



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

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. Rev Isler lead the Board in prayer which was followed by the Pledge of Allegiance.
2. Agenda adoption - The Board passed a motion to adopt the Mar 3rd agenda as presented.
3. Board members not present - It was noted that Mayor Pro Tem Gray and Comr. Sadler were not present - First-time adoption of ordinances require four (4) positive votes.
4. Audience Response - No one spoke during Audience Response.
5. Recognition - Firefighter/EMT Evan Zadd was recognized for three years of service.
6. Presentation by William McOwen, Exec Director, Community Care Clinic of Dare - organization provides non-emergency assistance with approximately 30 volunteers to include doctors, physicians assistants, etc. much of their assistance is prescription help; he requested funding assistance.
7. Consent - The Board passed a motion to approve the Consent Agenda as presented:
 - Consideration of Proclamation Multiple Sclerosis Awareness Week
 - Consideration of Budget Adjustment #9 to FY 09/10 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Consideration of tax delinquent listing to be advertised
 - Consideration of resolution to surplus Town equipment
 - Approval of change orders to west side multi-use path contract
 - Traffic Control Map/Fee Schedule amendments for new beach access hours for trout fishing
8. Public Hearing - re: zoning amendment submitted by the Village to permit identification sign on US 158 for major entrances to eastern areas of Village District - The Board passed a motion to exclude Mayor Oakes from the discussion - Mayor Oakes is president of Village Realty; The Board passed a motion to table the discussion until more Board members are present.
9. Public Hearing - re: zoning amendment to permit two new building mounted antenna uses on existing/new development in CR District - The Board passed a motion to bring the proposal back with minimum height requirements, remove requirement re: structure must be conforming in height, and replace "concealed" with "not visible by ordinary observation from ground level".

10. Initiate zoning amendments - The Board passed a motion to initiate the zoning ordinance text amendment process for residential cluster housing and for wind energy facilities.

11. NPS ditch cleanup - Public Works Director Dave Clark reported that he has been unable to get in touch with National Park Service staff concerning SNH ditch cleanup. He anticipates a report at an upcoming meeting.

12. Stormwater - Public Works Director Dave Clark and Deputy Director Ralph Barile reported on neighborhood subdivision stormwater issues:

Northridge Subdivision - resident on Lookout to assist with easement for another stormwater ditch; a letter to be forwarded next week to property owners that will have swales re-established; a maintenance program to begin after swales are established.

Vista Colony Subdivision - discussion of construction of rain garden (similar to Harvey site) at Britthaven site; one easement may be necessary; additional discussion with Town Engineer needed.

13. NH Acres - It was Board consensus for staff to provide details of the median/island strip reduction to 80' at Nags Head Acres Subdivision at the March mid-month meeting.

14. Committee reports - Government Access Channel - Comr. Remaley reported that a budget has been prepared that will be presented to the Board; the Committee is considering making the part-time position a full-time position since there are more agencies involved in the Channel - at no additional cost to participants.

Shoreline Management Commission - Mayor Oakes reported that there has been discussion with Commission re: proposed Nags Head and Kill Devil Hills beach nourishment projects; word was received from Dare County Board Chair Warren Judge that they did not want to consider an increase in the sales tax.

15. Consolidated Fee Schedule amendment - Staff is to address Board comments re: crowd gathering applications: Cut down on number of application pages/reviews; emphasize in red that application must be submitted three weeks prior to event; Fill out/submit application online; consider different requirements depending on number of attendees; simplify events done annually; designate staff member for applicant walk-thru - The Board passed a motion to amend the CFS to include a \$100 fee for a crowd gathering permit.

16. Town water system - The Board passed a motion to approve the contract for hydraulic modeling of the Town's water system as presented.

17. Shoreline Management Commission - The Board passed a motion to appoint Mayor Oakes to represent the Town on the Dare County Shoreline Management Commission.

18. Municipal Records Retention Schedule - The Board passed a motion to approve the Municipal Records Retention Schedule, dated May 19, 2009, as presented.

19. Parade - Kelly's St. Patrick's Parade Originator Mike Kelly thanked the Board for their continuing support of the parade event - he also thanked individual Town departments for their assistance and cooperation; event schedule this year for March 14th. He has been working with Police Chief Brinkley on this year's modified parade route details - the parade will turn at stoplight at Admiral/US158 - changing the route impacts some of the Town Businesses economically.

20. Attorney - Attorney Leidy requested that the Board enter Closed Session at the appropriate time to discuss pending litigation in the George Moore case and potential litigation in the Roc Sansotta case.

21. Town Manager - Updated the Board on the recent meeting with Wildlife Resources Commission, Division of Marine Fisheries, and Division of Water Quality in Washington, NC to discuss requirements for the

regulatory permits for the Town's beach nourishment project. All comments are being incorporated into the final EIS by consultant, Tim Kana.

22. Town Manager - Reported on the latest information about Village Wastewater Treatment Plant issues; a pre-construction meeting was held February 17th and work began February 18th on installation of the influent filter. Concern was noted re: odor complaints received from residents near the site during this winter season.

23. Town Manager - The Board passed a motion to authorize the expense of \$4,500 for the DCTB Land Use (feasibility) study of possible uses for the Windmill Point property parcels.

The Board passed a motion to support efforts of the DCTB to dispose of the Windmill Point windmill to Outer Banks Conservation. Attorney Leidy stated that approval of the lender that has the mortgage would be needed; Town Manager Ogburn is to verify if the appraisal of the property included the actual windmill.

24. Town Manager - It was Board consensus that staff prepare a letter of response to the Local Government Commission (LGC) acknowledging that the Town was aware of the Water Fund shortfalls; emphasizing the Town's intent to work toward balancing Water Fund revenues/expenditures; noting that the Town was aware of the shortfalls but deliberately chose to not raise water rates. It was noted that the LGC letter does not look at the full Water Fund picture that has allowed the fund to incur an operating loss for a number of years without passing on increased costs of operation to customers. The Board also recommended that staff propose an increase in water rates to be implemented over time.

25. Town Manager - The Board passed a motion to authorize staff to procure the sand sifter (to place sand back on the beach) after following the proper bid process and identifying a funding line item.

26. Town Manager - Reported statistics re: the state of the economy from the School of Government web site which indicated that 47% of respondents feel that the current economic conditions are as bad as it has ever been; State budget is currently below its revenue target. Staff is preparing bare bones budgets for FY 10/11.

27. Town Manager - Town Manager Ogburn noted that Comr. Cahoon had asked that the Collective Bargaining legislation, introduced in the 2009 State legislature session, be brought up in today's Board meeting. He noted that the legislation may be discussed but not acted upon in the upcoming 2010 short session.

28. Mayor Oakes - Finance Officer Kim Kenny was recognized for her recent certification as Budget and Evaluation Officer. Town Manager Ogburn stated Ms. Kenny will be formally recognized at an upcoming mtg.

29. Comr. Cahoon - Asked staff to look into obtaining inmate assistance to clean up the Nags Head/Manteo Causeway; Town Manager Ogburn stated that even though the work program has been eliminated, he should still be able to obtain some help from prisoners - at a minimal cost.

30. Comr. Cahoon - Mayor Oakes stated that he would write to federal officials as well as the NC State Congressional Delegation expressing the Town's concerns about federal flood insurance policy legislation.

31. Comr. Remaley - Reported that new laws went into effect February 1, 2010 concerning presentation of fireworks in NC. Changes in the law were in response to the Ocracoke fireworks accident. Even national companies requesting to present fireworks have to meet State standards and the process is now "monumental".

32. Mayor Oakes - Requested Closed Sessions to consider CS minutes and the acquisition of real property.

33. Closed Session - The Board passed a motion to enter Closed Session to consider Closed Session minutes from 1983 to 1986, the acquisition of real property located at 7411 SVDT, pending litigation concerning the George Moore case, and potential litigation concerning the Roc Sansotta case. The time was 11:54 a.m.

- 34.** Open Session - The Board re-entered Open Session at 12:24 p.m. Attorney Leidy reported that during Closed Session the Board took action to approve/open Closed Session minutes, gave direction to staff re: negotiating with owner for property, and gave direction to staff/Town Attorney re: pending litigation.
- 35.** Adjournment - The Board passed a motion to recess to the Board of Commissioners mid-month meeting on Wednesday, March 17, 2010 at 7:30 p.m. in the Board Room. The time was 12:26 p.m.