

MINUTES

The Town of Manteo Board of Commissioners held their September 3rd, 2008 Recessed Session September 17, 2008 at 4:00 pm at the Manteo Town Hall meeting room.

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 Christine Walker

The following member(s) were absent:

Also present at the meeting were:

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

Mayor Daniels called the recessed meeting to order at 4:05 pm

Oath of Office-Town Clerk Becky Breiholz administered the oath of office to newly appointed Commissioner Christine Walker to replace her father Commissioner Edward Etheridge who recently passed away.

Employee Introduction-Public Works Director James McCleave introduced Robert Flowers, Jr. as one of his new employees to the Commissioners. Police Chief Vance Haskett introduced his newly hired officer Thomas Renkosiak.

Employee Recognition-Mayor Daniels and Town Manager Kermit Skinner presented Assistant Town Manger and Finance Officer Shannon Twiddy a plaque on 15 years of employment with the Town of Manteo.

Department Head Reports- were given to the Board at their regular meeting for review and will be on file for one year. Steve Jozik, IT Department gave the Board an overview of his report; Chief Haskett went over his report for the Board. Nathan Pharr reported on the Water and Sewer Department, he informed the Board that he will be going to Texas to help with the Hurricane Ike relief. James McCleave Public Works went over his report. Planner Trebisacci read her report to the Board, she also reported about the recycling bids and we only received one bid and would like to re-bid that with the Board's permission, there was no objection from the Board of Commissioners and consensus was for Mrs. Trebisacci to re-advertise for the recycling franchise. Carl Jordan, Waterfront went over his report and he briefly reported on a grant that he is working on with Planner Trebisacci, to help benefit transient boaters. Finance Officer Shannon Twiddy went over her report and informed the Board that she has been working on the end of the year audit with the auditor. The auditor had sent out to all the Commissioner's a questionnaire that was to be completed by them to find out the BOC comfort level with the finance's of the Town.

SUBJECT: Discussion of proposed contracts for repairs to Queen Elizabeth Street lift station. At the regular September meeting the Board approved a budget amendment for \$100,000 for repairs but the Town had not received a contract for that. We received a proposal from ITT Water and Wastewater, USA Flygt Products and they propose to furnish and install a new pump control panel for the Queen Elizabeth pump station. The new panel will utilize a pressure transducer with a float back up and a Flygt pump controller with two VFD drives set to change speed from the pressure transducer based on flow conditions. Price for the control panel, pump and installation is \$83,938.00. The price does not include any shut down or bypass work and Mrs. Twiddy was comfortable with an estimate of \$100,000 to allow for those costs.

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

Public Hearing on zoning text amendment Section 8 & 9 to allow Drive through restaurants was rescheduled to the BOC regular October 1, 2008 meeting.

SUBJECT: Discussion of zoning text amendment Section 8 & 9 to allow Drive through restaurants. This was sent to Planning and Zoning Board for their recommendations. Commissioner Fry commented that he does not think our Town Attorney advised us very well on this and was obviously not prepared for a meeting knowing we were going to have a public hearing on this issue, did not know that our Town ordinance was 15 days for advertising versus 10 days; “this thing got blown out of proportion, some members of the Planning Board insinuated that I have some kind of hidden agenda, I have no agenda, no more than anyone else sitting on this Board that has property on that highway and I’m very disgusted with it and highly pissed off.”

SUBJECT: Discussion of zoning text amendment to Section 9.02 B3 setbacks. The Planning and Zoning Board discussed this change during their September 9th meeting and would like to recommend that the BOC re-consider this text amendment and have the setback changed back to 50 feet. The BOC held a public hearing at the regular September meeting and changed the B3 (along Highway 64/264) setbacks from 50 feet to 15 feet along with the B2 zone; Commissioner Farrow would like to see B2 back the way it was to 15 feet, but B3 when it was built the setback was 50 feet and did not intend for that to be changed and does not have any objection for the B3 to be 35 feet. Commissioner Walker asked what affect this would have on the parcels in B3 and Planner Trebisacci commented that Out-parcel B and Salt Meadow Landing had already received site plan approval. The Board discussed just leaving it all at 15 feet. Commissioner Fry commented about the Front Porch Café and that it encroaches the 50 foot setback with their porch and it did not come before the BOC and should have and wants to know who is running the Town and for the record “I have no conflict of interest.” Commissioner Farrow commented he didn’t really mean to change B3 but it does not make any difference to him if it is 15 feet and if the Board wants to change it so be it. Commissioner Walker commented that she was still on the Planning Board when this was discussed and the biggest issue they had was that was where the speed limit was higher and thought the buildings should be set back further than 15 feet. Commissioner Fry commented that is about to change when they put a new stoplight in at the courthouse it will go to 35 from what NCDOT says. When the B3 zone was created it was with

a 50 set back; so all properties that were voluntary annexed the 50 feet setback applied from the beginning and has also been referred to as the Midway or the Gateway. The Board discussed why we even have a B3 section, once you turn coming into Town. Mrs. Twiddy commented that she was the Planner at the time when B3 was developed and initiated for properties that were not annexed by the Town yet but who wanted to be annexed; it was used as a tool to control the growth in areas that could be future properties in the Town. The Board discussed changing the zoning of B3 to B2 and keeping the setback to 15 feet and keeping it all the same. Commissioner Burke would like it all to be designated as B2. Commissioner Fry commented that “from what he understands when the zoning ordinance was adopted the planning board never got the chance to look at the final draft, and when it was approved it was when Dare County was under a mandatory evacuation.” A consensus of the Board was to ask the Planning Board where B3 should begin and end and what should be B2 and why.

SUBJECT: Discussion of zoning text amendment to Section 8.02 B2 setbacks. The BOC held a public hearing at the regular September meeting and changed the B2 setbacks (along Highway 64/264) from 50 feet to 15 feet. The Planning and Zoning Board discussed this change during their September 9th meeting and would like to recommend that the BOC re-consider this text amendment and have the setback be changed to (Along Highway 64/264) the front yard setback shall be 35 feet for lots larger than one acre and 15 feet for lots of one acre or smaller. Consensus of the Board is to leave it at 15 feet.

SUBJECT: Discussion Magnolia Market Lease-Commissioner Creef is in favor of the Town taking the Magnolia Market over and the Town managing it. Consensus of the BOC would be to notify the 3 proposals we have received that we have no interest at this time to lease it out and ask Town Attorney Daniel Khoury to work up some proposals for individual leases.

Old Business-the list was not included in the BOC package.

SUBJECT: Discussion of changing zoning district from B2-to R2 and rezoning 506 and 514 Sir Walter Raleigh. Staff investigated the procedure to rezone a property. The property owner should petition the board and pay a \$300.00 rezoning request fee. After a petition is received and accepted by the Board of Commissioners, it should be placed on the Planning and Zoning Board for review and recommendation. After the Planning Board provides their recommendation it should go back to the Board of Commissioners to set a public hearing. The notification requirements call for the property owner to be notified of the hearing via certified mailing and all surrounding owners to be notified via a first class mailing. The property must also be posted for a period of 30 days, and an ad placed in the newspaper following the not less than 15 and no more than 25 days prior to the meeting. Commissioner Collins commented Clarence Lewis who lives next to that property is in B2 and wants his property changed to R2 and he will give him that information. Stan White commented that he heard a couple of days ago that this was to happen to his property in which he owns 60 or 70%; he is in the process of acquiring the rest of the property and is against any zoning changes that will devalue the property. Commissioner Collins commented that the property is now in a historic district and we are trying to maintain the residential character of the community and “hopes that whatever you put there would be conforming to that community.” Malcolm Fearing also spoke on this issue, and “thinks something needs to be pointed out, “this property might be represented by a member’s spouse in

real-estate which would create a conflict on this Board and anyone that would have a conflict should recuse themselves.” Mr. Fearing also commented, “this is also occurring south of Town where the cow pasture is,” “that piece of property is listed as a commercial piece of property with the potential for water and sewage from the Town of Manteo.” Mr. Fearing also remarked that a moratorium was passed not to extend water south or north of Town, and “that piece of property is being advertised for sale with potential water and sewage from the Town.” “The property you are addressing now is next to a Pizza Hut, Ace Hardware and Commissioner Collins house. “So whatever you do I think it is important that you have all the facts especially as to the ownership of the property.

Commissioners/Staff Concerns comments

Mayor Daniels would like the Planning Board to review why we require 15 days for a public hearing and is not consistent with the State NCGS. Mrs. Trebisacci commented that if we are having a public hearing not pertaining to the zoning ordinance then we follow the state statute. The Board would like this revisited by the Planning Board.

Commissioner Collins-commented “the cow pasture that Malcolm Fearing referenced, the Town has no interest in that, we have a moratorium on annexation, the property is not being sold to the Town.”

Commissioner Creef would like staff to prepare a list of the public hearings date and time requirements.

Town Manager Kermit Skinner commented that he received a request from the County Manager Terry Wheeler asking the Town to waive the fees associated with the construction of the new senior center. Mr. Skinner informed him that it would take a BOC action and in the past the Town has only waived the building permit and review fees. The County has already paid \$6,107.50 review fees. The Board would like this placed on the October agenda for discussion.

MOTION: Commissioner seconded by Commissioner to adjourn at 5:25 pm was approved by the following vote: Ayes: Commissioners Farrow, Collins, Fry, Burke, Creef, and Walker Noes: None. Absent:

This the 17th day of September 2008

ATTEST:

Mayor Jamie Daniels

Town Clerk Becky Breiholz