



**TOWN OF NAGS HEAD
BOC ACTIONS
January 6, 2010**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. The scheduled pastor was not in attendance - a moment of silent meditation was followed by the Pledge of Allegiance.
2. Agenda adoption - The Board passed a motion to adopt the Jan 6th agenda as amended - with the removal of item #9 concerning the Phase III of the west side multi-use path.
3. Audience Response - No one spoke during Audience Response.
4. Recognition - the following employees were introduced/recognized: Firefighter/EMT Charles Thuman; Firefighter/EMT Ryan Dodson; Water Service Technician Billy Ebinger; and Police Officer Chase Tadlock.
5. Removed from Consent - Award of contract for Phase III west side multi-use path; Town Manager Ogburn reviewed with Board members; Mr. Barile estimated completion date to be Easter 2010.

Comr. Sadler asked staff to look into safety steps being taken by other communities such as with the use of path stop bars, etc. to keep the path safe.

6. Consent - The consent agenda consisted of the following and was approved with removal of item #9 re: Phase III of the west side multi-use path:
 - Consideration of Budget Adjustment #7 to FY 09/10 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Appointment of Town Manager to Nags Head Leasing Corporation
 - Consideration of resolution updating bank signatures
7. Public Hearing - to consider text amendment to permit "taxi and limousine service" as home occupation and permitted use in C-2 and C-3 districts. The Board passed a motion to adopt the staff-recommended ordinance which permits "taxi and limousine service" in commercial districts only.
8. Public Hearing - to consider text amendment to allow use of bicycle racks in lieu of required parking spaces for all commercial uses. Staff is to bring back a modified proposal for Board consideration that allows a bicycle rack to eliminate one (1) parking space and to not count the bicycle rack as lot coverage.
9. Public Hearing - to consider a text amendment to permit commercially zoned property to utilize adjoining commercially zoned property for wastewater treatment facilities. The Board passed a motion to table the ordinance indefinitely.

10. Vacant seat on BOC - The Board passed a motion, 3 - 1, with Mayor Oakes casting the NO vote, to appoint Renée Cahoon to the fifth Commissioner seat, left vacant after Mayor Oakes was elected Mayor.

11. Committee Reports - Comr. Remaley provided updated information on the Channel 20 Committee; Mayor Oakes congratulated Comr. Sadler as the Town's representative on the Tourism Board.

12. Firemen's Relief Fund Board - The Board passed a motion to reappoint Jo Fessler as a member of the Firemen's Relief Fund Board of Trustees.

13. BOA Chair/Vice-Chair - The Board passed a motion to reappoint Jack Cooper as Chair and Margaret Suppler as Vice-Chair of the Board of Adjustments.

14. Reconstruction Task Force - Mayor Oakes asked Board members to consider formation of the Reconstruction Task Force which is defined in Town Code Chapter 32. Included in its charges are how to respond to erosion, beach pushes, and sandbags. Those listed in the composition of the Task Force are to be notified, meet, and bring back their charges at an upcoming Board meeting for review/approval.

15. Beach Road Committee - Mayor Oakes would like a newly formed Committee, Beach Road Committee, to be charged with review of two (2) prior studies - one from NC State and one from Historic District property owner Bill Flowers - and to examine most likely scenarios of what the Beach Road will look like in 2020 if the Town stays on its current course. Interested volunteers to apply to the Town by Jan 20, 2010 with appointments made at the Feb 2010 Board meeting. Planning staff is to be involved.

16. Beach Plan Committee - Mayor Oakes would like a newly formed Committee, Beach Plan Committee, to be charged with several issues: erosion strategies; how long a septic tank should be allowed to stay on the beach; how beach pushes are done; how sand bags are permitted; etc. Planning Board and Planning staff are to be involved. Interested volunteers to apply to the Town by Jan 20, 2010 with appointments made at the Feb 2010 Board meeting.

17. Historic Homes District Committee - It was Board consensus that Mayor Oakes forward a letter to all Historic District property owners, providing information on the Kill Devil Hills program, and informing the property owners that if they are interested in meeting, they are welcome to meet at the Town and administrative support would be provided for them.

18. NH Woods - Nags Head Woods Steward Aaron McCall narrated his presentation slides on an update of NH Woods activities. Staff is to work with Steward McCall on a new Nags Head Woods Trail sign.

19. Town Attorney - In response to an inquiry from Mayor Oakes, Attorney Leidy stated that he would provide estimated costs associated with attending all BOA meetings at an upcoming meeting.

20. Town Manager - Deputy Public Works Director Barile updated the Board on the status of the cleanup as a result of the Veterans Day storm; status of all cleanup will be discussed again at the Feb 2010 Board meeting. Mayor Oakes confirmed with Board members the goal to complete beach access repair by Memorial Day.

Mayor Oakes asked staff to bring back information on costs spent on maintenance/repair of Surfside/Seagull Drives - as compared to other Town streets - for discussion at the Feb 2010 Board of Commissioners meeting.

Town Manager Ogburn explained the process of nuisance homes removal - It was Board consensus that TM Ogburn forward a letter notifying nuisance property owners that, at a minimum, septic tanks must be removed by Apr 1, 2010.

21. Town Manager - Town Manager Ogburn provided an update on the State and Federal beach nourishment projects. It was Board consensus that Town Manager Ogburn forward a letter to the State (DCM) requesting that CAMA permit processing be as expeditious as possible - and to not allow extensions.

Town Manager Ogburn is to contact Dare County Manager Outten to see if he would be interested in preparing a letter on behalf of Dare County requesting that the designated offshore borrow areas be reserved/protected for beach nourishment project use when appropriate - and to disallow installation of powerline corridors in these areas.

Town Manager Ogburn is to forward a letter to the appropriate State authority requesting that the Town be exempt from beach nourishment monitoring, i.e., turtle monitoring - as is the case with Federal projects.

Staff is to determine ways to obtain the necessary beach nourishment project revenue for discussion at the January 20, 2010 workshop; Town Manager Ogburn pointed out that any letters of request to legislatures need to be forwarded to them by mid-April 2010.

22. Town Manager - Town Manager Ogburn reported that he received word from DWQ David May that the Special Order of Consent document will be finalized and signed by Utilities, Inc. (Carolina Water) "any day now".

23. Comr. Sadler - In response to Comr. Sadler's comment concerning the recent editorial opposing beach nourishment efforts written by Professor Orrin Pilkey in a recent Virginian Pilot issue, Mayor Oakes stated that he would prepare and forward a letter or editorial of response.

24. Comr. Sadler - Town Manager Ogburn agreed with Comr. Sadler that for the 2010 Christmas season, citizens will not be required to call the Town first to have their trees picked up by Public Works.

25. Comr. Sadler - Public Works Director Dave Clark updated the Board on NPS ditches to be cleaned in South Nags Head; he stated that he hoped to have a response from NPS by the Jan 20, 2010 mid-month meeting or by the Feb 3, 2010 Board meeting as to NPS plan of action. Town Manager Ogburn is to prepare a letter to the Park Service detailing the importance of keeping the ditches clean.

26. Comr. Sadler - It was Board consensus that Police Chief Brinkley work with Admin Services to develop an application to be part of a night-time trout fishermen checklist for overnight parking at beach accesses from Labor Day to beginning of February. This is to be brought back to the Board for review at upcoming meeting.

27. Mayor Oakes - Mayor Oakes requested a Closed Session to review/approve Closed Session minutes from July - December 2009 and a Closed Session to review the Town Manager's performance.

28. Mayor Oakes - Mayor Oakes asked Board members to consider a recent request for Board member photos/biographies to be included on Town's web site. This will be discussed at an upcoming Board meeting.

29. Mayor Oakes - Staff was directed to reactivate the Citizens Advisory Committee (CAC) in order to meet on a quarterly basis. Currently, the CAC meets on an as-needed basis. Staff is to research to determine if the CAC has review of the Town's zoning ordinance as part of their charge.

30. Closed Session - The Board passed a motion to enter Closed Session to review/approve Closed Session minutes from Jul - Dec 2009 and to review the Manager's performance. The time was 12:06 p.m.

31. Open Session - The Board reentered Open Session at 12:34 p.m. Attorney Leidy explained that during Closed Session the Board took action to approve the Jul - Dec 2009 Closed Session minutes and to open those minutes where opening them would not frustrate the purpose of the session. Mayor Oakes reported that during Closed Session the Board reviewed the Mgr's performance and informed him that he was doing an excellent job.

32. Comr. Remaley - It was Board consensus to agree with Comr. Remaley's suggestion that he meet with Town Manager Ogburn to look into the possibility of the Town getting involved in a "reverse 911" phone system. The phone system would contain all resident names/telephone numbers and notify each in case of emergency.

33. Recess/Adjournment- Mayor Oakes recessed the Board meeting to January 20, 2010 at 6:30 p.m. for a FY 10/11 Budget Workshop and Beach Nourishment financing workshop. The time was 12:40 p.m.