



BOC ACTIONS
Wednesday, November 7, 2018

1. Call to order - Mayor Cahoon called the meeting to order at 9 a.m.
2. Agenda – The Board adopted the November 7th agenda as presented.
3. Public Comment:

General public comment

Linda Madison, property owner on S Colony South Drive in South Nags Head; developer Sumit Gupta said he would be a good neighbor but he scares her for Nags Head; she spoke against the large houses in the past and is worried about what Mr. Gupta will develop in Nags Head; she hopes the Town has a plan.

Tents/Umbrellas/Cabanos on the Beach public comments

Pat Broom, Chairman of the Outer Banks Chamber of Commerce; she expressed concern that the proposal is inconsistent with the Town Code as it creates more restrictive hours for a specific group of people; what does focusing on one group of people say about the Town of Nags Head; she would like to see evidence as to why this proposal is even necessary.

David Frappier, Manager of Nags Head and Kill Devil Hills Ocean Atlantic Rentals; he read the letter from Ocean Atlantic Rentals previously forwarded to Board members in opposition to the Town's proposed ordinance concerning tents/umbrellas on the beach.

James Eton, owner of Just For The Beach Rentals; he concurred with the thoughts of both speakers before him; his only objection to the ordinance as proposed is the time restriction – they need more time to set up for customers; if there's an issue with the tents on the beach, the Town should want local businesses to take care of it and not the standard beachgoer.

Tom Kelly, owner of Beach Masters; he started the business due to a need and the reaction has been overwhelming; the time proposed restricts them from doing their job and with children they need the equipment out there first thing in the morning; the ordinance as written would essentially put them out of business in Nags Head as it would be impractical.

Robert Farmer, owner of Farm Dog Surf School; people have been enjoying these types of services for over 60 years and if the Town restricts this amenity, then they are breaking with Nags Head tradition; also, municipalities deal with debris left by guests and all operators pick up their own equipment.

Debbie Harrell, spoke on behalf of Resort Realty; Resort Realty maintains a cabana service for their high-end homes and they utilize local businesses for this service; reservations are already being made for this service for the 2019 season.

4. Recognition:

Retirement – Police Chief Kevin Brinkley - Town Manager Cliff Ogburn introduced recently retired Police Chief Kevin Brinkley who was honored and thanked for his service for the Town; on behalf of the Board, Mayor Cahoon presented a plaque of retirement to Chief Brinkley.

Presentation – Earl Murray Jr Employee of the Year Award - Department Heads introduced their nominee:

Police Department, Chris Montgomery – Nominee Ben Jadoff
Fire Department, Kevin Zorc – Nominee Tanner Mann (out of Town and was not present)
Administrative Services, Amy Miller – Nominee Kim Blankenburg
Public Works Department, Ralph Barile – Nominee Karen Heagy
Planning & Development, Kelly Wyatt - Nominee Ed Snyder

Presentation – Nags Head Woods Annual Report – Regional Steward Aaron McCall presented the 2018 Nags Head Woods Annual Report with a powerpoint presentation – which was well received.

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

- a) Consideration of Budget Adjustment #5 to FY 18/19 Budget
- b) Consideration of Tax Adjustment Report
- c) Approval of minutes
- d) Consideration of resolution to surplus Town equipment
- e) Consideration of housekeeping changes to Town Code Sections 12-32 and 12-33
Consideration of request to write off old business licenses/registration fees
- f) Updates to the Hazard Mitigation Plan
- g) Request for Public Hearing - Changes to Stormwater Ordinance and Commercial Design Standards
- h) Consideration of resolution designating applicant's agent for Hurricane Florence

6. Public Hearing – to consider a Conditional Use/Site Plan Amendment submitted by Bradley Carey of First Flight Adventure Park for the addition of eight (8) new obstacles. The property is zoned C-2, General Commercial and is in the Commercial Outdoor Recreation Overlay District located at 6714 S. Croatan Highway – The Board passed a motion to approve the Conditional Use/Site Plan Amendment as presented with the required three findings of fact and with the applicant's two (2) paragraphs representing true and accurate statements included as part of the motion.

7. Project Updates:

FOCUS Nags Head Technical Committee – Unified Development Ordinance (UDO)

Planner Holly White provided an update on the FOCUS UDO; Mayor Cahoon said that he would prefer the Board wait until the entire document is received before providing comments.

Stormwater Projects

Town Engineer David Ryan provided an update on the Town's Stormwater Projects and he reviewed the timeline. The three (3) initial projects are:

- Project 1 – Gallery Row - Memorial Ave from Driftwood to Baltic Street
- Project 2 – Nags Head Acres - Southeast corner of Bridge Lane and intersection of Bridge Lane and Compass Lane, and Vista Colony - End of Lost Colony/Meekins Drive
- Project 3 – The Village at Nags Head - Seven Sisters and S Virginia Dare Trail near Mall Drive

8. Regulation of tents/umbrellas/cabanas on the beach – Consideration of amendment to Town Code Chapter 12 Businesses and Licensing – The Board passed a motion that Comr. Siers and Comr. Fuller serve on a committee to explore the proposed regulation of tents/umbrellas/cabanas on the beach with representatives from the industry to consider any intended/unintended consequences of the proposed ordinance and to determine what, if any, modifications may be necessary – and to report back at the December 5th Board of Commissioners meeting. Comr. Siers agreed to serve as Chair of the committee.

9. Planning Board appointment – The Board appointed Megan Lambert to the vacant position on the Planning Board.

10. RFP for Town Recycling Bids – Mayor Cahoon expressed his hope that by the time of the January 2019 Retreat this issue can be brought to a conclusion. Some questions brought forward include:

- What has the Town invested so far?
- Is there a possibility of the Town doing it ourselves and, if so, at what cost?
- What are the tipping fees and how much has been rejected, if any?
- No point in moving forward with commercial recycling until resolution of residential recycling
- The more data received, the better for the decision-making process
- Is data available re: what recycling items are placed in regular carts due to inadequate number of recycle carts

It was Board consensus that a Recycling Workshop be scheduled for Wednesday, December 5th – after the regular Board of Commissioners meeting.

11. Designation of voting delegate and backup for the NCLM Advisory Goals Conference. The Board voted to name Mayor Cahoon as the voting delegate and Town Manager Ogburn as the secondary voting delegate at the NCLM Advocacy Goals Conference in Raleigh on November 29, 2018.

12. Town Manager Ogburn - It was Board consensus that the agenda item re: Overview of the use of Crisis Track software related to Hurricane Michael damage assessment be moved to the December 5th meeting agenda.

13. Comr. Renée Cahoon – The Board passed a motion that a letter of support from the Town be forwarded to the State endorsing the Army Corps of Engineers' request to make marsh sills a general permit application process versus a major permit.

14. Closed Session – The Board entered Closed Session to consider an honorarium; to confer with the Town Attorney to preserve attorney/client privilege, and to discuss potential land acquisition at 2620 S Bridge Lane in Nags Head Acres. The time was 12:15 p.m.

15. Open Session - The Board re-entered Open Session at 1:13 p.m.

16. Adjournment - The Board passed a motion to adjourn at 1:14 p.m.