



**TOWN OF NAGS HEAD
BOC ACTIONS
June 2, 2010**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. Pastor Rick Lawrenson, Nags Head Church, lead the meeting in prayer which was then followed by the Pledge of Allegiance.
2. Recognition - Mayor Oakes recognized former Mayor Bob Muller and recently retired employee Harris Burton.
3. Agenda - The Board passed a motion to adopt the June 2nd agenda as presented.
4. Lifeguards - Chad Motz, Ocean Rescue Captain, presented the 2010 summer lifeguards; each introduced themselves.
5. Audience Response - Rick Lawrenson, Soundside Road and Pastor of Nags Head Church; he announced that this past Spring 2010 one of the two second floor wings at the church was completed and dedicated to teaching to pre-school and elementary school children - this Sunday at 3:00 p.m. at the Nags Head Church is Open House for this wing and everyone is invited to attend.

Terry Evans; Sandpiper Terrace; emphasized that if the Town loses the beach, the tax rate will go up every year; he suggested that the Board bite the bullet and raise taxes now.
6. Recognition - Sanitation Equipment Operator Harris Burton was recognized and congratulated on his retirement; Firefighter/EMT Mark Edwards was recognized and congratulated on five years of service; Finance Officer Kim Kenny was recognized and congratulated for her recent certification as Budget and Evaluation Officer.
7. Consent agenda - the Consent agenda was approved as presented and consisted of the following:
Consideration of Budget Adjustment #12 to FY 09/10 Budget Ordinance
Consideration of Tax Adjustment Report
Approval of Minutes
Consideration of Interlocal Agreement between Town and Dare County for storm debris pickup
Consideration of annual write-off of uncollectible water accounts
8. Public Hearing - a Public Hearing was held to consider a zoning ordinance to establish prohibitions on permitting for either the continuation of or the repair of structures located on the public trust area – a result of a discussion that the Board had at the May 2010 Board meeting.

It was Board consensus that Town Attorney John Leidy provide a revised ordinance at the June 16th mid-month meeting that is more conservative and includes the requirement that the structure be wholly or partly on the wet sand beach, i.e. that the trigger for Town enforcement of a declaration of a nuisance structure be if the structure is wholly or partly on the wet sand beach. Town Manager Ogburn is to have detailed information concerning definition of the mean high water line for the June 16th mid-month meeting.

9. Public Hearing - A Public Hearing was held to consider comments on the FY 10/11 proposed Town Operating Budget.

In response to an inquiry by Mayor Oakes, Town Manager Ogburn is to find out which septic tanks that have been replaced through the septic loan program were the sand-bottom tanks. The Septic Health program to include loan and water quality testing is to be included for discussion at the June 16th mid-month meeting.

10. Budget workshop - The Board scheduled a FY 10/11 Budget Workshop for Tuesday, June 8th at 7:00 p.m.

11. Beach nourishment project - Town Manager Ogburn summarized the recently received CSE report concerning remaining costs associated with the Town's beach nourishment project - The CSE report and additional funding of \$169,000 is to be included on the June 16th mid-month meeting agenda. A monthly summary of tasks from Tim Kana of CSE was requested - prior to the June 16th mid-month meeting.

12. Committee reports - Jennette's Pier Advisory Committee - Comr. Sadler reported in detail on a recent Jennette's Pier Advisory Committee meeting - she reported that projections are for a May 21, 2011 opening date for the facility.

13. 50th Birthday - John Ratzenberger, Chair of the Town's 50th Birthday Committee; listed the Committee members and reported on the Committee's first meeting held last week; he provided a general concept of the operations and asked for the Board's blessing or guidance as needed:

- One day event to take place on the Town's actual 50th Birthday on Tuesday, June 14, 2011
- Several lead-in events to include a St. Patrick's Parade float in March as well as events in April and May
- Conclude with an evening social event

It was Board consensus that the Town 50th Birthday Committee is on the right track; Chair John Ratzenberger reported that the Committee meets the last Thursday of each month at 5:30 p.m. in the Board Room; he invited anyone interested to attend.

14. Verizon contract - The Board passed a motion to approve the revised contract with Verizon for lease of the Municipal Complex monopole as presented.

15. Town Attorney - The Board passed a motion to enter into the DCTB/Town Memorandum of Understanding for Windmill Point property operations as presented. It was Board consensus that the equipment inside the former Windmill Point restaurant be surplus, the building then used for fire training purposes and the sewer system (existing) as well as the parking lot be left undisturbed.

16. Town Attorney - Town Attorney Leidy requested a Closed Session to discuss nuisance claims and the Roc Sansotta lawsuit against the Town.

17. Comr. Sadler - Comr. Sadler said that she was sorry she was unable to attend the Town's Memorial Day ceremony; she thanked Mayor Pro Tem Gray and staff for making the event possible.

18. Comr. Cahoon - Comr. Cahoon reported that she, Mayor Oakes, and a group of coastal officials met yesterday (June 1, 2010) with Speaker of the House, Sen. Joe Hackney re: terminal groins. Sen. Hackney was asked to let the legislation to allow terminal groins to come out - to be either voted up or down. Sen. Hackney made no commitment to do that; Comr. Cahoon encouraged those interested to contact Sen. Hackney (his addresses were displayed on the Board Room screen) to let the bill concerning terminal groins proceed.

19. Comr. Cahoon - Comr. Cahoon asked staff to work with the development of signage ordinances in the Village at Nags Head and have something brought back to allow for small exceptions such as for the Maximuss Pizza business. The Village was not developed as originally intended and Maximuss Pizza has requested ordinance changes and paid the zoning ordinance change fee several times.

Town Manager Ogburn also noted that he has had inquiries from Sonic re: the vegetative buffering requirements and visibility of their signage on the bypass.

Mayor Oakes suggested that there may be a better way to assist business owners with allowing more visibility of signage when trees/vegetation expands - It was Board consensus for staff to prepare a proposal that addresses vegetation and signage.

20. Comr. Cahoon - Comr. Cahoon would like the Town be more pro-active and include on the Town's web site and/or in an upcoming newsletter information concerning flood insurance.

21. Mayor Pro Tem Gray - It was Board consensus to agree with Mayor Pro Tem Gray to dedicate the west side multi-use path to the late Sgt. Earl Murray. Mayor Pro Tem Gray said that he will chair, with help from Comr. Remaley, Town Manager Ogburn, and Police Chief Brinkley to develop a dedication process for the path.

22. Mayor Oakes - The Board passed a motion to endorse Kill Devil Hills Comr. Bob Peele as the Dare County representative to serve on the Albemarle Regional Solid Waste Management Authority.

23. Mayor Oakes - Mayor Oakes requested a Closed Session to discuss the Town Manager's annual review.

24. Mayor Oakes - Mayor Oakes asked about indoor assembly and potential uses for the former SeaMark store. Discussion of potential uses for the former Seamark store is to be placed on the June 16th mid-month meeting agenda.

25. Closed Session - The Board passed a motion to enter Closed Session to discuss the attorney's requests concerning the Roc Sansotta lawsuit, other nuisance structures and for the Town Manager's review in accordance with the appropriate general statutes. The time was 12:56 p.m.

26. Open Session - The Board re-entered Open Session at 1:53 p.m. Town Attorney Leidy reported that during Closed Session the Board discussed the Roc Sansotta lawsuit as well as several other nuisance structures and gave direction to staff. Mayor Oakes reported that during Closed Session the Board discussed the Town Manager's evaluation and provided constructive criticism.

27. Adjournment - Mayor Oakes recessed to a Budget Workshop on Tuesday, June 8, 2010 at 7:00 p.m. in the Board Room and then to the Board's mid-month meeting on Wednesday, June 16, 2010 at 7:30 p.m. in the Board Room. The time was 1:55 p.m.