



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, MAY 6, 2015**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the May 6th agenda as presented.
3. Recognition
 - Facilities Maintenance Technician Daniel Herring was recognized for ten years of service.
 - Recently retired Facilities Maintenance Technician Wilt Combs was recognized and congratulated for thirty years of service to the Town and on his retirement.
 - Police Officer Lora Gilreath was recognized for School Resource Officer Certification
 - Accident Prevention Week Proclamation
 - Public Works Week Proclamation
 - National Peace Officer Memorial Day and Police Week Proclamation

4. Public Comment

Bryce Pugh – Provided his “Get Your Butts Off The Beach” presentation – Board members were in favor of his idea to use PVC pipe and attach it to trash cans on the beach for disposal of cigarette butts and encouraged him to move forward with his idea/project.

Ken Termini – property owner of 4933 S Virginia Dare Trail and resident of Pennsylvania; he spoke of the unintended consequences of the Town's beach nourishment project; he is in favor of a well thought out accommodation to help homeowners uncover their structures with sand relocation but feels that many property owners took advantage of the Town's permits and carved big holes in the dunes – so that construction of a walkover would not be needed; the Town and property owners have spent a lot of money to build up the dunes, not tear them down; he feels that this year is a learning experience and he asked the Board to act before next year so this does not happen again.

Larry Allen - Seagull Drive property owner; he thanked the Board and Town Attorney for making the controversial decision to purchase the six houses on Seagull Drive so they could be demolished; the contractor is doing an outstanding job with the removal and cleanup of this area; he has also spoken with the Town Manager concerning newly exposed sand bags as a result of the demolished structures.

5. Consent agenda – Consent agenda was approved as presented and consisted of the following:
 - Consideration of Budget Adjustment #9 to FY 14/15 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Consideration of amendment to New Cingular Wireless lease for space on SNH water tank
 - Consideration of copier lease/print management contract
 - Consideration of renewal of Eighth Street Beach Access maintenance agreement with Kill Devil Hills

6. Public Hearing - to consider a zoning text amendment application submitted by April Vaughan on behalf of Whalebone Surf Shop to permit multiple principal uses within one commercial building

The Board tabled discussion of this item re: multiple principal uses within one commercial building to allow time for staff to re-word the proposed ordinance re: alternative parking standards to bring back for Board consideration later in today's meeting.

7. Public Hearing – to consider Town Code text amendments pertaining to unmanned aircraft systems (drones)

The Board delayed taking action on the ordinance as written to allow for additional review and public input for streamlining/clarification of some of the issues raised – and to bring the ordinance back for Board review/consideration. A workshop that will be live-streamed was scheduled for Wednesday, June 17th at 7:00 p.m. and the advertising for the workshop is to include an email address for sending questions/comments prior to and during the workshop.

8. Public Hearing - to consider a zoning text amendment application submitted by James Moore to add a new use, Airboat rental passenger operation, as a Conditional Use within the Commercial Outdoor Recreation Overlay District

The Board adopted an ordinance (with Mayor Edwards and Comr. Demers casting the NO votes) to approve the text amendment with the following changes:

- Substitute "airboat" for "watercraft", for consistency, in paragraphs f2, f4, and f7
- Fix verb in para f5 to read: " Airboats shall not enter into or pass/drive over marsh grasses."
- Change para f6 to read: "Only two (2) airboats shall be allowed in the Outdoor Recreation Overlay District."
- Change para f7 "DOI" to read "Department of Interior (DOI)"

The required second reading of the ordinance was scheduled for the June 3rd Board meeting.

9. Lunch - Mayor Edwards recessed the meeting at 1:10 p.m. and reconvened at 2:10 p.m.

10. Continuation of Public Hearing (tabled earlier in the meeting) – Public Hearing to consider a zoning text amendment application submitted by April Vaughan on behalf of Whalebone Surf Shop to permit multiple principal uses within one commercial building – The Board adopted the ordinance as revised which includes re-worded paragraph (2) of Sec. 48-377 and allows for alternative and reduced parking requirements.

11. Consultant to update the Town's Land Use Plan / Town Code – The Board authorized the consultant Code Wright Planners as recommended by staff, to update the Town's LUP/Town Code with Benchmark as the sub-contractor.

12. Planning Board Chair - Planning Board Chair Mark Cornwell summarized the April 21st Planning Board meeting. He noted that new Planning Board member Kate Murray was present – Attorney Ben Gallop provided orientation to all members. Two action items and three discussion items were covered.

13. Board/Committee Policy - Board members pointed out former Mayor Bob Muller's comments re: BOA conflict in the proposed Board/Committee Policy with the Town Code; Comr. Ratzenberger suggested clarification on page 1 to indicate that the reason the governing board was included in the policy was to fill the unexpired terms of the governing board members; and he suggested that the

paragraph entitled Governing Board on page 5 be reviewed. Mayor Edwards deferred action on this item to the June 3rd Board meeting.

14. Committee Reports

Comr. Demers – Stormwater Association of North Carolina – Comr. Demers and Town Manager Ogburn attended a recent meeting – the active organization has ties to the NC League of Municipalities and includes not just coastal but across the state participation; Comr. Demers feels membership would be beneficial for the Town - It was Board consensus to concur with Comr. Demers' recommendation and to authorize joining the association.

Comr. Demers - Mid-Atlantic Stormwater Stakeholders (MASS) Task Force – Town Project Engineer David Ryan is the Town's representative on the Task Force and Comr. Demers is the secondary representative; Mr. Ryan provided a brief report - the Task Force looks at coastal communities on a regional scale – it's a new initiative formed as part of a grant received by NC Sea Grant to protect NC beaches.

Mayor Pro Tem Walters – Outer Banks Tourism Summit - Mayor Pro Tem Walters invited everyone to attend the Outer Banks Tourism Summit at Pamlico Jack's Restaurant tomorrow followed by a free blue grass concert on the beach at Jennette's Pier.

Mayor Pro Tem Walters – Jennette's Pier Advisory Council - Town Manager Ogburn attended and provided a brief update for Mayor Pro Tem Walters who was unable to attend; at the April meeting, three new members were introduced; bylaw changes mean that JPAC will now meet twice/year – the Governor's budget moves aquariums from DENR to Cultural Resources which is seen as a positive move.

Comr. Ratzenberger – YMCA - New Director - The new YMCA Director has been meeting individually with the YMCA Board members; next meeting has been scheduled for May 21st with the entire YMCA Board.

Comr. Ratzenberger – YMCA - National Day of Prayer – at the YMCA flagpole on May 7th at 12 Noon.

Comr. Ratzenberger – YMCA - "Bright Futures Start Here" – if interested in working at the YMCA, applications are being accepted for summer jobs.

Comr. Ratzenberger – Albemarle Regional Planning Organization (ARPO) – Comr. Ratzenberger provided an update on federal and state legislation relating to transportation:

- a) A federal bill has been re-introduced that would designate two highways as a future interstate connecting Raleigh, Rocky Mount, Williamston, Elizabeth City, Norfolk;
- b) HB 672 that would take away NCDOT Engineers scoring input into the prioritization process, take ferry vessel replacement out of the Division pot of funding, and would allow passenger ferry vessel replacements to compete with bridge replacement projects - is now dead;
- c) SB 540 that would allow NCDOT to issue annual passes to individuals who would like priority boarding on ferry vessels - is now dead;
- d) SB 110/HB 67 that would reduce the amount transferred each year from Highway Fund to General Fund - is now dead;
- e) HB 93/SB 307 that would eliminate the establishment of tolls on ferry routes - is now dead;

f) SB 382 that directs the Board of Transportation to issue a request for information for privatization of the NC Ferry System - has been referred to the House; and

g) HB 74 which allows for a study of the oversight of MPO's and RPO's and their role in transportation planning - has been referred to the Senate.

15. Town Attorney - Attorney Leidy requested a Closed Session to discuss an issue with the Board to preserve attorney/client privilege.

16. Town Attorney - Attorney Leidy reported on the status of the lease with Tar River & Associates re: Colony Ridge. He has had several discussions with their attorneys and he is confident that the Town will not be terminating the lease and that there will not be any discontinuation of service at the facility.

17. Town Attorney - Town Attorney Leidy reported that his firm – Hornthal, Riley, Ellis, and Maland – will be requesting fee adjustments for the upcoming year – at the June 3rd Board meeting.

18. Town Manager - Town Manager Ogburn wanted to make the Board aware that the Town/DENR MOU that governs the use of the Jockey's Ridge Estuarine Access expires May 14th – which is the end of seven, 3-year terms – Maintenance of the access will be done by the State until there is an agreement.

19. Town Manager – The Board authorized a Public Hearing to be held at the June 3rd Board of Commissioners meeting to consider a conditional use site plan submitted by James Moore to operate airboat tours and paddle board rentals at the property located at 7649 S Virginia Dare Trail – the property is zoned C-2 General Commercial and is in the Outdoor Recreational Overlay District.

20. Town Manager - Town Manager Ogburn requested a Closed Session to discuss the acquisition of real property.

21. Town Manager - Town Manager Ogburn provided a powerpoint presentation with his recommended FY 15/16 budget which was well received.

22. Comr. Demers – Comr. Demers reported that he continues to have periodic stormwater meetings with staff and the manager; the latest accomplishment has been the receipt of drainage survey information from Fire Station 21 south to the end of Town. Town Engineer David Ryan is in the process of reviewing this data to provide a more accurate analysis of stormwater drainage plan improvements needed. The plan will be brought forward to the Board at an upcoming meeting.

23. Comr. Cahoon - The Board authorized an application to the Government Access Channel Committee (GACC) for LPDI grant funds to complete the Board Room lighting project.

24. Comr. Cahoon – The Board forwarded the ordinance recommended by the Local Business/Promotion Committee to the Planning Board concerning signage for review and possible action.

25. Comr. Cahoon - Comr. Cahoon reported on last week's Coastal Resources Commission (CRC) meeting. The Land Use Plan (LUP) changes are moving forward; the Sea Level Rise Report was released and is out for public comment.

26. Comr. Cahoon - Comr. Cahoon reported that she has received complaints about the low water pressure at the Villas. Town Manager Ogburn said that the numbers indicate that the water pressure should be improved - he stated that he will have staff research and report back.

- 27.** Mayor Pro Tem Walters - Mayor Pro Tem Walters spoke highly of today's Bike To School Day. She stated that it was very positive to see many walking/biking to school in this joint school/community program.
- 28.** Comr. Ratzenberger - Officer Lora Gilreath is now in charge of Community Watch. At the Community Watch meeting on Tuesday, May 12th at 6:00 p.m. Ocean Rescue will be present to review rules/regulations on Nags Head beaches.
- 29.** Comr. Ratzenberger – At Comr. Ratzenberger's request, Police Chief Brinkley reported on the first Citizens Police Academy graduation this week – 12 citizens graduated. He said that they are looking at the next Academy to begin February 2016.
- 30.** Comr. Ratzenberger – Youth Aviation Day - Comr. Ratzenberger reported that Youth Aviation Day 2015 is scheduled for Saturday, May 9th at Dare County Airport from 10:00 a.m. to 4:00 p.m.
- 31.** Comr. Ratzenberger - The Dare County Veterans Service Office provides help to veterans; the Veterans Advisory Council meets the fourth Thursday of each month at 3:00 p.m. The Office helps with transportation to the VA hospital, etc. and the Dare County Veterans ID Card allows for 10% discounts at local businesses/restaurants.
- 32.** Mayor Edwards - Mayor Edwards reported that Senate Bill 25, if adopted, would eliminate the Town's residential architecture standard regulations. It was Board consensus to authorize Mayor Edwards to write a letter in opposition to Senate Bill 25.
- 33.** Closed Session – The Board entered Closed Session to discuss the acquisition of real property located at 3821 S Virginia Dare Trail, to discuss pending Beach Nourishment Project condemnation cases involving Granby Properties, Inc. , Richardson and other combination properties, and to discuss an issue and preserve attorney/client privilege – in accordance with GS 143-318.11(a)(3) and (5). The time was 4:11 p.m.
- 34.** Open Session - The Board re-entered Open Session at 6:12 p.m. Attorney Leidy reported on the Closed Session and stated that no actions were taken.
- 35.** Adjournment – The Board recessed to the Budget Workshop on Tuesday, May 19, 2015 at 9:00 a.m. in the Board Room. The time was 6:13 p.m.