

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION  
July 1, 2015 - #2

COMRS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon;  
Comr. John Ratzenberger and Comr. Marvin Demers

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy;  
Dep Town Manager Andy Garman; and Town Clerk Carolyn F. Morris

Attorney/Client Privilege – Supreme Court ruling on Sign legislation

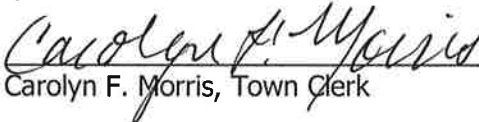
Attorney Leidy reported on a recent case that was ultimately decided by the Supreme Court – the case concerned General Assembly assault on local government authority and invalidated the local government's sign ordinance.

Attorney Leidy noted that the sign ordinance invalidated is very similar to Nags Head's sign ordinance. The Court ruled that basing a sign ordinance on the content of the sign is invalid.

It was Board consensus that Attorney Leidy and staff draft a sign ordinance - that would meet the Supreme Court standards - for Board review – prior to forwarding to the Planning Board for processing.

Exit Closed Session

MOTION: Comr. Cahoon made a motion to exit Closed Session. The motion was seconded by Comr. Ratzenberger which passed unanimously.

  
Carolyn F. Morris, Town Clerk

Date Approved: May 4, 2016

Date Opened: May 4, 2016

Mayor:   
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION  
August 5, 2015 - #1

COMRS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon;  
Comr. John Ratzenberger and Comr. Marvin Demers

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy;  
Dep Town Manager Andy Garman; and Town Clerk Carolyn F. Morris

Attorney/Client Privilege – Large Residential Structures

Attorney Leidy reported that the State legislature adopted legislation in June 2015 that limits local government authority to modify design and to limit the number of bedrooms of large residential structures. He explained that a moratorium was not available to the Board to prohibit receipt of applications for development of large residential dwellings. The Board could, however, as an alternative, adopt an ordinance limiting the size of structures, i.e., allowing structure designs no larger than 3,400 square foot.

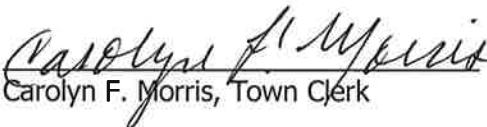
Dep Town Manager Andy Garman distributed to Board members a handout detailing two possible options for Board consideration (**see attached**).

It was noted that the Planning Board is required to make a recommendation within 30 days – the motion at their July meeting failed with a 3 – 2 vote – but no new motion was made. If adopted today, an ordinance may be challenged although there is minimal risk as no applications are currently in the pipeline. Attorney Leidy suggested that the Board hold the Public Hearing today - but take no action. The ordinance can then be forwarded back to the Planning Board for review/recommendation and then considered after another Public Hearing at the Board of Commissioners August 19<sup>th</sup> mid-month meeting.

Mayor Edwards pointed out that the homebuilders are interested in maintaining the Nags Head style of architecture. Mr. Garman suggested a maximum size of 3,500 square foot that could go up to 5,000 square foot if a builder adheres to the Nags Head style architectural design standards – which is Option #2 on the handout.


Exit Closed Session

MOTION: Comr. Cahoon made a motion to exit Closed Session. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

  
Carolyn F. Morris, Town Clerk

Date Approved: May 4, 2016

Date Opened: May 4, 2016

Mayor:   
Robert C. Edwards

The following options reflect an interpretation from the recently revised statute that:

- 1) Residential design features can be utilized if the owner voluntarily consents to them
- 2) That the Town can regulate the bulk of a structure to include the total habitable area

### **Option 1**

Establish a maximum size limitation of 3,500 for a sf. dwelling

Specify that this size limitation may be increased up to 5,000 sf if the property owner voluntarily consents to following the residential design guidelines

Remove the existing residential architectural standards from the Town Code and refer to it as a set of guidelines

As part of the Town's development permit application form, include a statement for the property owner to sign requesting that they voluntarily consent to follow the design guidelines

This option has some risk of being treated as "directly or indirectly" applying regulations imposing building design elements, particularly for an owner who wishes to build a 5,000 sf dwelling without following the residential design guidelines.

### **Option 2**

Allow "large residential dwellings" as defined in our current ordinance (up to 5,000 sf) and incentivize the use of the residential design guidelines for such structures with 2 separate stds for height and setbacks as applied to structures 3,500 sq ft or greater (and possibly parking).

For large residential dwellings 3,500 square feet or greater:

Property owners that voluntarily consent to following the design guidelines may construct dwellings up to 42 feet with an 8/12 roof pitch. Property owners who wish to forego using the guidelines will be limited to 35 feet.

Property owners that voluntarily consent to following the design guidelines will have a regular side yard setback (in most cases this is 10 feet). Property owners who wish to forego using the design guidelines will have a graduated setback based on the overall building square footage (i.e. 12 feet for 3,500 to 4,200 sq ft, 14 feet for 4,200 up to 5,000 sq ft).

The basis for this option is that the design guidelines help to mitigate the bulk of a structure. Therefore, more controls are necessary (i.e. reduced height and greater setbacks) without the design guidelines to mitigate this bulk.

For both options, the ordinance would continue to contain a maximum sewage capacity of 1080 gallons per day. This would limit dwellings to an occupancy of 18 persons in most situations. The ordinance would also maintain a minimum lot size of 16,000 square feet to construct a large residential dwelling.

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION  
August 5, 2015 - #3

COMRS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon;  
Comr. John Ratzenberger and Comr. Marvin Demers

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy;  
Dep Town Manager Andy Garman; and Town Clerk Carolyn F. Morris

Closed Session Minutes

Board members considered the January – June 2015 Closed Session minutes as well as the disposition of each.

MOTION: Comr. Cahoon made a motion to approve the January – June 2015 Closed Session minutes as presented. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

MOTION: Comr. Cahoon made a motion to approve the disposition of the January – June 2015 Closed Session minutes as presented (**see attached**). The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

Exit Closed Session

MOTION: Comr. Ratzenberger made a motion to exit Closed Session. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

  
Carolyn F. Morris, Town Clerk

Date Approved: May 4, 2016

Date Opened: May 4, 2016

Mayor:   
Robert C. Edwards

**TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
January – June 2015 CLOSED SESSIONS  
SUMMARY DISPOSITION**

<b>DATE</b>	<b>CATEGORY</b>	<b>SUBJECT</b>	<b>DISPOSITION</b>	
Jan 7, 2015	1)	Closed Session minutes	Jul – Dec 2014 minutes	Open
	2)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
	3)	Attorney/Client privilege	Sansotta Litigation	Open
	4)	Personnel	Hiring of Planning Director	Closed
Jan 21, 2015	1)	Attorney/Client privilege	Sansotta Litigation	Open
	2)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
Feb 4, 2015	1)	Attorney/Client privilege	Sansotta Litigation	Open
	2)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
	3)	Attorney/Client privilege	Mr. Richard Murphy	Closed
Mar 4, 2015	1)	Attorney/Client privilege	Sansotta Litigation	Open
	2)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
Mar 20, 2015	1)	Attorney/Client privilege	Sansotta Litigation	Open
	2)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
Apr 1, 2015	1)	Acquisition of real property	Cherry Inc. cottage on Seagull Dr	Closed
	2)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
Apr 8, 2015	1)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
May 6, 2015	1)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
	2)	Attorney/Client privilege	Beach Nour Condemnations	Closed
	3)	Acquisition of real property	3821 S VA Dare Trail property	Open
	4)	Attorney/Client privilege	Mr. Richard Murphy	Closed
May 27, 2015	1)	Attorney/Client privilege	Beach Nour Condemnations	Closed
	2)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
	3)	Attorney/Client privilege	Discussion of Town Attorney duties	Closed
Jun 3, 2015	1)	Attorney/Client privilege	Beach Nour Condemnations	Closed
	2)	Attorney/Client privilege	Colony Ridge Rehab Center	Closed
Jun 17, 2015	1)	Taxicab driver permit denial	Criminal history review	Closed

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION

CLOSED SESSION - #3  
October 7, 2015

COMRS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon;  
Comr. John Ratzenberger and Comr. Marvin Demers


COMRS ABSENT: None

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; Dep Town Manager Andy  
Garman; and Town Clerk Carolyn Morris

Personnel – Offers of employment made


Town Manager Ogburn reported that offers of employment have been made and accepted for the vacant  
Payroll Officer and Human Resource Director positions:

- Ms. Brie Floyd will serve as the Town's Human Resource Director and will begin work on Monday,  
October 19, 2015.
- Ms. Melissa Siems will serve as the Town's Payroll Officer and will begin work on Monday, October 12,  
2015.

  
Carolyn F. Morris, Town Clerk

Date Approved: May 4, 2016

Date Opened: May 4, 2016

Mayor:   
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION

CLOSED SESSION - #3  
November 4, 2015

COMRS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon;  
Comr. John Ratzenberger and Comr. Marvin Demers

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy;  
Dep Town Manager Andy Garman; and Town Clerk Carolyn Morris

Honorarium – 2015 Earl Murray Jr Employee of the Year Nomination

The following list of the nominees for the 2015 Earl Murray Jr Employee of the Year Award was presented to Board members:

Fire Captain Phil Wolfe  
Police Officer Jason Greiner  
Sanitation Equipment Operator Keefe White  
Accounting Supervisor Kim Blankenburg  
Water Quality Coordinator Todd Krafft

It was Board consensus that the 2015 Earl Murray Jr Employee of the Year honor/award be presented to Fire Captain Phil Wolfe.

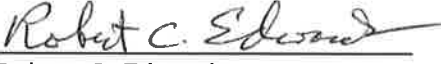
Exit Closed Session

MOTION: Comr. Cahoon made a motion to exit Closed Session. The motion was seconded by Comr. Ratzenberger which passed unanimously.

  
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Carolyn F. Morris, Town Clerk

Date Approved: May 4, 2016

Date Opened: May 4, 2016

Mayor:   
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Robert C. Edwards