



**TOWN OF NAGS HEAD
BOC ACTIONS
April 7, 2010**

1. Call to order - Mayor Oakes called the meeting to order at 9 am; Pastor Fecenda from Still Waters Baptist Church provided prayer which was followed by the Pledge of Allegiance. [Comr. Anna Sadler was not in attendance.]

2. Agenda - The Board passed a motion to adopt the April 7th agenda as presented.

3. Audience Response - John Ratzenberger, Nags Head resident; spoke as the Chair of the Town's 50th Birthday celebration; he asked Board members to provide any thoughts on the Town's Birthday celebration.

Ed Mays, Nags Head Pond resident; he is looking forward to the new west-side multi-use path currently being constructed; he is aware that the new path will not have an 18" pipe which drained stormwater from Nags Head Pond; he asked the Board to authorize re-installation of the pipe.

4. Recognition – Sr Fleet Mechanic Patrick Norcross was recognized for three years of service.

Retiring Fire Chief Butch Osborne was recognized by the Board; he was presented a plaque of recognition/appreciation and also received a standing ovation from the audience.

5. Proclamation - The Board passed a motion to adopt the Proclamation declaring April 2010 as Child Abuse Prevention Month.

6. Consent - The Board passed a motion to approve the Consent Agenda as presented:

- Consideration of Budget Adjustment #10 to FY 09/10 Budget Ordinance
- Consideration of Tax Adjustment Report
- Approval of Minutes
- Acceptance of Sand Wedge Lane in Village at Nags Head into Town street system
- Consideration of modification to Consolidated Fee Schedule to incorporate DVD cost

7. Public Hearing - to consider request for Certificate of Public Convenience and Necessity – The Board passed a motion to table discussion on Jane Martins Lady Jane taxi-cab service request until the May 5th BOC meeting when further information is expected to be available - Ms. Martins is scheduled for court on May 4th.

8. Public Hearing - to consider a zoning ordinance text amendment to permit coffee carts as an accessory use to shopping centers – The Board passed a motion to adopt the ordinance recommended by the Planning Board concerning coffee vending carts.

In response to Comr. Remaley, Planning Director Tim Wilson explained that the ordinance would end after one year and the Board would then need to take action to keep it on the books.

9. Wind turbines - discussion of amendment to permit larger wind energy facilities - Staff is to contact the legislative affairs office of NC Dominion Power and obtain (in writing) their policy on power lines, setbacks, and the erection of wind turbines. This discussion is to be brought back to the Board.

10. Committee reports:

Mayor Oakes – reported on the recent NC Beach and Inlet Waterway Association (NCBIWA) conference he and Town Manager Ogburn attended.

Comr. Cahoon – reported on the recent Coastal Resources Commission meeting – she spoke of CRC's recommendation to the legislature concerning terminal groins – the Senate has passed the legislation – currently waiting for the House who has held the legislation up in Committee.

Mayor Oakes – reported on the recent NC 20 (coastal counties) meeting; Outer Banks Government Liaison Wilo Kelly spoke at the meeting concerning beach insurance and how considerably more is paid on inland claims than on coastal claims.

Mayor Oakes – reported that the Beach Road Committee met yesterday (April 6th) and the Beach Plan Committee meets on Saturday, April 10th.

11. Resolution – The Board passed a motion authorizing staff to participate in the NCLM Municipal Environmental Assessment Coalition (MEAC) at a cost of \$250.

12. Structure demolitions - Town Manager Cliff Ogburn reported on the nuisance structure demolitions in the Town. Litigation has been filed on 17 of the 23 structures; It was Board consensus to have the Nansemond house removed by the Town, at an estimated cost of \$7,500 – pursuing litigation would be significantly more expensive. Funding source for this action is to be determined by the Town Manager/Finance Officer.

13. Beach Nourishment - Town Manager Ogburn summarized the beach nourishment project presentation by CS&E Tim Kana yesterday (April 6th) in the Board Room. The presentation was well attended and Mr. Kana addressed several questions from the public. It was pointed out that Division of Marine Fisheries has requested additional monitoring of sea life in the borrow area, it is expected permits will be delayed approx. six months.

14. Resolution – The Board passed a motion to adopt the resolution authorizing Prudential to administer the Town's 457 Plan.

15. Town Manager – Updates were provided on the following stormwater projects: Northridge Subdivision swale re-establishment; Vista Colony contract with Town Engineer to develop plan; Nags Head Pond additional culvert/pipe to multi-use path; Southeast corner of Nags Head Acres check dams; and South Nags Head Fire Station #21 ditch cleanup.

16. Town Manager - Town Manager Ogburn invited everyone to the retirement luncheon of Fire Chief Butch Osborne on Thursday, April 15th at 12 Noon at Fire Station #16.

17. Comr. Remaley – The Board passed a motion to approve the Government Access Channel Committee budget to include the Town's input of \$1,000.

18. Comr. Cahoon - Town Manager Ogburn is to schedule a meeting with the Water Resources Commission to discuss the possibility of obtaining State funding for the Town's beach nourishment project; contrary to previously received information, a federally-approved project is not a requirement to obtain State funding.

- 19.** Comr. Cahoon - Comr. Cahoon reported that she has viewed surfers near Jennette's Pier trespassing on private property as well as on sand dunes; she requested that the Surfrider organization educate their members and others on the law concerning trespassing and beach accesses.
- 20.** Comr. Cahoon - Comr. Cahoon requested that the signage that denotes beach accesses be larger; it is difficult to see the signs identifying the beach accesses at a distance.
- 21.** Mayor Pro Tem Gray - mentioned that the wellness competition prize agenda item was removed from the March 17th consent agenda but was not addressed during the meeting; Mayor Oakes stated that specific criteria for the program was forwarded after the meeting; Town Manager Ogburn noted that staff has no requests for the Board concerning the Wellness Program at this time.
- 22.** Mayor - It was Board consensus to schedule the following Budget Workshops: Mon, April 26th at 3 pm; Wed, April 28th at 7 pm; Mon, May 10th at 7 pm; Wed, May 12th at 3 pm; Mon, May 17th at 7 pm if needed.
- 23.** Mayor – The Board passed a motion to endorse Dare County's resolution concerning collection of delinquent property taxes upon transfer of property.
- 24.** Mayor – The Board passed a motion to adopt the resolution in support of passage of legislation authorizing CRC to allow the use of terminal groins.
- 25.** Mayor – The Board passed a motion to approve the NC 20 (coastal counties) request for a paid Director with a contribution of .25 per capita (2008 population of 3,016 per US Census Bureau).
- 26.** Mayor - In response to John Ratzenberger's request for information about the Town's 50th Birthday in 2011, Comr. Cahoon suggested that a one-day Town-wide social would be more do-able and may encourage more participation. Mayor Oakes suggested speaking with the Outer Banks History Center as another resource.
- 27.** Mayor - Mayor Oakes reported that there have been odor complaints concerning the Village Wastewater Treatment Plant. Town Manager Ogburn noted that CWS (Utilities, Inc.) is proceeding on schedule with their repairs and is in accordance with Division of Water Quality standards.
- 28.** Closed Session – The Board passed a motion to enter Closed Session to consider 1987 - 1990 Closed Session minutes in accordance with GS 143-318.11(a)(1). The time was 12:15 p.m.
- 29.** Open Session - The Board re-entered Open Session at 12:20 p.m. Attorney Leidy reported that during Closed Session the Board took action to approve the 1987 - 1990 Closed Session minutes and took action to open them in accordance with the summary disposition page that was attached.
- 30.** Adjournment - Mayor Oakes recessed to the mid-month BOC meeting on Wed, April 21st at 7:30 p.m. The time was 12:20 p.m.