



**TOWN OF NAGS HEAD
BOC ACTIONS
May 5, 2010**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Adoption of agenda - The Board approved the May 5th agenda as amended.
3. Audience response - Volunteers Gail Leonard and Chris Driver spoke representing the Room In The Inn organization which provides assistance to the homeless; Ms. Leonard asked if the Board would consider contributing \$500 to their efforts.
4. Proclamation - The Board adopted the Proclamation declaring Accident Prevention Week.
5. Resolution - The Board adopted the resolution in support of the mid-Currituck County Bridge.
6. Proclamation - The Board adopted the Proclamation in support of Municipal Clerks Week.
7. Recognition of employees:
 - Police Officer Perry Hale was introduced to the Board.
 - Tax Collector Becky Huff was recognized by the Board for recently receiving her NC Tax Certification.
 - Police Sgt Brad Eilert was recognized by the Board for his recent FBI Academy graduation.
 - Facilities Maintenance Technician Wilford Combs was recognized by the Board for 25 years of service.
 - Facilities Maintenance Technician Daniel Herring was recognized by the Board for 5 years of service.
 - Facilities Maintenance Technician Chad Forrester was recognized by the Board for 3 years of service.
8. Consent - The Board approved the Consent Agenda as presented:
 - Consideration of Budget Adjustment #11 to FY 09/10 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of BOC Minutes
 - Consideration of designation of applicant agent resolution for Division of Emer Mgmt
 - Consideration of resolution to surplus NEST ATV
9. OBSE - Outer Banks Sporting Events Board member Mike Kelly thanked the Board for their assistance with the OBX Marathon events over the years; OBSE Chair Jim Snyder reviewed a powerpoint presentation which detailed past and upcoming sporting events, and the effect of these positive events on Nags Head and the Outer Banks. It was noted one of the goals is to reach out / bring others to the area during the off season.
10. Public Hearing - to consider a zoning ordinance amendment to limit the number of accessory use outdoor stands at retail shopping centers to only one stand per site - The Board adopted the ordinance as

presented - Mayor Oakes and Comr. Remaley cast the NO votes - First-time adoption of an ordinance requires a 4/5 positive vote; a second reading was scheduled for the May 19th mid-month Board meeting.

11. Lady Jane taxi-cab service - The request for a Certificate of Public Convenience and Necessity for Lady Jane taxi-cab business, Jane Martins, owner, was tabled from the April 7th Board meeting - the Board's motion to grant the Certificate did not pass - Comr. Sadler, Comr. Remaley, and Mayor Pro Tem Gray cast NO votes.

12. Second reading - to consider a zoning ordinance amendment submitted by Village Property Owners Assoc to permit one identification sign along US 158 for major entrances to the eastern areas of the Village - Public Hearing was held on March 3rd - Mayor Oakes was excused from discussion/vote. The Board adopted the ordinance as presented.

13. Larger wind turbines - from April 7th Board meeting - It was Board consensus to not pursue the issue of larger wind turbines at this time.

14. MOU with DCTB - The Board tabled approval of the MOU with the DCTB for operations at the Windmill Point property in order to review answers to the following:

- What are the annual insurance costs?
- Can the Town be released from the insurance coverage if the building is removed?
- Would the DCTB be willing to have the building removed with money from a yard sale of the equipment inside the building put into the fund?

15. Committee reports

- Beach Plan Committee - Co-chairs Garry Oliver and Mark Cornwell presented the recommendations from the Beach Plan Committee. Comr. Cahoon noted that CAMA rules allow for the research of innovative technologies/solutions to beach erosion.

- Jennette's Pier Advisory Committee - Comr. Sadler will take back to the next Jennette's Pier Advisory Committee meeting any questions/concerns from Board members. Comr. Cahoon questioned if the public access will be delayed two months due to piling delays; she questioned if accommodations will be made for public access - she also commented that she was not in favor of reducing the number of committee meetings.

16. Comr. Cahoon - Comr. Cahoon expressed her concern about signage for the Town's beach accesses - CAMA logo signage is not large enough. Staff is to look into this.

17. Comr. Cahoon - At her request, the Board excused Comr. Cahoon from the remainder of the meeting.

18. Hatteras Island Beach Access - Comr. Sadler - The DCTB reviewed the Park Service's Cape Hatteras Seashore Draft Environmental Impact Statement (DEIS) re: beach access. The DCTB adopted a resolution requesting additional study in five areas - corridors, buffers, endangered species, turtle nest relocation, and economic study to determine the impact on Hatteras island residents. Staff is to determine if a similar resolution has been adopted by the Nags Head Board.

19. Cell tower space rental - The Board approved the Town/NTELOS agreement for rental of cell tower space on the municipal complex cell tower.

20. Nuisance homes - It was Board consensus that the amendment to only allow permits for a structure move or a demolition to be issued to a house that has been declared a nuisance - is to be provided for Public Hearing and subsequent Board consideration at the June 2nd Board meeting. The code is to be included in both the Zoning and the Nuisance chapters of the Town Code of Ordinances.

21. Storm-damaged roads - The Board briefly discussed actions to take for storm-damaged roads, such as abandoning or closing the roads; no action was taken concerning this issue.

- 22.** Town's Beach Nourishment project - Mayor Oakes stated that the funding gap for the beach nourishment project and renourishment will be discussed at an upcoming budget workshop.
- 23.** Town Attorney - Attorney John Leidy thanked Town Clerk Carolyn Morris and Deputy Town Clerk Michelle Gray for their work for the Town.
- 24.** Town Manager - Update on Town's Beach Nourishment Project - The Town was recently awarded the State CAMA permit for its Beach Nourishment Project; a letter from the Town was recently forwarded to the NC DWQ requesting that \$11,550,000 be included in their upcoming budget request for the Town's project.
- 25.** Town Manager - A recent update on the Village Wastewater Treatment Plant indicates that the Division of Water Quality has received a check in the amount of \$26,000 from Carolina Water for penalties. The Division is to verify that upgrades have been installed.
- 26.** Town Manager - The Board approved the change order for the Adams Lane turn lane project for an additional 17 tons of asphalt. In addition, turn lanes are to be monitored at Adams Lane and staff is to speak with NCDOT after that time to determine if the right-turn lane should be designated as a right turn only lane.
- 27.** Town Manager - Town Manager Ogburn requested a Closed Session to discuss a personnel issue.
- 28.** Mayor Pro Tem Gray - Mayor Pro Tem Gray noted that Jimmy Austin of Austin's Seafood commended Planning Director Tim Wilson and Building Inspector David Morton (Buddha) for their recent work with him on his site construction.
- 29.** Closed Session - The Board entered Closed Session to discuss Closed Session minutes, a possible land acquisition at 2620 Bridge Lane in Nags Head Acres, and a personnel issue - in accordance with the appropriate NC General Statutes. The time was 1:03 p.m.
- 30.** Open Session - The Board re-entered Open Session at 1:24 p.m. Attorney Leidy reported on actions taken during Closed Session.
- 31.** Adjournment - Mayor Oakes recessed the Board meeting to a Budget Workshop on Monday, May 10, 2010 at 7:00 p.m. in the Board Room. The time was 1:25 p.m.