



**TOWN OF NAGS HEAD
BOC ACTIONS
August 4, 2010**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Agenda – The Board passed a motion to adopt the agenda as amended - with time specific of 11:00 a.m. for Beach Nourishment Special Assessment public comment period.
3. Audience Response - Webb Fuller - spoke on behalf of Village Landscape Committee and for himself - he requested that the Town take whatever action is necessary to rectify the elimination of the vegetation on US 158 in front of Resort Realty and Sonic Drive-In, which is in direct violation of the Village and Town regulations.

Audience Response – Harry Nash – explained that he had received an email from Town Manager Ogburn addressing the elimination of the vegetation at Sonic Drive-In and Resort Realty.

Audience Response – Ed Mays - he distributed new State legislation which allows all-terrain vehicles (ATVs) to cross State highways to access hunting/fishing areas; he asked the Board to adopt an ordinance allowing this action.

4. OBCan Project – Project founder artist Barry Lee and participating artists were recognized for the OBCan Project. Other artists recognized: Judith Bailey, Sandy Jett Ball, Tracy Bell, Ashley Fellers Massey, Shawn Kenny, Judy Kettels, Rosemary Mulcahy, Shirley Ruff, Jacquelin Perry, Sharon Schreyet/Girl Scout Troop 2545.
5. Recognition - Firefighter/EMT Jimmy Davis was recognized by the Board for 5 years of service.
6. Consent - The Consent Agenda was approved as presented:
 - Consideration of Budget Adjustment #1 to FY 10/11 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Acceptance of the Dare County/Town Hazard Mitigation Plan
 - Consideration of resolution in support of the 60th Nags Head Surf Fishing Club Tournament
7. Public Hearing – to consider zoning ordinance amendment concerning Village Commercial signage, landscaping, and lighting. The Board passed a motion to table consideration of the proposed ordinance for 60 days.
8. Public Hearing - to consider zoning amendment concerning vehicles displaying business information as signage. The Board passed a motion to deny the proposed ordinance concerning using vehicles as signage.

9. Public Hearing – to consider zoning amendment concerning allowing crowd gathering activities in temporary structures/vacant buildings such as the former Seamark Food Store. The Board passed a motion to adopt the Planning Board-recommended ordinance concerning allowing crowd gatherings in vacant buildings such as the former Seamark food store building, as presented.

10. The Board passed a motion to adopt the ordinance amending the Traffic Control Map to include stop signs on Wrightsville/Admiral St as presented. Admiral Street sidewalk - It was Board consensus to place the following item on the October 2010 Board meeting agenda for discussion: Sketch of a sidewalk on both sides of Admiral St for review by Board members – include placement of the dumpster at the end of Admiral St.

11. Beach Nourishment - Mayor Oakes and Attorney Leidy summarized the Beach Nourishment Project issues for the audience; the following spoke at the Beach Nourishment - Special Assessment Public Comment Period:

Kathy Massino, property owner in SNH

Bob Thomas, property owner on SVDT

Reed Fisher, property owner on SVDT

Eddie Reid, SNH property owner

Eileen Lubaszewski, property owner in SNH

Frank Biondi, property owner on SVDT

Elizabeth Hall, property owner on SVDT

Willo Kelly, OB Homebuilders/OB Association of Realtors rep

Brandon Straub, resident of ONHC

John Hall, property owner on SVDT

Diane Trowbridge, SNH property owner

Caroline Woodward, property owner on SVDT

Maryann Thomas, property owner on SVDT

Attorney Leidy is to look into the special assessment process for condominium and timeshare ownership.

12. Lunch – The Board recessed for lunch at 12:25 p.m. and reconvened at 1:50 p.m.

13. Taxi-cab application denial appeals

-- Robert Young; The Board passed a motion to grant a waiver to applicant Robert Young for a taxi-cab driver permit based on the Deputy Police Chief's recommendation that good cause exists to grant the waiver.

-- Ricky Powers; Deputy Police Chief Gilliam reported that Mr. Powers' request for appeal of his taxi-cab driver permit denial was prematurely presented to the Board as the Police Chief had not yet officially denied his request.

-- Tamara Wescott; The Board passed a motion to deny Ms. Wescott's request for appeal of taxi-cab driver permit denial based on the Deputy Police Chief's report that good cause does not exist to grant the waiver.

14. Committee Reports

Comr. Sadler – Town 50th Birthday Committee meets the last Thursday of each month at 5:30 p.m.

Town Manager Ogburn – provided a report on the recent Jennette's Pier Advisory Committee meeting.

Comr. Cahoon – At the September 16th CRC meeting, terminal groins will be presented for formal consideration.

15. Mayor Pro Tem Gray – The Sgt Earl Murray monument dedication is scheduled for 11:00 a.m. on August 11th on the west side multi-use path near Satterfield Landing Road/US 158 intersection.

16. PW Brush Yard - The Board passed a motion to adopt the ordinance and implement PW Brush Yard sticker system. Attendant is to utilize common sense in allowing Town commercial businesses to use the brush yard.

17. Resolution - The Board passed a motion to adopt the resolution supporting utilization of the NC Dept of Correction inmates as presented – to be forwarded to the main office of the NC Dept of Corrections in Raleigh.

18. Town Attorney – reported on new State ethics law effective October 1st: includes provision that makes employees' salary history and personnel actions a public record.

19. Town Attorney – Requested a Closed Session to provide update on the Roc Sansotta litigation.
20. Mayor Oakes – Beach Nourishment Special Assessment Process – he will review and shorten petition; Attorney Leidy stated that a Public Hearing should be held on the Town’s beach accesses with the Town participating by paying its share of the beach access values.

Attorney Leidy is to research the following and provide a report: Any changes on special assessment and on easements that would modify the oceanfront property owners right to cross the easement line.
21. Town Manager – Reported on opportunity for west side to donate to the Beach Nourishment Fund – information to be found on Town’s web site, calculator to determine assessment is also provided on web site.
22. Town Manager - National Park Service meeting on alternative transportation strategies – Fire Chief Zorc will be attending today’s NPS meeting and will report at the August 18th mid-month Board meeting.
23. Town Manager - It was Board consensus that staff / Planning Board review methods to make it easier for nonconformities to be rebuilt/improved for consideration by the Board of Commissioners at an upcoming meeting.
24. Town Manager - Donation of property by Robert/Cherlyn Budnik – to be presented to the Board for consideration after additional information is obtained.
25. Comr. Cahoon - Staff was directed to include under Comr. Cahoon’s agenda at the August mid-month meeting - consideration by the Board of the removal of the use of segways on the Town’s multi-use paths.
26. Comr. Cahoon - Expressed concern about public beach access signage which is small and difficult to read; in addition, there is confusion about the Town Seal on the No Trespassing signs. Staff is to bring this issue back for Board consideration. Deputy PW Dir Barile said that three 30” x 30” beach access signs are currently on order.
27. Mayor Pro Tem Gray – Beach Nourishment Project – stated that he trusts that the people of Nags Head will pay attention to the Beach Nourishment Project with its far-reaching effects.
28. Comr. Sadler - Chesapeake Expressway usage - Comr. Sadler reported that the June 2010 usage of the Chesapeake Expressway dropped 17% for the reported usage of June 2009.
29. Mayor Oakes - Requested a Closed Session to review the Jan - Jun 2010 Closed Session minutes.
30. Mayor Oakes - Reminded the audience of the Town’s 1% discount policy if paying property taxes early.
31. Mayor Oakes - Mayor Oakes requested a brief Closed Session to address a personnel action.
32. Mayor Oakes - It was Board consensus that Mayor Oakes take back to Ralph Buxton that the Town will consider changes to its ordinances to make a multi-use facility project work at the DCTB windmill point site. Also to be discussed with the DCTB.
33. Mayor Oakes - Mayor Oakes reported that today, August 4th, is the Coast Guard and President Barak Obama’s birthdays.
34. Closed Session - The Board passed a motion to enter Closed Session to discuss a personnel issue, Roc Sansotta nuisance structure litigation, and the Jan – Jun 2010 Closed Session minutes - The time was 4:01 p.m.
35. Open Session - The Board re-entered Open Session at 4:31 p.m. Town Attorney Leidy reported that during Closed Session the Board took no action on the Roc Sansotta nuisance structure litigation, it took no action on the personnel issue, and it approved the Jan – Jun 2010 Closed Session minutes / dispositions.

36. Adjournment - Mayor Oakes recessed the Board meeting to an adjourned session on Wednesday, August 18, 2010 at 7:30 p.m. in the Board Room.