

MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, February 12th, 2008 at 6:00 p.m. at the Manteo Town Hall, 407 Budleigh Street

The following members were present:

- Chairman Bill Parker
- Member Bebe Woody
- Member Phil Scarborough
- Member Christine Walker (absent)
- Member Beth Storie

The following members were absent: Member Christine Walker

Also present at the meeting:

- Erin Trebisacci, Planner
- Becky Breiholz, Town Clerk

Chairman Parker called the meeting to order at 6:05 pm

SUBJECT: Adoption of Agenda as presented

MOTION: Member Scarborough seconded by Member Woody to approve the agenda as presented was approved by the following vote: Ayes: Members Parker, Storie, Woody, and Scarborough. Noes: None. Absent: Walker

SUBJECT: Approval of Minutes Regular Meeting January 8th, 2008 – several corrections to the minutes were made before the meeting adding additional wording and was given to the members before the meeting as the ones to be accepted as corrected: MINUTES – PROPOSED CHANGES IN CAPS Page 1 - Near bottom of page ...that have lead to this point and will be made a part of these minutes. THE ATTACHMENT IS PRESENTED BY KHLC AND OUTLINES THEIR OWN PROPOSED CHANGES, NOT CHANGES SUBMITTED TO OR APPROVED BY THE TOWN. Page 2 - 11 lines down Chairman Bill Parker read section 3.21 which will be made a part of these minutes AND WHICH STATES: “ The administrator shall determine whether amendments to and modifications of permits fall within insignificant deviations and minor modifications.” Page 3 – end of paragraph 1 To safety, health and welfare....MRS. TREBISACCI WILL INFORM KHLC OF HER DECISION. Page 4 – first sentence Stated the main thing to remember is that we are not looking at a NEW PLAN FOR AN EMPTY SITE, BUT RATHER A REDEVELOPED SITE WITH AN EXISTING BUILDING. In essence.... Page 4 – 2/3 down Mayor Jamie Daniels explained THAT [instead of “to”]

MOTION: Member Woody seconded by Member Scarborough to approve the minutes as amended was approved by the following vote: Ayes: Members Parker, Storie, Woody, and Scarborough. Noes: None. Absent: Walker

PUBLIC COMMENTS- none

SUBJECT: Discussion of Retreat Spa Change of use Staff has met with and reviewed the changes proposed for the Retreat Spa located at 827 N. HWY 64. The building was a Real Estate office. There are no changes proposed to the foot print of the building but some additional parking and buffering are required and have been reflected on the site plan. The applicant is proposing to change to sign surface, but there will not be any structural changes to the sign. The sign will be handled under a separate application by the code enforcement officer. Staff recommends approval of the change of use for the Retreat Spa. Chairman Parker commented it is according to Section 12-10 of our ordinance that deals with change of use; and being mindful of Section 21-1 that talks about grand fathering and reusing the old building and Section 21-6 which addresses the same situation and is the tool that we use when the building does not meet all the setbacks and is consistent with the land use plan update.

MOTION: Member Woody seconded by Member Storie to approve the site plan and change of use was approved by the following vote: Ayes: Members Parker, Storie, Woody, and Scarborough. Noes: None. Absent: Walker

SUBJECT: Discussion Dare County Administration Building the Dare County Board of Commissioners has decided to put an addition onto the new Administration Building to serve as the meeting room. Unfortunately this means that the Old Courthouse will remain unused. The addition will be 2610 square feet. It will contain meeting space, restrooms, and a mechanical closet. The exterior façade will be in keeping with the current architecture on the site. Staff would like to note that the Sanitary Sewer line will be under the new wing. While this is beyond the service limits of the Town it could cause potential problems in the future if there is a break or if the pipe needs repair. Planner Trebisacci gave the members another plan that was delivered to the Town after the packets went out and with her discussion with Mr. Bobby Outten with the county; the addition is primary focus of the review and the parking lot is ancillary and not a necessary fixture but will probably become one once the senior center is developed on the site; Mrs. Trebisacci commented that initial discussion with the county two years ago that this use would be taking place at the old courthouse but the county received a substantial high price for renovating the old courthouse and has decided to move this use out to their new site. Mrs. Trebisacci commented in reviewing the site plan there are a few notes that this would go to the BOC who need to see a single site plan that reflects the whole proposal as opposed as to the two separate items and on that single site plan; as requested before we would like to see it reflect future proposed buildings for the site; while it would not be an approval of those future buildings it would give our Boards knowledge what the County plans to do with the rest of the property. Mrs. Trebisacci commented when the Justice Center and the Administration building was approved it reflected the possibility of having two other structures there; from discussion with the architects the lighting would remain the same; if the parking lot is to be constructed then it will need to be buffered per section 15-4 of the Zoning Ordinance and reflected on the

Landscaping plan on page C8; the same materials used to buffer the parking lots that have already been approved shall be the materials for the new parking lot buffer; the plan shall clearly identify what is proposed for this approval and what is existing; all fees be paid prior to construction. Member Woody commented that the architectural review committee PARC meet yesterday and raised several concerns; "in the past when we have met with county representatives there has been discussion and consideration of what was going to be taking place at the historic courthouse," and it has always been our understanding that the old courthouse would be restored for uses not necessarily meeting space." "When the decision to move the Justice Center to midway was made there were discussion and verbal agreements that if the Town supported that move then the county would also support the restoration of the courthouse." Member Woody asked what is going to happen to the historic courthouse, the PARC committee feels there needs to be some type of commitment in place that tells the citizens of the Town what is going to happen within the Town. Chairman Parker commented some of the discussion was about the feeling that the County presence in Town was very important as Manteo is the County seat . Also not using the courthouse as a meeting space disappointed everyone and it was our understanding that in exchange for the Town providing sewer service, some of the parts of government function would remain within the corporate limits. Bobby Outten County Attorney can't speak to what the agreements were and obviously it is not legal to make those kinds of agreements what understanding the political leaders had he can't speak to that he wasn't involved. He told the members that the County was committed to putting the meeting space in the old courthouse; and the plan was to do that for approximately \$990,000 and a new figure came in at 2.2 million which is significantly higher than what was budgeted or allocated and the decision to move the meeting room to midway has not been made. The Board is looking at this as an alternative as they do not have the numbers yet on this proposal and they may not do this one either; and the reason they are here tonight is because of the time it takes to go through the process and they did not want to wait and get on the next cycle and all of their contractors would be moved out. Member Woody asked if they had a price and Mr. Outten commented they have an estimate of 1 million or so but they do not have hard numbers and they are not committed to anything. Member Woody: "it is kind of interesting Erin and I had the privilege of meeting with your contractor and we sat down with the proposed plans for the courthouse and made some recommendations and sent those recommendations forth for a cost saving measures for the renovation of the courthouse and also asked for a meeting with Warren," and "Warren indicated that information never came forth to him, which perhaps would have helped if we could sit down and been on the same page." Mr. Outten added that "even when the number came in at 2.2 the Board was still looking for ways to make that work, looking at cost saving measures to try to get the numbers down but even doing that he recalls the number was still in the 1.8, 1.9 million range;" "whether that occurred after your discussion has occurred within the last month or so." Member Woody stated, "which brings us back to the question at hand, if the administration building is located at the Justice Center, what happens to the courthouse." Mr. Outten commented he does not know the answer to that but the Board is committed to doing something with the

courthouse. Member Woody commented that in the same meeting that they would be interested in entertaining partnerships, trying to get foundations involved and money collected and that evidently was never passed along. Mr. Outten commented that the Board wants to do something with that building that is satisfactory to the citizens of Manteo, the citizens of the County to make it something nice and positive and are prepared to meet with you whether on staff level, appointing committees, or at the elected official level, the Chairman has indicated he was willing to do that. Member Woody commented we have informal commitments in the past and as has been pointed out administrations change, people change and then those commitments go out the window. Member Woody stated: "I think at this point in time our citizens in this community want more of a formal commitment of what is going to happen with the most prominent historic structure in the County." Member Woody: "we need to sit down and plan these things together and not just receive something through the newspaper or one day ahead of a scheduled meeting." Mr. Outten: "I don't think anyone disagrees with that." Member Woody: "what I am saying is that possibly, and I am speaking as a member of the Board not for the Board is that this possibly needs to be done before we go too much further in committing ourselves to supporting the county's efforts before we get left hanging out there to dry." Mr. Outten: "a couple of things I will speak to that, one is I think it is an unfair statement to say that the county has left you out there to dry." "I think the Board certainly wants to do something with that building, they are looking for ideas and uses." "I think the Board was committed and had gotten all the way to the bidding stage to doing just what they said they were doing and it became financially impossible to do that, so that doesn't mean that they are backing up on their commitment, things change and they couldn't do anything about it." Mr. Outten: "So know we are at a situation where we need to make decisions on how to use the taxpayer's money and look at this option." Member Woody commented so if you spend the money on the administration building down there then you are going to have to go back and spend more money on the restoration. Mr. Outten: "depending on what is done, certainly you can't do something for nothing." Chair Parker: "you said you were not going to speak for the Board but in essence I think the Board did speak and through the plan update the citizens of the Town spoke and one of the concerns was in anticipating the development of a county campus, one of the concerns the Town had was that there might be vacant buildings and that does not look good in a small town to have buildings that look they have been abandoned." Chair Parker: "I think we have recognized for years ever since the transition of the County moving out there, the need for a partnership to work together to be sure we don't end up with vacant buildings," "and I think the most prime example of that we were all kind of marching in the same directions and suddenly the change of plans has townspeople worried." Mr. Outten: "We understand that because we have been working hard to try to solve these kind of problems, but while the two issues are related they are not related in the sense that we have a site that we have a permitted use, something that we are permitted to do that apparently meets to the conditions of your ordinance. Chair Parker commented: "yes but it has to meet the plan update." Mr. Outten: "let me finish, if we don't meet your plan update, if we don't meet your ordinances on what we are doing on that site out

there then we have to," "there isn't any dispute about that," " we are not arguing about that." "But if someone else owned that site and we owned this site then this site would not be predicated on what happened on that site," "so what I'm trying to say is your issues are serious and important, but we need to go on two different tracks, we need to do what we got to do politically as a community of what we are going to do with this site and then we need to review this site on whether it meets whatever your conditions are and if it doesn't tell us so we can meet them." Member Storie: "how would we have some assurances as a Town that if we worked together, that site out there works that then the Town gets what it needs on our end, that is the only link up I'm not hearing, I understand how you separate the two but they are really not separated in terms of the reality of the Town." Mr. Outten: "but they are separated." Chair Parker: "I challenge that because I think the use when we address that in our land use plan or our town update plan it doesn't anticipate relocating that central function, that central meeting to a place outside town." Mr. Outten: "you are saying your land use plan doesn't allow the meeting room to be a part of." Chair Parker: "I'm not saying it doesn't allow it, I'm saying that it encouraged the use of that building as sort of the spiritual center of the county, so I think in that sense the two are related and I understand your trying to legally separate them, but for the purposes of planning and zoning that they are." Member Storie: " and if the Town ran the lines out to that site and if we have come upon higher costs we would still have to have done it, because that was still our commitment." Chair Parker commented right. Mr. Outten: " I don't know if that is correct or not and I'm not here to quibble about that, I'm not disagreeing with you, I think we got to do what we got to do with the old courthouse, what I'm concerned about every minute, week or month we delay what we are doing then we are given a situation where that becomes too expensive, I don't know what the options are." Member Woody commented that what is important is the County and town coming together and developing a plan of what is going to transpire and some sort of a time line, and some sort of a commitment that we can say we are committed to. Member Woody commented she would like to see this tabled for at least two weeks and maybe the Planning Board and Architecture Review committee meet with Mr. Judge or whomever to sit down and discuss this and come to some formal commitment. Member Woody: "don't you have to have a formalized commitment from us when we ran the water lines out there." Mr. Outten: "yes, but we can't enter a contract with you." Member Woody: "I didn't say that but some kind of formalized agreement." Mr. Outten commented we are mixing apples and oranges, when you have a public use like water, sewer a utility you can enter contracts about the provision of services and you can put terms and conditions, but local governments are not allowed to enter into contracts about zoning issues or things you are going do." Member Woody: "okay, then my next question would be at what point did we receive these documents." Planner Trebisacci: "the finalized plans were last Wednesday." Member Woody: "what is required." Planner Trebisacci commented 21 days. Member Woody: "21 days is two weeks, three weeks, that gives staff time to review these documents which they have really not had and which most of the people sitting in this audience have had to comply with those laws and that is not fair to them." Mr. Outten: "you are correct that we were late, the

Town has cooperated with the County to try to help us move this along.” “Member Woody: “I think we have done a good job.” Mr. Outten: “I’m not complaining or arguing with that, the county has cooperated with the Town when the county could help expedite things for the Town, you can table this but what would that accomplish.” Member Woody: “I would hope that we would in that length of time that we would be able to sit down and have some formal discussion between the two entities. Mr. Outten: “then why don’t you do this, keep us on schedule and alleviate their need, if you approve it then the council does not have to hear if we have not had that meeting you want before it gets to council.” Planner Trebisacci commented we could approve it this evening but before it went to the BOC in March we would have to have that meeting. The meeting will be set up ; Parker commented it is peculiar asking us to approve a plan that the county has not yet approved; Mr. Outten commented they approved the plan just not the money to build it. Who would attend the meeting was discussed and it was will be set up between

MOTION: Member Woody seconded by Member Storie to recommend to BOC approval of the site plan that all fees be paid prior to construction and with the following conditions 1) A single site plan must be submitted that reflects the whole proposal including any future proposed buildings. 2) If the parking is to be constructed then it will need to be buffered per section 15-4 of the Zoning Ordinance and reflected on the Landscaping plan on page C8. The same materials use to buffer the parking lots that have already been approved shall be the materials for the new parking lot buffer 3) A note concerning the lighting on the site shall be added stating the same fixture that is currently in use on the site will be used for this addition and the parking lot. 4) The plan shall clearly identify what is proposed for this approval and what is existing. 5) A meeting shall be scheduled with the planning board members, the PARC and two Dare county Commissioners and staff to discuss the future of the Old Dare County Courthouse prior to the Town of Manteo Commissioners reviewing and approving the proposed addition and Parking lot.: was approved by the following vote: Ayes: Members Parker, Storie, Woody, Walker, and Scarborough. Noes: None. Absent: Walker

SUBJECT: Discussion site plan Roanoke Island Festival Park the Roanoke Island Commission would like to do some improvements at the pavilion at Festival Park. These improvements include raising the stage, adding dressing rooms, bath rooms and storage in two new wings on either side of the pavilion. There are no improvements or changes currently proposed for elsewhere on the site. The site currently uses a septic pump tank to store waste water and after speaking with John Delucia it is connected to our waste water system. The water service for this area will not change. There will be no additional parking requirements as a result of these improvements. The action she had relied on review from the Dare County Health Department and she has received a letter from Barbara Crawford regarding that, before the Town can move any further we will need to receive a certified letter from the engineer about the gallons per day and Festival Park will have to pay the sewer fees for any additional usage. Along with those comments the

Architecture Review Committee had a few comments to share: they were disappointed that the State had begun and moved forward with this process without any input from the Town and believe that had it been brought into a more public light it may have been able to improve upon what they were doing. They also wanted to remind the State that while they are proposing and working on things out there such as a proposed Indian Village, that while it does not have a specific use mentioned in the zoning ordinance would require a zoning permit and would need to be submitted 21 days ahead of time, it would need to go through the proper review process before any construction has begun. It was commented that the State is exempt from getting building permits or have the plans reviewed but they are not exempt from following the zoning ordinance and staff did not know about it until after the fact.

MOTION: Member Woody seconded by Member Storie to recommend approval to the BOC to include staff and PARC recommendations a proposed Indian Village, that while it does not have a specific use mentioned in the zoning ordinance would require a zoning permit and would need to be submitted 21 days ahead of time, it would need to go through the proper review process before any construction has begun that an engineer certify the gallons per day was approved by the following vote: Ayes: Members Parker, Storie, Woody, and Scarborough. Noes: None. Absent: Walker

SUBJECT: Discussion proposed ordinance amendment for murals In an effort to promote art and allow for artistic expression in Manteo staff is proposing an ordinance amendment that would allow for murals. All murals would have to be reviewed and approved. They may not in any way be construed as signage. For example a coffee shop may not have a mural of coffee fields. The members changed some of the wording and they would like an intent statement added before this is sent to the BOC. Member Storie wanted it to be clear of what we types of murals we want. Planner will work on an intent statement and get it more concise and bring back to the board at next meeting.

§18-11 Exempt Signs and Flags

(f) Murals approved by the Planning and Zoning Board. Murals may not have images representative of the business and must relate to the history and culture of the Town.

SUBJECT: Discussion of street light at CVS/Russell Twiford Road-This has come to the Planning Board from the Commissioners in trying to resolve the fact that we need a light at this corner but the power company does not have anything that meets our ordinance and placing a light there would be in violation of our ordinance. Planner commented we are working with Dominion to develop a fixture that will work with our ordinance and have ordered one fixture as a test fixture that will be done at the Cedar Bay development. The Planner has also met with representative of the power company and they will use one at the CVS/Russell Twiford corner as a test pilot also.

OLD BUSINESS

Review to do list-

Chair Parker-gave the Board an update of the BOC meeting; a tree was cut in the buffer at the Star Valu that is in the corridor and carved LOL into the tree; there has also been some confusion with Marshes Light and we certainly want them to know that if there is a 30 day time limit addressing or appealing Mrs. Trebisacci's decision I don't think anyone will object to it beginning tonight. Planner and PARC committee met and reviewed a master plan for COA (the old middle school property) which closes all curb cuts on 64; retaining gym to be used by Parks and Recreation; proposing a student center building; and will have the master plan ready for the Planning Board. Met with Cliff Ogborne and they have plans to use the Alternative School as a recreational place for youth.

Member Scarborough commented that there were two people in the audience who would like to speak. Mickey Hayes asked the Board if it was in order for them to listen to some questions they have. Chair Parker commented you are welcome to speak even though it should have been under Public comments; we are not going to be able to answer anything. Planner Trebisacci commented that she spoke with Mickey about this and had a lengthy discussion about it at our last meeting and in your packages was a copy of a letter she had given to Marshes Light; but she thinks if the Board could clarify for them it might help. Chair Parker commented he thought he did that in the amendments to the minutes- Page 2 - 11 lines down Chairman Bill Parker read section 3.21 which will be made a part of these minutes AND WHICH STATES: “ The administrator shall determine whether amendments to and modifications of permits fall within insignificant deviations and minor modifications,” and Page 3 – end ending it with MRS. TREBISACCI WILL INFORM KHLC OF HER DECISION. The Planner felt it was a significant change and she discussed it with Marshes Light that they could go before the Board Adjustment; but they are seeking to come back before this Board to get a vote on how this Board felt as far as it being a significant change. Mrs. Trebisacci commented her biggest concern is the 400 foot wave attenuator and thinks it is a significant change. Marshes Light was waiting to see if this Board would act any further on this; Mr. Hayes had asked to be on the agenda but after speaking with Chair Parker and going back over the language that gives the Mrs. Trebisacci the sole authority in making that decision the item was not placed on the agenda. Mrs. Trebisacci commented that she does not think a vote from this Board would carry a whole lot of weight. Chair Parker commented we offered opinions and gave the Planner input but thinks it is inappropriate to take a vote that according to the ordinance, it is Mrs. Trebisacci's decision”? A lengthy discussion took place on what options Marshes Light has and they can seek an appeal of her decision from the Board of Adjustment; or go back through the whole process again. Mrs. Trebisacci commented that Marshes Light was approved under the old ordinance and the language has since changed under the new ordinance and the conditional use permit issued to Marshes Light references the old ordinance and any significant changes to the plan would make it go back through the whole process again and Mr. Hayes was reminded that if they chose to go through the amendment process, they would not be obliged to use the new plan but could still use the originally approved plan. A lengthy discussion took place with Mr. Hayes and the Board regarding the changes he wants to make to the marina and handed out the three plans of what it was going to be and what

they want to change it to. Chair Parker commented that he needed to call a halt to the discussion since this item was not the agenda.

MOTION: Member Woody seconded by Member Storie to adjourn at 8:10pm was approved by the following vote: Ayes: Members Parker, Storie, Woody, and Scarborough. Noes: None. Absent: Walker

This 12th, day of February 2008

Bill Parker, Chairman

ATTEST:

Becky Breiholz, Town Clerk