



**TOWN OF NAGS HEAD
BOC ACTIONS
January 20, 2010**

1. Call to order - Mayor Oakes called the meeting to order at 7:32 p.m.
2. The Board of Commissioners continued the discussion of beach nourishment funding from the 6:30 p.m. budget workshop.
3. Agenda adoption - The Board passed a motion to adopt the Jan 20th agenda as presented.
4. Audience Response

George Moore, South Nags Head resident; spoke in favor of beach nourishment.

Stan White, Nags Head resident; he is 100% behind beach nourishment; he is willing to do his share and assist the BOC anyway possible.

Garry Oliver, South Nags Head pier owner; the Town does not have time for another referendum; the time is now.

Susie Walters, Nags Head resident; spoke in favor of beach nourishment.

Wayne Cummings, South Nags Head property owner; asked the Board what is the cost of doing nothing; supports beach nourishment.

Willo Kelly, Gov't Affairs Director, OBAR /OBHA and Nags Head resident; she asked the Board how much more do we have to lose; just "get it done."

Marcia Tumbleson, South Nags Head resident; supports beach nourishment.

John Mascaro, Nags Head resident; suggested selling vehicle stickers to generate funds. Also, Nutrias are destroying areas in the Town and asked what might be done.

Ed Mays, Nags Head resident; supports beach nourishment; would like to see the Board to "get it done."

John Ratzenberger, South Nags Head resident; supports beach nourishment, room tax and other means to fund beach nourishment.

5. Septic Health Loan program – The Board passed a motion , 4 - 1, with Mayor Oakes casting the NO vote for a Budget Adjustment transfer into the loan program.
6. Text amendment to incorporate bike racks into site and parking design for commercial businesses - the Board, 5-0, passed a motion to adopt the revised zoning ordinance amendment as presented.
7. Permit parking process at beach accesses for trout fishermen - The Board's consensus was to allow this use at public beach accesses from Sept 1 - Feb 1 with a valid permit; with the condition it did not become a burden on Public Safety; Chief Kevin Brinkley is to provide report to the Board in March 2011.
8. Town Attorney - In response to an inquiry from Mayor Oakes, Attorney Leidy provided the estimated attorney costs associated with attending all BOA meetings. Town Attorney Leidy requested the Board enter

Closed Session in accordance with GS 143-318.11(a)(3).

9. Closed Session - The Board passed a motion to enter Closed Session to discuss the Kirkpatrick versus Town of Nags Head litigation, and the litigation or potential litigation involving George Moore and others involving nuisance structures, in accordance with GS 143-318.11(a)(3). The time was 9:11 p.m.

10. Open Session - The Board reentered Open Session at 9:59 p.m. Attorney Leidy reported that the Board discussed the Kirkpatrick's vs. Town lawsuit and gave Counsel direction on how to respond to recent developments. The Board provided guidance to Town Manager Cliff Ogburn and the Town Attorney on how to deal with the nuisance structures that he has declared or in the future does declare a nuisance.

11. Comr. Sadler - inquired about the status of Jennette's Pier webcam and asked staff about the possibility of posting the Jennette's Pier webcam link to the Town's website.

12. Comr. Sadler - asked Mayor Oakes to provide possible Board Retreat dates at his earliest convenience for scheduling purposes.

13. Comr. Sadler - asked Mayor Oakes to invite Rep. Bill Owen and Rep. Tim Spear to visit Nags Head in February to discuss the Town's beach nourishment project.

14. Comr. Sadler - from the January 6th meeting, Mayor Oakes was asked for the status of the letter that was to be written to all Historic District property owners. Mayor Oakes stated the letters had been "done and sent."

15. Comr. Sadler - asked Town Manager Ogburn to provide a beach nourishment funds report - outlining how much beach nourishment money is in what account and where (Dare County, State, etc.) at the February Board meeting.

16. Comr. Sadler - confirmed with Mayor Oakes that committee appointments will be made February 3rd.

17. Comr. Sadler - asked staff to assist Mr. Mascaro in researching ways to manage Nutrias.

18. Comr. Remaley - a report to the Board on "reverse 911" phone system with assistance from Roberta Thuman is forthcoming. The phone system would contain all resident names/telephone numbers and notify each in case of emergency.

19. Comr. Cahoon - provided an update on the CRC meeting she attended last week; staff is to forward the handout material received to the Board concerning sea level rise.

20. Comr. Cahoon - she noted that FEMA has a Risk Management Study with a \$5M grant being offered to North Carolina.

21. Comr. Cahoon - noted the Village Septic System is reporting they may be unable to meet their consent order deadline because of the Town. Comr. Cahoon added that pressure still needs to be held on them as well as the Utilities Commission. Town Manager Ogburn has been in contact with David May of DWQ regarding this issue.

22. Comr. Cahoon - does not think the Town has the time for a referendum.

23. Mayor Pro Tem Gray - asked Mayor Oakes what was written in the letter that he sent to the property owners in the Historic District. Mayor Oakes explained what was in the letter and MPT Gray was welcome to read the letter.

24. Mayor Pro Tem Gray - the Shoreline Advisory meeting scheduled for next Wednesday has been cancelled.
25. Mayor Pro Tem Gray - the Jennette's Pier Advisory Committee will meet on Wednesday, January 27th.
26. Mayor Oakes - asked George Moore to meet with Town Manager Ogburn immediately after the Board meeting to discuss his nuisance structures.
27. Mayor Oakes - provided a brief report on a three-judge Court of Appeals hearing he attended last Thursday with Dare County Mgr. Bobby Outten in a lawsuit by coastal communities regarding homeowners' insurance premiums.
28. Adjournment - The time was 10:11 p.m.