

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
August 12, 2015**

The Planning Board for the Town of Duck convened at the Duck Meeting Hall on Wednesday, August 12, 2015

Present were: Chair Joe Blakaitis, Vice Chair John Fricker, Ron Forlano, Tim McKeithan and Marc Murray.

Absent: None.

Also present were: Director of Community Development Joe Heard and Permit Coordinator Sandy Cross.

Others Present: Mayor Pro Tempore Monica Thibodeau, Council Member Jon Britt, Willo Kelly, Kent Zimmerman and James Cofield.

Others Absent: Council Liaison Chuck Burdick.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for August 12, 2015 at 6:32 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

Text Amendment: Proposal to Amend Subsection 156.126 of the Town Code by Revising Standards for Residential Construction Based on Lot Size

Director Heard stated that staff provided the Board with a variety of information related to a proposal to amend Section 156.126 of the Zoning Ordinance by revising the Town's current standards for residential construction based on lot size. He stated that at its August 5, 2015 meeting, the Town Council voted unanimously to authorize staff and the Board to develop a recommendation for revisions to the section and in doing so, asked that it be done in an expedited manner so that Council could give consideration to the Board's proposal at their September 2, 2015 meeting.

Director Heard stated that there were conclusions that the Board may reach that they may not be fully comfortable with, but thought that the thought behind it was to do the best job that could be

done. If it was a case where the Board may need to revisit the issue in the future, then that would be fine. He stated that there was a strong interest in getting something adopted at this point, because there was a window of opportunity that existed for someone to come in with a proposal to build a house that would potentially be larger and out of character with the community.

Vice Chair Fricker clarified that an application was already received to build a large house. Director Heard stated that staff has received an application to construct a house that is larger (in terms of the number of bedrooms) than what the current ordinance allows. He added that there have been several other inquiries.

Director Heard stated that that reason the Board is looking at an amendment is that the State of North Carolina Legislature recently adopted a law that eliminated all municipalities' ability to regulate the number and types of rooms. He added that in reviewing and interpreting the new law, the League of Municipalities and the School of Government said it was clearly the intent that towns would not be able to regulate the number of bedrooms. He stated that the Town of Duck's ordinance presently has a tiered system that limits the maximum number of bedrooms based on the size of the lot. He noted that there were five tiers – under 10,000 square feet and up in 5,000 square foot increments. A lot that was 25,000 square feet or greater could have a maximum of eight bedrooms.

Director Heard stated that staff was seeking to find a viable alternative that would be legally defensible, fair and reasonable, and substituted for the number of bedrooms standard that is currently in place. He wanted it made clear that the intent of the staff recommendations is not to be more restrictive than the Town has been previously, and may actually be more flexible in certain situations. He added that staff is not looking to place additional burdens on property owners. Staff looked at a handful of different ways to amend the ordinance to address the original intent of the Town. He stated that in looking at different scenarios, he took a sampling of different, typical lots from different subdivisions throughout the Town. He stated that there were a decent variety of lots in Duck and he wasn't able to develop a good "one size fits all" answer as he applied potentially revised standards for setbacks, lot coverage, and building height. He stated that his research led him to two different options that seemed to be the most viable. He had discussions about both options with the Town Attorney and the School of Government's legal staff that specialized in land use law.

Director Heard stated that the first of the two solutions identified is a maximum square footage option, using the same tiered system, but substituting a maximum heated square footage for the residence as opposed to a maximum number of bedrooms. He stated that Town Attorney Robert Hobbs and the School of Government found this approach to be legally defensible and were comfortable with it. He stated that the benefit to using that approach was if one of the concerns had to do with the size, bulk and mass of residence and limiting very large buildings, this approach would deal with it directly.

Director Heard stated that the other approach to be considered is a maximum occupancy approach. He explained that the Town would adopt standards that would regulate the allowed density on a property. He added that it was something that the State statutes clearly say that the Town has the ability to regulate. He stated that one benefit of this approach is that it is more

similar to how the Town's current code reads regarding using bedrooms as a way to regulate how many people can reside in a house.

Director Heard stated that Town Attorney Hobbs and his law firm (HREM) had concerns over the second approach, because the General Statutes state that towns cannot directly or indirectly regulate the number of bedrooms. He stated their concern that, by using an occupancy approach based on the permit issued by the Health Department for a septic system, determination of occupancy would be partially based on the number of bedrooms in a proposed residence. He stated that Town Attorney Hobbs felt that it would be subject to challenge. He added that when staff ran the same approach by the UNC School of Government, they found no significant issue with using the occupancy approach, but did note that the square footage option was more defensible.

Director Heard stated that staff put together a lot of historical permit information that was in the Board's packets. He stated that there was a sheet with every permit that the Town of Duck issued since incorporation, noting that the number of bedrooms was listed in each permit as well as the corresponding number of occupants permitted under the Health Department permit related to the construction of the residence. He stated that the size of each dwelling was listed with regard to heated square footage. He explained that the reason he provided the information to the Board so they can see how different alternatives correspond to the types of structures that have been built in Duck. He added that staff didn't want to develop proposals in a hypothetical manner and thought it was important to put together the historical information so the Board could see what has actually been built in Duck.

Director Heard pointed out that if the proposed square footage standards were in place, it would have accommodated almost everything that has been built in Town over the last 12 years. He added that he didn't want to have a solution that creates nonconforming situations for existing residences. He added that any nonconformities would be grandfathered, but the staff's recommendation would not put a lot of people in that situation, which would raise a red flag for a property owner. He stated that the minimal amount of nonconformities also suggests that the proposal is a reasonable and fair limitation. He reviewed tables related to maximum building size and residential occupancy with the Board and audience, adding that staff suggested figures based upon what has already been built.

Director Heard stated that the Towns of Kitty Hawk and Kill Devil Hills do not regulate the number of bedrooms or occupancy. He added that the Towns of Southern Shores and Nags Head have standards that do regulate it. He stated that the Town of Southern Shores has standards that limit the number of bedrooms and the occupants for residences. He noted that they intend to keep the current standard and enforce the occupancy aspect. He stated that the Town of Nags Head limits the maximum size to five bedrooms and 3,500 square feet on lots smaller than 16,000 square feet and eight bedrooms and 5,000 square feet on larger lots. He stated that Nags Head recently considered a proposal to limit all houses to a maximum of 3,500 square feet as a temporary measure. However, that idea had been tabled, so staff was not clear on where it will end up.

Chair Blakaitis asked what the Town of Manteo's regulations were. Director Heard stated that he was not able to get in touch with anyone at the Town and wasn't sure what they would be

doing. Chair Blakaitis asked what Dare County would be doing for their unincorporated areas. Director Heard stated that they likely weren't impacted by the law.

Director Heard stated that staff is recommending that the Town continue to use a tiered approach based upon lot size. Rather than limiting the maximum number of bedrooms, staff is proposing limitations on the maximum size and occupancy of residences.

Member Forlano asked how the homes that do not fit into the recommendations are affected. He further asked if the Town was creating nonconforming structures. Director Heard stated that the proposed amendments would create a very small number of nonconforming structures. He added that if it chose to do so, the Board could change the numbers so the amendments would create no nonconforming structures. He stated that staff recommended the numbers they did, because the vast majority of existing residences were well under the thresholds. Only a few houses that were built much larger would become nonconforming.

Chair Blakaitis asked if damage by fire or destruction of a house would fit into the ordinance with regard to the fifty percent rule. Director Heard and Permit Coordinator Cross replied that such houses would be considered legal, nonconforming uses or grandfathered, meaning that they could be repaired or replaced according to the standards in the Town's nonconformity clause. Permit Coordinator Cross further clarified that this clause only applies to catastrophic damage (from fire, lightning, wind, etc.). An owner who consciously decides to demolish a nonconforming house would have to rebuild it in full compliance with current development standards. Chair Blakaitis asked if a larger house could be reconstructed in a smaller footprint. Director Heard stated that it was a possible scenario.

Member Forlano asked if a house was legally nonconforming, it affected the sales price. Monica Thibodeau of 126 Sea Hawk Drive West was recognized to speak. Ms. Thibodeau stated that it would not necessarily affect the value of the residence. She stated that realtor knowledge is important and in some cases the nonconformity may be an asset, because it may be allow more than what is currently allowed on surrounding properties.

Vice Chair Fricker asked how occupancy would be regulated. Director Heard stated that it would be tied to the Health Department's septic capacity for the property. He added that enforcement would be tied to the permit at original construction. Vice Chair Fricker stated that even though it was tied to construction, if the ordinance is based solely on number of square feet permitted by the size of the lot, it would be more black and white. He stated unless an owner wanted to build 10x10 square foot bedrooms, an owner would not be able to build as many as he might otherwise if there wasn't a limitation on the size of the house. He added that, going forward, while the condition existed throughout the life of the property, there could be creeping increases in occupancy. He stated that if an ordinance is tied to an occupancy level, it could cause problems. Director Heard clarified that Vice Chair Fricker was stating that, over time, someone may come back and approach the Health Department about increasing the occupancy limit. Vice Chair Fricker thought the Health Department could determine how many people could occupy a house, but it didn't mean more people wouldn't be there. He added that it would be hard to enforce. He noted that this type of scenario creates a density issue in terms of parking, congestion, and intensity of use. He stated that if the limit was based on the size of the house, it seemed to be something that could be self-enforced.

Member Murray disagreed with Vice Chair Fricker's comments. He stated that when a contractor obtains a Health Department permit, they stamp the plans certifying that the number of bedrooms is appropriate to the occupancy of a house. He added that each residence is inspected by the building inspector. If the Town went by square footage and everything was finished on the outside of a house and there was unheated square footage that became heated space later, it would give an unscrupulous homeowner a lot more leeway in creeping occupancy. He noted that the Town of Southern Shores uses the Health Department septic capacity for their regulations and it is very effective.

Member Forlano stated that creeping occupancy does occur and will occur a lot with rental homes that are known as vacation rental by owner (VRBO), where they aren't regulated by a rental management company. He added that a five bedroom house could accommodate 18 people. He stated that it was impossible to police the homes. Member Murray stated that they weren't any more impossible than under current regulations. Member Forlano agreed and thought it was fine to have it in the ordinance as a controlling factor, but didn't think the occupancy enforcement had teeth.

Chair Blakaitis asked if maximum occupancy had any more teeth than maximum size. He stated that if the occupancy were to creep, it wouldn't make a difference either way. He noted that it would be complaint driven if occupancy was exceeded. Member Forlano stated that size was a definite control. Member Murray felt that size was controlling the wrong thing. He noted that the Town currently has an ordinance that limits the number of bedrooms, which also limits density, and has been very effective. He stated that if a house was previously allowed to have only eight bedrooms, it would now be allowed to potentially have twelve bedrooms under the square footage ordinance. Chair Blakaitis thought the Board may want to consider a combination of both approaches. He added that the Town of Southern Shores is currently using the maximum occupancy option and it is working for them.

Member McKeithan stated that if the Town has the density requirement and there is the density occupancy creep, it would allow the authorities – whether it was the Town or the Health Department – to enforce an existing standard rather than not having an occupancy standard. He stated that he could see that it would help enforce the occupancy creep. Chair Blakaitis asked how the Health Department would prove a house was over the occupancy limit. Member Murray didn't think the Health Department would be interested in a single incident. He added that increased rental income is driving the increased number of bedrooms. He stated that the Town limits bedrooms to eight currently and now the Board was trying to come up with a way to maintain the limitations. He stated that if the Town limits the occupancy instead of bedrooms, it would be doing something similar to what is currently being done. He added that if the Town limited square footage, it may be limiting someone who was not part of the problem.

Vice Chair Fricker asked Member Murray if he was in favor of adopting one recommendation rather than both. Member Murray stated that the occupancy approach has no side effects that the Town has not been experiencing already. He stated that he could see potential side effects from limiting square footage.

Member Forlano thought the Board was discussing two issues – bulk and density. Chair Blakaitis stated that it was mentioned, adding that maximum size was bulk. Member Murray pointed out that the ordinance, as written, did not deal with the size of residences. Vice Chair Fricker noted that the draft ordinance lists “residential density”. He asked if residential density was defined anywhere in the ordinance and if so, what it meant. Director Heard stated that it is not defined, but would commonly mean the number of occupants per lot or another measurement of that nature. Director Heard added that it was not intended to be a technical term. It was intended to state that the Town would be regulating the number of people on a lot of a particular size, which is density. Chair Blakaitis noted that it was semi-defined in the ordinance as being based on maximum occupancy.

Chair Blakaitis clarified that Member Murray was favoring a single approach of maximum occupancy versus a combined approach or maximum size. Member Murray stated he was correct. Member Murray added that maximum size was more defensible, but wondered how it would work from a procedural standpoint. He stated that if the School of Government said it could be done through the septic capacity and the Town adopted that approach, how and when would these regulations apply to a new permit. Director Heard stated that any application received in the interim period will have to be approved even though it violates the Town’s current ordinance. He added that the Town could not enforce its standards, because of the new state law. He stated that, going forward, if the density approach was adopted and someone wanted to build a larger house than what was allowed, they would submit a permit application, the Town would review it and presumably would tell them that it exceeded the Town’s standard and it would be denied. He stated that at that point, the individual could either apply for a variance or appeal to a court, if necessary. He noted that the individual would typically have to have a formal denial from the Board of Adjustment before it could be appealed to a circuit court.

Chair Blakaitis clarified that wiggle room has been allowed with the maximum density approach. He asked what would happen if a house that was bigger than 4,000 square feet was put on a 10,000 square foot lot. Director Heard stated that it would be a squeeze, but would be possible.

Vice Chair Fricker asked what would happen procedurally if the Town adopted both standards. He understood that the square footage option was in place as a safeguard against having a void and having people apply for permits. Director Heard stated that he and Town Attorney Hobbs discussed that scenario and thought it could go either way depending on the judge and the court, a judge could either invalidate the entire ordinance or just the offending standard. Vice Chair Fricker thought the most prudent thing to do was to adopt an ordinance that had both standards in it. Member Murray stated that the Board would not have to rush through the ordinance and would know it was under litigation.

Chair Blakaitis asked if there would be any harm in doing both. Member Murray stated that he was worried about the square footage requirement. He added that it was much easier to stick with what the Town already knows that works. He stated that the square footage option had so many potential unintended consequences. Chair Blakaitis asked if it was a detraction from maximum occupancy. Member Murray commented that the Town should never go further than necessary to handle the problem if the intention was not to make things more limiting than they were previously.

Member McKeithan noted that the square footage option did not look any more onerous than the residency requirement. Member Murray agreed, adding that the bedroom limitation limited the houses sufficiently. He added that the only people the Town would be hurting were those that were adding square footage for their own benefit. He didn't see an incentive to limit what they may or may not be able to do with their house.

Vice Chair Fricker asked Director Heard if he agreed or disagreed with Member Murray's comments. Director Heard stated that in going back and looking at why the Town considered this type of ordinance, density did a better job with getting a handle on population, parking, and the amount of activity, but it didn't directly address the issues of bulk and size that could potentially be out of character with the Town. He added that in concert, the two approaches address a full array of issues. He agreed with Member Murray that the maximum occupancy approach is more similar to the Town's current maximum bedroom approach.

Chair Blakaitis asked if Director Heard was talking about bulk and the ordinance that has been in place since 2004, where the problems have been with the bulk. He noted that presently it was a bedroom limitation and not a bulk limitation. He added that if it has not hurt the Town yet, why the Board was looking at bulk. He asked if there was a problem with bulk. Director Heard stated that the key word was "yet". He stated that in looking at the list, the Town has had an 8,700 square foot residence built on a property. He added that that particular residence is in an area that did not impact a lot of other houses. However, if it was in a different area of Town, it may be looked upon as a very large house and out of character. Chair Blakaitis stated that with the amenities for an 8,700 square foot house, it would require a lot of at least 20,000 square feet. Director Heard stated the lot would have to be 25,000 square feet or greater.

Member Murray noted that if the ordinance is consistent with the Land Use Plan now, why the Board is thinking about writing a new one, especially if the Board is only looking at a few properties that would be affected by the ordinance.

Chair Blakaitis stated that it was obvious that the Board had two approaches in front of them. He stated that he was inclined to go with the maximum occupancy approach. Member Murray asked if the Board went with occupancy, would it change with the occupancy limits to a two people per bedroom ratio. Chair Blakaitis thought if the Board struck maximum square footage, it would be the way to go.

Vice Chair Fricker moved that the Planning Board recommend to Council an amendment to Section 156.126 of the Town Code adopting the standard with respect to maximum occupancy as set forth in staff's report, striking Option B and reducing the occupancy number by two at each tier of the staff's recommendation. Member McKeithan seconded. Vice Chair Fricker noted that minor changes will be necessary in Paragraphs C and D to accommodate the change the proposal. Director Heard acknowledged this fact and will make the necessary changes before the proposal proceeds to Town Council.

Member Forlano asked if bulk was not being addressed. Chair Blakaitis stated that it won't be if the Board excluded maximum square footage. Vice Chair Fricker added that they aren't addressing physical dimensions or size of a structure, but addressing the number of occupants.

Member Murray pointed out that they aren't addressing bulk any differently than it is addressed currently.

Motion carried 5-0.

Discussion/Recommendation: Review the Town's Standards and Policies regarding Notification for Applications at Planning Board Meetings

Director Heard stated that at its August 5, 2015 meeting, Town Council voted to authorize the Board to consider standards and policies regarding notifications for applications at Planning Board meetings. He stated it was an issue that came up recently during the consideration of a Conditional Use Permit for the outdoor dining area at Red Sky Café. He stated that public comments were made and information shared with Council about how public notice could be improved, particularly in relation to Planning Board meetings. He stated that the issue was that the Planning Board isn't always privileged to have the same number of attendees as Council receives at their formal public hearings. He explained that Council relies on the Board to take a good, hard, thorough look at development related issues. He stated that if the Board does not have the same level of information or isn't privy to the same comments that Council hears, sometimes all that could be done is to act on the information that is at hand at the Planning Board meeting. He added that a very key issue could be brought up in the interim period between a Planning Board meeting and a Council meeting and the Board would probably have wanted to address the issue if they had known about it. He stated that the intent of this discussion was for the Board to have an opportunity to make better informed decisions and recommendations.

Director Heard stated that most people don't tend to act on something they've heard until it's on their doorstep, but thought that there could be ways to improve notification so that more people would participate in Planning Board meetings and provide valuable input. He stated that he outlined the standards in the staff report that would impact individuals, such as zoning map amendments, Conditional Use Permits, and special exceptions. He stated that under state law, the Planning Board is not required to give any notice whatsoever as far as advertising for its review of these applications. He stated that the Town's standards in the ordinance reflect the state law and do not go above and beyond what the state requires. Director Heard outlined in the staff report what was presently done with regard to advertising for a Planning Board meeting. He also included Town Attorney Hobbs' recommendation with regard to adopting a policy versus a change to the ordinance.

Chair Blakaitis stated that he did not realize that the Town was as proactive as it was. He thought that anything the Board did shouldn't cause too much work for the staff. He thought where the Board had trouble was with Conditional Use Permits and thought the suggestion made had some good points.

Vice Chair Fricker stated that he was only suggesting that the Town consider it. He added that he fully supported what the Town already had in place and agreed that staff goes above and beyond the state minimum for notice of requirements. He stated that if the Board wants its local government to function as it was designed to function, the Planning Board should receive information on a given subject so it could make informed judgment and recommendation to Council. He added that Council spent two and a half hours on one agenda item, because they

had to do what the Planning Board could have done. He stated that if the Board wanted to improve the likelihood of full discussion, then notice should be sent to the homeowner associations in addition to the adjacent property owners.

Chair Blakaitis thought Vice Chair Fricker's recommendation was to notify the president of the homeowner association adjoining to the Conditional Use Permit, in addition to the adjacent property owners. He thought the adjacent property owners should be notified because they were the ones that would receive the bulk of the impact. He stated that when the notice is sent to the president of a homeowner association, it takes the issue out of the Board's hands.

Member Murray asked about the 10-25 day rule for notices. Director Heard stated that staff runs two ads in that period. The ads have to be at least 10 days before, but no more than 25 days before the public hearing.

Chair Blakaitis stated that with the Red Sky Café application, there was a sign in front of the business for a few weeks before the Board heard it in addition to the notice. Director Heard noted that the sign was for the Town Council meeting and went up right after the Planning Board heard the application. Chair Blakaitis thought it was a simple fix. He thought the Board should ask staff to send the notice to the president of the homeowner association in addition to the adjacent property owners.

Member McKeithan thought a notice could be posted on the site at least five days in advance of the Planning Board meeting. Chair Blakaitis noted that the goal was to make the Council's job as easy as possible so they don't have to spend an inordinate amount of time on an issue. Member McKeithan thought that as the Town puts out information in its newsletter and on social media, staff could try to encourage homeowners to keep a current address or way of being contacted by Town staff. Chair Blakaitis asked if the owners did not get their tax bills. Director Heard stated that staff sends notices to the address on the owner's tax bills as it is the official address.

Member McKeithan stated he was trying to encourage having the best information from the homeowners. He thought the owners could be contacted by telephone as well. Chair Blakaitis thought it would be a stretch to ask staff to go above and beyond what the legal address. He wondered why staff should have to find where people really live. Permit Coordinator Cross stated that in the past, staff has put excerpts in the Town newsletter asking owners to keep their addresses current on their tax records and have provided information for the owners to contact the Dare County Tax Department. Director Heard thought the neighborhood associations could keep staff up to date on address as well.

Vice Chair Fricker moved that the Planning Board recommend Council adopt a policy providing notice of a rezoning, Conditional Use Permit, or Special Exception application scheduled for consideration by the Planning Board with such notice to be given to the principal officer of the homeowner association of the community in which the applicant's property is located or the community that is adjacent to the applicant's property, as applicable, and to post the property prior to the Planning Board meeting. Member McKeithan seconded.

Motion carried 5-0.

Discussion/Recommendation: Provide the Town Council with Input on the Desired Skills and Qualifications for New Planning Board Members

Director Heard stated that at its August 5, 2015 meeting, Town Council had an initial discussion for a process for selecting a new Planning Board member to fill the unexpired term of departing Vice Chair John Fricker. He stated that as part of the discussion, Council expressed an interest in obtaining input from the Board about the skills and qualifications that the Board would like to see in a new member. He stated that Council will be having further discussion on the issue at its August 19, 2015 meeting. He stated that Council was asking for the Board's consideration and recommendation.

Member Forlano stated that he has been on the Planning Board for 14-15 years. He added that this was not an attribute that could be interviewed, but his experience over the years has been that almost every individual on the Board has been a free thinker and was not afraid to speak their mind. He wasn't sure how Council could determine those attributes from an application or interview.

Chair Blakaitis agreed with Member Forlano's comments. He stated that he didn't think it was important that the new member be a year-round resident; that the member of the Board reflect the diversity of the Town; the beliefs he/she has; to have geographical representation from different neighborhoods; or to have a strong background in community service. He added that it would help if the new member did have some background in community service. He stated that the three most important attributes for a new member would be that the new individual come to the Board without a personal agenda, that they should be thinking about what's best for Duck, and to be an independent thinker who is not afraid to speak his/her mind. He felt that all of those attributes existed in Vice Chair Fricker. He noted that he, Vice Chair Fricker, Member McKeithan, and Member Murray had no background experience in community government when they joined the Planning Board. He added that they absorbed knowledge by the actions of former Chairman Jon Britt and Member Forlano. He did not believe that someone needs to come to the Board with a tremendous amount of board experience in any community, even though it could be helpful. He added that Anne Darnell served on the Planning Board and did a good job. He noted that she did have experience with Planning Boards and other communities.

Member McKeithan stated that if the Board was trying to define what they were looking for in terms of knowledge or experiences, it would end up narrowing the pool of what they were looking for and would lose the diversity. He thought it was difficult and not advisable to try to define experience and knowledge. Chair Blakaitis thought the Council should not overthink what they want in a new Board member.

Member Murray thought that it should be someone that would attend the meetings regularly. Chair Blakaitis concurred it is important that it be someone that would be committed to attending the Planning Board meetings on a regular basis.

Vice Chair Fricker agreed with most of the comments, but had a couple exceptions. He thought it was important that the new member either be a full-time resident or someone whose roots are clearly in Duck so they have the opportunity to learn how the Town runs, what the issues are and

what the values of the community are. He agreed that a good candidate should be an independent thinker without a personal agenda and with a willingness to listen and learn in order to reach a consensus. He thought the Town has been blessed to have members serve that have been enthusiastic, intelligent and articulate.

APPROVAL OF MINUTES

Minutes from the July 8, 2015, Regular Meeting

Member Murray had corrections to Page 8 and 9.

Vice Chair Fricker had a correction to Page 13.

Chair Blakaitis moved to approve the July 8, 2015 minutes as amended. Member Murray seconded.

Motion carried 5-0.

OTHER BUSINESS

None.

STAFF COMMENTS

Summary of August 5, 2015, Town Council Meeting

Director Heard gave a summary of the August 5, 2015 Council meeting to the Board and audience.

Project Updates

Director Heard gave a short update on the various projects going on in Town to the Board and audience.

Transportation Updates

Director Heard gave a short update on the Albemarle Regional Planning Organization activities and transportation projects to the Board and audience.

BOARD COMMENTS

Chair Blakaitis stated that Vice Chair Fricker has been an integral part of the Board since 2007. He stated that the Board has enjoyed his presence and had fun with him. He thought Vice Chair Fricker has been the consigliere to the Board in many ways and the Town and Town Council will have a difficult time finding an exact replacement, adding that an exact replacement wasn't necessary. He added that there were many people with some of Vice Chair Fricker's attributes. He went on to give Vice Chair Fricker a card expressing the Board's appreciation for his service.

Vice Chair Fricker thanked the members of the Board. He stated that he and his wife would be leaving the Outer Banks in a few months and relocating to a retirement community. He added that they have been thinking about the transition for the past two years and believed it would be a year to a year and a half before they moved. However, an opening came up quickly for them to move as well as to sell their house. He stated that he has served on the Planning Board since March 2007 and thought the experience has been the most gratifying, stimulating and satisfying of any volunteer work he has done since moving to Duck. He stated that Duck was a great town led by highly professional, dedicated and proud people who are participating in a beautiful and successful experiment. He stated that those who helped guide him along the way will not be forgotten, such as Sue Cotellessa, Andy Garman, Sandy Cross, Joe Heard and Jon Britt. He stated that he enjoyed serving on the Board, thanked everyone for their help and wished the Board much success in the future. He added that he will miss the Board, the meetings and the people of Duck.

ADJOURNMENT

There being no further business to discuss, Vice Chair Fricker moved to adjourn the meeting. There was no second or vote.

The time was 8:36 p.m.

Approved: _____
/s/ Joe Blakaitis, Chairman