



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, JULY 2, 2014**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda - The Board adopted the July 2nd agenda after amending it to postpone agenda item G-2 - Public Hearing to consider the rezoning request to extend the recreational overlay district - to the July mid-month meeting. Those interested in speaking on the rezoning issue were invited to speak during Audience Response.
3. Audience Response – The following spoke in opposition to the rezoning request to extend the recreational overlay district to the Washington Baum Bridge: Trey Adams, Blake Driskill, Stephen Driskill, Ernest Nagata, Phillip Davis Jr, Karen Adams, Logan Jones, Janie Molster, William Blowe, Greg Anderson, Keeli Kohler, Barbara DeVillar, Robbie Swain, Andres DeVillar, Rod Holloman, William Jones, Tammie Gullie, and Sydney Gullie.

Jack McCombs, Kill Devil Hills resident; thanked the Board for supporting the Bike To Build program.

Richard Murphy, Planning Board Chair; he thanked everyone from Pond Island for attending today's Board meeting; Planning Board handles both long and short term planning duties; citizen input at any of the Planning Board meetings would be welcomed.
4. Recognition - Public Works Director Ralph Barile introduced new Fleet Mechanic Peter Woickelman; Police Chief Kevin Brinkley introduced Police Office Assistant Dee Johnson who was recognized for ten years of service; and Dep. Planning Director Kelly Wyatt introduced Permitting Coordinator Lily Nieberding who was recognized for ten years of service.
5. Proclamation – The Board adopted the National Night Out Proclamation as presented.
6. Consent Agenda – The Board approved the Consent Agenda with two corrections to the June 11th Board minutes and with one insertion to the June 18th Board minutes. The Consent Agenda consisted of the following items in addition to Board minutes: Budget Adjustment #14a to the FY 13/14 Budget Ordinance and the Tax Adjustment Report.
7. Public Hearing - to consider a zoning ordinance text amendment submitted by Eddie Goodrich to add a new use category, "Group/Cluster Housing". The Board passed a motion to refer the revised ordinance, as modified by the attorney, back to the Planning Board for review. Board members discussed several items of concern to include number of dwelling units/bedrooms, shared/private ownership of driveways, lack of reference to architectural standards, and septic fields. In addition, Board members would like to see any ordinance revisions prior to the Board meeting.

- 8.** Gallery Row – Ben Cahoon of Cahoon & Kasten Architects provided an update of the study he is preparing of the Gallery Row area to increase commerce and the character of the area. At the Drop-In Workshop on June 12th – a lot of positive feedback to keep the district was heard. Everyone was invited to attend the second annual Gallery Row Roll and Stroll scheduled for July 10th from 5:30 to 8:30 pm.
- 9.** Agreement – The Board approved the hurricane/disaster agreement with Dare County as presented.
- 10.** Comcast/Charter Communications combined franchise – It was Board consensus that Attorney Leidy contact Comcast about modifying the default language in the resolution provided before Board consideration, and that a representative from Comcast attend an upcoming Board meeting to update the Board on any changes that may occur after they take over Charter.
- 11.** Committees – Comr. Ratzenberger reported the following:
 - YMCA Master Plan Committee met while he was out of Town - he will attend a makeup meeting soon
 - He clarified that he is frustrated with the State point system –not Albemarle (ARPO)
 - He attended a Division 1 scoring meeting last night in Edenton
 - It was Board consensus to agree with Comr. Ratzenberger's request to provide a brief presentation at the July mid-month meeting explaining the scoring process
 - Bike Plan needs to be adopted by the Board by the end of July in order to be included in scoring process
 - To improve the Town's scoring, he would like to obtain some input from Planning to provide to Division 1/State so the Town can get more into the scoring process
- 12.** Traffic Control Map – The Board passed a motion to adopt the Town Code site distance triangle [Sec. 48-79 - 10' wide and 70' long] for the north entrance to the Engagement Hill Loop Subdivision – on both the north and south sides of that entrance.
- 13.** Storm debris pickup/Monitoring contracts – The Board passed a motion to honor the contracts for storm debris pickup and monitoring as proposed – Witt O'Brien for storm debris removal monitoring and DRC Emergency Services for storm debris removal. The motion passed 4 – 1 with Comr. Cahoon casting the NO vote. Comr. Cahoon expressed concern about utilizing an out-of-town contractor that may not be able to respond as quickly as a contractor in Town. Board members asked that future contracts be in place prior to the start of the hurricane season.
- 14.** Resolution for engineering services – The Board passed a motion to adopt the resolution declaring Town public policy for engineering services as amended (which included some clarifying punctuation).
- 15.** Town Attorney - Attorney Leidy reported that the State removed the Town's authority to issue a business/privilege license but still allows municipalities to require applications to be examined and to charge a reasonable fee – such as an application fee. In summary, he stated that the Town can have some sort of regulation but he needs more time to prepare an ordinance to this effect.
- 16.** Town Attorney - Town Attorney Leidy requested a Closed Session to confer with Board members on the status of the Beach Nourishment condemnation litigation cases.
- 17.** Closed Session – The Board passed a motion to enter Closed Session to confer with the Town Attorney in matters of litigation and to preserve the attorney/client privilege. The time was 12:16 p.m.
- 18.** Open Session - The Board returned to Open Session at 12:48 p.m.

- 19.** Comr. Ratzenberger - Comr. Ratzenberger confirmed with Attorney Leidy that the issue of privilege licenses will return for further Board discussion at the July mid-month or August 6th Board meeting.
- 20.** Mayor Pro Tem Walters – The Board unanimously passed a motion to adopt the resolution opposing offshore oil drilling.
- 21.** Comr. Demers – Comr. Demers introduced Town Engineer/Project Manager David Ryan who described some significant commitments that are now in the works - Top priority stormwater projects are as follows:
- Red Drum Ocean Outfall
 - S Virginia Dare Trail from Eighth Street to Whalebone Junction
 - SR 1243 – milepost 18 area
- 22.** Comr. Ratzenberger - It was Board consensus to agree to Comr. Ratzenberger's suggestion to have a full report on the Beach Nourishment Project in the September 2014 timeframe.
- 23.** Comr. Ratzenberger - Comr. Ratzenberger wanted to remind everyone that there is adequate parking at the Full Throttle Arcade on the west side of US 158 and therefore no need to run across US 158 in the middle of traffic – an unsafe situation he has observed.
- 24.** Comr. Ratzenberger - Comr. Ratzenberger noted that when the Board is on a break or in Closed Session, there is no indication to those viewing at other locations of what is happening - there should be a sign so people at home will know that the Board is in Closed Session or on a break.
- 25.** Mayor Edwards - Mayor Edwards reported that the Dare County Control Group will meet again this evening at 5:30 p.m. to evaluate Hurricane Arthur. He also noted that the Town's Fireworks Display has been rescheduled for Saturday, July 5th at 9:25 p.m.
- 26.** Comr. Demers – Proposed sale of Jennette's Pier - In response to Comr. Demers, Mayor Edwards said that he has passed on to staff some comments re: ordinance changes for Jennette's Pier – to see how the Town can impact/negate the sale of Jennette's Pier. There are quite a few changes that could be made to make the pier nonconforming so it can only be used as a fishing pier.
- 27.** Adjournment - The Board passed a motion to recess to the July 16, 2014 mid-month meeting at 7:00 p.m. in the Board Room. The time was 1:06 p.m.