industry that can provide year round employment or opportunities. Change all the 50% affordable housing to 20%. Commissioner Farrow commented that on page 101 action 3 it states should be for mixed use and does not think we should tell them what to do and would like to change that to it "should be considered as a mixed use" and to change in action 4 also. Change Policy 6 that they be mindful of sea level rise. Westside setback should be 75 feet from the water was discussed at length and eats up a lot of property. It is not saying we are going to change any thing and the Town's current requirement is 30 feet and acknowledging that we should be discussing this. Natural hazards page 104-delete 75 feet from this section. #8 brings up the sea level rise again and needs to be reworded. Add policy #12 in water quality to try to find ways to recycle our water. Page 116 change the word should to may be built. Page 117 action 6 50% affordable needs to be changed to 20%. The LUP will be discussed again at the next month workshop session.

MOTION: Commissioner Creef seconded by Commissioner Fry to enter into closed session NCGS 143.318.11 (a) 5 acquisition of real property was approved by the following vote: Ayes: Commissioners Farrow, Collins, Fry, , Tugwell, and Creef. Noes: none. Absent: Etheridge

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

Commissioner Farrow commented that there are rocks on the boat ramp. He has also located the perfect place for the skateboard park, at the old middle school where the school buses used to park, Commissioner Tugwell commented that it was being pursued.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Tugwell seconded by Commissioner Collins the meeting was adjourned at 6:50 p.m. was approved by the following vote: Ayes: Commissioner Fry, Collins, Tugwell, Farrow, and Creef. Noes: None. Absent: Etheridge

This the 14th day of March 2007

Mayor John Wilson

ATTEST:

Town Clerk Becky Breiholz