



**BOC ACTIONS  
DECEMBER 2, 2015**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board approved the December 2<sup>nd</sup> agenda as presented.
3. Reorganization – Town Clerk Carolyn Morris reported on the results of the November 3<sup>rd</sup> election; Susie Walters and Renée Cahoon were sworn in as Commissioners; Susie Walters was subsequently, after Board vote, sworn in as Mayor Pro Tem.
4. 2015 Earl Murray Jr Employee of the Year - Police Chief Kevin Brinkley spoke of the life of – and the appreciation for - Police Officer Earl Murray Jr who died in the line of duty in 2009.

Department Heads introduced each nominee: Phil Wolfe (Fire), Jason Greiner (Police), Keefe White (Public Works), Kim Blankenburg (Admin Services), and Todd Krafft (Planning). On behalf of the Board, Mayor Edwards congratulated Fire Captain Phil Wolfe as the 2015 Earl Murray Jr Employee of the Year.

5. Recognition – Master Firefighter Chris Day was recognized for ten years of service with the Town.
6. Audit - Paula Hodges, partner with Martin, Starnes & Associates presented a powerpoint presentation with highlights of the Town's FY 14/15 audit results – which were positive.
7. Consent Agenda – The Board approved the Consent Agenda as presented which consisted of the following items:
  - Consideration of Budget Adjustment #5 to FY 15/16 Budget Ordinance
  - Consideration of Tax Adjustment Report
  - Approval of Minutes
  - Consideration of resolution to surplus Town equipment
8. Public Hearing – to consider a conditional use application to operate a Child Day Care Center in the existing Plaza del Sol Shopping Center – The Board passed a motion to make the required three affirmative findings of fact and to approve the conditional use application as presented contingent on the applicant obtaining and maintaining all NC Department of Health and Human Services, Child Day Care Section approvals and licensures.
9. Public Hearing - to consider a conditional use application to locate a Screen Printing use within the existing warehouse structure located on Satterfield Landing Rd – The Board passed a motion to make the required three affirmative findings of fact and to approve the conditional use application subject to addition of a dumpster and to approval of fire protection by the Fire Dept/in compliance with Fire Code.
10. Report from Planning Board Chair - Planning Board Chair Mark Cornwell reported on the November 17<sup>th</sup> Planning Board meeting which included: Ben Reilly was elected Vice-Chair, Landscaping and buffering ordinance discussion continued, Update provided on revisions to the sign ordinance, and discussion of amendment to Flood Prevention ordinance at request of building inspector.

**11.** Update on Focus Nags Head – Planner Holly White updated the Board on the Focus Nags Head Project - Comr. Ratzenberger noted that some of the “buzz” words from the Town’s original Vision Statement are not included in the revised version such as:

- low-density development and open space
- diverse supply of accommodations
- natural environment
- healthy well-maintained oceanfront beach that is accessible/usable, not blocked by lg. structures

**12.** Sea Level Rise Study – Planner Holly White updated the Board and reminded everyone of the Sea Level Rise Workshops with NC Sea Grant scheduled for Mon, Dec 7<sup>th</sup> at 5 pm and Tue, Dec 8<sup>th</sup> at 10 am.

**13.** Committee Reports

Mayor Pro Tem Walters – Dare County Tourism Board – Included a report from the October Outer Banks Seafood Festival: Over 9,000 attendees and 15 restaurants participated; the NPS Superintendent reported that celebrations are being planned for the Park Service’s 100<sup>th</sup> Anniversary in August 2016.

Comr. Demers – Albemarle Regional Solid Waste Management Authority – Washington County was unanimously approved to be added to the Authority.

Comr. Ratzenberger – Albemarle Rural Planning Organization – No meeting this past month.

Comr. Ratzenberger – YMCA – The YMCA Board did meet and the numbers for the YMCA continue to look good – with a slight improvement this year.

Comr. Ratzenberger - Dare County Beach Nourishment Project - The Town of Kitty Hawk is not going to contest those oceanfront property owners that will not provide easements for the Beach Nourishment Project; he also reported that all required CAMA permits have been received.

Mayor Edwards – He attended ribbon cuttings for the Work Force Commission which focuses on training and counseling small businesses and one for the Small Business and Technology Development Center which is a business advisory service of the University of North Carolina System operated in partnership with the US Small Business Administration.

Mayor Edwards – Urgent Care – The Urgent Care Facility is now owned by Vidant who has remodeled the facility and is committed to continuing to improve it.

**14.** DCTB nominees - The Board passed a motion to nominate the following, in this order, to represent the Town on the Dare County Tourism Board: Mayor Pro Tem Susie Walters, Mayor Edwards, and Comr. Ratzenberger. Town Clerk Carolyn Morris is to include a note in the response letter to Dare County re: information concerning Ms. Walters role as current DCTB Vice-Chair.

**15.** Town Attorney Leidy – He reported on the recent Court of Appeals decision in the Nies v. the Town of Emerald Isle case concerning public trust. The Nies’ are oceanfront property owners and contended that the Town of Emerald Isle had “taken” their property by regulating the oceanfront beach – the Court of Appeals upheld the decision of the Trial Court which was to dismiss the lawsuit.

**16.** Town Attorney Leidy – He reported that prior to recent legislation, not voting on a zoning ordinance amendment (unless recused) meant a vote in the affirmative – legislative changes now mean

that a failure to vote is considered abstaining from voting. Attorney Leidy emphasized that this legislation only affects zoning ordinance amendments.

Town Clerk Carolyn Morris is to bring back, for Board consideration, an amended Rule #21 [Duty to vote] from the Town's Rules of Procedure.

**17.** Town Manager Ogburn – It was Board consensus that staff prepare a proposed Request For Qualifications for the Town's Beach Nourishment Project – Maintenance – for review during the January 20-21, 2016 Board Retreat and for consideration at the February 2016 Board of Commissioners meeting.

**18.** Town Manager Ogburn – The Board passed a motion authorizing staff to bring back for consideration an ordinance regulating sandbags.

**19.** Town Manager Ogburn – Town Manager Ogburn thanked Police for the outstanding job of preparations for retiring Dep Police Chief Tom Gilliam's reception held at Jennette's Pier.

**20.** Town Manager Ogburn – He commended Public Safety, Water, and Bldg Inspector personnel for how they handled last week's fire at the Dunes South Condos in South Nags Head. The oceanfront condo that caught fire was very close to other units but the other structures were kept clear.

**21.** Town Manager Ogburn – Clarification of two items from Consent Agenda – Tax Adjustment Report – Amount of \$50,000 was included this month as corporate utilities are billed only once per year; Surplus Resolution – Engineering services were surplussed for old engineering plans/projects that never went to fruition because of other constraints – this is not a usual instance.

**22.** Mayor Edwards - It was Board consensus to refer a discussion of the Nags Header and the Lightkeeper Award process to the January 20-21, 2016 Retreat.

**23.** Comr. Ratzenberger – He reported that he did not notice anyone running red lights until he returned home to the Outer Banks after almost 10 days of vacation. He would like something to be done to curb the running of red lights.

**24.** Comr. Ratzenberger – He would like to see a continued effort to get drivers to notice crosswalks at Pedestrian Crossings – Staff was directed to work with NCDOT to get the Ped Xing signs back in the middle of the road and also to procure double-sided pedestrian crossing signs.

**25.** Comr. Cahoon – She thanked the two 30-year employees that recently retired (Human Resources Dir Bonita Hurdle and Dep Police Chief Tom Gilliam) - they both gave a lot of their lives to the Town.

**26.** Comr. Demers – He reported that he recently attended, with Mayor Pro Tem Walters and Comr. Cahoon, the NC Beach Inlet and Waterways Association (NCBIWA) Conference. Information about the organization as well as the presentations from the conference can be found on the NCBIWA web site – which he pointed out displays a photo of Nags Head's Beach Nourishment Project on their home page.

**27.** Mayor Edwards – Last night's Gallery Row artists meeting was well attended – Long-term development of an organization to further Nags Head as an artist community was discussed.

**28.** Mayor Edwards – The Board authorized a \$100 Christmas gift to each employee.

**29.** Adjournment - The Board adjourned at 12:16 p.m.