



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, APRIL 5, 2017**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the April 5th agenda with the deletion of Item F-2 Public Hearing concerning the static vegetation line.
3. Recognition – New Employees - Police Chief Kevin Brinkley introduced Police Officer James Frenzel and Police Officer Christian Aguirre who were welcomed by the Board to Town employment.

Twenty Years of Service - Public Works Director Ralph Barile introduced Fleet Maintenance Superintendent Charlie Bliven who was recognized for 20 years of service.

Presentation - Dare County Tourism Board Update - Lee Nettles, OBVB Executive Director provided a powerpoint presentation detailing the latest information/statistics from the Visitors Bureau/Tourism Board.

Presentation - USS Monitor National Marine Sanctuary - Will Sassorossi, Maritime Archaeologist, provided a powerpoint presentation with an update on the USS Monitor Center/Laboratory and detailed efforts to continue to protect/preserve the USS Monitor and its artifacts.

Presentation - First Flight High School – Make a Difference: Almost 11 - First Flight High School student Juli Paris and fellow students, Skylar Gravitt, Chyla Huber, Sammie Lilliston, and Caroline Murray, provided a powerpoint presentation detailing a project that would modify the former Almost 11 Restaurant and turn it into a multi-generational community center. The report was well received.

Proclamation - The Board adopted the Proclamation declaring April 2017 as Child Abuse Prevention Month.

Proclamation – The Board adopted the Proclamation declaring April 24–28, 2017 as Week of the Young Child.

4. Public Comment – Herb Council, Midway Towing owner and S Nags Head South Creek Acres resident; he told the Board that the Town can save money on fuel, labor, and can enhance the beauty of Nags Head; a video was played for “The Can Stand” which holds trash carts in place via a magnetic stand; the stand has been tested in winds of up to 60 miles per hour; Mr. Council suggested a test project for the Town.

Public Comment – John Cece, Nags Head resident; spoke re: the Town's upcoming Beach Nourishment Project; he has attended several of the Shoreline Committee meetings; the current project proposal means a lot of money being spent for one area of the Town – S Nags Head; he has been unable to determine an economic justification for spending that amount of money for that small amount of beach - he is not clear as to how that benefits the entire Town; he is requesting economic justification for the project.

5. Consent Agenda - The Consent Agenda consisted of the following items:

Budget Adjustment #8 to FY 16/17 Budget
Tax Adjustment Report
Approval of Minutes

Resolution to surplus town equipment

Request for Public Hearing to consider zoning amendment to permit Vet Office/Clinic in C-4 District

Request for Public Hearing to consider zoning amendments for listing of permitted/prohibited uses

The Board approved the removal of item #3 Approval of Minutes (March 15th CIP Workshop) from the Consent Agenda for later consideration. The Board then approved the Consent Agenda as modified.

6. Public Hearing - to consider a Conditional Use/Vested Right/Site Plan to construct a seven-unit Cottage Court on the property located at 8201 S. Old Oregon Inlet Road – The Board approved the conditional use/vested right site plan as submitted with the required findings of fact and it was noted that the applicant must obtain a CAMA Minor Permit prior to zoning/building permit issuance.

7. Project Updates – Dowdy Park - Town Engineer David Ryan provided a powerpoint presentation updating the Board on the Dowdy Park Project progress. One of his slides detailed only minor punch list items remain to be done. The Grand Opening is scheduled for Saturday, May 13th.

FOCUS Nags Head – Dep Town Manager Andy Garman provided an update.

Sea Level Rise – Dep Town Manager Andy Garman provided an update.

Bonnett Street Beach Access Bathhouse – the Board approved proceeding with the design as presented - final decision concerning rough-in of the second floor is to be made during the budget process.

8. Dowdy Park Usage Policy and Dowdy Park ordinance revisions – The Board approved the Dowdy Park Policy with the following changes: Change Park hours to 6 am to 9 pm; Refer to the Dowdy Park ordinance for regulatory requirements; and make sure Policy and Ordinance are consistent. The Dowdy Park Ordinance was also adopted.

9. Report from Planning Board - Dep Town Manager Andy Garman summarized the actions from the March 21st Planning Board meeting (Chair Mark Cornwell was ill and unable to attend today's meeting):

- Zoning amendment to permit a Veterinary Office/Clinic in the C-4 District was approved
- Zoning amendments establishing permitted/prohibited uses are complete

Commercial Outdoor Recreational District – Dep Town Manager Garman discussed with Board members accessory uses to primary recreational facilities; the Board expressed concern about safety and congestion when mixing jet skis/active recreation and kayaks/passive recreation – It was Board consensus that Dep Town Manager Garman take these comments back to the Planning Board for review/discussion.

Patio homes - Mayor Edwards asked Board members if there was interest in pursuing the possibility of cluster patio homes in Nags Head as he feels this segment of the population is not being addressed; It was Board consensus to add discussion of cluster patio home community to the Planning Board's list – as a low priority.

10. Committee Reports – Albemarle Rural Planning Organization - Comr. Ratzenberger reported that an ARPO meeting is scheduled for the end of this month.

Dare County Tourism Board - Mayor Pro Tem Walters reported that a Special Meeting of the DCTB has been scheduled for tomorrow, April 6, 2017 to discuss and vote on resolutions opposing House Bill 531 (Restricted Fund Use) and Senate Bill 539 (Sec. 2.1(a) (Repeal of the plastic bag ban).

Peak Resources - Mayor Edwards reported that he met with Peak Resources staff this month; renovation is taking place at a rapid pace; the office area is complete; the rehabilitation area is now under construction; and the maintenance building construction has started.

NC Beach and Inlet Waterways Conference - Mayor Edwards reported that he attended this week's NCBIWA Conference at Jennette's Pier.

Town/Peak Joint Advisory Committee - It was Board consensus to appoint Mayor Pro Tem Walters to serve on the Town/Peak Joint Advisory Committee. Mayor Edwards asked Board members what they felt about continuing meetings with Peak Resources. Board members felt that it was a good idea to continue to meet even after construction is completed as long as Peak is willing.

11. Recess for/Reconvene from lunch – The Board recessed at 12:01 p.m. and reconvened at 1:08 p.m.
12. Resolutions supporting Board concerns and presented for consideration are as follows:

Support of naming new Pea Island Bridge after Captain Richard Etheridge – The Board adopted the resolution in support of naming the new Pea Island Bridge after Captain Richard Etheridge as presented.

Support of Beach Inlet Management Plan (BIMP)/State Beach Nourishment funding – The Board took no action on the proposed resolution. Staff is to prepare a letter for the Mayor's signature in support of the BIMP and asking that funds for beach nourishment be allocated from the State. Staff is to provide the letter to Board members for review prior to forwarding. Mayor Edwards asked Public Information Officer/Administrative Assistant Roberta Thuman to prepare the letter for his signature.

Opposition to SB 539 / HB 271 re: Repeal of plastic bag ban – The Board adopted the resolution opposing the repeal of the plastic bag ban with the changes noted (include reference to both House and Senate Bills in the last WHEREAS paragraph).

Opposition to SB 94 / HB 265 re: Partisan BOE elections – The Board adopted the resolution in opposition to partisan Board of Education elections with the changes noted (include reference in the "NOW, THEREFORE, BE IT RESOLVED" paragraph to both House and Senate Bills).

Opposition to SB 206 / HB 64 re: Municipal elections in even-numbered years – The Board adopted the resolution opposing changes to municipal elections as presented.

Opposition to SB 126 / HB 522 re: Sales tax redistribution - The resolution opposing redistribution of sales tax was presented and discussed by Board members. The resolution contained incorrect sales tax revenue loss figures for Nags Head as well as Dare County/municipalities - staff is to correct these figures and return the resolution for Board consideration later in the meeting.

Opposition to HB 531 re: Restricted Fund use – The Board adopted the resolution opposing legislation that would modify Dare County Tourism Board Restricted Fund use as presented.

Support of SB 641 re: Uniform impact fees – The Board adopted the resolution in support of uniform impact fees (for water and sewer systems) across the State shortening the title to "A Resolution In Support Of Senate Bill 641". No action was taken on House Bill 436 which opposes regulatory fees for new construction.

Support of SB 432 – Staff is to draft a resolution in support of House Bill 432 to be reviewed by Board members prior to forwarding – SB 432 is entitled "An Act To Delay Action Of The Marine Fisheries

Commission In Response To Certain Granted Petitions For Rule Making Until Completion Of The Activities And Final Report Of The Collaborative Shrimp Trawl Gear Study And Stakeholder Process”.

13. Mid-month Board meeting – It was Board consensus to schedule a mid-month Board meeting on April 19, 2017 at 4:30 p.m. in the Board Room. If it is determined that a mid-month meeting is not needed, it can be cancelled beforehand. Board members noted that the influx of legislation being proposed may mean more resolutions/letters to be drafted and adopted – which may need to be done before the May Board meeting. It was pointed out that a Beach Nourishment Project public informational meeting is also scheduled for April 19th at 5:30 pm in the Board Room.

14. Opposition to SB 126 / HB 522 re: Sales tax redistribution (Continued) – The Board adopted the resolution opposing sales tax redistribution – Senate Bill 126/House Bill 522 – with corrected sales tax revenue loss figures - as modified.

15. Closed Session scheduled - It was Board consensus to enter Closed Session for two discussions – to preserve attorney/client privilege and personnel – after completion of the Board of Commissioners Agenda.

16. Mayor Pro Tem Walters – The Board reactivated the Dowdy Park Committee for Dowdy Park Phase II with the members listed. The members are as follows: Mayor Pro Tem Walters, Teresa Kerber, David Elder, Kerry Oaksmith-Sanders, Andy Garman, Kelly Wyatt, and David Ryan.

17. Mayor Pro Tem Walters - The Board approved the March 15th CIP/Budget Workshop minutes with the removal of the last sentence of the Dowdy Park Lighting/Observation Deck paragraph on page 2.

18. Comr. Cahoon - Unsafe conditions on Beach Road – Staff is to call or write all necessary parties such as the new NCDOT representative and the District I Engineer concerning the unsafe road conditions on S Virginia Dare Trail from Whalebone north to Eighth Street. Street lines and crosswalks are needed.

19. Comr. Cahoon - Staff was directed to provide budget information concerning the report/video provided during today’s Public Comment from Herb Council and “The Can Stand” for trash carts.

20. Closed Session – The Board entered Closed Session to preserve attorney/client privilege and to discuss a personnel issue in accordance with GS 143-318.11(a)(3) and (6). The time was 2:07 p.m.

21. Open Session – The Board re-entered Open Session at 3:12 p.m. Attorney Leidy reported that the Board did discuss an attorney/client privilege matter and that no actions were taken. Mayor Edwards reported that a personnel matter was also discussed during Closed Session.

22. Comr. Ratzenberger – He recently attended the ribbon cutting for the new EMS Facility on Airport Road in Manteo which he indicated is a very nice facility. Comr. Ratzenberger thanked former NCDOT representative Malcolm Fearing, who was present, for the good job he did for NCDOT Division I.

Board members concurred with Comr. Cahoon that the Mayor forward a letter to Mr. Fearing thanking him for his work representing NCDOT Division I. Mayor Edwards asked Public Information Officer/Administrative Assistant Roberta Thuman to prepare a letter for his signature.

23. Adjournment - Mayor Edwards recessed the Board meeting until Wednesday, April 19th at 4:30 p.m. Comr. Ratzenberger noted that he would be out of Town. The time was 3:14 p.m.