



**TOWN OF NAGS HEAD  
BOC ACTIONS  
WEDNESDAY, MARCH 4, 2015**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – the Board adopted the March 4<sup>th</sup> agenda as presented.
3. Audience Response – Mark Cornwell, Nags Head resident; he addressed one of the agenda items – Board/Committee Policy in agenda item H-1; 1) he wants to make sure the policy addresses boards and committees as that is not consistent throughout the policy; 2) he feels allowing board/committee members three absences is too many – he feels that number should be two; and 3) a stipend is provided to Planning Board members and he feels that if a meeting is missed, then no payment should be made.
4. Recognition -  
  
Fire Chief Kevin Zorc introduced Dep Fire Chief Shane Hite who has earned and was recognized by the Board with a plaque for Manager of Environmental Safety and Health (MESH).  
  
Mayor Edwards read each and the Board adopted two proclamations in support of Relay For Life and Multiple Sclerosis Awareness Week.
5. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:  
Consideration of Budget Adjustment #7 to FY 14/15 Budget Ordinance  
Consideration of Tax Adjustment Report  
Consideration of Tax Delinquent List to be advertised  
Approval of Minutes  
Consideration of letter in support of April 18-26, 2015 Outer Banks Bike Week  
Consideration of extension of Town/Outer Banks Hauling Recycling Contracts to Sep 30, 2015
6. Public Hearing - to consider amendments to the zoning ordinance relating to “Fishing Piers” within the R-2, Medium Density Residential Zoning District – The Board adopted the ordinance as presented.
7. Public Hearing – to consider text amendments to the Town’s Parking Ordinance – The Board adopted the ordinance as presented. In addition, the Board passed a motion to pay a fee to Municode to publish changes to the Town Code on their web site immediately after ordinance adoption.
8. LUP / Code Revision Project – The Board passed a motion to authorize the Planning Department to proceed with the RFP/RFO process for the Land Use Plan and Code Revision – to move forward as presented. It was clarified that the motion included a review of the entire code as a separate item - a split of the development code from the rest of the code.
9. Dowdy Park – The Board passed a motion to accept the Concept 3 plan as the Master Plan for Dowdy Park.

**10. Town Policies – from the January 2015 Board Retreat:**

Flag Policy – The Board passed a motion to approve the Flag Policy with modified line of duty death to read: “A line of duty death is defined as any death that occurs to any Town Employee, Nags Head Fire, Police or Ocean Rescue department members while on duty, as determined by the Town Manager.”

Fund Balance Policy – The Board passed a motion to approve the Fund Balance Policy as presented.

Rules of Procedure – The Board passed a motion to approve the Rules of Procedure as presented with one change: that a sentence be added to Rule # 3 re: allowing the old Board to take ceremonial actions prior to the new Board’s swearing in.

Board/Committee Policy – The Board passed a motion to not approve the Board/Committee Policy at this time in order for staff to further review and to provide additional clarification as follows:

- Terminology is inconsistent throughout policy – Board/Committee/Panel/Ad hoc/sub-committees
- Clarify use of resident vs non-resident members – page 2, para 3(c)
- Modify member absences to “limit absences to two consecutive regularly scheduled meetings, unless excused by the chair – or three total unexcused meetings per year”.

**11. Committee reports:**

Mayor Pro Tem Walters – Dare County Tourism Board (DCTB)

- Meetings have been moved to the last Thursday of each month
- DCTB approved \$30,000 to Outer Banks Conservationists and \$57,000 to RI Historical Association
- The Outer Banks Tourism Summit is scheduled for May 7, 2015 at Pamlico Jack’s Restaurant at 8:45 a.m. and will conclude at Outer Banks Event Site for a kickoff concert with a live band
- Several upcoming runs were announced along with the Kelly’s St. Patrick’s Parade scheduled for March 15, 2015 and the Taste of the Beach scheduled for March 19, 2015
- The DCTB is sending a letter to BOEM and to elected leaders - opposing offshore oil and gas drilling – an additional meeting for comments has been scheduled for March 16, 2015 at the Ramada Inn. It was Board consensus to send a similar letter from the Town.

Comr. Cahoon – Nags Head Promotion

- The committee has met with very good attendance; there are a multitude of items to come forward for Board consideration – they will work within confines of upcoming LUP/Code update
- The committee will meet every two weeks until May 2015 – next meeting is March 12, 2015

Comr. Cahoon – Coastal Resources Commission (CRC)

- Update was provided during recent CRC meeting on sandbags and static line vs development line

Comr. Ratzenberger – YMCA

- The YMCA has hired a new Executive Director, Dana Ensley, who will start March 30, 2015; the next meeting is scheduled for March 12, 2015

Comr. Ratzenberger – Dare County Beach Nourishment Committee

- Another draft Interlocal agreement distributed to towns will be discussed on March 31, 2015

Comr. Ratzenberger – Albemarle Rural Planning Organization (ARPO)

- Transportation type issues continue to be discussed - the next meeting is scheduled for April 10, 2015

- 12.** Planning Board appointment – The Board passed a motion to appoint Kate Murray to the Planning Board, pending her acceptance – the effective date is March 4, 2015 with her term to end January 2018. Orientation by the Town Attorney was confirmed to be March 17, 2015.
  - 13.** Eighth Street survey work – The Board passed a motion to approve the request to initiate the process for the Eighth Street survey work as requested/presented.
  - 14.** Town Attorney – Request for Closed Session - It was Board consensus to finish the rest of the items on the agenda before going into Closed Session.
  - 15.** Town Manager - Town Manager Ogburn reported that Town Hall Day is scheduled for Wednesday, March 18, 2015 in Raleigh. There were three (3) legislative bills filed yesterday: HB 151 re: increase of fairness and equity of property insurance rates; SB 160 re: occupancy tax and Dare County ability by resolution to put tax toward Oregon Inlet dredging; and HB 141 re: stormwater flood control activities.
  - 16.** Town Manager – CRC sub-committee re: static line vs development line – Planning Director Andy Garman will represent the Town and participate (remotely) in meetings scheduled for March 16-17, 2015.
  - 17.** Town Manager - It was Board consensus that the Manager discuss the request for a joint beach driving program with the Town of Kill Devil Hills further to obtain additional details.
  - 18.** Mayor Edwards – Town Hall Day – Mayor Edwards, Mayor Pro Tem Walters, and Town Manager Ogburn will be attending and he will also attend the Resort Towns Association meeting at the NCLM offices on March 19, 2015. Chair Kermit Skinner is trying to re-establish the association.
  - 19.** Comr. Cahoon - Comr. Cahoon brought forward several concerns with the stormwater ordinance; there are adverse impacts on adjoining property owners during development of a site – improvements to retain water on-site is not confirmed until the final grading of the project.
- Mayor Edwards directed staff to review and see if there are holes in the erosion control ordinances/policies during the construction phase – to be sent through the Planning Board process prior to returning to the Board - Planning Director Garman agreed to forward an email updating the Board after initial analysis.
- 20.** Comr. Cahoon – Westward sand migration – The Board passed a motion to authorize the Manager and staff to bring back options and costs related to the safe removal of sand to a designated area and to include the sprigging of sand. Project Manager David Ryan pointed out that April 15, 2015 is the window to meet in order to get sprigging in this year – as a supplement to the current sprigging plans. Comr. Ratzenberger emphasized that the short term issue is the removal of sand.
  - 21.** Closed Session – The Board entered Closed Session at 12:36 p.m. to discuss Sansotta litigation and to confer with the Town Attorney to preserve the attorney/client privilege.
  - 22.** Open Session - The Board re-entered Open Session at 1:20 p.m.
  - 23.** Mayor Edwards - It was Board consensus to not schedule a mid-month meeting.
  - 24.** Adjournment - Mayor Edwards recessed the Board meeting to the Colony Ridge Rehabilitation Center Public Forum at 3:00 p.m. The time was 1:22 p.m.