



**BOC ACTIONS
WEDNESDAY, AUGUST 5, 2015**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board passed a motion to approve the agenda as modified – with July 1, 2015 minutes removed from the Consent Agenda for separate discussion and with a Closed Session scheduled prior to the Public Hearings.
3. Recognition – Nags Head Ocean Rescue – USLA Southeast Regional Championship – Board members congratulated the lifeguards on their first place win.

Facilities Maintenance Technician Russell Canter and Police Officer Michael Alvarez were both welcomed by Board members to Town employment.

Firefighter/EMT Mark Bernard was congratulated by the Board on five years of service.

4. Public Comment – Bob Brown - Old Nags Head Cove, spoke of three issues: 1) Fireworks displays have been out of control in Old Nags Head Cove and the law is not being enforced; 2) Trash cart roll back is not taking place after the carts have been emptied; and 3) Streets in Old Nags Head Cove are very narrow - he is requesting that center lines be painted on the roadways for safety.

Public Comment – John Kocsis - Chawanook Court in South Nags Head, he is speaking for himself and also for his neighbor Bruce Schmidt who was unable to attend today's meeting; Mr. Schmidt is concerned about a lot of larger fireworks this year and he is requesting more enforcement; Mr. Kocsis said that his concern is that he was unaware of the code changes prohibiting leaving personal items on the beach; he asked if the Board would consider limiting the range to the public access areas or to the lifeguard areas.

Public Comment – Matthew Byrne - Kill Devil Hills resident; he would like to see the Fresh Pond area turned into a park entrance to Nags Head Woods to include removal of the AEC (Area of Environmental Concern) designation; he has had productive meetings with the Town of Kill Devil Hills and with Mayor Edwards about this issue; he also informed the Board that after speaking with Police Chief Brinkley, he is no longer concerned about the nearby police firing range.

5. Consent agenda – The Board passed a motion to approve the Consent Agenda (Approval of minutes was removed for separate discussion later in the meeting) and consisted of the following items:

Budget Adjustment #11a to FY 14/15 Budget Ordinance

Budget Adjustment #1 to FY 15/16 Budget Ordinance

Tax Adjustment Report, Consideration of Tax Settlement Report, and Charge to Tax Collector

Resolution authorizing Annual Outer Banks Association of Realtors surf fishing tournament

Resolution authorizing Annual Nags Head Surf Fishing Club Invitational Surf Fishing Tournament

Request for Public Hearing to consider a zoning ordinance text amendment re: calculation of lot coverage

6. Closed Session – The Board passed a motion to enter Closed Session to confer with the attorney and preserve the attorney/client privilege at 9:23 a.m.

7. Open Session - The Board re-entered Open Session at 9:55 a.m.

8. Public Hearing – to consider text amendments to zoning ordinance re: to large residential dwellings – The Board passed a motion to return the large structure ordinance to the Planning Board and to bring it back to the Board of Commissioners for Public Hearing and consideration on August 19th.

9. Public Hearing - to consider a Conditional Use/Site Plan Amendment application submitted by Quible on behalf of Verdad Real Estate and 7-Eleven, for proposed site redevelopment consisting of retail/convenience store, fueling dispensers, canopy. The Board passed a motion to make the required three findings of fact and to approve the conditional use site plan as presented with one condition: that the Board be presented the proposed stormwater drainage facilities plan for the Conch Street right-of-way for review, approval, and acceptance.

10. Public Hearing - to consider zoning ordinance text amendments to Town Code Section 48-128, related to regulating both minor and major additions/expansions to nonconforming cottage courts – The Board passed a motion to recuse Comr. Cahoon from the discussion as her family owns a non-conforming cottage court.

It was Board consensus to return after the Recess and vote on a clean copy of the proposed cottage court ordinance with the following changes: add a title to paragraph (5) and remove the common ownership requirement.

11. Recess/Reconvene - The Board recessed at 11:37 a.m. to attend the Peak Resources/Colony Ridge welcoming ceremony - to be followed by lunch. The Board reconvened at 1:30 p.m.

12. Public Hearing (cottage courts) Continued – The Board passed a motion to adopt the ordinance re: cottage courts as amended and displayed on screen.

13. Town Code Update Project – Advisory and Technical Review Committees - Mayor Edwards appointed Mayor Pro Tem Walters as the Board liaison to the Advisory Committee and Comr. Demers as the Board liaison to the Technical Committee. He asked that they review the list of candidates for each of their respective committees, and add any other candidates that may be interested, in order that both committees may be finalized at the August 19th mid-month Board meeting. Both Mayor Pro Tem Walters and Comr. Demers agreed to serve in this capacity and to report back on August 19th

It was Board consensus to agree to “Focus Nags Head” as the project name. Staff is to provide information on the Town’s web site re: the Focus Nags Head project to date, i.e., what is being done and why it is being done. Also included should be a request to anyone interested in participating on either of these committees.

14. Planning Board - Planning Board Vice-Chair Barbara Gernat provided a summary of the July 21st Planning Board meeting – there were three action and two discussion items.

15. Closed Session – The Board passed a motion to enter Closed Session to preserve attorney/client privilege, to discuss the Granby/Richardson Beach Nourishment Project condemnations and to review/approve Closed Session minutes/disposition.

16. Open Session - The Board re-entered Open Session at 2:32 p.m.

17. Committee Reports

Comr. Demers – Albemarle Regional Solid Waste Management Authority - Ann Blindt, Recycling Coordinator, has just retired and may not be replaced; Comr. Demers noted that the communities will be a little more on their own when it comes to recycling issues. He met with Ms. Blindt recently to obtain more information from her.

Comr. Ratzenberger – YMCA – the YMCA Board of Directors met and is pleased with the work the Town has done on the Skate Park and with the clearing of and the plans for the Dowdy Park site.

Comr. Ratzenberger - Dare County Beach Nourishment Committee will meet later this month.

Comr. Ratzenberger – Albemarle Rural Planning Organization (ARPO) – there has been a rumor that US 158 may become six lanes but that was never in the plans; currently in the Comprehensive Transportation Plan is a four-lane boulevard with a median. Later this month will be a meeting of ARPO to review details of the next DOT SPOT process.

18. Board/Committee Policy – The Board passed a motion to accept the Board/Committee Policy as amended/presented. Comr. Ratzenberger reiterated that he is not in favor of property owners not being allowed to serve on Town boards/committees. Comr. Cahoon accepted the friendly amendment to page 2 Membership to read as follows: “Town Board/standing committee”. The amended motion passed 4 – 1 with Comr. Ratzenberger casting the NO vote.

19. Technical standards - for residential and commercial site development applications – Information/manual was provided for Board information.

20. Resolution – the Board passed a motion to adopt the resolution as presented exempting FY 15-16 CIP Projects from the Mini-Brooks Act as per GS 143-64.31.

21. Comr. Ratzenberger - Comr. Ratzenberger confirmed with the Town Attorney that contact information for local businesses can be requested, even though there is no Consolidated Fee Schedule requirement, in order to create an updated business data base.

22. Comr. Ratzenberger - Comr. Ratzenberger commented on the fireworks enforcement item mentioned during Audience Response. He stated that it is difficult to enforce although enforcement of some of the longer fireworks displays may be possible. He recommended that the general phone number be called and not “911” when reporting illegal fireworks.

23. Comr. Ratzenberger - Comr. Ratzenberger reported that copies of Village at Nags Head sewer reports will be provided by Carolina Water. On August 19th a tour of the sewer plant will take place. The Town has started getting inquiries from the Utilities Commission re: metering as opposed to flat rates.

24. Mayor Pro Tem Walters - Mayor Pro Tem Walters attended an offshore drilling forum last Friday in New Bern and she said that it was one of the best mini conferences she has attended in a long time. There was a packed house which included scientists, BOEM officials, State DENR officials, etc. When she obtains the link to all the powerpoint presentations that were shown, she will forward to all as it was a very informative forum and the issue is a State-wide issue.

- 25.** Comr. Demers - Comr. Demers suggested that Police look at a stronger type of response to fireworks complaints – such that it is a fire hazard issue. Police Chief Brinkley encouraged those with fireworks complaints to call the non-emergency administrative number - 252-473-3444.
- 26.** Mayor Edwards – July 1, 2015 Board minutes were approved with one modification to page 14 to read as follows: “Mayor Edwards confirmed that Mr. Murphy was aware that his building permits are about to expire and final inspection needs to be taken care of. Mr. Murphy stated that he has already arranged that inspection with the Town staff.”
- 27.** Mayor Edwards – In support of the Outer Banks Homebuilders Association’s resolution which opposes offshore well drilling, it was Board consensus to send the Town’s similar resolutions to the Association with a cover letter.
- 28.** Mayor Edwards - Mayor Edwards spoke of discussions he has had with Admiral Street residents/property owners re: concerns about increased traffic and speeding traffic on Admiral Street. In response to the Board, Chief Brinkley stated that he would employ the radar trailer in the Admiral Street area and report on the results to the Board at the September 2nd Board meeting. Any other information re: actions taken in other areas with similar traffic situations is also to be brought forward.
- 29.** Mayor Edwards - As the Town is no longer a sponsor of the Outer Banks Seafood Festival, it was Board consensus to not appoint a representative to the Festival and to send officials a letter to this effect.
- 30.** Town Manager – The Board passed a motion that the Town sign on to the Sales Tax Redistribution Alliance letter as presented – with the additional paragraph suggested by Comr. Ratzenberger.
- 31.** Adjournment - Mayor Edwards recessed the Board meeting to Wednesday, August 19th at 7:00 pm for a Board of Commissioners mid-month meeting. The time was 3:23 p.m.