



DRAFT MINUTES
**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS MEETING
NAGS HEAD MUNICIPAL COMPLEX BOARD ROOM**

WEDNESDAY, SEPTEMBER 7, 2016

REGULAR SESSION

The Nags Head Board of Commissioners met in the Board Room in the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Wednesday, September 7, 2016 at 9:00 a.m.

Board members present: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon; Comr. John Ratzenberger; and Comr. Marvin Demers

Board members absent: None

Others present: Town Manager Cliff Ogburn; Attorney Robert Hobbs; Andy Garman; David Ryan; Amy Miller; Kevin Brinkley; Ralph Barile; Brie Floyd; Roberta Thuman; Kevin Zorc; Kelly Wyatt; Holly White; Mark Cornwell; Louis Toth; John and Edie Bleattler; Ellen Heatwole; Tony and Barbara Maskello; Karen DelVacchio; Jim and Joan Brunges; Lucas and Elizabeth Munn; Ellen Dutkowsky; Jim Gilreath; Casey Varnell; Terry Jones; Charles Aycock; Mike Robinson; Ray Meekins; John Mascaro; and Town Clerk Carolyn F. Morris

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Edwards called the meeting to order at 9:00 a.m. A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

Mayor Edwards asked for an amendment to the agenda to remove item E-4 re: request to apply for DCTB grant for bi-lingual rip current signage.

MOTION: Comr. Cahoon made a motion to approve the September 7th agenda as amended – with removal of agenda item E-4 re: request to apply for DCTB grant for bi-lingual rip current signage. The motion was seconded by Comr. Ratzenberger which passed unanimously.

RECOGNITION

NEW EMPLOYEE – Public Works Director Ralph Barile introduced Water Service Technician Sean Owen who was welcomed to Town employment.

TEN YEARS – Police Chief Kevin Brinkley introduced Police Officer/CID Greg South who was recognized for ten years of service.

TWENTY YEARS – Public Works Director Ralph Barile introduced Office Assistant Barbara Minter who was recognized for twenty years of service.

PUBLIC COMMENT

Jim Brunges – Seagull Drive property owner – he would like to see Seagull Drive remain open – the road is almost washed out now and they are having trouble obtaining easements behind them; what is the Town going to do with emergency vehicles trying to get to that area; he questioned if the properties will be reassessed.

Karen DelVacchio – Real Estate agent – she thanked the Board for removing the tents from the beach; the burned Ayers house is adversely affecting her business – buyers do not want to consider her client's house that's for sale nearby because of the Ayers burned out house; she has been waiting all summer for the house to be removed.

Ellen Heatwole – Seagull Drive property owner – she is in support of the closing of Seagull Drive; it is the safest thing to do; the property will be oceanfront and should increase in value; the six Seagull homes were removed last year by the Town and now sandbags are exposed and need to be removed along with wires and pipes - she thought this was part of the initial scope of work in removing the six houses; she also noted that the septic tank is exposed at the Cherry oceanfront house.

Lucas Munn – Seagull Drive property owner – it's easy to close the road when it doesn't affect you; if the Town closes the road, then it should provide alternative access; they as well as others could be financially destroyed if the road is closed; they have been unable to obtain easements from owners located behind them; he asked the Board to please keep the road open.

Casey Varnell – attorney for the Munns – property owners are just looking for access to their properties; his clients would be forced to maintain/improve the roadway if Seagull were closed; he feels federal and town regulations would come into play if they have to maintain the roadway; when his clients purchased this property there was a Town road to access their property and they should be able to continue to expect that; they are missing one easement; as the attorney for Kitty Hawk and Kill Devil Hills, he does understand community vs private owners' needs; in this situation he feels that the needs of his client's – the private owners – outweigh the community's needs.

Debbie Whalen, visitor from Huntingtown, MD; she and her family have visited the area and stayed at the same house on Seagull Drive for 20 years; the road caved after the recent storm and they were barely were able to get their vehicles out; she feels like this area is being left on its own.

Terry Jones, Seagull Drive property owner; there is a lot of stress with the roadway being closed - this area is all about relaxing and enjoying the beach; they cannot be cut off from their house; they have

spoken with all the owners to try to obtain an easement and unless it affects them, they are not willing to help; if the road is to be closed, then what is the next step; she would like the Town to provide access.

Charles Aycock; attorney who spoke on behalf of Jay/Donna Fohs who own on Seagull Drive; if the resolution to close Seagull Drive is approved today or later there won't be any access for property owners; Seagull Drive owners felt action was not going to be taken until the fall; he quoted from the proposed resolution stating that the Board has to vote as a quasi judicial Board and indicating that closing the street is not contrary to the public interest; the Fohs met with Mr. Ogburn yesterday who indicated some potential resolution; this is an unusual situation; possibly some condemnation for a strip of land between properties may be the least costly means.

Jim Gilreath; attorney for the Allens who own on Seagull Drive (Lot 49); he would like entered into the record that the Allens support the Town to reach a compromise that would keep everyone happy and find a reasonable solution to access; he read a letter the Allens had written to the Town; the Allens are concerned about liability issues; as many as nine vehicles have used the shared access at one time and any additional houses using the easement would cause huge safety concerns; the Allens would like to keep this situation open and contact other agencies to keep Seagull Drive open so emergency services can continue to access the properties on Seagull Drive; not only consider the six people affected but the adjoining property owners also.

Barbara Maskello, she and her husband own property on Altoona; she has walked the beach at low tide and seen jutting pieces of wood, tubing with wires two and three feet high sticking out of the sand; the Town needs to finish the job of removing the debris that remains on the beach from the Seagull Drive houses that were removed last year; there is a sign noting that submerged items would not be seen; Toloczko home sits on the beach where a septic tank was covered with sand and renters were in this summer – the first storm of the season uncovered the tank; she asked what the code is for septic systems on the beach; she asked the Board to please look at how certificate of occupancies are issued.

At Mayor Edwards' request, Attorney Leidy explained that the Town has been in litigation with the owners of both the Toloczko and Cherry houses; the State decided that the Town does not have authority to remove the structures. He emphasized that at this point the Town is ready for the State to take action.

There being no one else present who wished to speak, Public Comment was closed at 9:41 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Budget Adjustment #2 to FY 16/17 Budget

Consideration of Tax Adjustment Report

Approval of Minutes

Consideration of resolution to surplus Town equipment

Request to apply for DCTB Short Term Restricted Fund Grant for Phase II improvements to Dowdy Park

Request for Public Hearing to consider allowing the use of "cottage courts"

MOTION: Comr. Cahoon made a motion to adopt the Consent Agenda as amended (with removal of item E-4 re: request to apply for DCTB grant for bi-lingual rip current signage). The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

Budget Adjustment #2, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

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

The Surplus Resolution, 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:

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

Fixed Asset Number	Description	Original Cost (\$)	Reason for Surplus	Disposal Method
Public Works – Sanitation				
564	2001 SAC Recycle Trailer VIN 1T9CC201411203004	\$15,730.00	The trailer is no longer used.	Online auction
3637	2003 Wilkins Recycle Trailer VIN 1W92G234243M077256	\$17,970.81	The trailer is no longer used.	Online auction
1094	2002 Wilkins Recycle Trailer VIN 1W92G23202M077253	\$16,500.00	The trailer is no longer used.	Online auction
Police				
966	2007 Chevrolet Impala VIN 2G1WS55R579405434	\$24,930.00	The vehicle has been replaced.	Online auction
Fire and Ocean Rescue				
986	2003 Ford F-150 VIN 2FTRF18W23CA95730	\$21,451	The vehicle has been replaced.	Online auction
458	Maxi Force Kevlar Air Bags	10 at \$694.07/ea	Airbags have been replaced and should no longer be capitalized as they fall under the capital threshold of \$5,000.	N/A

1097	Avon Boat SN GB-AV38521A202 and Load Rite Trailer VIN 5A4LTSL1422026387	\$14,448.45 for boat and \$850 for trailer	This boat and trailer have been replaced with a Carolina Skiff transferred from the Water Department to the Fire Department. The Johnson motor off the Avon boat has been repurposed on the Carolina Skiff.	Online auction
3985	2007 Yamaha Waverunner SN US- YAMA5089D707	\$6,999	This equipment has been replaced.	Online auction
Water Operations				
985	2003 Ford Ranger VIN 1FTYR15E13TA32767	\$18,262.93	This equipment has been replaced.	Online auction

'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.'

The agenda summary sheet for the request to apply for a DCTB grant for Dowdy Park, as approved, read in part as follows:

"Town staff is requesting authorization from the Board of Commissioners to apply for a Dare County Tourism Board Short-Term Restricted Fund Grant to develop the second phase of the Dowdy Park project. The second phase of this project would involve additional walking paths, fitness stations, a multi-sport court, bocce, and community garden areas. Depending on preliminary cost estimates, the project may also include public restroom facilities.

'As the Board is aware, the Town has already received a PARTF grant for phase II construction in the amount of \$250,000. Town staff would like to apply for \$250,000 from the OBVB as a match to the PARTF grant. Funding from the town's parks and paths capital reserve fund for FY 16-17 is being applied to phase I of the park. Therefore, phase II will be completed solely with grant funds. The OBVB short-term restricted fund grants are awarded at the end of each calendar year with funds being available after July 1st. Projects awarded for this year must be completed by June 30th of 2018. PARTF allows a three year timeframe for use of its grant funds. If the town receives this grant, staff would propose that design begin in the spring with construction of phase II commencing in the fall of 2017.'

The agenda summary sheet for the request for Public Hearing, as approved, read in part as follows:

"This proposed zoning ordinance amendment would establish a new use category for "cottage courts". Throughout the course of working on the revisions to the town's land use plan there has been much discussion about diversity of accommodations within the Town. A main goal expressed is to improve the variety of accommodations, including transient uses such as hotels and cottage courts, to provide

more opportunities for short-stay visitors. Based upon input from the Focus Nags Head Advisory Committee and ongoing discussions with the Planning Board and the Board of Commissioners, staff has drafted an ordinance which would reinstate "cottage courts" as an allowable use within the Town. This proposed ordinance addresses the following items: location, size and arrangement, architectural design and orientation, density, building separation and setbacks, minimum lot size, lot coverage, driveway access, off-street parking, refuse and recycling as well as addressing existing cottage courts with site nonconformities.

'Planning Board Recommendation: At its August 16, 2016 meeting, the Planning Board voted unanimously to recommend adoption of the proposed zoning ordinance text amendments as presented.'

PUBLIC HEARINGS

Public Hearing to consider a Preliminary Subdivision Plat for Elliott Estates, Phase III, Lot 25 with associated subdivision waivers. Applicants Ray Meekins, Surveyor and Mike Robinson, Engineer have submitted the subdivision request on behalf of property owner Bradford Alexander for the creation of two (2) single family residential lots. The lots would be created from a 20,823 sq. ft. lot located on the east side of US Highway 158, the west side of NC 12 and directly east of Cotton Gin Retail store. The property is zoned SCD-C, Village Commercial-2 and proposed designation of SF-2, Detached Single Family

Attorney John Leidy introduced the Public Hearing at 9:44 a.m. and informed the Board of the quasi-judicial hearing; he explained that the Board must make their decision based on fact. He questioned if any Board member had any conflict which would keep them from being impartial or if they had had any communications with the applicant to disclose at this time. Comr. Ratzenberger reported that he had no conflict but that he was a member of the Village Architectural Control Committee and if any site plan is approved, it would go through the Committee for approval. Attorney Leidy stated that as the committee had a very distinct purpose/process, there would be no conflict.

Sworn in by Town Clerk Carolyn Morris were: Dep Town Manager Andy Garman, Dep Planning Director/Zoning Administrator Kelly Wyatt, Fire Chief Kevin Zorc, Town Engineer David Ryan, Public Works Director Ralph Barile, and applicant representatives, Engineer Mike Robinson and Surveyor Ray Meekins.

Dep Planning Director/Zoning Administrator Kelly Wyatt summarized her memo which read in part as follows:

'PROJECT LOCATION: 0.47 acres located immediately east of Cotton Gin and north of Vitamin Sea Mixed Use development, vacant lot.
(Parcel No. 027839079).

'PROJECT ZONING: SPD-C, Village Commercial-2; Designated SF-2.

'PROJECT DESCRIPTION: Review of Preliminary Plat to subdivide existing lot into 2-lots with request for waiver regarding access.

'Applicants Ray Meekins, Surveyor, and Mike Robinson, Engineer, are submitting the attached

Preliminary Subdivision Plat on behalf of the current property owner, Forrest Bartlett, and the contract purchaser, Bradford and Sharon Alexander, for the creation of two (2) single family residential lots. The lots would be created from a 20,823 square foot lot located on the east side of US Highway 158, the west side of NC 12 and directly east of Cotton Gin retail store. In conjunction with the subdivision approval, the applicant is requesting consideration of two subdivision waivers.

Though only two (2) lots, the proposal is being considered a "Major Subdivision" by definition since it does not have a compliant street access.

DIMENSIONAL REQUIREMENTS

The applicant is proposing two single family residential lots. The lot widths and setbacks shown for each lot comply with the dimensional standards set forth in the Village SF-2, Detached Single Family Residential District. Proposed Lot 25-A is 11,968 square feet in area, proposed Lot 25-B is 8,855 square feet in area. Each proposed lot substantially exceeds the minimum lot requirements for single family in this district, which is 3,000 square feet. Additionally, the subdivision request meets the density per acre requirement of Town Code Section 48-865(f)(1).

ACCESS

The subdivision ordinance requires that any subdivision must have access to a public street or highway improved to the standards of the Town or the State Department of Transportation, whichever is applicable, and in which the right-of-way width is in accordance with Town Code Section 38-151, Streets. The development area is located on an un-named access road which serves multiple properties facing US 158 along the block south of Mall Drive including The Cotton Gin and Vitamin Sea Commercial-Residential mixed use development. With this and with previous requests, staff, with guidance from the Town Attorney, has completed research on this easement and finds the following items:

- The easement was first platted in 1989.
- "Division of Lot 2, Village Commercial Subdivision", was approved, signed and recorded in December 1992 showing the access easement with footnote preserving use of easement.
- A "Composite" Map of the Village Commercial Subdivision, dated December 19, 1995 which shows the 24' easement and labels it as an access easement.
- A subdivision recorded "3/1/00 (PC E, Pg 245)" done for Sunnyside Elevator (abutting Weeks to the South), also showing the access easement with a footnote that the developer reserves rights-of-ways and easements for water...for the benefit of..."and others, on over, and across each lot..."
- It has always been considered an "access easement", not a street for the purposes of the subdivision ordinance.
- While there is some indication that it has been dedicated to the Town for public use, it has never been accepted by the Town for public maintenance purposes.

Without a specified limitation for use of the easement, the property adjacent to that platted right-of-way has access to it. However, to meet the residential subdivision requirements, the applicant must bring the roadway up to public road standards. The applicant is requesting a waiver from this requirement as well as others. Staff will note that the applicant has provided the attached narrative

which provides further detail on how these lots and the easement were created including the original plan for maintenance.

VARIANCE/WAIVER REQUESTS

Town Code Section 38-153(c) Lots.

'(c) Minimum amount of frontage. All lots shall be designed so that they shall front on a public street for a distance of not less than 50 feet which shall be measured along the right-of-way of such street; provided, further, that in the case of lots fronting on a cul-de-sac or street curve, the frontage may be reduced to not less than 30 feet upon approval of the planning board.

'Proposed Lots 25-A and 25-B do not front on a public street, rather they front on an "access easement"; therefore, a waiver from this requirement is being requested.

Town Code Section Sec. 38-7. Access to public street or highway required.

'There shall be no subdivision of any tract of land which does not have access to a public street or highway which is improved to the standards of the town or the state department of transportation, whichever is applicable, which access is of a right-of-way width and is improved in accordance with [section 38-151](#). This section is attached for your review.

'Proposed Lots 25-A and 25-B do not have access to a public street which meets the standards of the town or the state department of transportation, in accordance with Town Code Section 18-151; therefore, a waiver from this requirement is being requested.

Town Code Section 48-77. Lot access requirements.

'No building permit shall be granted for any lot which does not abut either an improved public right-of-way as shown on the most recent Powell Bill Map or a street or access approved by the Board of Commissioners.

'By virtue of granting the requested waivers to Town Code Section 38-7 and 38-153(c), this requirement would be met.

'Town Code Section 38-8, Subdivision Waivers and Variances, is included in your packet and specifies what findings are necessary in order to consider granting a subdivision variance/waiver.

STORMWATER, DRAINAGE AND UTILITIES

'Please see comments from the Town Engineer and Project Manager, David Ryan in the attached correspondence dated June 16, 2016, June 21, 2016, and September 1, 2016.

'These lots would be served by the Village wastewater system and will require Carolina Water approval for connection prior to issuance of building permits.

OTHER

'The Fire Department has reviewed and approved the proposed Preliminary Plat.

'There are restrictive covenants which run with the property as recorded in Dare County DB 987, Pg. 143. All construction plans will have to be reviewed by the Village Architectural Committee prior to

permitting.

'Approval of this plan will convert commercially zoned property to residential use. According to the 2010 Land Use Plan, once a property is residential, it cannot be rezoned to a commercial use. The property in question is a transitional area between the commercial lots along US 158 and the residential properties in existence along NC 12 as part of Elliott Estates. As such, the proposed development area could lend itself to either a commercial or residential use, but has remained empty for many years. In accordance with the Town Code, Section 48-862, Lots intended for SF #1, SF #2, or SF #3 use shall be designated on the plat when recorded.

'Staff Recommendation

'Staff suggests the following findings can be made in accordance with the review process:

1. The area proposed for subdivision/redevelopment is currently zoned SPD-C which allows SF-2 development as a permitted use in accordance with Section 48-862. The lot width, lot area, and setbacks shown for both lots comply with the standards set forth in the zoning ordinance for lots in the Village SF-2 Detached Single-Family Residential District.
2. Approval of the Preliminary Plat would re-designate this area on the Village Master Plan from a Commercial Use to the SF-2 use. This re-designation is a concern in that it will result in a net loss of potential Commercial property to the Town. However, because this property has remained vacant for a number of years and lacks visibility and US 158 or NC 12 road frontage, this re-designation to a residential use is likely appropriate.
3. Further, use of these proposed lots for residential purposes does not cause harm to either the businesses adjacent to the existing access road or to the existing residential properties abutting the proposed lots to the east.
4. The Fire Department has reviewed and approved the proposed subdivision as proposed.
5. The Town Engineer has reviewed the proposal and provided numerous comments in a correspondence attached and dated June 16, 2016. Revised comments provided in a correspondence dated June 21, 2016.
6. The Town Engineer has reviewed onsite Stormwater Management. Since his original review in November, 2015, the Town Engineer has provided the following comments which are included in note #8 in his memo: "*Initial review of the stormwater management facilities proposed for this application appeared to have been designed in accordance with Sec 34-7 General Standards for Subdivisions. This design has also accounted for tributary runoff from portions of the adjoining roadway. Since the initial submission Public Works has monitored this parcel along with the surrounding area following significant rainfall events. Photographic documentation is attached that depicts post-rainfall conditions on the subject property, taken February 10, 2016 (Exhibit A) and from June 2, 2016 (Exhibit B). The photographs appear to indicate the presence of surfacing groundwater. It is recommended that the design engineer refine the grading and drainage design to account for these observed conditions and provide a minimum of 18" of separation from the documented high water surface elevations to the established finished floor elevation. Approval for stormwater management facilities shall not be issued until this has been adequately addressed.*" See email dated June 21, 2016.

'Updated Information for September 7, 2016 meeting: Engineer Mike Robinson has submitted revised drainage calculations and drawings to address previous concerns expressed

by Town Engineer, David Ryan. David Ryan has reviewed this information and determined the revised information to be in substantial compliance with the Stormwater, Fill & Runoff Management Section of the Town Code. (Email correspondence dated September 1, 2016 attached).

7. The Preliminary Plat meets all Town requirements at the time of submittal.

Staff has reviewed the attached preliminary subdivision plat and recommends that it be approved given that all concerns previously expressed by the Town Engineer have been addressed sufficiently.

Updated Information for the September 7, 2016 Meeting – Surveyor Ray Meekins has provided the following additional documents for consideration:

- Excerpt from Elliott Estates original Phase III Approval, Staff Report from 2002 re: covenants and easements.
- Letter from Town Staff regarding Elliott Estates Phase III BOC Approval allowing bonding of improvements.
- Deed Information, Deed Book 1469, Page 194 addressing 30' wide easement.
- Revised Memo from Seaboard Surveying, originally dated 6/10/16, regarding Elliott Estates easements and incorporation of DB 1469, Page 194.
- Memo from Attorney Mike Casey regarding DB 1469, Page 194.

Engineer Mike Robinson has provided an updated Drainage Sheet (Sheet 2) for your review; this document was not provided to the Board at their August meeting. The Town Engineer has reviewed the revised document and provided comments via email correspondence dated September 1, 2016 (attached)."

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, August 24, 2016 and on Wednesday, August 31, 2016 as required by law.

In response to Comr. Demers, Town Engineer David Ryan explained that the drainage swales are depicted on the diagrams provided and would be recorded as part of the easements; all improvements would be contained on these two properties when subdivided and should not approach onto the adjoining properties. Comr. Demers confirmed with Mr. Ryan that the two lots are already higher so for the lower lots the swale would have to be brought a little more into the lot.

Comr. Cahoon questioned what mechanism will be installed to keep that stormwater from going onto adjoining properties.

Mayor Edwards questioned the ditch in the back of the lots that face Virginia Dare Trail – he questioned how the stormwater system affects that ditch. Mr. Ryan stated that there would be no connectivity between the stormwater management system and the street.

Mayor Pro Tem Walters expressed concern about how to ensure that the roadway will be maintained.

Applicant presentation

On behalf of the applicant, Engineer Ray Meekins commented on the maintenance agreements; he stated that two were recorded – the 30' and the original agreement – and a mechanism is in place for the continued maintenance of the roadway as this was required by the Board back in 2002.

In response to Mayor Pro Tem Walters, Mr. Meekins stated that they would be glad to add roadway maintenance into the covenants for reinforcement.

Attorney Leidy pointed out that after reviewing the maintenance agreement, he feels that it is binding on the parties but it does not specify which maintenance standard must be met.

Mayor Edwards pointed out that the private road maintenance agreement has “unofficial” stamped on it and is not signed by one of the parties – Attorney Leidy said that there are multiple signature pages which is common and a printout from the Register of Deeds web site will include the “unofficial” stamp.

Engineer Mike Robinson explained the continuous maintenance agreements; Comr. Ratzenberger mentioned the possibility of “dueling” maintenance agreements. Attorney Leidy said that the lot is accessed by two roads – only one of which may be maintained.

There being no one else sworn who wished to provide evidence, the hearing was concluded at 10:32 a.m.

Board discussion/deliberation

Comr. Cahoon said that they are continually doing away with commercial property and there is no mechanism to get it back.

Mayor Edwards stated he agreed with Comr. Cahoon's comment and added that creating private streets is not a good idea – these are his two objections to the application.

Comr. Ratzenberger said that he has the same issue as Comr. Cahoon and stated that the Board will be dealing with the Gallery Row District soon where commercial to residential is making that district hard to be maintained; by carving this particular area up for residential for two houses – he feels that it is not needed as a public use and does not make sense to him.

Mayor Pro Tem Walters shared the same concerns already expressed by Board members; her primary concern is the road maintenance and relying on the property owners to maintain the road.

Comr. Demers said that while he understands the importance in preserving a certain amount of commercial property for the Town, he does not feel it is an issue at this time and he does not have a strong objection to this application/request.

MOTION: Mayor Edwards made a motion that the request for waivers from established residential lots fronting on a Town street - be denied. The motion was seconded by Comr. Ratzenberger which passed 4 – 1 with Comr. Demers casting the NO vote.

MOTION: Comr. Ratzenberger made a motion to deny the application for the subdivision plat based on the failure to comply with all Town ordinances and the Land Use Plan. The motion was seconded by Comr. Cahoon which passed 4 – 1 with Comr. Demers casting the NO vote.

Public Hearing to consider ordinance directing the demolition of the Ayers house located at 8320 S Old Oregon Inlet Road

Attorney John Leidy introduced the Public Hearing to consider the demolition of the Ayers house located at 8320 S Old Oregon Inlet Road at 10:58 a.m.

Dep Town Manager Andy Garman summarized the agenda summary sheet which read in part as follows:

"At the September 7th Board of Commissioners meeting, a Public Hearing will be held to consider an ordinance directing the demolition of the Ayers house located at 8320 S Old Oregon Inlet Road. The house was declared condemned, in accordance with Town Code Chapter 16 and in accordance with GS 160A-426, as a result of the Town's building inspection due to a fire on February 6th that started in an adjacent house. None of the permits required to repair the house were obtained by the property owner and staff is requesting Board approval to demolish the house.

'Staff has followed the steps identified in the Outline of Procedures for Unsafe Structure Condemnation under GS 160A-426.

'If adopted, the ordinance will be recorded with the Dare County Register of Deeds. It will also be provided to the property owner and staff will take the next action of selling "the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building"."

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, August 24, 2016 and on Wednesday, August 31, 2016 as required by law.

Attorney Leidy stated that the next step is the public auction of the contents of the house.

Ellen Dutkowski owns property across the street from the Ayers house on S Old Oregon Inlet Road, she is hopeful that the house will come down as soon as possible; she thanked the Board for taking action.

There being no one else present who wished to speak, Attorney Leidy concluded the Public Hearing at 11:02 a.m.

Comr. Cahoon pointed out that there has been financial distress for the property owner of the house.

MOTION: Comr. Demers made a motion to adopt the ordinance authorizing the demolition of the Ayers house as presented. The motion was seconded by Comr. Ratzenberger which passed unanimously.

Comr. Ratzenberger asked staff to prepare a one-page timeline of the procedures in this process to make it easier to review what needs to be done for future situations. He also asked staff to investigate a change in legislature that allows some latitude in certain circumstances so the process can take place more expeditiously than under current law.

Mayor Pro Tem Walters said that the current law protects the Town and the property owner to allow enough time to do what is needed and she is not sure changing State law is necessary – Comr. Ratzenberger suggested staff look into the possibility of emergency procedures although he did not feel this situation would qualify for emergency action.

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

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

Report from Planning Board Chair

Planning Board Chair Mark Cornwell summarized the August 16th Planning Board meeting discussions: Reconsideration of the car wash text amendment, however, neither applicant nor a representative could attend so this was moved to the September Planning Board agenda; Review of cottage courts took place and approval was recommended. He commended staff for their work on cottage courts.

From June 1st Board meeting – Consideration of the closing of Seagull Drive

The agenda summary sheet read in part as follows:

“At the March 2nd Board of Commissioners meeting, the Board voted to begin the process to permanently close Seagull Drive and to urge property owners to work out a viable solution to maintain emergency service access to the properties.

‘At the April 6th Board of Commissioners meeting, the Board adopted the Resolution of Intent to close Seagull Drive.

‘At the May 4th Board of Commissioners meeting, Town Attorney John Leidy reported on potential options for the closing of Seagull Drive.

‘At the June 1st Board of Commissioners meeting, the Board conducted the Public Hearing and considered a resolution to permanently close Seagull Drive. The Board then passed a motion to table discussion of the closing of Seagull Drive to their September 7th meeting.

‘At the September 7th Board of Commissioners meeting, the Board will consider the attached resolution to permanently close Seagull Drive.”

Town Manager Ogburn summarized the history/issues involving Seagull Drive which have gone back to at least 2010; by closing the roadway property owners would still be able to access their properties via Seagull Drive - it would just not be maintained by the Town.

Comr. Cahoon pointed out that the Town has tried to remove as much of the exposed items on the beach as possible but is unable to do anything about the Cherry and Toloczko houses.

Attorney Leidy stated that the Town has been generous about the process for Seagull Drive giving additional time to the property owners; the Town can take action to close the road effective at some future date if it prefers.

MOTION #1: Comr. Ratzenberger made a motion to adopt the resolution to close Seagull Drive as presented with the following findings as noted in the resolution:

- That closing Seagull Drive is not contrary to the public interest, and

- That no individual owning property in the vicinity of Seagull Drive or in the subdivision in which it is located would be deprived of reasonable means of ingress and egress to his property

The motion was seconded by Comr. Cahoon.

FRIENDLY AMENDMENT TO MOTION #1: Comr. Demers made a friendly amendment to the original motion to close Seagull Drive from the south end north to the boundary line between the Fohs and DiPaola houses. The friendly amendment was seconded by Mayor Pro Tem Walters which passed 4 – 1 with Comr. Ratzenberger casting the NO vote.

MOTION #1 AS AMENDED: The motion as amended passed unanimously.

MOTION #2: Comr. Cahoon made a motion to revisit the matter within 60 days and if no action has been taken, to close the entire Seagull Drive roadway. The motion was seconded by Comr. Demers.

MOTION #2 WITHDRAWN: Comr. Cahoon and Comr. Demers withdrew their motion and second.

MOTION #3: Comr. Cahoon made a motion to start the process to close the remaining portion of Seagull Drive at the November 2, 2016 meeting. The motion was seconded by Comr. Demers which passed unanimously.

The resolution authorizing the closing of Seagull Drive, as adopted, read in part as follows:

‘WHEREAS, on the 6th day of April 2016 the Board of Commissioners of the Town of Nags Head directed the Town Clerk to publish the resolution of intent of the Board of Commissioners of the Town of Nags Head to consider closing the north-south portion of Seagull Drive in the *Coastland Times* newspaper once each week for four consecutive weeks and posting said resolution in two locations along said street advising the public that a public hearing would be conducted in the Town Hall at 9:00 a.m. on the 1st day of June 2016; AND

‘WHEREAS, the Town’s Board of Commissioners further directed the Town Clerk to notify by certified mail, all persons owning property abutting on that portion of Seagull Drive proposed to be closed enclosing with such notification a copy of the resolution of intent; AND

‘WHEREAS, the Town Clerk has advised the Board of Commissioners that on the date directed she sent notice to each of said abutting property owners by certified mail return receipt requested advising them of the day, time and place of the meeting, enclosing a copy of the Board of Commissioner’s resolution of intent, and advising said abutting property owners that the question as to the closing to said portion of Seagull Drive would be acted upon; AND

‘WHEREAS, the Town Clerk has advised the Board of Commissioners that none of the notices sent to abutting property owners on Seagull Drive has been returned undelivered; AND

‘WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street; AND

‘WHEREAS, the north-south portion of Seagull Dr. is constantly threatened and damaged by the relentless wave action of the Atlantic Ocean resulting in chronic, persistent and inevitable erosion of that portion of the road; AND

'WHEREAS, the north-south portion of Seagull Dr. is located entirely within the Goose Wing subdivision, does not connect any other public streets, is not needed for the public access to any other streets, neighborhoods, developments or facilities, and receives little, if any, use by anyone other than the owners of approximately nine (9) properties located along the street and those who rent the cottages located on those properties; AND

'WHEREAS, the cost to maintain and continually repair the north-south portion of Seagull Dr. due to frequent and inevitable erosion is not justified by the benefit provided to the public by keeping that portion of the street open as a public street; AND

'WHEREAS, the Board of Commissioners hereby finds and determines that the closing of said street is not contrary to the public interest and that no individual owning property either abutting the street or in the vicinity of said street or in the subdivision in which said street is located will, as a result of the proposed closing of the north-south portion of Seagull Dr., be thereby deprived of a reasonable means of ingress or egress to his property; AND

'WHEREAS, it appears to the satisfaction of the BOC that the closing of said street will be in the public interest.

'NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Nags Head, meeting in regular session, that the north-south portion of Seagull Drive located in South Nags Head, as more particularly described hereafter, is hereby ordered closed and all right, title and interest in those persons owning lots adjacent to the street; such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street in accordance with the provision of GS 160A-299(c): All that north-south portion of Seagull Drive identified as extending from the property line between Lot 56 (10200 Seagull Drive-Fohs) and Lot 55 (10204 Seagull Drive-Dipaola) to the north – and running to the property line between Lot 21 (216 Seagull Drive) and Lot 22 (214 Seagull Drive) to the south - of the Goose Wing Subdivision.

'Provided, however, that this resolution shall not terminate or have any effect on the existing access easements and rights to all of Seagull Drive held by all property owners in Goose Wing Subdivision as shown on and created by the recorded plat of Goose Wing Subdivision, which access easements and rights are hereby acknowledged and reserved to all property owners in the Subdivision.

'The Town Clerk is hereby ordered and directed to file in the office of the Register of Deeds of Dare County a certified copy of this resolution. Upon motion duly made by Comr. Demers and duly seconded by Mayor Pro Tem Walters, the above resolution was duly adopted by the Board of Commissioners at a regular meeting held on the 7th day of September 2016. Upon call for a vote all Commissioners voted in the affirmative."

Project Updates

FOCUS Nags Head Update

Planner Holly White summarized the agenda summary sheet which read in part as follows:

"FOCUS Nags Head Update – Staff has finalized drafting of policies and content for Part 3 Comprehensive Plan Elements. The draft is a text only document that will allow us to focus on content. After review by the Advisory Committee, Planning Board, and Board of Commissioners, the text will be placed in a more aesthetically pleasing format as a final draft. Each committee and board will see the

document again in this final draft format prior to adoption. The Advisory Committee will meet next Friday, September 9th to discuss Part 3. This includes the following elements: Land Use, Natural Resources & Resiliency, Economic Development & Tourism, Cultural Resources, Parks & Recreation, and Transportation. The committee received Part 3 information on Friday for their review. The project is on schedule and proceeding as outlined in the attached Gantt chart."

Sea Level Rise Update

Planner Holly White summarized the agenda summary sheet which read in part as follows:

"Sea Level Rise Update – The Sea Level Rise Committee met on Wednesday afternoon, August 10th and Thursday morning, August 11th to review the merged diagram and prioritize actions outlined in the diagram. Valuable feedback was gained at the meetings and the committee was able to participate and complete the exercise to prioritize the actions.

'The purpose of the Vulnerability, Consequences, and Adaptation Planning Scenarios Process (VCAPS) is to learn how sea level rise will impact Nags Head and gain insight through community involvement into how best to adapt in the future. The actions identified on how the Town could potentially adapt in the future can be broken out into 5 main categories: ocean management, estuarine shoreline management, stormwater management, water (ground/surface) management, and an all issues category in which the issues were identified in all 3 groups.

'Town staff will be working with Sea Grant staff to:

1. Revise the actions based on the voting.
2. Provide a prioritized list of action for each area as well as the top six priorities overall.
3. Update the report to incorporate the combined diagrams and action lists.
4. Set up a final committee meeting to view the final draft plan."

Dowdy Park Update

Town Engineer David Ryan summarized the agenda summary sheet which read in part as follows:

"Dowdy Park Update - Staff will discuss the recent construction progress at Dowdy Park. A Gantt Chart for the Base Bid portion of work is attached for Board reference providing a description of completed and remaining construction related tasks."

Town Engineer David Ryan displayed photos of the Dowdy Park progress to include a photo of the Trellis which is almost complete. A Gantt chart was distributed to Board members and he noted that the project is approximately 30 days ahead of schedule. Concrete walkways will begin being constructed soon as well as plumbing and electrical line installation. Within the next few weeks, the parking lot will begin being paved. Mr. Ryan spoke of the coordination with Nags Head Elementary School re: altered pedestrian patterns, signage and barriers limiting vehicular access for safety purposes. He also spoke of meeting on-site with the facilities director and making sure contractors maintain an overall "clean" appearance of the site.

Mayor Pro Tem Walters thanked Dep Town Manager Andy Garman and Town Engineer David Ryan for all their work on the Dowdy Park project.

Comr. Cahoon added thanks to the partners in the project and to PARTF for continuing the grant process.

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

From July 6th Board meeting – Consideration of leasing former OBMC Building to Community Care Clinic

Town Manager Cliff Ogburn summarized the agenda summary sheet which read in part as follows:

“From July 6th BOC meeting: Town Manager Ogburn was authorized to advertise to lease the section of the former Outer Banks Medical Center (OBMC) building that was previously leased by the Shellfish Sanitation organization to the Community Care Clinic organization. The current CCC lease would be amended to rent the remaining (entire) space of building with monthly payment from \$500 to \$1000.

‘North Carolina General Statute (NCGS) 160A-272. *Lease or rental of property* is attached which describes the process of leasing the property which includes adoption of a resolution authorizing the execution of a lease/rental agreement adopted at a regular Board meeting after 30 days public notice.

‘At the September 7th Board of Commissioners meeting, a resolution authorizing the execution of a lease/rental agreement with CCC is provided for Board consideration.”

MOTION: Comr. Cahoon made a motion to adopt the resolution leasing the former OBMC building to Community Care Clinic as presented. The motion was seconded by Mayor Pro Tem Walters.

Comr. Cahoon pointed out that Community Care Clinic benefits all communities of Dare County and not just Nags Head.

Comr. Ratzenberger made a friendly amendment to the motion and pointed out a typo in the resolution: monthly lease cost should be modified from “\$1,000” to read “\$1,050” with total annual cost to be modified to read “\$12,600”.

CONTINUATION OF MOTION: The motion as amended passed unanimously.

The resolution authorizing Community Care Clinic of Dare County to utilize the building, as adopted, read in part as follows:

“WHEREAS, The Nags Head Board of Commissioners authorized the Town Manager, at its July 6, 2016 meeting, to advertise to lease the section of the former Outer Banks Medical Center (OBMC) building that was previously leased by the Shellfish Sanitation organization to the Community Care Clinic organization; AND

‘WHEREAS, In accordance with NCGS 160A-272, the Public Notice of Intent to authorize the lease of the building was published in the *Coastland Times* on Wednesday, July 13, 2016; AND

‘WHEREAS, The former OBMC building is an approximate 5,000 square foot building located in the Vista Colony West Subdivision on Barnes Street in Nags Head, NC 27959; AND

'WHEREAS, A portion of the building is currently being leased to the Community Care Clinic and if authorized to lease an additional portion, will be billed an additional amount equal to a monthly rent of \$1,050 or \$12,600 annually; AND

'WHEREAS, the Board finds that the property leased and the additional property proposed to be leased will not be needed by the Town for the Term of the proposed lease; AND

'WHEREAS, Current contract terms are: the Initial Term terminates on the 31st day of December 2016 – May be renewed for one (1) additional term of three (3) years, which Renewal Term shall then terminate on the 31st day of December 2019 - Such renewal shall be exercised by renter providing at least sixty (60) days advanced notice of intent to renew.

'NOW THEREFORE BE IT RESOLVED, that the Nags Head Board of Commissioners hereby authorizes execution of the lease of the Shellfish Sanitation section of the former Outer Banks Medical Center (OBMC) Building to the Community Care Clinic."

From July 20th Board meeting - Consideration of modification to Personnel Policy to incorporate Veterans Preference in hiring

The agenda summary sheet read in part as follows:

"Human Resources Director Brie Floyd will present the attached modification to the Town's Personnel Policy which includes veterans preference when hiring.

"Also attached are US, State of North Carolina, and Dare County policies for veterans preference when hiring."

Human Resources Director Brie Floyd summarized her memo/proposed Veterans Preference In Hiring Policy which read in part as follows:

"Proposed revised Article V, Section 1 statement:

'Section 1. Statement of Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain, and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications and without regard to age, sex, race, color, creed, religion or national origin or disability. The Town of Nags Head will make reasonable accommodations to the known physical or mental impairments of otherwise qualified individuals, unless the result would create an undue hardship on the Town.

'Section 1. Statement of Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain, and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications and without regard to age, sex, race, color, creed, religion or national origin or disability or genetic information. In addition, the Town will grant preference in employment for all veteran applicants that meet the minimum requirements of the job they have applied. The Town of Nags Head will make reasonable accommodations to the known physical or mental impairments of otherwise qualified individuals, unless the result would create an undue hardship on the Town.

As used in this policy, 'veteran' shall mean any person who qualifies as a 'veteran' as defined in 5 U.S.C. Section 2108 (1).

Clarification on the term "preference" as it is used.

- Preference means that qualified applicants who are also veterans will be considered ahead of those that are equally qualified

Clarification around discharge as defined in 5 U.S.C Section 2108 (1).

- "Under honorable conditions" means both "Honorable Discharge" and "General, under honorable conditions"

Mayor Pro Tem Walters asked for clarification - Attorney Leidy said that after some research, he does not feel that there is a basis for a legal challenge due to "equal" qualifications. He said that he has no concerns about the policy amendment.

Comr. Demers noted some differences between the US Code terminology and the Town's: The Town includes all veterans and the US Code excludes veterans that retired at a certain rank. Comr. Demers said that he would like to see "preference-eligible veteran" in the Town's amendment that would correlate with the US Code.

MOTION: Comr. Ratzenberger made a motion to approve the modification to the Personnel Policy for veteran preference hiring as presented. The motion was seconded by Comr. Cahoon.

Comr. Demers reiterated that he would like to see preference-eligible veterans verbiage - this modification doesn't expand as far as it should in his opinion.

CONTINUATION OF MOTION: The motion passed 4 – 1 with Comr. Demers casting the NO vote.

RECESS

Mayor Edwards recessed the Board meeting for lunch - to reconvene at 1:30 p.m. The time was 12:20 p.m.

RECONVENE

The Board meeting reconvened at 1:30 p.m.

NEW BUSINESS

Committee Reports

Comr. Demers – Albemarle Regional Solid Waste Management Authority – now has a website which will include meeting minutes.

Comr. Ratzenberger – Upcoming meetings were reported: Shoreline Management Committee on September 13th; Pre Albemarle Rural Planning Organization (ARPO) meeting with Dare County and other Towns on September 21st to discuss point allocation and other items; ARPO meeting on September 28th; and a NC Beach and Inlet Management Program meeting on September 22nd.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Town Attorney Leidy - Request for Closed Session

Attorney Leidy requested a Closed Session at the appropriate time to discuss beach nourishment easement litigation and other matters or potential claims within the attorney/client privilege. Mayor Edwards concurred and stated that this would take place later in the meeting.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Ogburn - Consideration of Miller's Restaurant cross-easement agreement

Town Manager Ogburn summarized the agenda summary sheet which read in part as follows:

"At the September 7th Board of Commissioners meeting, Board members will consider the attached cross-easement agreement between the Town and Miller's Restaurant for shared use of the driveway to the Harvey site.

'Background - The original site development of the Harvey Estuarine Sound Access included a joint driveway access with Miller's Restaurant. A reciprocal cross access easement agreement was drafted at that time to permit ingress to and egress from each respective party's property, circulation and passage of vehicles and circulation, passage, and accommodation of pedestrians. The reciprocal easement terms and conditions became effective on November 3, 2005 for a period of 10 years. This agreement expired on November 10, 2015."

MOTION: Comr. Ratzenberger made a motion to approve the Miller's Restaurant/Harvey site cross-easement agreement as presented. The motion was seconded by Comr. Demers which passed unanimously.

BOARD OF COMMISSIONERS AGENDA

Comr. Cahoon - Discussion of bike rental companies and bike safety

Comr. Cahoon noted that some of the bicycles rented by some local bike rental companies have no lights and she asked Police Chief Kevin Brinkley to provide an update on State law and bicycles.

Police Chief Brinkley explained that State law requires bicycle operation at night to have a light in the front of the bike visible at least 300' and a reflector in the back of the bike visible at 200'. Beginning December 1, 2016 State law requires a lighted lamp on the back to be visible 300' or the rider must be wearing reflective clothing.

Comr. Cahoon asked Chief Brinkley to notify bike rental companies of the current and December 1st State bicycle laws – and, in addition, to provide this information to the County Bicycle Coalition.

Comr. Cahoon – Gift received from Judy Oaksmith

It was Board consensus to agree with Comr. Cahoon and acknowledge with a special thank you letter from Mayor Edwards, on behalf of the Board, to Dave Oaksmith's widow, Judy Oaksmith. Ms. Oaksmith

gave two very special gifts to the Town from Mr. Oaksmith who served the Town in several capacities for a very long time – his Lightkeeper lantern and a painting by Don Bryan.

Comr. Cahoon – Recycling

Comr. Cahoon said that a citizen had asked her about the Town returning a recycling container to one of the Town streets/accesses for use when individual recycling carts are full - in-between pick-ups. Town Manager Ogburn said that staff will look into this; Mayor Edwards said that the Board will be discussing recycling at the September Board Retreat.

Mayor Pro Tem Walters - Discussion of re-establishing the Nags Head Artwork Selection Committee

Dep Town Manager Andy Garman summarized his memo which read in part as follows:

“Mayor Pro Tem Walters would like the Board of Commissioners to consider re-establishing the Town of Nags Head Art Selection Committee. Years ago the town had an active Art Selection Committee that was charged with purchasing local art to include in the town’s public art collection. This collection is displayed within the town’s municipal complex. The committee no longer exists due to the lack of available funds for the purchase of art work. The Nags Head Town Code includes specific criteria on the composition and charge of this committee (see attached). Mayor Pro Tem Walters has been working to form a group of local artists whose purpose is to collectively promote art and culture within the town. The group, called Nags Head Art is the Heart, has become interested in the initiation of public art projects within the town. At its last meeting, the group discussed ways to commission a local artist to design and construct an entrance gateway feature at the new Dowdy Park. The group discussed developing a call for entries which would encourage artists to submit design ideas to the town.

‘A committee would assist with selection of the most exceptional entry. It is envisioned that a committee of this nature could also assist in other public art projects including the art mast project that is funded in this year’s budget. If the Board is agreeable to establishing this committee, Mayor Pro Tem Walters has suggested initiating an application process to receive interested candidates. Staff will assist with developing criteria for applicants. However, Board Members may wish to discuss preferred criteria at the upcoming meeting. Once the application process is complete, the Board will be asked to finalize the list of committee members and agree on the roles and responsibilities for the committee. Additionally, staff can bring forth an ordinance amendment at that time to modify the charge of the committee and address any other required changes.

‘Attached please find the current *Town Hall Art Selection Committee Ordinance* (Sec 2-251) and *Artwork Acquisition Policy*.”

Mayor Pro Tem Walters reported that the last few months a group of artisans have been meeting – the informal committee has been called Art is the Heart and staff has attended some of the meetings – to discuss locations for outside art in the Town. At the last meeting there was a discussion of the Dowdy Park locations for art and the opportunity for grants as well as re-establishing the art mast project with an application process where artisans who are interested could apply. Since this is for outside art at Dowdy Park and Gallery Row and throughout the Town, the Town’s Artwork Selection Ordinance would need to be modified.

It was Board consensus for staff to re-work the current artwork ordinance, application process, etc. for the purpose of procuring art for Dowdy Park, Gallery Row, and other outside locations.

After a brief discussion, it was determined that an ordinance would not be necessary, the existing Board/Committee Policy would be utilized instead of an ordinance. Staff is to provide at the November 2016 Board meeting, for review, a new art committee policy and charge to include an application. Dep Town Manager Andy Garman also noted that grants may be available for this purpose. Mayor Pro Tem Walters emphasized that this committee would have allotted funding for its use and would also have one staff member as a standing committee member.

Comr. Ratzenberger – Laser Pointers used during Board meetings

Comr. Ratzenberger asked if there were something that could be done, technology-wise, that would allow laser pointers used during Board meetings to be visible to those watching on-line. Town Manager Ogburn said that staff will look into this possibility.

MAYOR'S AGENDA

CLOSED SESSION

MOTION: Comr. Cahoon made a motion to enter Closed Session in accordance with the purposes allowed by GS 143-318.11(a)(1), (3), and (6). The motion was seconded by Comr. Ratzenberger which passed unanimously. The time was 1:57 p.m.

OPEN SESSION

The Board re-entered Open Session at 3:34 p.m.

Mayor Edwards reported that during Closed Session attorney/client issues were discussed along with the Town Manager's annual evaluation and no other actions were taken.

ADJOURNMENT

Mayor Edwards recessed the meeting to the September 29, 2016 Board Retreat at the Villas Clubhouse on Villa Dunes Drive at 8:00 a.m. The time was 3:35 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Robert C. Edwards