



**BOC ACTIONS  
WEDNESDAY, AUGUST 6, 2014  
REGULAR SESSION**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Adoption of agenda – The Board passed a motion to adopt the Aug 6<sup>th</sup> agenda as presented.
3. Recognition

Public Works Director Ralph Barile introduced Water Distribution Technician David Bradley; Facility Maintenance Superintendent Mike Norris; and Sanitation Equipment Operator James Pledger who were all welcomed to Town employment by the Board.

Deputy Planning Director Kelly Wyatt introduced Water Quality Coordinator Todd Krafft and Code Enforcement Officer Kim Allen who were both recognized for 15 years and 20 years of service.

Public Works Director Ralph Barile introduced former Water Service Supervisor Ray Midgett with some memorable moments of his career. Mayor Edwards, on behalf of the Board, presented a Retirement Plaque and engraved Tie Tac to Mr. Midgett and wished him well.

4. Audience Response – Stephanie Westheiden; commented on the draft beach canopy ordinance; she provided some suggestions to include tagging canopies similar to Kill Devil Hills, picking up canopies in the evening to coincide when turtle volunteers would be on the beach, getting the word out to those on the beach via airplane advertising and rental brochures; she spoke against more signage at beach accesses and suggested consolidating the signage into one sign.

5. Consent agenda - The Consent Agenda consisted of the following items:

- Consideration of Tax Adjustment / Tax Settlement Reports
- Approval of Minutes – Jul 2, 2014 and Jul 16, 2014
- Consideration of resolution authorizing annual Nags Head Surf Fishing Club Tournament
- Request for authorization to purchase Police Model Chev Tahoe via sole source
- Request for Public Hearing to consider conditional use/site plan for Outer Banks Events Site
- Request for Public Hearing to consider zoning ordinance change to allow new use "Jet Pak Rental"
- Consideration of Indemnification Agreement for proposed Moongate sidewalk

The Board passed a motion approving the Consent Agenda with amendments to the Jul 2<sup>nd</sup> minutes (Page 10 and Page 14), and Jul 16<sup>th</sup> minutes (Page 6).

6. Public Hearing – Pond Island Assessment Roll – The Board adopted the resolution affirming the Pond Island Waterline Improvement Project Assessment Roll as presented.

**7. Committee reports:**

Comr. Ratzenberger – the next Albemarle Rural Planning Organization (ARPO) meeting is scheduled for Monday, Aug 18<sup>th</sup> – discussion of ferry tolling is on the agenda and how the ARPO will vote should make it an interesting meeting.

Comr. Demers – Stormwater analysis in the Town continues with Project Engineer David Ryan.

Comr. Demers - Attorney comments on the draft parking ordinance are expected soon and there will either be another subcommittee meeting or the proposed ordinance will go directly to the Planning Board for processing.

**8. Town Attorney -** Attorney Leidy requested a Closed Session at the appropriate time to preserve attorney/client privilege – He indicated Closed Session minutes can be considered at the same session.

**9. Closed Session –** The Board passed a motion to enter Closed Session for purposes of conferring with the Town Attorney and to approve, open or seal the Jan through Jun 2014 Closed Session minutes in accordance with GS 143-318.11(a)(1) and (3). The time was 9:30 a.m.

**10. Open Session -** The Board re-entered Open Session at 10:15 a.m. Attorney Leidy reported that during Closed Session the Board took action to approve and open/seal the Jan – Jun 2014 Closed Session minutes – No other actions were taken.

**11. Comcast/Charter Communications Presentation; Consideration of resolution**

Comcast Government and Community Affairs Director Kenneth Dye spoke - Board members pointed out several issues of concern when Comcast becomes operator of the Charter franchise:

- The need for a local office
- They confirmed that no upgrade or major equipment transition would be needed
- Requested to be involved well in advance of any transitions/changes to be made
- Was told the program guide would be different but generally the transition would be transparent
- Emphasized the importance of - and requested better - customer service than what was received from Charter

The Board passed a motion to adopt the resolution supporting the transition from Charter to Comcast as presented.

**12. Town Manager –** Intern Connor Winstead presented the Draft Beach Tent ordinance – Mayor Edwards would like a beach-wide/uniform ordinance so visitors won't have to worry about where they are and he would like to start with tagging; Attorney Leidy suggested that the area for tents be defined in some fashion such as the distance from tide lines.

Board members were in favor of an ordinance that requires tent pole holes to be filled in, lifeguard line-of-sight must remain open, and the chaining of tents is to be minimized. The ordinance is to return for Board discussion at the Sep 3<sup>rd</sup> Board meeting.

**13. Mayor Pro Tem Walters –** The Dowdy Park Committee met Jul 9<sup>th</sup> – Mr. Ruckle's geo-caching group will clean up at the site on Sat, Aug 9<sup>th</sup> – The Community Clean Up Day is tentatively scheduled for Sat, Oct 4<sup>th</sup>. The next Dowdy Park Committee meeting is scheduled for Aug 20<sup>th</sup> at 4:30 p.m.

- 14.** Mayor Pro Tem Walters – The Jennette's Pier Advisory Committee met Jul 23<sup>rd</sup> - the first meeting since 2013. She presented statistics concerning the number of visitors and reported that they have reduced their deficit significantly - The next Committee meeting is Oct 22<sup>nd</sup> at 10:30 a.m. at the pier.
- 15.** Mayor Pro Tem Walters – The Board adopted the resolution opposing the subsurface injection of fracturing wastewater with the deletion of the WHEREAS statement re: transporting wastewater to coastal injection sites being cost prohibitive. Comments are due to DENR by Sep 15<sup>th</sup>.
- 16.** Mayor Pro Tem Walters – The Board passed a motion to reinstate the Art Acquisition Policy – originally adopted in 1998 – for the Gallery Row artwork. It was Board consensus that staff bring forward at the Sep 2014 Board meeting artwork committee and policy information – with the focus being on outdoor art.
- 17.** Comr. Cahoon – She presented the policy for Board members to serve as liaisons to boards/committees that was adopted by the Town of Duck and asked Board members to review – for further discussion when the new Planning Director is on board.
- 18.** Comr. Cahoon - Comr. Cahoon thanked everyone who participated in last night's National Night Out at Nags Head Elementary School.
- 19.** Comr. Cahoon - The Business Forum will become active again when all staff positions have been filled; she did not want to place any additional burden on staff.
- 20.** Comr. Cahoon – She reported that at the recent Coastal Resources Commission meeting there was discussion re: if Land Use Plans are valuable and should continue being developed – or just be a policy document for the Town but not so restrictive with CRC rules. Additional input will be forthcoming.
- 21.** Comr. Cahoon - The possibility of changing static lines to development lines was discussed at the recent Coastal Resources Commission meeting.
- 22.** Comr. Cahoon – The Coastal Resources Commission Science Panel held its first meeting on sea level rise under new parameters; the panel is to do a 30-year (not a 100-year) study of sea level rise .
- 23.** Comr. Ratzenberger – The American Shore and Beach Preservation Association (ASBPA) Fall Conference is scheduled for Oct 14-17 in Virginia Beach. Mayor Edwards would like to attend the NC Mountains to Sea Trail meeting to look toward the section of multi-use path that has not been built which is part of the trail. Mayor Edwards asked Board members to send an email indicating what conferences/meetings they are interested in attending.
- 24.** Comr. Ratzenberger - Clean Water Act – the definition of navigable waters was displayed on the screen - once designated it stays forever. He would like to provide a strong comment to strengthen the importance of ground water drainage or exclude it so the Towns don't lose the ability to take action.  
  
It was Board consensus to prepare a resolution for Board consideration at the Sep 2014 Board meeting that addresses the concerns and emphasizes ground water drainage in the definition of navigable waters under the Clean Water Act. The comment period is effective until Oct 20<sup>th</sup>.
- 25.** Comr. Ratzenberger – Signage standards – He requested that the Town's existing sign ordinance be modified such that any shopping center, perpendicular to the bypass and/or beach road may have a specified amount of square feet of additional signage - Mayor Edwards suggested that this request be

referred to the Planning Board. Comr. Cahoon suggested adding this to the Business Forum agenda for discussion.

**26.** Comr. Ratzenberger – Review of Hurricane Arthur - Mayor Edwards asked that Board members email him their comments concerning the Town's actions during/after the July 4<sup>th</sup> Hurricane Arthur event.

**27.** Comr. Ratzenberger – He attended the recent micro grid demonstration at NC Dominion Power site in Kitty Hawk – four different models of wind turbines were being tested. There are performance monitoring kiosks for review.

**28.** Mayor Edwards - It was Board consensus that Town Manager Ogburn contact officials at NC State to obtain details about the possibility of a study of sea level rise in the Town – to include what effect it would have on Town infrastructure, i.e., streets, etc.

**29.** Mayor Edwards - Discussion of the permitting of drones - Comr. Ratzenberger would like to participate in an ordinance preparation – to control drones without killing the hobby of aerial model airplanes along with it. It was Board consensus to have Town Manager Ogburn look into possible ordinance language regulating drones and similar items to see what would be feasible.

**30.** Mayor Edwards - It was Board consensus that Town Manager Ogburn have staff research and prepare a report/proposal concerning traffic control for the west side multi-use path for the Board to review at the Sep 2014 Board meeting.

In addition, to facilitate public safety, Comr. Cahoon asked staff to include information that would help those utilizing the crosswalk at Adams Street which leads walkers west across the bypass to the street at the 10.5 Shopping Center.

**31.** Adjournment - The Board passed a motion to adjourn at 12:38 p.m.