



**TOWN OF NAGS HEAD
BOC ACTIONS
February 3, 2010**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. followed by prayer from Pastor Scott Pollard of First Flight Church followed by the Pledge of Allegiance.
2. Adoption of agenda - The Board passed a motion to adopt the Feb 3rd agenda as presented.
3. Audience Response - Paula Donaghy, represented the League of Women Voters; she presented the 2010 Citizens Guide to Board members; she also recognized those who contributed to the Guide.

Audience Response - John Ratzenberger, South Nags Head resident; spoke concerning beach nourishment project; displayed photographs of the Coastal Science Engineering (CSE) plan for location of sand; he stated that if Old Oregon Inlet Road is gone, everything in South Nags Head is gone.

4. Offshore drilling - John Wasniewski, co-chair of Outer Banks Chapter of the Surfrider Foundation, presented a resolution opposing offshore drilling/exploration which was adopted by the Board.
5. Recognition - Sanitation Equipment Operator Keefe White, Senior Bldg. Inspector David Morton, Town Clerk Carolyn Morris, and Police Officer John Gilreath were recognized for their years of service.
6. Consent agenda - The Board passed a motion to approve the Consent Agenda as presented; it consisted of the following agenda items:
 - Consideration of Budget Adjustment #8 to FY 09/10 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Request to advertise delinquent taxes
 - Request for Public Hearing to consider a zoning ordinance text amendment to permit one identification sign along US 158 for major entrances to the eastern areas of the SPD-C district
7. BOC photos - It was Board consensus that a group photo be included on the Town's web site.
8. NPS ditch cleanup - It was Board consensus to direct staff to continue to pursue past actions with the Park Service concerning the ditches in South Nags Head (ditches are located at 8800 SOOIR and at the South Creek Acres Club House) and to encourage that future actions to clean the ditches would be a continuation of regular maintenance; in addition, staff is to request that the Park Service approach ditch cleanup as storm remediation. Public Works Director Dave Clark said he would report on his findings at the next Board of Commissioners meeting.
9. NH Pond stop signs - The Board passed a motion to adopt the ordinance amending the Traffic Control Map with the installation of two (2) stop signs - one at Oak Knoll Drive facing east and one at Oak Knoll Drive facing west. Police Chief Brinkley is to speak with the Nags Head Pond POA re: lowering the speed limit.

10. Pet waste bags - The Board passed a motion to approve the request to apply for a NC Community Conservation Assistance Program grant for pet waste receptacles/bags.

11. Committee reports - Board members briefly provided updates on various committee meetings they attended on behalf of the Board.

12. Board/Committee appointments - The following actions were taken by the Board:

- Planning Board - Pogie Worsley, Susie Walters reappointed; Marvin Demers appointed
- BOA - John Mascaro and Bob Gentry appointed as alternates; Margaret Suppler reappointed
- Personnel Grievance Panel - advertise for and fill vacancies at April 2010 Board meeting
- CAC - Dennis Mabe reappointed; fill vacancies at April 2010 Board meeting

- Beach Road Committee - Includes all those interested in serving and all former Beach Road Committee members - to meet the first and third Saturdays of the month - and to report back at the May 2010 Board meeting - advisory committee whose charge includes how the future of the Beach Road is viewed - includes Planning staff and Planning Board members Bob Edwards, Susie Walters, and Clyde Futtrell.

- Beach Plan Committee - Includes all those interested in serving - to meet the first and third Saturdays of the month - and to report back at the May 2010 Board meeting - advisory committee to consider possible future scenarios and outcomes for the beach and the oceanfront and advise how the Town can provide an environment that will encourage the most favorable outcome - includes Planning staff and Planning Board members Tom Haddon, Pogie Worsley, and Barbara Gernat.

- Reconstruction Task Force - Mayor Oakes is to bring up under his agenda later in today's meeting
- Beach Nour Finance Committee - It was Board consensus to not make appointments to this committee.

13. Beach Nourishment - Mayor's Plan - Special Assessment Process is backup plan; the plan requires approval by 66% of oceanfront property owners; Town Manager Ogburn is to obtain clarification from LGC to see if Certificates of Participation (COPS) is a viable option. Staff is to include information on the special assessment financing on the Town's web site for oceanfront property owners to review.

The Board passed a motion to adopt the resolution concerning the Town's support of collection of a 1% occupancy tax in Dare County and allocation of \$20 million from the Dare County Beach Nourishment Fund for the Town's beach nourishment project.

The Board passed a motion to adopt the resolution requesting that the State include in the upcoming budget year (FY 10/11) \$5 million to assist in funding the Town's shoreline/beach nourishment engineered project which will soon be permitted. The resolution is to be forwarded to Rep. Spear/Sen. Basnight/Governor Perdue's offices.

The Board passed a motion to adopt the resolution requesting that Dare County endorse the resolution to the State for an additional 1% sales tax, without repeal, for beach nourishment.

It was Board consensus to present the resolutions to the Dare County Board at their Feb 15th meeting.

14. Town Attorney - No action was taken re: additional attorney representation at BOA meetings.

15. Town Attorney - Town Attorney Leidy reported on a recent lawsuit concerning prayer at legislative meetings; Mayor Oakes stated that he would report back at the next Board meeting if ethic diversity within the Town would meet the required criteria to avoid litigation.

16. Town Manager - Town Manager Ogburn reported on the latest information concerning the required permits for the Town's beach nourishment project. The Corps (COE) is not happy with the turn of events/change in mind by Marine Fisheries and a meeting has been scheduled for February 24th in Washington, NC.

It was Board consensus that Town Manager Ogburn set up a meeting with Senators Burr/Hagan/Congressman Jones to discuss the issues the Town is having with agencies in obtaining the necessary permits.

17. Town Manager - Town Manager Ogburn reported that the necessary permit has been obtained from Division of Water Quality and construction of the west side multi-use path project will begin soon.

18. Town Manager - Town Manager Ogburn reported that the Town is partnering with the Dare County Arts Council for the Outer Banks Trash Can project. Information will be forwarded to residents soon.

19. Town Manager - An update on the Jennette's Pier Project was provided by Town Manager Ogburn. The next meeting date is March 24, 2010.

20. Mayor Pro Tem Gray - Stormwater - Staff was directed to research stormwater drainage options to include the following - and to return to the Board with some solutions:

- Town Engineer evaluation,
- Use of retaining ponds,
- Possibility of a pump station and/or a portable pump,
- Diverting water onto Wellfield Rd after researching who owns land between Britthaven and Wellfield Rd,
- Contacting Clean Water Management Trust to look at the purchase of vacant lots,
- Possibility of pumping behind a subdivision instead of aiming toward the ocean.

21. Comr. Cahoon - Comr. Cahoon reported that she spoke with Nancy White of Coastal Studies Institute and she feels that Fresh Pond may be contributing to the stormwater issues in the Town. She questioned the possibility of pumping excess water to the Dare County Reverse Osmosis Plant. Public Works Director Dave Clark said that Water Plant Superintendent Carawan and staff are looking into a solution to pump ground water before it even gets to Fresh Pond and mix it with the RO Plant in Kill Devil Hills.

22. Comr. Sadler - Comr. Sadler mentioned the problem at the new traffic signal at Nags Head Acres - the median strip protrudes too far east. It was Board consensus that Public Works Director Dave Clark evaluate this situation which is a similar situation to the Village at Nags Head median strip next to the Village Food Lion.

23. Comr. Sadler - Police Chief Brinkley described his public safety email exchange - to keep the community apprised of public safety news - This broadcast is separate from the Town's general email broadcast.

24. Comr. Sadler - Comr. Sadler asked the Board to appoint John Ratzenberger to chair the Town's 50th Birthday Committee. Mayor Oakes said that he would communicate with Mr. Ratzenberger on this.

25. Comr. Sadler - Comr. Sadler pointed out that the many people that receive resident John Ratzenberger's emails concerning beach nourishment should know that the Town does not yet have the required permits.

26. Mayor Oakes - Mayor Oakes requested a Closed Session in order to review Closed Session minutes from previous years.

27. Mayor Oakes - The FY 10/11 Budget Workshops will be scheduled with individual Board members in early April 2010. The Board of Commissioners Retreat was scheduled for Friday, February 12, 2010.

28. Town Manager - Fire Chief Butch Osborne is scheduled to retire May 1st.

29. Closed Session - The Board passed a motion to enter Closed Session to review Closed Session minutes in accordance with GS 143-318.11(a)(1). The time was 1:24 p.m.

30. Open Session - The Board re-entered Open Session at 1:29 p.m. Town Attorney reported that the Board took action to approve/provide disposition of Closed Session minutes - No other actions were taken.

31. Mayor Pro Tem Gray - The need for better communication among BOC members was discussed.

32. Adjournment - The Board passed a motion to adjourn. The time was 1:34 p.m.