



(DRAFT)
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
December 7, 2011

The Town of Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 South Croatan Highway at 9:00 a.m. on Wednesday, December 7, 2011.

COMRS PRESENT: Mayor Bob Oakes; Comr. Doug Remaley;
Comr. Renée Cahoon; and Comr-elect Susie Walters

COMRS ABSENT: Comr. Anna Sadler

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; Kevin Brinkley; Kevin Zorc; Dave Clark; Ralph Barile; Kelly Wyatt; Dabni Shelton; Kim Allen; Angela Welsh; Roberta Thuman; Tim Walters; Lois Williams; Melvin Stone; Annette Ratzenberger; John Ratzenberger; Bob Muller; Steve Howington; Jeanne Acree; and Town Clerk Carolyn Morris

CALL TO ORDER/PRAYER/PLEDGE OF ALLEGIANCE

Mayor Oakes called the meeting to order at 9:00 a.m. Prayer was provided by Rev. Rick Lawrenson which was followed by the Pledge of Allegiance. Pastor Lawrenson asked for a moment of silence to remember those that lost their lives December 7, 1941.

REORGANIZATION OF BOARD

Town Clerk Carolyn Morris reported on the results of the November 8, 2011 election as follows:

"Position of Commissioner	No. of votes
Susie Walters	436
Renée Cahoon	339
John Ratzenberger	293
John Mascaro	90"

The Oath of Office was given to Comr-Elect Walters and Comr. Cahoon by Town Clerk Carolyn Morris.

Selection of Mayor Pro Tem and Oath of Office

MOTION: Comr. Cahoon made a motion to nominate Comr. Remaley as Mayor Pro Tem. The motion was seconded by Comr. Walters which passed 4 – 0 (Comr. Sadler was not present.).

The Oath of Office was given to Comr. Remaley by Town Clerk Carolyn Morris.

A copy of the oaths of office taken are attached to and made a part of these minutes as shown in Addendum "A".

ADOPTION OF AGENDA

MOTION: Mayor Pro Tem Remaley made a motion to approve the December 7, 2011 agenda as presented. The motion was seconded by Comr. Cahoon which passed 4 – 0 (Comr. Sadler was not present.).

AUDIENCE RESPONSE – RICK LAWRENSON

Rick Lawrenson, works and is a volunteer firefighter in Nags Head; he asked the Board to reject the proposal on today's agenda re: LED signage; he would like to see the Planning Board and Board of Commissioners approve a proposal allowing digital signage tastefully done - similar to the Outer Banks Hospital sign.

AUDIENCE RESPONSE – BOB MULLER

Bob Muller, resident; congratulated Comr. Cahoon and Comr. Walters on their election wins; he said that he would like to see the Board adopt a policy that would budget adequate funds to televise the Nags Head election campaign forums – the last two times the forums were aired, they were paid for by individual citizens.

AUDIENCE RESPONSE – LOIS WILLIAMS

Lois Williams, Outer Banks Mall Manager; she has been working with Code Compliance Officer Kim Allen in creating an LED sign for the Outer Banks Mall; signage is very important to her tenants; they have done a lot to support their tenants - they have made several improvements; they allowed the "Tuesday Morning" business to move in at a loss to the landlord; they would like to display professional digital signage that would allow each tenant to be represented.

AUDIENCE RESPONSE – ANNETTE RATZENBERGER

Annette Ratzenberger, resident, congratulated Comr. Cahoon and Comr. Walters; she was joined by Village Board member Melvin Stone at the podium; she stated that the Village Board of Directors forwarded a letter to the Board of Commissioners asking that beach rentals at the Village private beach access be allowed to continue (agenda item #12); she noted that after

reading staff's recommendation that stated "few problems" were seen this past summer – she wanted to point out that there were no problems or violations at the Village private beach access; she said that the Village Board of Directors was pleased with the summer and would like the beach chair/umbrella rental service be allowed to continue.

AUDIENCE RESPONSE – THOMAS MUSICA

Thomas Musica, Cabana Service; Mr. Musica provided the beach chair/umbrella rental service at the Village private beach access this past summer (agenda item #12); he was concerned about staff's recommendation against the rental service continuing; he would like the opportunity to sit down with staff to work out a proposal that would be acceptable and would allow the service to continue.

There being no one else present who wished to speak, Mayor Oakes closed Audience Response at 9:22 a.m.

PRESENTATION OF 2011 EMPLOYEE OF THE YEAR AWARD

On behalf of the Board, the following nominees for 2011 Earl Murray, Jr. Employee of the Year Award were presented with a Certificate of Appreciation by Mayor Oakes:

Fire Dept -John Wilkinson
Public Works - Todd Workman
Police Dept - Lora Gilreath
Administrative Services - Christie Bliven
Town Manager's Office - Roberta Thuman
Planning & Development - Kelly Wyatt

Roberta Thuman, Administrative Assistant/Public Information Officer, was awarded the 2011 Earl Murray, Jr. Employee of the Year designation and plaque.

RECOGNITION OF EMPLOYEES WITH YEARS OF SERVICE

Fire Chief Kevin Zorc introduced Firefighter/EMT Josh Ball who was welcomed by the Board to Town employment.

Deputy Public Works Director Ralph Barile introduced Water Service Technician Joe Donski who was welcomed by the Board to Town employment.

Town Manager Cliff Ogburn introduced Finance Officer Kim Kenny who was recognized by the Board for 20 years of service.

Finance Officer Kim Kenny introduced recently retired Senior Accounting Technician Jo Ann Clark who was congratulated by the Board on her recent retirement.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of Budget Adjustment #6 to FY 11/12 Budget Ordinance
- Consideration of Tax Adjustment Report
- Approval of Minutes
- Consideration of resolution to surplus Town equipment

MOTION: Comr. Cahoon made a motion to approve the Consent Agenda as presented. The motion was seconded by Mayor Pro Tem Remaley which passed 4 – 0 (Comr. Sadler was not present.).

A copy of Budget Adjustment #7, as adopted, is attached to and made a part of these minutes as shown in Addendum "B".

The Tax Adjustment Report, as approved, is attached to and made part of these minutes as shown in Addendum "C".

The Resolution to surplus Town equipment, as adopted, read in part as follows:

"WHEREAS, the Board of Commissioners of the Town of Nags Head, North Carolina desires to declare surplus and dispose of certain Town owned property.

'NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Nags Head that:

'(1) The following described Town owned property is hereby declared to be surplus to the needs of the Town of Nags Head:

Dept	Fixed Asset Number	Description	Original Cost (\$)	Reason for Surplus	Disposal Method
General Fund					
IT Department					
440	1117	Partial surplus of \$2,430 Cisco Aironet 350 Network Equipment – Local Area Network Cards and 350 Series AccessPoint	2,430	Out of service equipment and rendered obsolete due to built-in wireless capabilities of current laptops	Online auction
440	125	1998 Ford Crown Vic VIN 2FAFD71WXWX154250	19,426	Rusted, unreliable for travel	Online auction
Police Department					
610	2355	1996 Slide-In Animal Cage for Animal Control Vehicle	5,000	Unit has exceeded its service life	Donation to Dare County

Dept	Fixed Asset Number	Description	Original Cost (\$)	Reason for Surplus	Disposal Method
610	368	14 Dock Mounting Kits and Accessories	7,955.60	Equipment was sold with the 14 Police vehicles that were replaced over the last 11 years.	SPCA N/A

'(2) The Town Manager or his designee is hereby authorized to dispose of the listed items by any legal means allowable to include: Donation to a non-profit organization, offering for sale at the next town public auction, Internet on-line offering, upset bid process, by destroying, etc."

PUBLIC HEARINGS

Public Hearing to consider adoption of Zoning Ordinance Text Amendments to various Town Code sections to permit the installation of concealed building mounted antennae as a conditional use within the CR, Commercial Residential and C-2, General Commercial Zoning Districts

Attorney John Leidy introduced the Public Hearing concerning adoption of zoning ordinance text amendments to permit the installation of concealed building mounted antennae at 9:45 a.m.

Planner Angela Welsh summarized her memo which read in part as follows:

"BACKGROUND:

In March of 2010, a Zoning Ordinance text amendment, submitted by SprintCom, was presented to the Board of Commissioners to allow roof top mounted antenna and radio equipment on existing and new development in the Town's CR Zoning District. The applicant also proposed definitions for specific words and terms related to roof top mounted antenna which were not already defined in the Zoning Ordinance.

'The purpose of the request was to install a concealed wireless antenna on the Comfort Inn hotel located south of Jeannette's Pier. The Board of Commissioners denied the proposed text amendment and it was Board consensus to send the proposal back for Staff to make revisions. The requested revisions were made and the Board denied that proposed text amendment as well. In August of 2010, the Town Attorney informed the Town that we may be in violation of multiple provisions of the Wireless Act and advised "this situation presents an opportunity for the Town to overhaul its wireless communication tower requirements in a manner consistent with the Wireless Act" while retaining as much control as the Wireless Act will allow.

'In an October 25, 2011 email, Lisa Murphy, representing SprintCom, informed Staff that due to the fact the Ordinance currently does not allow concealed wireless antenna; SprintCom will be submitting an application for a minor tower on the Comfort Inn site within the next few weeks. However, their preference is to install panel antennas concealed by opaque material which matches the exterior of the building. The panel antennas would be located at the corners of

the building near the Comfort Inn logo. Staff is now bringing forward an updated draft that would permit the installation of new wireless facilities on previously approved structures, including towers, buildings, utility poles and water tanks.

'It would also allow concealed building mounted antenna as a conditional use in the CR, Commercial Residential district as well as the C2, General Commercial District with the provision that the antenna or antenna array be concealed by but not limited to, being located beneath the roof line, with faux windows, dormers or other architectural features that blend with the existing or proposed building or structure. The goal in this amendment is to allow wireless facilities consistent with State Statutes in a manner that the antenna or antenna array is not visible by ordinary observation from the ground. It also requires that concealed building mounted antenna may not extend 15 feet above the roofline of the building or structure while being located in a way so that it is not visible from the ground.

'Subsequently, staff received additional input from Lisa Murphy, attorney for Sprint Com who reviewed the proposed text amendments. She suggests, that the Town add a definition for "roofline", and to allow antenna that is flush or below the roofline, to the permitted uses list for the C2 and CR district.

'STAFF RECOMMENDATION:

In this case, SprintCom is forcing the Town's hand to either allow wireless facilities in a concealed manner, or to issue a building permit for a free-standing 70' pole. Clearly an architecturally concealed facility would be preferable to a proliferation of monopoles in Town. Therefore, while the 2010 Land Use Plan does not specifically address concealed mounted building antenna, staff maintains the proposed text amendment is consistent with the Land Use Plan in meeting aesthetic goals. Specifically, staff feels that requiring antennas and/or antenna arrays be concealed by being located below the roof line, a faux window, dormer or other architectural feature so that they are not visible by ordinary observation from the ground is in keeping with the heritage of Old Nags Head architecture as stated in the Vision Statement on page 6 of the Land Use Plan. Staff feels that additions by Ms. Murphy to the proposed ordinance are beneficial and in keeping the goal of protecting the architectural character of Nags Head and would only make the draft amendment more effective.

'PLANNING BOARD RECOMMENDATION:

At their November 15 meeting, the Planning Board unanimously recommended initiation of the proposed zoning ordinance text amendment with the provision that a concealed wireless antenna blend with the building and not be visible from the ground. The Planning Board has not had a chance to review Ms. Murphy's comments."

Notice of the Public Hearing was published in the *Coastland Times* on Tuesday, November 22, 2011 and on Tuesday, November 29, 2011 as required by law.

Mayor Oakes questioned if the antenna designs are typically straight up/down or usually encroach into air space.

Sprint Com representative Lisa Murphy distributed a handout which displayed various types of antennas that are painted to blend into the structure and some that are in a full enclosure; she

stated that in any case the antennas don't stick out any more than six – eight inches from the building. She thanked staff for their help.

There being no one present who wished to comment, Attorney Leidy closed the Public Hearing at 9:53 a.m.

MOTION: Comr. Cahoon made a motion to adopt the ordinance amendment to permit the installation of concealed building mounted antenna as a conditional use in the CR and C-2 Districts, as presented. The motion was seconded by Mayor Pro Tem Remaley.

Comr. Walters asked if Comr. Cahoon's motion included Sprint Com comments and the Planning Board's provision. Comr. Cahoon said that her motion did include comments made by Ms. Teague/Ms. Murphy.

CONTINUATION OF MOTION: The motion passed 4 – 0 (Comr. Sadler was not present.).

MOTION: Comr. Cahoon made a motion to adopt the Statement of Consistency between the ordinance and the Land Use Plan as presented. The motion was seconded by Comr. Walters which passed 4 – 0 (Comr. Sadler was not present.).

A copy of the ordinance to permit installation of concealed building mounted antenna, as adopted, is attached to and made a part of these minutes as shown in Addendum "D".

Public Hearing to consider adoption of Zoning Ordinance Text Amendments to Town Code Section 48-8, Definitions and Town Code Section 48-324, Prohibiting LED and Digital Signage

Attorney John Leidy introduced the Public Hearing concerning LED and digital signage at 9:56 a.m.

Code Compliance Officer Kim Allen summarized his memo which read in part as follows:

"BACKGROUND: The first digital sign was allowed in Nags Head in 2003 by way of a zoning interpretation: they were allowed only as an alternative to the traditional changeable copy reader boards where letters or numbers are changed by hand. The parameter placed on this allowance was that the digital boards had to effectively mimic non-digital reader boards, and messages were to remain static. There are currently four working digital signs in Town (at the Hospital, Sunoco, Resort Realty, and East Carolina Bank) and one that is not in operation (Taco Bell).

'There is nothing in the zoning ordinance that specifically allows or provides specific guidelines on digital signage (color, brightness, moving vs. static images, etc.). Recognizing the increasing interest in digital signs and the emerging technologies of LED, LCD and plasma screens, staff believes that all digital signage should be prohibited or reasonable parameters for their use be placed on them with a text amendment. At the September Planning Board meeting, the Board initiated a text amendment at staff's request.

PLANNING BOARD RECOMMENDATION:

At their November Meeting the Planning Board took up discussion of the staff recommendation to add the following to the "prohibited signs" list:

'LED and Digital signs. except for monochromatic time temperature displays, maximum ten sq. ft. in area.

'Discussion resulted in amendments to the staff text to prohibit *all* forms of digital signage, and to include a definition that covers all types of digital signs being used as reader or message boards or incorporated into commercial signage. The Planning Board also recommended adoption of the Statement of Consistency.

'The Planning Board membership raised concerns that once one business installs one, others will follow resulting in a proliferation of digital imagery that is not in step with the character of Nags Head, as well as that the signs could distract drivers and become a safety issue (minutes attached).

STAFF RECOMMENDATION:

Planning staff recommends adoption of the proposed zoning ordinance text amendment which amends the original staff recommendation with Planning Board input. Staff also recommends adoption of the attached Statement of Consistency on the grounds that digital signs detract from the visual integrity of the Town."

Notice of the Public Hearing was published in the *Coastland Times* on Tuesday, November 22, 2011 and on Tuesday, November 29, 2011 as required by law.

Lois Williams, Outer Banks Mall, said that the signage would only be changed once per day; she would like the opportunity to try the digital signage.

Steve Howington, Carolina Signs; he said that digital signs are an effective way for businesses to advertise during this economy; it would be an attractive way for the Outer Banks Mall shopping center to add to the upgrades already done; the signs are programmable. He displayed photographs of digital signs.

Rick Lawrenson; he asked if the Town, if the ordinance is adopted, would do away with its own digital sign; Code Compliance Officer Kim Allen pointed out that the Town's sign is exempt from the ordinance.

John Ratzenberger, resident; he stated that he has never seen an attractive type of digital signage; on a personal note, in his previous position on the Town's Citizens Advisory Committee, they looked at ways to help businesses in the Town and signage was discussed; the Outer Banks Mall has a strip side that cannot be seen until driven by; he feels that the Planning Board and staff need to meet to discuss all signage in the Town to see what can be done to benefit businesses – especially look at those without a lot of visibility.

Mayor Pro Tem Remaley asked Code Compliance Officer Kim Allen how many applications for these types of signage have been received; Mr. Allen stated that applications are received very

infrequently for these types of signs - recently three (3) requests have been received. This type of signage becomes multi-faceted because of its ability to change.

Mayor Oakes confirmed that currently there are four (4) types of digital signs in the Town.

Planning Director Teague stated that the Planning Board wanted to make sure parameters were identified so a traffic issue would not be created.

There being no one else present who wished to speak, Attorney Leidy closed the Public Hearing at 10:21 a.m.

Comr. Walters, who was on the Planning Board in review of this ordinance, feels that the larger businesses/chains are more likely to have these signs than the smaller businesses; the majority of the Planning Board was not in favor of the proposal.

Comr. Cahoon said that she would not be objectionable to allowing LED's with conditions/parameters; she felt it was not right that the Town exempted itself from the ordinance.

Mayor Pro Tem Remaley feels that the signage ordinance in the Town needs to be completely revisited and looked at more in-depth for ways to help people especially because of the current economy.

Mayor Oakes said that he feels static lights would be okay but he is concerned about the plasma signs; a message that changes more frequently than daily should be prohibited.

Comr. Cahoon confirmed with Code Compliance Officer Allen that currently no one can erect a plasma sign. She feels more work should be done on this proposal – some language could be added concerning brightness, frequency of movement, etc.

MOTION: Comr. Cahoon made a motion to table the digital sign proposal for 90 days for additional staff review and for citizen input – for consideration at the March 2012 Board meeting. The motion was seconded by Mayor Oakes.

Comr. Walters asked what takes place if the Town receives applications for digital signage. Ms. Teague stated that the current ordinance will apply. Ms. Teague also stated that she would like to put together a group to include the Planning Board and local businesses that can address new sign technology and prepare a proposal that the Planning Board can support and that will benefit local businesses.

Attorney Leidy explained that the process to adopt a moratorium includes a Public Hearing; he pointed out that the Board would not be able, at today's meeting, to adopt a moratorium.

WITHDRAW MOTION: Comr. Cahoon withdrew her motion and Mayor Oakes withdrew his second to that motion.

Board members discussed various types of changes to the ordinance such as striking the "LCD" and "LED" and leaving other definitions of signage intact in order to keep what currently exists but not allow expansion.

Mayor Oakes requested that the ordinance be modified for Board review and consideration later in today's meeting.

REPORTS AND RECOMMENDATIONS FROM THE PLANNING BOARD AND THE PLANNING AND DEVELOPMENT DIRECTOR

Review of effects of zoning ordinance text amendment adopted in second reading at May 4, 2011 Board of Commissioners meeting which permitted onsite rental of beach chairs and umbrellas from within the private beach bathhouse located at 4929 S. Virginia Dare Trail

MOTION: Comr. Cahoon made a motion to recuse Mayor Oakes from the discussion concerning the Village Beach Club rentals due to conflict of interest (Mayor Oakes is President of Village Realty, Inc.). The motion was seconded by Mayor Pro Tem Remaley which passed 4 – 0 (Comr. Sadler was not present.).

Mayor Oakes left the meeting; Mayor Pro Tem Remaley conducted the discussion.

Planning Director Teague summarized her memo which read in part as follows:

"This zoning ordinance text amendment adopted on May 4, 2011 (attached) added Town Code Sec 48-869, Recreation District to permit the onsite rental of beach chairs and umbrellas at the Village at Nags Head Private Beach Access and Bathhouse. At the time of its adoption, the Board of Commissioners placed a sunset provision on this ordinance requiring that it be revisited and either re-adopted or allowed to lose effect at the December 2011 meeting.

'Though few problems were experienced with the operation at the Village at Nags Head Private Beach Access, numerous concerns arose at the Comfort Inn and Surfside Hotel locations throughout the summer. This ordinance is difficult to enforce with regard to the location and storage of rental equipment and acceptance of money on the public beach.

'Staff Recommendation: Staff recommends allowing the sunset provision on this ordinance to lapse and also recommends that the previously adopted ordinance, adopted on March 2, 2011, (attached) which permitted beach chair and umbrella rentals as an accessory use to Hotels within the CR, Commercial Residential Zoning District – be reconsidered."

MOTION: Comr. Cahoon made a motion to allow the sunset provision to lapse (with the Village at Nags Head Beach Club rentals) and to have staff bring back a proposal combining all goals. The motion was seconded by Comr. Walters.

Planning Director Teague said she would like the next 60 – 90 days to prepare a proposal and to return with a revised ordinance; an ordinance that provides clear guidance to potential vendors and to the public. A proposal that would provide an opportunity for a family in Nags

Head to have a place to rent a beach chair/umbrella and not limit the service to hotel or Village Club House patrons.

Comr. Cahoon pointed out that there are businesses in the Town that do provide this service already – she wants to make sure they are aware that the Town does not want to hurt their businesses.

CONTINUATION OF MOTION: The motion passed 3 – 0 (Mayor Oakes was recused and Comr. Sadler was not present.).

Mayor Oakes returned to the meeting.

MOTION: Comr. Cahoon made a motion to initiate reconsideration of the ordinance concerning the CR District and rental of beach chairs/umbrellas. The motion was seconded by Mayor Oakes which passed 4 – 0 (Comr. Sadler was not present.).

NEW BUSINESS

Committee Reports

Board members had no committee meeting reports to present.

Appointment to Planning Board

Mayor Oakes said that he received a request from Comr. Sadler to delay the vote on Planning Board appointments since she is currently out of Town.

Mayor Oakes urged Board members to consider the Planning Board alternate to fill the regular position.

It was Board consensus to make Planning Board appointments at the January 2012 Board meeting. Mayor Oakes pointed out that if the alternate, Barbara Gernat, is appointed to the regular position, another alternate would need to be appointed. In addition, the Board will need to consider the reappointment of Tom Haddon whose term expired in November 2011.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Town Attorney Leidy – Request for Closed Session

Attorney Leidy requested that the Board enter Closed Session at the appropriate time to discuss Sansotta litigation and to confer with the Town Attorney.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Ogburn - Presentation of FY 10/11 Annual Report

Town Manager Ogburn and Department Heads presented the FY 10/11 Annual Report via a PowerPoint slide show presentation.

Mayor Pro Tem Remaley thanked staff for their hard work, especially during storms.

The slides used in the Annual Report are on file in the Town Clerk's Office and available for review during regular work hours.

Town Manager Ogburn - Update on Hurricane Irene damage assessment

Town Manager Ogburn updated the Board on Hurricane Irene damage assessment.

Finance Officer Kim Kenny's comment on the agenda summary sheet read in part as follows:

"Project worksheets have been filed with FEMA for emergency measures, fire equipment, and roof repairs for Town Hall and Fire Station 16. Additional project worksheets for debris and property damage are still in progress."

Town Manager Ogburn displayed a photograph identifying the Nags Head Beach Nourishment Volume Changes – Nov 2010 vs Nov 2011. It identified the following:

4,615,126 cubic yards have been added to beach system
4,451,549 cubic yards still remains in the beach system

In response to Comr. Cahoon, Town Manager Ogburn stated that all those properties located in the Reach 3 section will receive sand fencing.

Town Manager Ogburn summarized the letter and cross-section diagrams of the beach received from Coastal Science and Engineering President Tim Kana which is attached to and made a part of these minutes as shown in Addendum "E".

Update on Hurricane Irene recovery

Town Manager Ogburn provided an update on the recovery efforts as a result of Hurricane Irene in August 2011. The Stinson Ranch on Soundside Road is moving toward being rebuilt; Seven structures were condemned, two are now in compliance and five are still posted as condemned – he reported that staff is in discussions with all five property owners.

The Town is making a claim for \$377,000 from FEMA and is awaiting two invoices from the debris monitoring contractor.

Repair of Soundside access sites - Repair of the Estuarine Access on the Causeway, the Harvey Sound Access and the Jockey's Ridge Sound Access sites was discussed. Three cost estimates for this work has been received – Town Manager Ogburn stated that he would like to get this work done prior to waiting for FEMA's response – at a cost not to exceed \$58,000. He noted that Earth Saver was the lowest, responsible bidder.

Mayor Oakes asked for additional details to include the scope of work prior to approving the funds. This information is to be brought back for Board review at the January 2012 meeting.

Town Hall roof – Replacement of the 14-year old Town Hall roof was discussed; In response to Mayor Oakes, full replacement will cost approximately \$40,000 per Public Works Director Dave Clark; Mr. Clark stated that the roof would have lasted longer under normal wear and tear circumstances. The effect of hurricanes and northeaster storms caused additional damage and required replacement sooner than anticipated. Town Manager Ogburn pointed out that the roof replacement is needed regardless of FEMA reimbursement.

Nags Head Woods Road relocation - Town Manager Ogburn noted that the relocation of Nags Head Woods Road has been approved by the Clean Water Management Trust Fund (CWMTF) Board – required because the land was purchased with a CWMTF grant.

Town Manager Ogburn - Residential trash cart replacement policy

Town Manager Ogburn asked for Board consideration of a residential trash cart replacement policy – the automated trash cart bodies crack in the same places after a period of time. He would like to return with a policy for Board consideration with the following points:

- If cart is less than 10 years old, it should be replaced at no cost to the customer
- If cart is greater than 10 years old – customer has to pay to replace
- Who owns the cart – the Town or the customer
- Make sure the cart is of good quality

Mayor Oakes said that he feels a new cart should be the property owner's responsibility; minor parts would be okay for the Town to fix for free.

It was Board consensus to authorize staff to charge the fee for a new cart after 10 years and to continue to replace parts as needed. Staff is to look for the best quality of cart and is to prepare a Town procedure/policy for the automated cart repair/replacement.

Town Manager Ogburn – Thank you to Town Clerk

Town Manager Ogburn thanked Town Clerk Carolyn Morris for preparing the new and easier method of reviewing agenda items during a Board meeting.

Town Manager Ogburn – Merry Christmas

On behalf of staff, Town Manager Ogburn wished Board members a Merry Christmas.

Agenda Item #11 concerning Public Hearing on zoning ordinance text amendments to Town Code Section 48-8 Definitions and Section 48-432, Prohibiting LED and Digital Signage - postponed from earlier in Board meeting

Agenda item #11 was brought back for Board discussion. Planning Director Elizabeth Teague prepared a proposed ordinance modifying the Town Code section re: prohibited signage which she reviewed with Board members.

MOTION: Comr. Cahoon made a motion to adopt the ordinance concerning prohibited signage, as amended/presented by the Planning Director, which prohibits LED, LCD or plasma signs that project imagery or moving imagery. The motion was seconded by Mayor Oakes which passed 3 – 1 (Mayor Pro Tem Remaley cast the NO vote and Comr. Sadler was not present.).

MOTION: Comr. Cahoon made a motion to approve the Statement of Consistency associated with the prohibited signage ordinance as presented. The motion was seconded by Mayor Oakes which passed 4 – 0 (Comr. Sadler was not present.).

The ordinance concerning signage, as adopted, is attached to and made a part of these minutes as shown in Addendum "F".

BOARD OF COMMISSIONERS AGENDA

Mayor Pro Tem Remaley – Annual employee market adjustment

Mayor Pro Tem Remaley requested that the Board authorize an annual market adjustment in the amount of \$100 for all Town employees. Town Manager Ogburn suggested the use of a gift card.

MOTION: Mayor Pro Tem Remaley made a motion to authorize a market adjustment in the amount of \$100 in the form of a gift card for all Town employees. The motion was seconded by Comr. Walters which passed 4 - 0 (Comr. Sadler was not present.).

Mayor Pro Tem Remaley – Out of Town for January 4, 2012 Board meeting

Mayor Pro Tem Remaley stated that he would be on his retirement cruise and out of Town for the Board of Commissioners January 4, 2012 meeting.

Comr. Walters – Request for change to mid-month meeting time

Comr. Walters asked Board members to consider a time change for the Board of Commissioner mid-month meetings which currently start at 7:30 p.m. She said that the Town of Nags Head

has the latest mid-month meeting schedule of all Dare County entities where start times range from 6:00 – 7:00 p.m.

It was Board consensus that the start time for Board mid-month meetings be an item for discussion at the Board's January 2012 Retreat.

Comr. Walters – Update of Town Code of Ordinances

Comr. Walters reported that in the past few months, the Planning Board and the Board of Commissioners have struggled with some Town Code section conflicting with other Town Code sections. Discussion items included cluster development homes, historic homes, etc. Comr. Walters pointed out that a lot of the code was written during a time of rapid development to control or restrict development in the Town. The Town is now experiencing re-development and will be for the foreseeable future. She pointed out that there are services/firms that can assist with the review of ordinances objectively to look for conflict.

Planning Director Teague said that she agreed with Comr. Walters and said that periodically the Town should have the Town Code of Ordinances reviewed to make sure the ordinances and regulations are keeping up with the times. The Town Code needs to be kept up to date with all State Statutes; definitions are scattered throughout the ordinances and there should be a comprehensive definition section. She stated that there are several firms that provide this service – she would like an RFP prepared and funds budgeted in the next fiscal year – she would like to see funding included for attorney review.

It was Board consensus that a Request For Proposal to begin the process of a review of the Town's Code of Ordinances be a topic for the Board's January 2012 Retreat.

Comr. Cahoon – Coastal Resources Commission meeting

Comr. Cahoon reported that the Coastal Resources Commission meeting will take place February 8 - 9, 2012 in Nags Head – at Jennette's Pier.

Comr. Cahoon – NC Beach and Inlet Waterway Association meeting

If the Town qualifies, i.e., if the Town has the required number of sponsorships, the NC Beach and Inlet Waterway Association meeting will take place in Nags Head next year. Town Manager Ogburn pointed out that Jennette's Pier will be the site, if approved.

MAYOR'S AGENDA

Mayor Oakes – Community Watch Luncheon

Mayor Oakes reported that the Community Watch luncheon is scheduled for December 14, 2011 at Tale of the Whale Restaurant.

Mayor Oakes – Joint BOC/Planning Board Workshop

Mayor Oakes stated that a joint BOC/Planning Board Workshop will be scheduled for January 2012 and will include items discussed during the Board's Retreat.

CLOSED SESSION

MOTION: Mayor Oakes made a motion to enter Closed Session to confer with the Town Attorney re: Sansotta II litigation in accordance with GS 143-318.11(a)(3). The motion was seconded by Mayor Pro Tem Remaley which passed 4 – 0 (Comr. Sadler was not present.) The time was 12:57 p.m.

OPEN SESSION

The Board re-entered Open Session at 1:57 p.m. Attorney Leidy stated that the Board conferred with the Town Attorney during Closed Session concerning the Sansotta II litigation and no actions were taken.

Mayor Pro Tem Remaley – Christmas Decorating Contest

Town Manager Ogburn summarized the Town's Christmas decorating contest for both residential and commercial properties. The application is included on the Town's web site for all those interested. Judging of the properties will take place on Friday, December 16, 2011 with the winners announced on Monday, December 19, 2011. The Board encouraged all those interested to participate.

ADJOURNMENT

MOTION: Comr. Walters made a motion to adjourn which passed 4 - 0 (Comr. Sadler was not present.). The time was 2:00 p.m.

Carolyn F. Morris, Town Clerk

Approved: _____

Mayor: _____
Robert O. Oakes, Jr.