

MINUTES

The Town of Manteo Board of Commissioners held their September 7, 2005 adjourned/recessed session in the Manteo Town Hall meeting room, September 14, 2005 at 7:30 PM

The following members were present:

- Mayor John Wilson
- Commissioner David Farrow
- Commissioner Lee Tugwell
- Commissioner Dellerva Collins
- Commissioner H.A. Creef, Jr.
- Commissioner Edward Etheridge

The following member(s) were absent:

Also present at the meeting were:

- Town Manager Kermit Skinner
- Town Clerk –Becky Breiholz
- Finance Officer-Shannon Twiddy
- Planner Erin Burke
- Building Inspector Johnny Boniface

Mayor Wilson called the Adjourned/recessed September 7, 2005 meeting back to order at 7:30 pm.

MOTION: Commissioner Creef seconded by Commissioner Etheridge to approve the agenda as presented was approved by the following vote: Ayes: Commissioners Farrow, Creef, Tugwell, Etheridge and Collins. Noes: none. Absent: none

SUBJECT: Department Head reports-these were given to the Board at their regular September meeting for review.

SUBJECT: Public Hearing to receive comments regarding the Proposed Zoning Ordinance Mayor Wilson gave the guidelines for the Public Hearing-the hearing is being held to hear from any persons who wish to be heard relative to the zoning ordinance; he asked that everyone sign up to speak; People will be called in the order in which you sign up. The allotted time for each speaker will be 3 minutes; the town clerk will time the speaker, when the bell rings anyone may continue to finish that sentence. There will be no debates.

MOTION: Commissioner Tugwell seconded by Commissioner Collins to enter into a Public Hearing was approved by the following vote: Ayes: Commissioners Farrow, Creef, Tugwell, Etheridge and Collins. Noes: None. Absent: none

Dock Sawyer-owner R.D. Sawyer Motor Company on Highway 64-He opposed to the zoning ordinance on the B2 zone. Opposed to the 20,000 square foot and biggest question is part 1 specified use provisions. He feels his business has been pushed out of Manteo once and it appears he is being pushed out again.

Luther Daniels-Manteo he urges the Board to pass this ordinance.

Duke Garrity-resident of Roanoke Island and a builder and owns a commercial building on Route 64 in favor of zoning but against this one, some are confusing, some are wrong; and exclusionary zoning requires special authorization from the General Assembly. Citizens are not aware that most of their buildings are non conforming and will be unable to sell. Modular and manufactured homes are lumped together in this ordinance and there are no similarities and he could go on forever. He is asking that the Board postpone this, thinks it needs to be advertised; and make the ordinance available for free then you can have a true public hearing and not be accused of sneaking something in.

Malcolm Fearing-times have changed; he has talked to the Board about freedom before; freedom to use a piece of property and he doesn't believe the Board has studied this ordinance, if they had you would know if this is passed some of the Board member's houses and businesses will be in non compliance because it does not meet Manteo Way of Building. Mr. Fearing read out of Section 1.1 you are going to tell us when we can use our property, when we can sell our property this is not been thought out. "I would like to submit this paper work as part of the Town's record for future use which were received by the Town Clerk and will be appropriately filed in the Public Records of the Town. He thanked the Board for the opportunity to come before them and the freedoms that we have to do this, but the freedom "I'm talking about is the freedom you are going to take away from the town's people they will not be able to sell their property," and "the last thing I'm going to say is that your attorney is not here to represent you," Mayor Wilson informed Mr. Fearing that his time was up.

Sybil Ross-Manteo resident-It seems to her that over the last few years we have been through extensive investigations by not just the Town but by the NC School of Design, many public meetings and even the Salty Dawg project went to the School of Design and done in a very public and open manner. We are losing the Christmas Shop and the amount of business we are trying to make available in the new project no where comes near to the square footage involved with the Christmas Shop. She would like people to say they want to go to Manteo because they have a lot of neat little shops. She hopes the Board will pass this tonight.

John Robbins-lives in Mother Vineyard; he worked on the School of Design and the Manteo Way of Building and appreciates the work gone into these projects; He has had the opportunity to work on a project with the Town, the Cypress Cove property being developed. There is a lot to be worked on in the Manteo Way of Building and needs to be fine tuned. One thing that never came up was extraterritorial zoning one mile outside of the borders of Town and you are going to go outside one mile of the Town borders and say that is what people have to adhere to. Set backs on 64 and 264 will inconvenience a lot of businesses there even the ones who have been there for a long time. And if the storm messes up any of these buildings they will have to adhere to the new way of Manteo Building and in many instances these building can't be rebuilt as they are today. It is a good working document and he thinks the public should have the ability to revise it again.

Johnnie Robbins-Skyco-involved in property recently annexed Cypress Cove Campground and would like to be able to do something nice on those sites. Sybil mentioned giving away density on the Salty Dawg, and this is his concern- we have rules, we are going to have zoning, zoning is good but he would like to see the rules applied equally across the board to whatever they relate to; one project should not be allowed to have benefits that another developer of another project is

not allowed to do, if we are going to have rules they need to be applied the same for everyone. The very rules meant to control and shape development in a positive way; sometimes prevents ability to do something nice.

Robin Sawyer-Business Sawyer Motor Company on Hwy. 64 and is asking for a grandfathered privilege that will allow existing businesses to rebuild at current specifications in the event of a natural disaster or fire; the way it is currently written. If her business is damaged tonight by more than 50% they will not be able to put it back. The setbacks which specifically target them would push the dealer ship 200 feet back and that is not going to work, that business has been in Dare County for 50 years.

Angel Khoury-Mother Vineyard and Manteo-Zoning code is important part of the plan; the Board has worked very hard on it. It incorporates 4 other documents to provide checks and balances. No document is perfect and things will arise that can be amended. Urges the Board to adopt tonight

Bebe Woody-Manteo resident and a member of the Planning Board-she asked if the Board was aware of the Census are we ready, are we planning to be ready, are we looking at infrastructure, are we looking at our community which has been lost to towns on the beaches. The Board gave a lot of time to this project and it can't be perfect, changes will be made. She asked the Board to approve the zoning ordinance

Norma Mills-a resident of Manteo Uppowoc Street and applauds the Board for their vision and moving forward. She reiterated why she came here and why people come here, because it is unique and special. It is impossible to please everyone, and as they move forward the specific concerns may not have been envisioned tonight or that might be brought to your attention in the future can and will be addressed.

Bob Woody-Manteo resident-apparent that the Town today has a new plan a plan put together by many citizens and now it is up to the Board to start the execution phase and it will be difficult. We are moving in the right direction.

Joann Baum Cliff-resident of Skyco and native of Wanchese; about 2 years ago the citizens of Skyco came to a meeting concerning satellite annexation of a large tract of land; you heard the concerns and as a result the Commissioner's voted no to the project, later that fall residents became involved in making a new land use plan for Roanoke Island and unincorporated Dare County, Skyco was established as a neighborhood community not a village. They did a survey of the Skyco residents and as a result of the survey big projects are not wanted in their area. Please vote for this zoning ordinance by doing so you can protect Skyco.

MOTION: Commissioner Tugwell to exit Public Hearing-Motion withdrawn.

Tom Blanchard-Kellogg Supply; commented if he reads it correctly Article 20 of new ordinances non conforming uses and Section 1.11 he will not be able to replace his buildings on Hwy. 64. He has already tried to add steps and been denied. He thinks the Board should consider these things in the long term effect on businesses.

Lawrence Belli-knows the Town worked very hard on the ordinance and if he was sitting up there he would vote for it. This Town has a lot of character and thinks they want to keep that character. Good first step and framework and it can be modified and encouraged the Board to vote for this.

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

Mayor Wilson thanked everyone for speaking.

MOTION: Commissioner Etheridge seconded by Commissioner Farrow to approve the zoning ordinance as it is presented was approved by the following vote: Ayes: Commissioners Farrow, Creef, Etheridge, and Collins. Noes: Commissioner Tugwell. Absent: None.

Town Planner Erin Burke thanked the Board and for approving the ordinance. Town Manager Kermit Skinner commented that this process started two years ago coming out of the School of Design Study a plan was provided; but the plan was devoid of an implementation phase and that is what this ordinance purports to do. We involved others; Lee Padrick a Planner with the Division of Community Assistance; Dr. Stein with the School of Design; and Dr. Randy Hester, the Dean of School of Landscape Architecture of UNC Berkley, so we had a great deal of academic expertise. Mr. Skinner briefly talked about the subject of non conforming uses, the 50 % rule currently exists in the ordinance we have now and is boiler plate for zoning ordinance, plus it is covered in GS 160 an enabling legislation for zoning as a protection for people. Under the old ordinance if the structure had been destroyed more that 50 % it would have been subject to the current ordinance at that time. One of the driving factors is FEMA, anything that is built below base flood and destroyed more that 50% it will have to be reconstructed to FEMA standards. Some of the ordinances will need tweaking and as they arise the Board will fairly address those concerns.

Mayor Wilson commented there was an allegation this past week against our town attorney for a possible conflict of interest and our Town Attorney has responded in writing and if no one objects have this placed in the records. This letter will be made a part of these minutes.

Commissioner Tugwell gave update on hurricane. Commissioner Tugwell represents the Town with Emergency Management.

MOTION: Commissioner Collins seconded by Commissioner Farrow the meeting was adjourned at 8:30 pm was approved by the following vote: Ayes: Commissioners Farrow, Creef, Tugwell, Etheridge and Collins. Noes: None. Absent: none

This 14th, day of September 2005

ATTEST:

Mayor John Wilson, IV

Town Clerk Becky Breiholz