



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, JULY 1, 2015**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board approved the July 1st agenda with removal of the Public Hearing re: use of turfstone and other permeable pavement and with the addition of a Closed Session.
3. Recognition - Fire Chief Kevin Zorc introduced Firefighter/EMT Anthony Dillon who was recognized by the Board for five years of service.

Police Chief Kevin Brinkley and Police Officer Lora Gilreath presented information on the upcoming National Night Out – scheduled for Tuesday, August 4th at Nags Head Elementary School. The Proclamation in support of National Night out was adopted by the Board.

Dep Fire Chief Shane Hite summarized the NC Department of Labor Safety Awards Program and Mayor Edwards presented the Certificates to each department representative. The following Town departments received awards: Administrative Services; Planning & Development; Maintenance Garage Division; Police Division; Public Works Administration; Water Administration; Water Operations Division; and Septic Health Initiative

4. Public Comment – Gary Ferguson - Nags Head resident; stated that the Board of Commissioners is doing a wonderful job for the Town and feels that the Town just keeps getting better; he viewed the last Board meeting and feels the podium is not the place for public bashing of the Mayor/Board members; he suggested prohibiting public comment on personal attacks on individuals; other towns have similar parameters concerning public comment.

Public Comment – Ryan Murphy - S Nags Head resident; grew up in Raleigh; is completing his degree at Auburn in May 2016; he spoke of the incident at the June 3rd Board meeting; he disagreed with Mr. Ferguson – he feels that if it concerns Board members the podium is the only place to make comments; he spoke of an incident with Mrs. Demers and another incident with Comr. Demers; he had thought he wanted to live and work in the Nags Head area but seeing the actions that have taken place, he has changed his mind.

5. Consent agenda – Was approved as presented and consisted of the following:
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Consideration of interlocal agreement with Dare County for storm debris cleanup
 - Request for Public Hearing to consider a Conditional Use/Site Plan Amendment application for proposed site redevelopment consisting of retail/convenience store with fueling dispensers and canopy.

- Request for Public Hearing to consider zoning ordinance text amendments related to regulating both minor and major additions/expansions to nonconforming cottage courts.

6. Town Attorney – The Board entered Closed Session to confer with the Town Attorney to preserve attorney/client privilege to discuss the Richardson and Granby condemnation cases. The Board re-entered Open Session at 9:51 a.m. Town Attorney Leidy reported that no action was taken.

7. Public Hearing – to consider a zoning ordinance text amendment to increase the threshold for compliance from 25% to 50% of the sign's value when damage is incurred by no fault of the sign owner. The Board adopted the zoning ordinance text amendment as presented.

8. Public Hearing - to consider ordinance amendments related to regulating structures within the Public Trust Beach Area - The Board adopted the Public Trust Area ordinance as presented.

9. Planning Board - Planning Board Chair Mark Cornwell provided a summary report of the June 16th Planning Board meeting.

10. Senate Bill 25 – Board discussion of Senate Bill 25 related to local regulation of design and aesthetic control – The Board scheduled a Public Hearing for the first meeting in August 2015 to discuss a moratorium based on the parameters described by Dep Town Manager Andy Garman.

11. Removed from agenda – Public Hearing to consider a zoning ordinance text amendment as it relates to the use of turfstone and other permeable pavement systems and the calculation of lot coverage - It was Board consensus to return to the original intent for the use of turfstone and other permeable pavement systems , i.e., to trade concrete with turfstone for stormwater drainage purposes – and reward a small amount with more lot coverage.

12. Board/Committee Policy - It was Board consensus that Town Clerk Carolyn Morris modify the draft Board/Committee Policy based on Board member comments and return the policy for Board consideration at the August 5th meeting.

13. ARPO Bike/Pedestrian Plan Projects - It was Board consensus to submit the following Bike and Pedestrian Project to the NCDOT SPOT 3.0 process: The west side of US 158 from Gull Street to Bay Meadow Drive (Village at Nags Head). It was noted that this submission meets the goal of connectivity throughout the Town.

14. Committee reports:

Mayor Pro Tem Walters – Dare County Tourism Board (DCTB) meeting – At the last meeting the DCTB adopted the resolution in support of Southern Flounder Fishermen; the DCTB also approved a separate line item in their budget of \$1 million for one year only (FY 15/16) for inlet dredging to give to Dare County on a reimbursement basis – Dare County will utilize its own \$2 million and funds from the sale of their helicopter first.

Mayor Edwards - He spoke of three meetings he recently attended: 1) Meeting with Rep. Tine re: aspects of Oregon and Hatteras Inlets dredging; 2) Meeting with Jim Hobbs of Travel and Tourism Public Policy re: use of occupancy tax for uses other than beach nourishment; and 3) Meeting with Town Manager Ogburn, Dep Town Manager Garman, Wilo Kelly and Homebuilders/Board of Realtors representatives re: the ordinance adopted by the Board last month re: lot clearing, a Town projects update was provided by Dep Town Manager Andy Garman, discussed questions about how long building permits are kept, flood maps, and emergency management procedures.

- 15.** Resolution to reduce speed limit – The Board adopted a resolution requesting NCDOT modify the speed limit to 45 MPH Town-wide - On US 158 / US 64 - ending at the eastern-most edge of the Washington Baum Bridge.
- 16.** Interlocal Agreement/Town Code change – The Board approved the Interlocal Agreement with the Town of Kill Devil Hills as amended - with the Town of Kill Devil Hills spelled out instead of abbreviated “KDH” - and adopted the modification to Town Code Chapter 8 re: beach driving reciprocity.
- 17.** Recess for lunch - The Board recessed for lunch at 11:50 a.m. and reconvened at 1:00 p.m.
- 18.** Mandatory residential recycling program - Comments about the proposed mandatory residential recycling program have been favorable – it is expected the program will begin officially on January 1, 2016. It was Board consensus for staff to move forward with plans for the Town-wide recycling program, to prepare for the September 9, 2015 educational public information session (Board members spoke positively of holding more than one public information session), to include information in an upcoming Town newsletter, and to authorize entering into vendor contracts and ordering the necessary carts after the September 9th session.
- 19.** Nursing Home – The Board passed a motion to authorize the Town Manager to negotiate/approve the final terms of the Town’s approval of the lease assignment agreement with Peak Resources. Board members confirmed with Town Manager Ogburn that the start date for Peak Resources to begin operation of the nursing home facility is August 1, 2015.
- 20.** Town Attorney – The Board passed a motion to enter Closed Session to confer with the Town Attorney to preserve attorney/client privilege - The time was 1:21 p.m.
- 21.** Open Session – The Board re-entered Open Session at 1:48 p.m. Attorney Leidy reported that during Closed Session the Board conferred with the Board re: attorney/client privilege and gave direction to staff and the Town Attorney but no action was taken.
- 22.** Business Registration fee – The Board passed a motion to amend the Consolidated Fee Schedule as presented and to adopt the ordinance amending Article I of Chapter 12 Businesses and Licenses.
- 23.** Mayor Edwards – Richard Murphy - Former Planning Board Chair and next-door neighbor of Comr. Marvin Demers, Richard Murphy, distributed a timeline of events and displayed photos on the screen surrounding the building of a deck/boardwalk at Comr. Demers’ residence.

Statement from Comr. Marvin Demers – he explained that he and his wife were very deliberate in applying for a deck for his house – he stated that a lot of things should be clarified that Mr. Murphy said but he is not going to as everyone has heard enough about this issue.

Town Manager Ogburn provided an update of Comr. Demers’ deck construction and the issues/problems that exist to include stair height, railing height, etc. He stated that these are errors to be corrected and not violations.

- 24.** Comr. Ratzenberger - Comr. Ratzenberger reported on a recent rate hearing by Carolina Water Service/Utilities, Inc. he attended with several others. He presented a screen display with a summary. Town Manager Ogburn stated that the evidential hearing is scheduled for October 5, 2015. Comr. Ratzenberger noted that the Commission members seemed to be receptive to the Town’s comments.

25. Mayor Edwards – Resolution in support of Southern Flounder Fishermen – The Board passed a motion to adopt Comr. Ratzenberger’s version of the resolution in support of Southern Flounder Fishermen with two (2) WHEREAS statements added and four (4) WHEREAS statements deleted.

26. Mayor Edwards – Roll N Stroll event - Dep Planning Director/Zoning Administrator Kelly Wyatt announced the third annual Gallery Row Roll N Stroll event is scheduled for Thursday, July 9th from 5:30 to 8:30 p.m. The event provides an opportunity for people to walk, bicycle, and stroll around the 15 businesses, restaurants, and galleries. Businesses will be open later with live music, sales, etc. in an effort to get people to come out and support local businesses. The event will take place rain or shine.

Comr. Cahoon asked Board members to consider the possibility of putting art on our streets.

27. Comr. Ratzenberger – Interlocal agreement with Dare County approved in Consent Agenda - Comr. Ratzenberger reported that last year’s interlocal agreement with Dare County for storm debris pick-up was never executed/returned by Dare County.

28. Comr. Ratzenberger – Small “moped” vehicles - Comr. Ratzenberger asked if the small “moped” vehicles seen around Town can be required to have antennas/flags for better visibility by other vehicles. It was suggested that the rental agencies for these vehicles be contacted to see if they would help with this issue.

29. Mayor Edwards – Board Retreat dates - It was Board consensus to schedule a Board Retreat for Thursday, September 17th at 9:00 a.m. at a location to be determined. Mayor Edwards asked for Board members to email him their ideas for an agenda.

30. Adjournment – The Board adjourned at 3:14 p.m.