



BOC ACTIONS
WEDNESDAY, SEPTEMBER 5, 2018

1. Call to order - Mayor Cahoon called the meeting to order at 9:00 a.m. Mayor Cahoon welcomed Attorney Robert Hobbs who was sitting in for Town Attorney John Leidy.

2. Agenda – the Board approved the September 5th agenda as presented.

3. Recognition

Public Works Director Ralph Barile introduced Public Works Facilities Maintenance Technician Bruce Erickson who was welcomed by the Board to Town employment.

Interim Police Chief Perry Hale introduced Police Officer Trevor Bruce who was welcomed by the Board to Town employment.

Deputy Fire Chief Shane Hite introduced Firefighter/EMT Hayden Poulin who was recognized by the Board for ten years of service.

4. Public Comment

Buster Nunemaker, Nags Head Acres resident; he is frustrated by the lack of immediacy the Town has shown in addressing drainage problems; he serves on the Town's Stormwater Committee formed to help address drainage issues and feels the Committee has done its part; he thanked the Board for the increase in this year's budget but \$235,000 is not enough - he asked that the Board put serious funding into getting all these projects taken care of; he also asked that a building moratorium be considered.

Karen Brown, Outer Banks Chamber of Commerce President; she read into the record a letter from the Chamber concerning the workforce housing crisis on the Outer Banks; she provided copies of the letter to the Town Clerk to be provided to Board members. The letter focuses on zoning as one of the core issues when it comes to addressing the housing crisis. The Chamber and its committee have been reviewing current ordinances to determine where changes can create opportunities to address the housing crisis.

5. From August 1st Board meeting - Small Wireless Facilities Ordinance - Dominion Energy representative Winnie Wiseman was present. The Board adopted the small wireless facilities ordinance as presented.

6. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:

Consideration of Budget Adjustment #3 to FY 18/19 Budget

Consideration of Tax Adjustment Report

Approval of minutes

Consideration of Interlocal Building Inspectors Agreement with Dare County

Consideration of Interlocal Debris Removal Agreement with Dare County

Consideration of amendment to Town Code Sec. 26-14 Unmanned Aircraft Systems

Consideration of resolution designating official to make recommendations to NC ABC Commission

Request for Public Hearing to consider amendment re: use of shared power scooter programs

- 7.** Project updates – FOCUS Technical Committee – UDO – Planner Holly White summarized the work done by the FOCUS Nags Head Technical Committee.
- 8.** Consideration of request to apply for grant – The Board approved the request to apply for the NC Department of Environmental Quality – Planning and Management Grant – for the Jacob Street Beach Access Project, as presented. A public comment period was held.
- 9.** Consideration of request to apply for grant – The Board approved the request to apply for the NC Department of Environmental Quality – Planning and Management Grant - for the Natural Hazards and Storm Recovery Projects, as presented.
- 10.** Consideration of request to apply for grant – The Board approved the request to apply for the Dare County Tourism Board Short-Term Restricted Fund Grant - to continue construction of sections of the US 158 multi-use path south of Jockey's Ridge, as presented.
- 11.** Planning Board Chair report - Planning Board Chair Mark Cornwell spoke concerning a recent Planning Board discussion of short-term rentals. The Planning Board discussed how to ask residents to apply for a registration for a use that may not be permitted by the zoning ordinance. Planning Board members discussed the need to receive feedback from the public on this issue and they would like to draft a survey to poll the community – a survey to be distributed online as well as via homeowner associations. Board members spoke in favor of the Planning Board's need for a survey.
- 12.** From Aug 1st Board meeting – Discussion of site buffering – Buffer Yards C and E - for lots adjacent to US 158. It was Board consensus to agree with staff's analysis and proposed buffer yard changes. Board members discussed the good guidance from the Local Business Committee whose consensus was to limit vegetation and to be specific about what is allowed in the buffer area. It was noted that current ordinances require so much vegetation that after maturity some has to be removed/pulled.
- 13.** Comr. Siers - Comr. Siers reported that the Town Stormwater Committee met and members are a little frustrated as they have not yet seen digging or pumps being installed; staff explained at the meeting the work that has been done and the schedule.
- 14.** Attorney Robert Hobbs – Attorney Hobbs noted that while the suggestion of a building moratorium was mentioned in today's Public Comment period, he wanted to make sure the Board was aware that State Statue prohibits a moratorium on residential building.
- 15.** Comr. Renée Cahoon - Comr. Renée Cahoon reported that new Government Education/Government Access Committee member, Board of Education, was present at the recent meeting; more upgrades are being installed to provide for more YouTube videos, etc. She also mentioned the need for the Town to consider how to spend the \$10,000 allotted to each entity.
- 16.** Mayor Cahoon – Mayor Cahoon said that it was interesting to hear at the recent Mayors' lunch how other managers/mayors deal with stormwater issues; and how maintenance issues with NCDOT cleaning out ditches/culverts would help everyone.
- 17.** Mayor Cahoon – Mayor Cahoon reported that next Wednesday (September 12th) he is scheduled to serve on a congressional panel in Washington, DC to discuss what the Town is doing re: stormwater flooding and sea level rise – he anticipates the panel being more focused on sea level rise.
- 18.** Comr. Fuller – Comr. Fuller reported that the Town recently approached the DCTB concerning property at the Outer Banks Event Site on US 158. At the last DCTB meeting, the Executive Committee

reported they had met but that the attorneys (Town and DCTB) had not yet discussed this issue. He suggested that Mayor Cahoon speak with the Tourism Board Chair concerning moving this issue forward.

- 19.** Comr. Fuller - Comr. Fuller reported that he will not be at the next Board meeting.
- 20.** Town Attorney - Attorney Robert Hobbs reported that he is working with Planner Holly White on the Jacob Street grant application.
- 21.** Closed Session - The Board entered Closed Session in accordance with GS 143-318.11(a)(5) regarding appraisals obtained for properties located at 205 W Cutty Sark Lane and 2620 S Bridge Lane; and for possible acquisition of property located at 4500 Hesperides Drive. The time was 10:08 a.m.
- 22.** Open Session – The Board re-entered Open Session at 10:46 a.m. Attorney Hobbs reported that during Closed Session the Board gave direction to Town Manager Ogburn.
- 23.** Interns - Planner Holly White introduced interns working at the Coastal Studies Field Site to assist the Town in commercial recycling and bike path research. Emma Szczesiul is a fourth year student at UNC-Chapel Hill and Mirium Konsouh is a UNC-Chapel Hill student interested in environmental policy.
- 24.** Comr. Renée Cahoon - Comr. Renée Cahoon noted that under the Consent Agenda was an interlocal agreement for debris removal. Sometimes immediacy is necessary and having a local contractor available to respond would allow for that immediacy. She asked that the Town Manager look into obtaining a local contractor rather than one from out of the area in the future.
- 25.** Mayor Cahoon - Mayor Cahoon explained that the September 25th Retreat day is filled with items for discussion starting with Commercialization of the beach, and COLA, Merit pay issues brought forward by the Town Manager. Two items postponed are Recycling, and Beach Nourishment Project tax districts. Attorney Leidy will also be in attendance.
- 26.** Mayor Cahoon – The Board reappointed Jack Cooper to another three-year term on the Board of Adjustment and Tina Adderholdt to another three-year term on the Personnel Grievance Panel - pending their acceptance.
- 27.** Closed Session – The Board entered Closed Session for the Town Manager’s Review at 10:56 a.m.
- 28.** Open Session - The Board re-entered Open Session at 12:43 p.m.
- 29.** Adjournment – The Board recessed to the Board of Commissioners Retreat on Tuesday, September 25, 2018 at 9 a.m. at the Villa Dunes Club House on Villa Dunes Drive. The time was 12:45 p.m.