



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

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. Mayor Oakes asked for a moment of silence for retired employee Glenn Campbell who recently passed away.

2. Agenda – The Board passed a motion to adopt the November 3rd agenda as presented.

3. Audience Response – Marvin Demers, Nags Head resident; he is pro beach nourishment as a private citizen; he would like to engage anyone in a civil discourse that has any questions/comments on the Town's Beach Nourishment Project; please feel free to contact him at 252-449-0875.

Audience Response – Mike Kelly, Nags Head resident and business owner; he spoke concerning the Fifth Annual OBX Marathon and Gateway Half Marathon – activities that will take place weekend of November 13th and 14th.

4. Relay for life - Kelly Wyatt and Dabni Shelton briefed the Board on the 2011 Relay For Life program; Last year's chairperson Bob Davis spoke, this year's chairperson Lisa Sabadic spoke and presented a Certificate to Ms. Wyatt and Ms. Shelton as last year's Most Enthusiastic Team; and Kelly Cross from the American Cancer Society spoke. The Board passed a motion to adopt the Proclamation in support of Relay For Life as presented.

5. Recognition – The following employees were recognized: Planner Angela Welsh (3 years); Police Officer Justin Kupfer (3 years); Tax Collector Becky Huff (3 years); Sanitation Supervisor Ricky Spencer (20 years).

6. Consent – the Board passed a motion to approve the Consent Agenda as presented:

- Consideration of Budget Adjustment #5 to FY 10/11 Budget Ordinance
- Consideration of Tax Adjustment Report
- Approval of Minutes
- Consideration of MOA with Town of Cary for emergency relocation
- Resolution to formally adopt the Dare County Multi-Jurisdictional Hazard Mitigation Plan
- Adoption of ordinance amending the Vehicle For Hire Ordinance to incorporate minor changes

7. LUP - Mayor Oakes made the following announcement concerning the Land Use Plan: The decision on the Land Use Plan has been continued until the December 1, 2010 Board of Commissioners meeting.

8. PARTF Grant – The Board passed a motion to authorize staff to bring back an application for the PARTF grant, and to schedule a Public Hearing, for the December 1, 2010 Board meeting. In addition, it was Board consensus that a Recreation Committee be formed to meet and discuss possibilities for the park.

9. Jennette's Pier and wind turbine noise – Jay Hart and Wes Carter of Hart Solutions and NC Aquarium David Griffin were present. Mr. Carter summarized the wind turbine specs; Mr. Carter said that amount of noise depends on direction of wind – as far as reducing amount of noise not much can be done. Mr. Griffin said that currently wind turbines are free speed and are not connected to the inverter – when connected, the turbines will turn 30% slower which will reduce the noise; this connection to the inverter is expected to take place in the next 2 – 3 weeks.

10. Annual Reports - Paula Hodges of Martin Starnes & Associates highlighted a very positive FY 2010 audit report for Board members. Ms. Hodges also updated the Board that current State legislature is going into FY 2011-12 with a \$3.2 billion dollar deficit which may ultimately adversely affect local/town governments. Dept. Heads summarized FY 2010 highlights of their respective departments via a PowerPoint presentation.
11. Segway ordinance – The Board voted 3 – 2 with Mayor Oakes and Comr. Remaley casting the NO votes to adopt the ordinance prohibiting segways on the Town’s multi-use paths.
12. Danube Street sound access - It was Board consensus to remove the stairs at the Danube Street soundside access, replace sand and secure the berms/dunes; a full report is to follow in January 2011 with details re: bulkhead/groin costs. Mayor Oakes asked that the Old Nags Head Cove Club President be notified.
13. Mayor Oakes - Dare County Comr. Virginia Tillett and Kaye White were present to discuss the future of the Britthaven Nursing Home facility. Mayor Oakes identified Nursing Home Care Committee members as Bob Edwards, Mayor Pro Tem Wayne Gray, Kaye White, Tess Judge, and Melanie Corpew from Adult Social Services. Mayor Oakes appointed Comr. Remaley to serve as an alternate on the Committee.
14. Admiral Street traffic control – The Board passed a motion to install the curb and gutter bump-out at the west entrance to Admiral Street to include side concrete for pedestrians/bicyclists/strollers. The motion passed 4 – 1 with Mayor Oakes casting the NO vote. The Board passed a motion to pave Admiral Street with a 1’ overlay and widen as identified in the Powell Bill project description. The motion passed 3 – 2 with Mayor Oakes and Comr. Sadler casting the NO votes.
15. Citizens Advisory Committee (CAC) – The Board passed motions to appoint Bobby Gentry to the recently-vacated position and Anthony Maskello to the out-of-town property owner position on the CAC.
16. Lunch - The Board recessed for lunch at 12:17 p.m. and reconvened at 1:35 p.m.
17. Comr. Sadler – Comr. Sadler introduced Town 50th Anniversary Committee Chair John Ratzenberger who summarized the Committee’s activities to include the use of Jennette’s Pier for the June 14th evening events, a float in the St. Patrick’s Day Parade, and a special anniversary cookbook with historical photos/quotes.
18. Comr. Sadler - Town Manager Ogburn attended the recent meeting of the Jennette’s Pier Advisory Committee and provided a brief update.
19. Comr. Sadler – The Board did not pass a motion that the Town purchase a Jennette’s Pier Commemoration bench - the motion failed 2 – 3 - Mayor Oakes, MPT Gray, Comr. Remaley cast NO votes.
20. Mayor Pro Tem Gray - Mayor Pro Tem Gray announced that the annual Town Veterans Day Ceremony will take place on November 11th at 11 a.m. at Town Hall. LTCOL Punk Daniels, Ret., will be the guest speaker.
21. Mayor Oakes - Mayor Oakes reported that another sandbag stakeholders meeting has been scheduled for the first day of the next Coastal Resources Commission (CRC) meeting – November 17th Pivers Island in Beaufort Co. Comr. Cahoon will be in attendance for the CRC meeting and will also attend sandbag meeting.
22. Mayor Oakes - Mayor Oakes is scheduled to attend and provide a presentation on the Town’s Beach Nourishment Project at the NC-BIWA Conference November 15th-16th in Wrightsville Beach.
23. Town Attorney - Town Attorney John Leidy reported to Board that the Court of Appeals made a ruling in the case of the Town and several other communities challenging appeals of the Commission of Insurance (COI) re: beach insurance rates. The ruling was in favor of the COI.
24. Town Attorney - Town Attorney Leidy requested a Closed Session to confer with the Board concerning various litigation – the Roc Sansotta, Matthews/Ruiz, and Moore/Neal lawsuits.

- 25.** Town Manager - Town Manager Ogburn updated the Board on the Beach Nourishment Project:
- The COE letter to Marine Fisheries was received
- A presentation is scheduled for the Nov 15 NC-BIWA Conference; federal permit issues will be reviewed.
- The benthic monitoring bid results – five (5) bids were received and are currently being reviewed.
- Mayor Oakes scheduled for discussion at the Nov mid-month meeting the letter from Tim Kana re: maintenance of the beach nourishment project.
- 26.** Town Manager - Town Manager Ogburn emphasized that the sample easement makes sure public access/access for private homeowners is not adversely affected by the beach nourishment project. Mayor Oakes opened the floor for comments from the audience: Marvin Demers and Reed Fisher spoke. Staff was directed to include the Draft Maintenance Plan received from Tim Kana, CSE, and modeled after Emerald Isle's Maintenance Plan and the draft easement on the Town's web site.
- 27.** Mayor Oakes – The Board passed a motion to adopt the resolution authorizing the Town to participate in the Special Assessment petition process for the Town's Beach Nourishment Project. The motion passed 4 – 1 with Mayor Pro Tem Gray casting the NO vote.
- 28.** Town Manager – The Board passed a motion to approve the request to utilize the Enterprise Fund in the amount of \$5,600 to survey the wetland areas at the Windmill Point site and to include the MOU between the Town and DCTB on the next DCTB agenda.
- 29.** Town Manager - Town Manager Ogburn described the recent newspaper article re: selling the Town's interest in the Windmill Point property – Board members were not in favor of selling the Town's interest at this time.
- 30.** Comr. Sadler – Comr. Sadler spoke of the proposed Dominion Power rate increase; Mayor Oakes directed staff to schedule a representative from NC Dominion Power to speak re: the rate increase either at the Nov mid-month or Dec 1st Board meeting.
- 31.** Comr. Sadler - Public Works Director Dave Clark displayed and summarized the chart comparison of the amount of fill for each "reach" of the beach nourishment project.
- 32.** Mayor Pro Tem Gray – Mayor Pro Tem Gray stated that next year is his 12th year on the Board and he will not seek re-election – he is announcing this early so others interested can get involved.
- 33.** Mayor Pro Tem Gray - Mayor Pro Tem Gray requested a Closed Session to discuss a personnel honorarium.
- 34.** Mayor Oakes – Mayor Oakes thanked MPT Gray for all that he has done during his terms on the Board.
- 35.** Mayor Oakes – Mayor Oakes requested a joint meeting between the BOC and Planning Board to review/discuss the draft Land Use Plan. The joint meeting was scheduled for Mon, Nov 22nd from 7 – 9 p.m.
- 36.** Closed Session – The Board passed a motion to enter Closed Session to discuss nuisance structure litigation IAW GS 143-318.11(a)(3) and a personnel honorarium IAW GS 143-318.11(a)(6). The motion passed 4 – 1 with Comr. Remaley casting the NO vote. The time was 3:21 p.m.
- 37.** Open Session - The Board re-entered Open Session at 3:56 p.m. Attorney Leidy reported that during Closed Session the Board discussed three (3) litigation matters and gave instruction to the Attorney; the Board also took a personnel honorarium action which remains confidential.
- 38.** Comr. Remaley – Comr. Remaley said that he would be out of the country and unable to attend the December 1st Board of Commissioners meeting.
- 39.** Adjournment - Mayor Oakes recessed the Board meeting to the November 17, 2010 mid-month Board meeting at 7:30 p.m. in the Board Room. The time was 4:00 p.m.