

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room, July 7, 2010 at 6:30 pm.

The following members were present:

- Mayor Jamie Daniels
- Commissioner David Farrow
- Commissioner Richie Burke
- Commissioner Darrell Collins
- Commissioner Christine Walker
- Commissioner H. A. Creef
- Commissioner Hannon Fry

The following member(s) were absent:

Also present at the meeting were:

- Town Attorney Daniel Khoury
- Town Manager Kermit Skinner
- Asst. Town Mgr/Finance Shannon Twiddy
- Planner Erin Trebisacci
- Town Clerk Becky Breiholz

Mayor Daniels called the meeting to order at 6:30 pm with a moment of silence followed by the pledge of allegiance.

SUBJECT: Adoption of Agenda as presented or amended

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

SUBJECT: Adoption of the items on the Consent Agenda –

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

SUBJECT: Approval of minute's regular meeting June 2, 2010 with reference to certified CD recording.

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

SUBJECT: Approval of workshop June 16, with CD recording.

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

SUBJECT: Approval of minutes Recessed workshop June 18, 2010

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

PUBLIC COMMENTS – Town Manager Kermit Skinner asked for any one to speak on items not on the agenda to come forward and if you want to speak on an item on the agenda please come forward so that the clerk can enter it into the record.

PUBLIC HEARING

MOTION: Commissioner Walker seconded by Commissioner Creef to enter into a public hearing was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Walker, Burke and Collins. Noes: none. Absent:

Lee Tugwell-Croatan Avenue Manteo, wishes to express his displeasure with the ordinance the way it is written; economic conditions have changed and thinks the changes proposed tonight will make it less workable and would like the landowners/developers be invited to the table for discussion before the Board adopts any changes and would like to speak further on this when it comes up on the agenda.

John Robbins-Puddle Lane commented that it is a lot easier to work with the Town than against the Town and no one asked us how we can make this ordinance work and as long as it has been on the books the ordinance has not worked; he would like to see it work but the way it is written it is difficult. The developers should be able to meet and work this out and thinks the way it is written is not working.

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

TOWN MANAGER'S AGENDA

SUBJECT: Easement request from Dare County-Town Manager Kermit Skinner presented this to the Board and the county wants to install a 16" water main that supplies water to the new water tower and are requesting an easement on the Town of Manteo's Wastewater Plant property. Mr. Skinner has reviewed this with the Mr. Ken Flatt with the County and does not pose any hardship for the Town. The Town stands to benefit from it once the new system is in place the County will abandon the existing main and the Town can take that over. Currently we have a number of meters that we have to double read and back them out of the county system and there is always a room for error and will put us in a position to have better accounting of the water we are buying and in addition to that the meter will be moved up to the Skyco plant and we will be served by only one new meter and thinks that will be a great benefit to the Town. Mr. Flat gave the Board a power presentation of where they would like the easement. The current contract allows the Town to place meters off their main and there will now be two lines which would allow for easier accountability for the Town.

MOTION: Commissioner Collins seconded by Commissioner Farrow to allow for the easement pending the review by the Town Attorneys was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Walker, Burke and Collins. Noes: none. Absent:

PLANNER'S AGENDA

SUBJECT: Request from Dare County Board of Education to amend the conditional use permit at the high school. Planning Board Chair Bill Parker gave a brief update; the Planning Board was presented an application from the School Improvement Team and the Planning Board held 3 meetings on this subject. Planner The Dare County Board of Education is requesting that the Conditional Use Permit for Manteo High School be amended to allow for traffic to exit the High School Property via the gate located on Scuppernong Road (S.R. 1166) to alleviate traffic conflicts in the existing parking lot. The Manteo High School, School Improvement Team (SIT) has reviewed this problem and asked the BOE make this request. The SIT cites numerous reasons for this request, including pedestrian and car conflicts as well as bus and car conflicts. The proposal would be to limit the use of the gate to 35 minutes in the morning and 30 minutes in the afternoon for traffic to exit only. According to the Zoning Ordinance, any amendment to a conditional use permit that is not an "insignificant deviation" or a "minor design modification" shall be treated as a new application for a conditional use permit. When it is deemed desirable the Board of Commissioners may choose to hold a public hearing to discuss the amendment. The Planning and Zoning Board held an informal meeting following their May meeting in which staff presented some alternative traffic patterns. At their regular June meeting following a lengthy public comment period and long board discussion, they voted three to two to recommend that the Board of Commissioners not approve the request to amend the conditional use permit. The Planning and Zoning Board recommends that the Board of Commissioners not approve the Board of Education's request to amend the Conditional Use Permit at Manteo High School.

Sarah McDowell-Scuppernong Road and commented that if they directed the traffic in the parking lot it might help; plus there are no crosswalks in the parking lot. Thinks to open this gate is a safety issue and that the parents want it opened more for convenience.

Chrissen Rothrock Scuppernong against the opening of the gate

Chevis Tillett-Scuppernong there is already a lot of traffic and has concerns about the safety.

Brent Tillett-Scuppernong also has concerns about safety with traffic coming through since there are no sidewalks in the area.

Irvin Aldridge Mother Vineyard-was the Town Attorney when this conditional use took place; the school was built in a residential neighborhood. Two things agreed upon were the 30 foot buffer and access to the school from Scuppernong. The BOE and the Town agreed on this and been in place since the 1980's and ask the Board not to approve this. As he understands that Manteo High had 1100 students and now that First Flight was built it is down to 500 students and they did not have this problem then. He is concerned about the safety of the pedestrian and those who ride bikes. He commented that if this door opens they will come back and want something else and recommends that they not change the permit.

Estelle Wilson-Mother Vineyard and been a resident there for 53 years and is here to ask the Board to keep the gate at the school closed for safety.

Wallace Harvey has concerns about pedestrian safety.

Denise Turner lives on Scuppernong and lives farther down the road and agrees with these folks and against the gate being open.

Duke Geraghty-Winery Road and is a very quiet neighborhood but a very busy road and has concerns about safety.

David Perrot-Mother Vineyard-handed out an overhead shot of the intersection which shows how off the intersection is and is a recipe for disaster. Ask the Board not to change anything,

Annah Petty-Mother Vineyard is concerned also about safety and agrees with everyone else.

Nancy Gaddy-Mother Vineyard and is also against the opening of the gate.

Angela Hecke-Scuppernong is very concerned also about the safety of the pedestrian and agrees with what everyone has said.

Hank Griffin Scuppernon the safety issues have been discussed and more importantly the people that live on that road knows the traffic there and take care of how they drive on that road; he is not saying students are bad drivers and thinks it is a bad idea to open the gate.

Angel Khoury-Essex Square and Mother Vineyard Road requests that the Board decline sending this to a public hearing and just let it die.

Carol ? Mother Vineyard and agrees with what everyone has said.

Staff was asked if staff contacted NCDOT for their input and Mrs. Trebisacci commented that she contacted but did not receive any comments from them.

Consensus of the Board was to keep the gate the way it is.

SUBJECT: Affordable Housing Ordinance –This has been discussed at length and a public hearing was held at the beginning of this meeting.

Lee Tugwell-the Town passed an affordable housing ordinance with good intentions but it has not done one thing to make housing more affordable; and the ordinance is not working. He read the intent statement of the ordinance and we have the most diverse community without an ordinance. Today land and construction costs are going down and if you look at the MLS listing the cost of housing are down and housing cost are declining. We agreed to sign up for affordable housing and there are too many encumbrances on the property. We are more than willing to sell at the inclusionary rate but remove some of the encumbrances you can not sell it with all the encumbrances. He would like the Board to take a hard look at this; after 5 years he has not been able to sell a lot and he as the developer should be allowed to sell it without all the encumbrances; the bank is unwilling to finance something with all the encumbrances. Let's change it and promote home ownership.

Mayor Daniels would like a motion to table this and work with the developers to get the ordinance less cumbersome.

MOTION: Commissioner Fry seconded by Commissioner Farrow to table this and set up a meeting to study some more was approved by the following vote: Ayes: Commissioners Creef, Farrow, Fry, Walker, Burke and Collins. Noes: none. Absent:

FINANCE OFFICER AGENDA

SUBJECT: Text amendment to the Town Personnel Policy-Article VI Employee Benefits Section 4 Group Health and Hospitalization Insurance for retiree's portion of the Town of Manteo Personnel Policy page 23 which currently provides 50% contribution for retiree health insurance after twenty years of service. Commissioner Collins had asked the Board to consider extending the retiree health benefit to 100 percent with additional years of service to the Town.

The proposed change would be "The Town may provide one-hundred (100) percent of the group health and hospitalization insurance premium for retirees after completing twenty-five years of service with the Town. The Board would like some projected cost totals and some other options and Mrs. Twiddy can change it to 75% for 25 years and 100% for 30 years. Mrs. Twiddy will prepare a spread sheet for the Board to review at the workshop.

OLD BUSINESS

Mayor Daniels went over the old business – Mrs. Trebisacci gave an update on water garden park-the plants have been planted the pumps are working and they working with the engineer to get the pumps placed on a timer. Mr. Skinner asked the Board if they wanted to have some type of dedication to educate the public about what the water garden park is all about and the Board would like that to wait until the area is completely done. Mrs. Trebisacci commented that we have received a CAMA permit to repair the boardwalk at the waterfront the first one being the guest dock and working with Albemarle Engineering. Town Attorney Daniel Khoury gave the Board an update on Fisherman Landing-Maritime Trail has been re started and the committee met again and reviewed what has been done year ago and are concentrating on the first phase which is the Fisherman's landing and one obstacle will be having the crab shed placed over the water and is working with Warren Eadus on drawing some sketches and once they get the preliminary designs they will be taken back to the boards for their review. Mr. Khoury reported on the letter written to RIFP on the boathouse agreement and the sailing program and the use of the property by a commercial enterprise. When the tri-party agreement was dissolved and removed the Maritime History Museum it became a two party agreement between Festival Park and the Town. Scott Stroh then director said they would maintain exhibits at the boat and lighthouse on a rotating basis and continue the sailing program. Questions have been raised about the ongoing use of a commercial enterprise at the boat house. We should be hearing soon from Kim Sawyer acting director. Bucks Canal-dredging, boardwalk and bulk heading-the engineer has started the design work and will try to have something by the mid month meeting. Mooring field discussed and staff is not quite sure what the Board wants and will talk about this at the workshop meeting when Dockmaster Carl Jordan is here and what we are trying to do.

TOWN ATTORNEY

Mr. Khoury reported that we have closed on the Trainor property next to the Town Hall.

A recess was taken at 8:10 pm

MAYOR'S AGENDA

SUBJECT: Report Water and Waste Water Committee meeting-still waiting on the rate study.

SUBJECT: Report Shoreline Committee- nothing to report meeting was cancelled this month.

SUBJECT: Report Outer Banks Tourist Bureau meeting- Mayor Daniels gave the Board some information on the oil spill in the Gulf and that there is only a 1% chance it will make it to our coast.

COMMISSIONERS AGENDA

SUBJECT: Commissioner Collins-Collins Park committee report-trying to keep the cookhouse open and are still looking for volunteers and getting a few donations.

SUBJECT: Commissioner Farrow/Creef-no parking on Uppowoc Street this was postponed from the June meeting.

Grizelle Fearing-Uppowoc and against the change to Uppowoc and has worked the best this way; would actually park vehicles on that road to slow down the students that drive on that road and does not know why we are re-visiting this and there is no one that she knows of that is on Uppowoc that wants to change this. She thinks it is a patience issue and suggests that everyone go down another road and does not make any sense to change what is working.

Jason Schultz-Uppowoc has 3 small children and his concern is the traffic especially during the school year and thinks if it is opened up it will speed everything up and make it worse.

Bebe Woody-Uppowoc-she handed out a letter to the Board and owns and operates the White Doe Inn; they have owned and operated for 15 years and they work to support the community and to her knowledge no one on Uppowoc was notified that the Town was planning on changing this. The traffic flow has been changed during the past 15 years and this is the only one that seems to work. Mrs. Woody commented that they have not told people that only White Doe Inn customers can park there; the guest primarily park there at 10 pm at night and leave before 10 am. Our Employees Park in the telephone parking lot and our friends and family park in the back. We are a small business but do contribute to the Town. She understands that it can be inconvenience at times and Uppowoc provides spaces and will eliminate 18 parking spaces. There are other streets that have the same problem. She is disappointed that no one contacted the residents about the closing of parking on the street and asks the Board to not consider this request.

Robin Whitt Gallop corner of Budleigh and Uppowoc She gave the Board a letter and her main concern is that this is the only place she can park and if she has to park across the street she has to carry them across the street and up the stairs and is very much against the change.

Ed Montgomery-Thinks there are other things the Board needs to look at and this isn't one of them. There are other streets in the Town that need to be looked at; and is against the change and removing the parking will only create problems.

Commissioner Farrow-has been approached by people quite a few times regarding the Uppowoc Street section that allows cars to be parked on one side and a good half of time he has had to go on the sidewalk. Each one of those houses are supposed to have parking and at one time they did; now people want to build a mother in law house and take up the parking and park on the street and does not think that is right. When the Woody's started out they received a conditional use permit for parking behind the telephone company; Mrs. Fearing has parking and knows the house on Budleigh should have parking. For years only the Woody's parked on the street now everyone is parking there. That is a main thoroughfare that comes through Town. He is thinking about what is best for the people and the Town of Manteo.

Commissioner Creef commented that there has never been parking on the side of the street and people donated their land for sidewalks; and people always parked on their land; the ordinance said that hotels, motels, bed and breakfast must have on site parking. Times are different there are more automobiles and when you bought the house you knew there was no parking on the street and thinks it would be better two way and no parking.

Commissioner Fry commented that one of the main things the Town is trying to do is make connectivity; the Town made Marshes Light build a road for connectivity to ease the traffic flow off the highway. Just like the high school we made them stick to their conditional use permit and now you are going against it and this Board needs to be consistent about conditional use permits and asked the Planner on an answer. Mrs. Trebisacci commented the original permit required 6 spaces there are now 10 spaces with the addition of the house which is a tight fit but there is nothing in her conditional use permit that says they have to use her parking. Commissioner Fry commented that there have been a lot of complaints.

Commissioner Collins commented that it slows down traffic and he does not want to take away any parking.

Commissioner Burke commented that it is a problem and this is not against anyone but the ordinance states they must provide off street parking.

P&Z Chair Parker commented he thinks the Board is focusing on one situation, and it is unfair to change the parking on that block because of one situation.

Bob Woody commented that the Board needs to work on transportation and parking plan instead of nit picking throughout the Town.

Commissioner Walker does not think it is a problem and if you live here you know about it.

MOTION: Commissioner Farrow seconded by Commissioner Creef to have Uppowoc two way traffic with no parking **MOTION:** Commissioner Farrow would like to rescind his motion and Commissioner Creef rescinded his second

Commissioner Collins would like a crosswalk be placed on Sir Walter Raleigh by the tot lot and a sign "Children at Play."

Commissioner Fry-would like the marsh area by the boat house and Marshes Light Development to be cleaned up and Mrs. Trebisacci is working on the area owned by Marshes Light development with the developer.

MOTION: Commissioner Collins seconded by Commissioner Walker the meeting was recessed at 9:15 pm until July 21, 2010 workshop meeting at 4pm was approved by the following vote: Ayes: Commissioners Farrow, Fry, Creef, Burke, Walker Collins. Noes: none. Absent: none

This the 7th day of July 2010

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk