

MINUTES

The Town of Manteo Board of Commissioners held their Regular session in the Manteo Town Hall meeting room November 5, 2008 at 7:30 p.m.

The following members were present: Mayor Jamie Daniels
Commissioner David Farrow
Commissioner Richie Burke
Commissioner Darrell Collins
Commissioner H.A. Creef, Jr.
Commissioner Christine Walker

The following member(s) were absent: Commissioner Hannon Fry

Also present at the meeting were: Town Manager-Kermit Skinner
Town Attorney, Daniel Khoury
Finance Officer Shannon Twiddy
Planner Erin Trebisacci
Town Clerk Becky Breiholz

Mayor Daniels called the Regular meeting to order at 7:30 p.m. with a moment of silence followed by the Pledge of Allegiance. Mayor Daniels informed the Board that Commissioner Fry was unable to attend the meeting and asked that he be excused.

MOTION: Commissioner Farrow seconded by Commissioner Creef to excuse Commissioner Fry from the meeting tonight was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Collins. Noes: None. Absent: Fry

The agenda was amended to add discussion of Solid Waste Agreement under the Town Managers Agenda item C.

SUBJECT: Adoption of Agenda as presented or amended-

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

SUBJECT: Adoption of the items on the Consent Agenda-

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

SUBJECT: Approval of minutes Regular and closed meeting October 1, 2008 with CD recording.

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

SUBJECT: Approval of minutes Recessed meeting October 15, 2008 with CD recording.

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

SUBJECT: Dues and Subscriptions NC Resort Towns \$100.00

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

SUBJECT: Budget Amendment #4 Professional Services Water and Sewer and Powell Bill and Budget Amendment #5 Christmas

MOTION: Commissioner Farrow seconded by Commissioner Walker to approve budget amendments #4 and 5 as presented was approved by the following vote: Ayes: Commissioners Farrow, Creef, Burke, Walker, Collins. Noes: None. Absent: Fry

SUBJECT: Memorandum of Agreement with Government Access Channel 20.

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

PUBLIC COMMENTS -none

SUBJECT: Public Hearing-to hear and receive comments on proposed zoning text amendment to Article 9 B3 setbacks 50 feet.

MOTION: Commissioner Creef seconded by Commissioner Farrow to enter into a Public Hearing was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Collins. Noes: None. Absent: Fry

John Robbins-resident outside Town limits and it his understanding the public hearing is being conducted for the area that currently along highway US 64 and that setback in the other areas

along 64 have been removed to 15 feet and thinks applying certain rules and regulations for one and then not have that same rule and regulation apply is wrong and is in favor of that area setback to be 15 feet.

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

TOWN MANAGER AGENDA

SUBJECT: Discussion of Memorandum of Agreement with Roanoke Island Commission on the establishment and operation of the Roanoke Island Maritime Museum. Staff and the Town Attorney have been working with the Commission on this agreement for several months now.

MOTION: Commissioner Farrow seconded by Commissioner Walker to approve the MOA with Roanoke Island Commission was approved by the following vote: Ayes: Commissioners Farrow, Walker, Creef, Burke, Collins. Noes: None. Absent: Fry

SUBJECT: Discussion of recycling bids received-Staff advertised requests for proposal on recycling and only received one bid so the Board asked staff to re-advertise. Bay Disposal/Outer Banks Hauling proposes to provide subscription curbside recycling services to residents at a rate of \$9.10 per container, per home, per month, per week service. If day of pick up can be done on Monday or Tuesday the price will be reduced to \$8.95. Waste Industries will charge \$10.50 per month per cart for residential recycling and a one time account startup fee for \$10.00. Staff is recommending Outer Banks Hauling with the subscription rate of \$8.95 with pickup being done on Monday or Tuesday.

MOTION: Commissioner Walker seconded by Commissioner Creef to accept the Outer Banks Hauling exclusive franchise contract was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Collins. Noes: None. Absent: Fry

SUBJECT: Discussion 2008 Municipal Waste Management Agreement between Town of Manteo and Dare County for the disposal of the Town's solid waste. The original agreement was entered into in 1998 and needs to be renewed. Staff is recommending approval of the agreement.

MOTION: Commissioner Collins seconded by Commissioner Walker to accept the Waste Management Agreement with Dare County was approved by the following vote: Ayes: Commissioners Farrow, Walker, Creef, Burke, Collins. Noes: None. Absent: Fry.

PLANNERS AGENDA

SUBJECT: Discussion of proposed text amendment Article 9 B3 setbacks 50 feet. Town Planner Erin Trebisacci showed the Board a zoning map of the area that is B3. This has been discussed previously and a public hearing was held to change Article 8 B2 and Article 9B3 was inadvertently included in that text amendment to change it from 50 feet to 15 feet which was done. The B3 section is the area that is outside the Town limits and is properties that request annexation to the Town of Manteo and everyone that has built there knew that there was a 50 foot setback. It was realized that the Board only wanted to change the B2 section to 15 feet and not the B3 section so they are requesting it be changed back to 50 feet.

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve text amendment Article 9B3 setbacks to 50 feet was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Collins. Noes: Burke Absent: Fry

SUBJECT: Site plan review Roanoke Island Festival Park Indian Village Roanoke Island Festival Park is proposing to construct a series of structures to replicate the life of Roanoke Island Natives. The displays will include a "Big House", three work shelters, Long House, Dance Circle, Planting Area and Watch Tower, and two Dug-out Canoe Displays. Some of these proposed structures are being proposed within the 50' Vegetative Buffer as per the Mutual Development and Use Agreement (see attached copy of agreement). The second of two dug-out canoe displays will be placed in the water south of the Queen Elizabeth II. There was a lengthy discussion on this topic at the Planning and Zoning Board meeting in October. A great deal of concern was expressed over the proposed intrusions into the natural buffer surrounding the Elizabeth II. The Planning and Zoning Board Recommended Approval for the overall project concept with the caveat that Paragraph 8 of the Mutual Development and Use Agreement would need to be amended. If an amendment is agreed upon, the language should be written to reinforce the intent of the natural buffer. The language should also require the following:

1. Additional vegetation to be planted to protect the view shed and that all the proposed construction will be shielded;
2. Any additional construction or development shall be reviewed by the P&Z and the BOC; and
3. Any lighting be non intrusive and not visible from the Town of Manteo waterfront side.

The Planning and Zoning Board also noted in their motion that Chairman Parker is opposed to the location of the canoe dugout that is in violation with the agreement.

Scott Stroh Executor Director of Festival Park commented they are extremely excited about this project which for the first time in North Carolina will tell the story of the American Indians who were here at the time of the arrival of the English and is a critical component of the history of our area. It will build upon our philosophy of hands on, interactive educational programming that will enhance the offerings that we have. We have worked hard on behalf of the Commission to work with the Town, community, the state and the Indian community and have representation on the committee from the American Indian community. They have worked

hard to promote Manteo and the community and bring people to our Town. A recent survey done shows 80% of guest to Roanoke Island Festival Park specifically came to Roanoke Island to the park which adds to the overall economic well being of our community. Mr. Stroh read some letters of support that they have received. We have worked hard with the community to locate the aspects of the Indian Town in a way that maintains and upholds the integrity of the buffer agreement and is as important to them as it is to the Town. It is a critical part our educational experience and we have worked hard to place very few components in the buffer and place them in a way that maintains the integrity of the buffer. They are committed to planting back in excess of what is to be removed. The survey plan and the design plan will require minimal impact on the buffer area; we have sited it so that no trees of greater than 3 inch caliper will be impacted at all, we are committed to replacing and replanting anything that is necessary in excess, we are committed to maintaining a very low impact of the natural setting. Mayor Daniels commented that everyone he has talked to is in favor of the Indian village; when Festival Park was designed it was meant to have a natural buffer around the ship and that is in the agreement, the agreement will need to be amended before the site plan can be approved. Commissioner Creef in favor of the Indian village but it is very important to keep the background natural with nothing showing; even now you can see roofs from the Town side across the creek; and that there is plenty of acres for it to be placed elsewhere. It was thought best to have a natural setting backdrop for the Elizabeth II and if that is to be spoiled he is against it. Mr. Stroh noted that they completely agree with everything Mr. Creef said and the natural backdrop is as important to them as it is to the Town, that is why they have worked hard to locate the various components in a way that will have a minimal impact on that view. The very few structures that are proposing to be within the boundary of the buffer are not only significantly setback from the marsh line but set back in the woods and part of the experience is the sense of walking through the woods; also the very few structures that will be in the buffer will be built in way and with materials that replicate the materials that would have been used, it is going to look like it is made out of trees and brush but with materials that will have longevity and based on the siting and material selection you are not going to see it and will not impact the view shed behind the ship. Mr. Stroh commented that you can see some roof lines now and over the years some trees have come down and last year they planted over 400 new trees. They looked at the whole site for where it could be located and the were a lot of reasons for choosing the location and in reality the rest of the property around the pavilion and the boardwalk are part of a forest stewardship and a maritime forest and marsh grass restoration project at the park so the same issues would be applicable anywhere around the boundary of the property and there is really no where else where there is enough woods to provide the experience of the village. They believe they have addressed those concerns in the siting and design plan in a way that will not impact the view shed. The dugout canoe area was discussed and the need for having a dock and Mr. Stroh commented that they plan on a very low impact boardwalk that is horizontal to the shore line, it will be more visible from the Town side. Paving of pathways was brought up and Mr. Stroh commented he cannot speak to those existing as he was not here at that time. Pathways were asked to be shown on the site plan and Mr. Stroh commented that the pathways are not specifically on the plan but he wanted to stress that in keeping with the historic integrity we are not looking a paved paths; we are looking at oyster shell or pine straw

which will replicate the experience to the guests. Mayor Daniels commented that some of things could be addressed except for the canoe out on the water. Commissioner Farrow commented that it is not original to have a dock to tie the canoe; they pulled the canoes up on land. Mr. Stroh commented that the intent of the exhibit is to replicate the experience of being on the water in a canoe. They plan on having a low impact, minimally invasive ground level boardwalk, and they have had preliminary talks with CAMA and they have indicated that this is something that would be appropriate under their educational use parameters. The canoe would allow people to get into a replicated dugout that is floating; you would not be able to paddle away in. It was suggested putting the canoe at the boathouse and Mr. Stroh commented that is a possibility but they would like to have it connected to the village for reasons such as traffic flow and ticketing issues. Commissioner Creef would like to see a site plan of the whole total area. Mr. Stroh commented that the site plans provided were what they were instructed to provide, they have site plans that show the whole property and the plan they are looking at is from the 1980's and a lot has changed since then. Commissioner Creef commented that it keeps changing. Mr. Stroh offered to provide an update plan if they wish. Commissioner Farrow asked if this was the only place to have it and Mr. Stroh commented that they believe it is the only place and the optimal place; the planning committee spent several months walking the park and looking at every conceivable location. They meet in July with the Commissioners and walked the property and since then they have moved some of the proposed elements to get them out of the buffer. Commissioner Farrow commented we have an agreement with the State that this property is not to be disturbed and Mr. Stroh commented that the State is involved in this process and members of the Department of Cultural Resources have expressed their support for this project and amending the agreement if the Town is comfortable with that. Mr. Stroh commented that we are proposing an amendment to the agreement that will allow us specifically and exclusively to place those handfuls of structures in the buffer, we are not asking for anything else in the buffer. The rendering of the site that is attached to the agreement is the 1983 rendering and is the only physical representation of the buffer line that is in existence. Ray Meekins, the surveyor commented that he scanned the rendering and overlaid so it is an approximation but thinks conceptually it is right. Mayor Daniels asked the Board for there input in regards to the dugout being in the buffer; Commissioner Burke would go with the Planning Board recommendations; Commissioner Farrow does not think it would look very good from the Town side; Commissioner Collins thinks the canoe should be placed elsewhere; Commissioner Walker would like it to be less intrusive and wonders if there is another way. Commissioner Creef thinks we should maintain the agreement that is in place and there is enough land to do the canoe elsewhere. The other aspects of the site plan were discussed as were the other items that were over the buffer line but could be hidden in the woods. The Board would like the Mutual Development and Use agreement amended before they take any action on the site plan and Mayor Daniels will work with Mr. Stroh on the agreement.

MOTION: Commissioner Creef seconded by Commissioner Walker to table the site plan until we can work out the details of the agreement was approved by the following vote: Ayes: Commissioners Farrow, Creef, Walker, Burke, Collins. Noes: None. Absent: Fry

SUBJECT: Discussion of 25-4(b) Hearing required notice. (b) The administrator shall publish a notice of the public hearing on any ordinance that amends the provisions of this ordinance once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 15 days or more than 25 days before the date fixed for the hearing. In computing this period the date of publication shall not be counted but the date of the hearing shall be counted. The Board of Commissioners requested that the Planning and Zoning Board review the above ordinance to see if the 15 day notification should be changed to match what the North Carolina General Statute says of 10 days. The members voted to recommend that the Board of Commissioners to not change the 15 day notification stating that it allows for more time to get the information out to the public and to keep from having public hearings during workshop meetings since workshop meetings are held during the afternoon and does not allow for those that work to attend the public hearing.

MOTION: Died for lack of a motion.

Planner Erin Trebisacci gave an update to the Board regarding the Public Hearing that was cancelled to amend the CAMA Land Use Plan. The requirements for advertising that we used which were sent to us by the Regional CAMA director was missing some information so the Public Hearing had to be cancelled and re-advertised; the CAMA Land Use plan must be amended since the Board amended the zoning ordinance to change the setback in B2 to 15 feet.

OLD BUSINESS

Report Collins Park-Commissioner Collins gave an update on the celebration at the grand opening of the cookhouse. They have had a few tours and plan on opening the cookhouse on Tuesday and Thursdays from 10 am to 5pm; it will be closed last two weeks of December and once the volunteers are trained we will have a set schedule of operations.

TOWN ATTORNEY AGENDA

Town Attorney Daniel Khoury commented we still have not received any word as to whether Mr. Fearing would accept our offer on an Encroachment agreement on Old Tom Street. The Magnolia Market leases have been drafted and given to Town Manager to review; some information needs to be inserted as to how much they are going to charge and not sure how they want to handle the public restrooms and recommends that it be finalized pretty quickly. Mayor Daniels commented that they will discuss the final details at the workshop.

COMMISSIONER'S AGENDA

Commissioner Creef wanted to reiterate that he agrees with the concept of the Indian Village just does not like aspects of it being in the buffer

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

Personnel-Town Manger performance discussed.

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

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Creef seconded by Commissioner Collins the meeting was recessed at 9:15 pm until 4pm Wednesday November 19, 2008 was approved by the following vote: Ayes: Commissioner Farrow, Burke, Walker Creef, Collins. Noes: None. Absent: Fry.

This 5th day of November 2008.

Jamie Daniels, Mayor

ATTEST:

Becky Breiholz, Town Clerk