

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
May 9, 2012**

The Planning Board for the Town of Duck convened at the Duck Meeting Hall on Wednesday, May 9, 2012.

Present were: Chairman Jon Britt, John Fricker, Ron Forlano, and Randy Gilbreath.

Absent: Vice-Chair Joe Blakaitis.

Also present were: Director of Community Development Andy Garman, Council Liaison Chuck Burdick and Permit Coordinator Sandy Cross.

Others Present: None.

Absent: None.

Chairman Britt called to order the Regular Meeting of the Planning Board for May 9, 2012 at 6:32 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

Discussion/Consideration of Ordinance 12-02 Pertaining to Itinerant Merchants/Vendors

Director Garman stated that the Planning Board had a public input session at their April 11, 2012 meeting and the general consensus was the Town should rewrite the itinerant merchant ordinance to limit the ability for temporary vendors and merchants to do business in Duck and that the ordinance should be structured towards favoring permanent uses. He stated that staff prepared the draft ordinance, which was a rewrite of that whole section and replaced the ordinance in its entirety. He went on to review the draft ordinance with the Board.

Chairman Britt noted that there was nothing in the draft ordinance that would allow mobile ice cream vendors to do business in Duck this year. He thought it was unfair to tell them they couldn't operate at this late date. Director Garman asked if the intent would be to allow someone that already had an existing license to continue to operate in Town. Chairman Britt thought that would work.

Member Fricker noted that with the process, the draft ordinance would not take effect until June or July. He thought that the ice cream vendors have not represented themselves well in Duck in terms of their behavior. He didn't think it was about fairness to them. Director Garman pointed out that not all of the vendors had caused problems in Town.

Chairman Britt asked if any of the ice cream vendors had renewed their license for this year. Permit Coordinator Cross stated that none had at this time. Chairman Britt asked the Board if they thought the licenses should not be re-issued and let the vendors know that if the draft ordinance passes in July, they would no longer be allowed to sell ice cream in Town. Member Fricker asked how staff would handle that. Director Garman thought something should be established in the ordinance that would say; "...this ordinance shall become effective on such and such date..." and then specify; "...all of the existing licenses that were issued prior to this date shall be good through the end of the calendar year."

Member Gilbreath suggested that the ice cream vendors be told when they come in to obtain their license that they would not be able to continue selling in Town. Chairman Britt did not think that was a good idea. Member Forlano pointed out that the Board was just discussing ice cream vendors and that there were other types of vendors. He wondered where the line should be drawn. Chairman Britt agreed that there could be a proliferation of new vendors that may want to do business in Town. Member Fricker thought the more fair approach was that anyone that comes forward could be issued the license, but let them know that once the ordinance is passed, they would no longer be allowed to sell their food in Duck. Chairman Britt stated that the vendor may decide that since it's the final year for their license, their actions would have no consequences.

Member Forlano wondered what the vendor would lose. Council Liaison Burdick asked if it would make more sense to allow the ice cream vendor's season to end September 30th or maybe end it at Labor Day. Member Fricker stated that if they were allowed to sell their merchandise over the summer, there would be no consequence or incentive for the vendors to change their behavior. Director Garman thought that those vendors with an existing license on the date that the ordinance is adopted would be told that their license would expire on a specific date in order to give them a reasonable season.

Member Forlano thought there may be a rush for all kinds of vendors between now and the end of June in order to get their licenses in place. Member Fricker stated that the Town had invited the business community to give their input and now it seemed the Board was disregarding that input by letting the ice cream vendors continue for this summer.

Director Garman thought that since this was not a zoning ordinance, Council may not have to have a public hearing on it. He thought the ordinance may be put on their June 6, 2012 agenda and receive comments from the public. Chairman Britt thought the Board needed to do what it felt was right and then let Council decide. He asked the Board if they wanted to recommend that ice cream vendors continue through the summer. Director Garman stated that the Board could recommend adoption of the ordinance and let Council decide the effective date.

Member Forlano noted that the way the draft ordinance read, there wasn't a cutoff period and that it was just prohibiting the vendors. He clarified that the Board wanted to let Council decide on it. Chairman Britt stated that it was Board's job to make a recommendation. He felt that the time frame should be recommended. Member Forlano and Member Fricker disagreed. Member Forlano stated that he was in favor of recommending the draft ordinance the way it was written.

Member Fricker thought that Town staff or Council Liaison Burdick should convey to Council that the Board was split regarding the time frame.

Member Gilbreath moved to recommend Ordinance 12-02 to Council as written. Member Fricker seconded.

Motion carried 4-0.

Discussion of Town Ordinances/Procedures to Approve Special Events and Crowd Gathering Activities

Director Garman stated that at their last meeting, the Board instructed staff to put some information together so they could begin drafting an ordinance. He stated that he compiled ordinances from four different communities to show what was covered as well as the similarities. He went on to discuss with the Board the recent Duck and Wine Festival and the issues that came up at the Waterfront Shops with the event. He thought there should be some type of consensus for these types of activities in group developments. Chairman Britt agreed and felt there should be an agreement from the property owner.

Member Fricker asked Director Garman what his perspective was regarding the Duck and Wine Festival. He asked if it should be run the way a particular tenant plans it and leave the Town out of it or should the Town become the de-facto manager of the event. Chairman Britt pointed out that if they filled out a special event application, which would address a lot of the concerns, the Town would not be managing the event, but giving guidance. Director Garman stated that it goes back to why the Town has ordinances in the first place – to address sanitation, parking and trash. He stated that a lot of the issues they had were ones that they would have to work out amongst themselves.

Director Garman thought that requiring a more detailed set of plans for an event would be helpful for the event planners and the Town. Member Forlano clarified that if the event planners had an application to fill out for the Duck and Wine Festival, there wouldn't have been as many issues. Director Garman disagreed, but added that if there was a detailed site plan that showed where all the stations were to be set up, where the vendors would park, and how many vendors would be attending, it would be extremely helpful. Chairman Britt agreed that a detailed site plan should be required.

Member Forlano thought the off-season events were important, but felt they needed to be run more logically. Director Garman noted that the business owners have been cooperative and tried to work with the Town, but guidelines were needed.

Director Garman reviewed his outline of items with the Board regarding special events and how the Town could handle them. He stated he would come back at a future meeting with a draft ordinance.

NEW BUSINESS

None.

APPROVAL OF MINUTES

Planning Board Meeting April 11, 2012

Chairman Britt directed the Board to review the minutes from the April 11, 2012 meeting.

Member Fricker moved to approve the minutes as presented. Member Forlano seconded.

Motion carried 3-0.

OTHER BUSINESS

Election of Planning Board Chair and Vice Chair

Chairman Britt thought the Board had to discuss re-appointments. Member Fricker move to re-appoint Chairman Britt and Vice Chair Blakaitis to the Planning Board in the same capacity. Member Gilbreath seconded.

Motion carried 3-0.

STAFF COMMENTS

Director Garman gave a short update on the Wee Winks project to the Board, noting that the project would come back before the Board at their June meeting.

BOARD COMMENTS

None.

ADJOURNMENT

There being no further business to discuss, Chairman Britt adjourned the meeting. There was no second or vote.

The time was 8:00 p.m.

Approved: _____
Jon Britt, Chairman