



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, JANUARY 8, 2014**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board passed a motion to adopt the January 8th agenda as presented.
3. Audience Response – Louis Toth - Village at Nags Head resident; expressed disappointment that a survey was not done on the properties near the new adventure/aerial park site – such as on Lakeside and Forbes Streets; he is also concerned that there is no wall to protect nearby properties from the noise generated by the Full Throttle amusement site.
4. Recognition - Deputy Fire Chief Shane Hite introduced Firefighter/EMT Diego Dayan who was recognized by the Board for 15 years of service.
5. Consent Agenda – The Board passed a motion to approve the Consent Agenda with removal of Budget Adjustment #8 for separate discussion under agenda item “H”. The Consent Agenda consisted of the following items:
Consideration of Tax Adjustment Report
Approval of Minutes
6. Public Hearing - to consider approval of a Vested Right/Conditional Use/Site Plan Amendment submitted by Quible & Associates on behalf of the Ark International Church for construction of a 35,513 square foot church with associated parking, drainage, water and septic improvements, multipurpose fields, pavilion and playground. The Board passed a motion to make the required three (3) findings of fact and to approve the project with phasing as presented – if anything changes to the phasing, the plan would have to come back to the Board for review.
7. Public Hearing – to consider Preliminary Assessment Roll for Carolinian Circle Special Assessment Project – the Board passed a motion to adopt the Resolution entitled “Resolution Confirming Assessment Roll and Levying Assessments for Carolinian Circle Street Improvements” as presented.
8. Stormwater Management Ordinance – The Board unanimously passed a motion to approve/adopt the proposed Stormwater Ordinance as presented. The Board also unanimously passed a motion to adopt the Best Management Practices (BMP) Manual as presented as an informational guideline document.

Comr. Demers confirmed with the Board that the BMP did not have to come back each time it was modified.
9. Planning Director - Planning Director Teague summarized her reports on the Soundside Boardwalk Committee and on the Pedestrian Plan Committee meetings. The Board passed a motion to appoint the Albemarle Commission Rural Planning Organization (RPO) Coordinator, a position currently held by former

Town Planner Angela Welsh, to a formal membership on the Town's Comprehensive Pedestrian Plan Committee.

Staff was directed to include approved minutes from both the Soundside Boardwalk and the Comprehensive Pedestrian Plan Committee meetings on the web site – not only with the Board of Commissioners meeting agenda information.

10. Dowdy Park site – The Board passed a motion to appropriate \$1 million from Fund Balance and to borrow \$500,000 from Southern Bank to finance the purchase of the Dowdy Park tract.

11. Budget Adjustment #8 – The Board passed a motion to adopt Budget Adjustment #8 to the FY 13/14 Budget Ordinance as presented.

12. Committee reports - Mayor Edwards explained that new Board/Committee assignments will be discussed at the upcoming Board Retreat January 30-31, 2014.

13. BOC 2014 meeting schedule – The Board passed a motion to adopt the Board of Commissioners 2014 meeting schedule with a modification to the start time of October through March mid-month meetings to be 5:30 p.m. – effective with the February 2014 mid-month meeting. [April through September mid-month meetings will start at the current 7:00 p.m.]

14. Town Attorney – Attorney Leidy requested a Closed Session to discuss potential litigation concerning Colony Ridge Rehabilitation Center and to preserve the attorney/client privilege and to approve Closed Session minutes/disposition schedule. The Board then passed a motion to enter Closed Session – the time was 11:11 a.m.

15. Open Session - The Board re-entered Open Session at 11:50 a.m. Attorney Leidy reported that during Closed Session the Board conferred with the Town Attorney re: potential litigation matter and directed the Town Manager to send a letter to Colony Ridge re: status of improvements and failure to comply with the timetable set forth in the lease agreement. The Board also took action to approve the Closed Session minutes for the last six (6) months and to approve the opening/closure of those minutes in accordance with the disposition schedule presented.

16. Town Manager – Town Manager Ogburn presented the latest update on proposed upcoming Homeowners Insurance changes – Board of Realtors/Homebuilders liaison Willo Kelly also spoke re: request by insurance companies for another rate hike – this one of 35% - the last increase was 18%; she encouraged people to attend the public meeting on Friday, January 24th at 9:30 a.m. in Raleigh in the Dobbs Building.

The Board passed a motion to authorize the Mayor to write a letter of support for Sen. Hagan's sponsorship of the Bill opposing the Biggert-Waters Bill. The Board also passed a motion to authorize the Mayor to write a letter to the Commissioner of Insurance, Wayne Goodwin, opposing the proposed 35% rate increase in homeowners insurance and, if not, then to call for a hearing for further public scrutiny.

17. Town Manager – The Board passed a motion to sponsor the Monday, March 17, 2014 reception of the NCBIWA Conference in the amount of \$1,500. Dare County and the Towns of Kill Devil Hills and Duck will also be participating by contributing \$1,500 each.

Comr. Cahoon asked Mayor Edwards to request the Towns of Kitty Hawk and Southern Shores to become part of the NCBIWA organization at the next Mayors' luncheon.

- 18.** Town Manager - Town Manager Ogburn invited everyone to view the new Wreck of the Huron video now on You Tube. He stated that the video was made jointly with the US Coastal Studies Institute.
- 19.** Town Manager - Town Manager Ogburn requested a Closed Session to discuss with the Board additional terms to the Dowdy Park purchase contract.
- 20.** Comr. Cahoon - Town Engineer/Project Manager David Ryan is to check on the status of the ocean outfall extension; it was originally scheduled for consideration at the December 2013 Coastal Resources Commission (CRC) meeting for approval. Comr. Cahoon said that the next CRC meeting is scheduled for late February 2014.
- 21.** Comr. Cahoon - Comr. Cahoon said that the Beach Nourishment Project created chaos with the sand dunes as they are now encroaching upon oceanfront properties. She stated that CAMA needs to put the sand back on the beach and away from structures. The time period to do that ends April 30th.
- 22.** Comr. Ratzenberger - Comr. Ratzenberger mentioned comments made during Audience Response by Mr. Toth concerning the proposed Aerial Park and the Full Throttle amusement site – Mr. Toth felt there was inadequate notice to nearby property owners. Comr. Ratzenberger confirmed with Planning Director Teague that both sites had signs on the actual properties indicating upcoming public hearings. Planning Director Teague noted that she/staff had not received any specific complaints about the Full Throttle site last summer.
- 23.** Comr. Demers - Project Manager David Ryan stated that he would check on the status of the sand fencing installation project in response to Comr. Demers.
- 24.** Mayor Edwards - Mayor Edwards reported that the Town recently received notice from the State Governor's Office re: public access grant in the amount of \$14,000 has been granted through the NC Coastal Management Program. The funds will be utilized for a kayak launch facility at the Causeway Estuarine Access.
- 25.** Closed Session – The Board passed a motion to enter Closed Session to confer with the Town Attorney concerning additional terms to the Dowdy Park contract. The time was 12:14 p.m.
- 26.** Open Session - The Board re-entered Open Session at 12:24 p.m. Attorney Leidy stated that during Closed Session the Board discussed some additional terms to the contract to purchase the Dowdy Park tract and no action was taken. The Board then passed a motion to add an additional term to the Dowdy Park purchase contract – for one week before Memorial Day through one week after Labor Day the Dowdy Park property will not use amusement devices, whether free or paid, as defined in State Statute.
- 27.** Mayor Edwards - Mayor Edwards reported that the Town's Local Business Forum will take place on Wednesday, January 15th at 5:00 p.m. in the Board Room – he stated that there would not be a mid-month meeting.
- 28.** Adjournment - The Board passed a motion to adjourn at 12:27 p.m.