



**TOWN OF NAGS HEAD  
BOC ACTIONS  
WEDNESDAY, MAY 7, 2014**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda adoption - Mayor Edwards noted no changes to the May 7<sup>th</sup> agenda.
3. Audience Response – Larry Allen - Nags Head property owner on west Seagull Drive; he expressed concern about 1) the time of operation for construction workers repairing the Seagull Drive houses; will the entire area be a construction zone; will they be working during the height of the summer season; 2) in South Nags Head carts are everywhere – in and near the roadway, in addition there is still bulk trash to be picked up some of which has been there a month, and 3) the ditch from MP 18 to the end of South Nags Head needs to be cleaned out. Mr. Allen feels that there needs to be more organization of all three areas he mentioned. He stated that he has appreciated the response that staff has provided him thus far. Mayor Edwards said that Seagull Drive is proceeding per Court order and he directed Town Manager Ogburn to respond to Mr. Allen's concerns.
4. Audience Response – Louis Toth - Resident of Village at Nags Head for eight (8) years; he has noticed a very positive change with out of state property owners who have been moving to the area to live year-round and who prefer not to have the "Disney" type of atmosphere in the Town.
5. Recognition - Finance Officer Kim Kenny introduced Customer Service Clerk/Cashier Joyce Dietrich who was recognized and thanked by the Board for ten years of service.
6. Proclamation Accident Prevention Week - Town Safety Committee members were presented by Dep Fire Chief/Safety Officer Shane Hite; The Board adopted the proclamation as presented.
7. Proclamation Elder Abuse Awareness Month - Kaye White, rep from Dare County for Senior Tar Heel legislature – one of the five issues they go to the Legislature with are concerns about elder abuse. Ms. White read the Proclamation which was adopted by the Board as presented.
8. Consent agenda – The Consent agenda was approved with one amendment to the April 16<sup>th</sup> YMCA Workshop minutes – Comr. Cahoon noted that she was not present for the workshop as indicated. The Consent Agenda consisted of the following items:
  - Consideration of Budget Adjustment #12 to FY 13/14 Budget Ordinance
  - Consideration of Tax Adjustment Report
  - Approval of Minutes
  - Request for Public Hearing to consider a zoning ordinance text amendment to clarify how permeable pavement/Turfstone usage is calculated
  - Request for Public Hearing to consider Vested Right/Conditional Use/Site Plan amendment application on behalf of OBH for construction of surgery unit and relocation of mobile MRI area

- Consideration of resolution appointing Deputy/Acting Tax Collector
- 9.** Public Hearing – to consider adoption of a zoning ordinance text amendment - The Board passed a motion to adopt the ordinance to allow outdoor stands as an accessory use to Office Retail Group Developments as presented - and to refer the issue of removal of the 180-day limitation to the Planning Board for processing.
- 10.** Public Hearing - to consider adoption of a zoning ordinance text amendment - The Board passed a motion to adopt the zoning ordinance change as it relates to yard sale signage and parking requirements as presented.
- 11.** Public Hearing - to consider resolution authorizing the Special Assessment Process for the Pond Island Subdivision Waterline Improvement Project – The Board passed a motion to adopt the Pond Island Waterline Improvement Project assessment resolution as presented – with the inclusion of September 1, 2024 as the date certain.
- 12.** Grant agreement – between the Town and FEMA for elevation of residence in South Nags Head at 8301 S Old Oregon Inlet Road – The Board passed a motion to accept the grant agreement as presented.
- 13.** Sand relocation program - Deputy Planning Director Kelly Wyatt provided an update on the Sand Relocation Program – staff has issued 116 authorization letters from April 1<sup>st</sup> through April 30<sup>th</sup> – only four (4) applications were denied.
- 14.** Bike to School Day – May 7, 2014 - Deputy Planning Director Kelly Wyatt summarized the Bike to School Day event who took place prior to today's Board meeting. Mayor Pro Tem Walters emphasized that it was a very positive community experience and she thanked all who participated.
- 15.** Committee reports - Comr. Ratzenberger – Albemarle Commission Rural Planning Organization (ARPO) – Comr. Ratzenberger reported on the scoring of points for DOT money and that better written project descriptions may help the Town receive more points and get projects funded; The big issue is an Outer Banks issue - the tolling of ferries – the organization is not addressing this at this time hoping that the legislature addresses the issue.
- 16.** Committee reports - Comr. Cahoon – Pedestrian Plan Committee Meeting/Workshop took place last Wednesday followed by a public input session for the review of preliminary charts that were presented. A questionnaire is now included on the Town's web site asking for people to respond to questions re: where they want to go and what things they would like to see.
- 17.** Committee reports - Comr. Cahoon – Gov-Ed Channel Committee meeting – She reported that the budget was adopted; grants were given out and authorization given for advertising the technical position approved in the budget; Comr. Cahoon requested Board feedback on the Committee's request that Crime Line put out "inserts" on the broadcast – It was Board consensus that Comr. Cahoon request more details as to what is to be broadcast by Crime Line.
- 18.** Committee reports - Mayor Pro Tem Walters – The April 15<sup>th</sup> meeting of the Dowdy Park Committee was very productive and focused on the immediate term such as cleaning up the site; She stated that Architect Ben Cahoon has investigated the on-site structure. The next meeting is scheduled for May 15<sup>th</sup> at 4:30 p.m.
- 19.** Committee reports - Mayor Pro Tem Walters – The Dare County Tourism Board meeting took place when she was out of town and she will provide an update at the next Board of Commissioners meeting.

- 20.** Committee reports - Comr. Marvin Demers – The Parking Sub-Committee of the Planning Board wrapped up work on revisions to the parking section of the Town Code – After a final review, the proposed ordinance will be forwarded to the Planning Board for review.
- 21.** Committees - Soundside Boardwalk Steering Committee - The Board passed a motion to appoint Comr. Demers to serve on the Soundside Boardwalk Steering Committee.
- 22.** Committees - Report from Colony Ridge Advisory Committee - Mayor Edwards reported that he has met with several potential operators for the Colony Ridge Rehabilitation Center facility.
- 23.** Committees – Planning Board – After a vote, Mayor Edwards stated that Jim Troutman is to fill the Planning Board position left vacant by Toni Parker.
- 24.** Taxicab driver permit denial – After entering Closed Session at 10:40 am and returning to Open Session at 10:50 am, the Board passed a motion to grant the taxicab driver permit to applicant Mary Hull.  
  
Comr. Ratzenberger suggested looking at the wording of the taxicab ordinance; he pointed out that if the ordinance had used the word “offense” instead of “conviction”, then Chief Brinkley would have been able to make this decision without involving the Board.
- 25.** Town Code Emergency Management Ordinance – The Board passed a motion to adopt the Town Code Chapter 14 – Emergency Management Ordinance – as presented.
- 26.** Attorney Leidy - Attorney Leidy provided a brief update on the Sansotta and Toloczko Seagull Drive cases. He stated that he has received an order from Federal Trial Court stating that if a trial is required, it would begin on August 11<sup>th</sup> for the Sansotta structures and on August 4<sup>th</sup> for the Toloczko structure.
- 27.** Attorney Leidy - Attorney Leidy requested a Closed Session in order to preserve attorney/client privilege.
- 28.** Mayor Edwards - Mayor Edwards requested a Closed Session to discuss possible property acquisition.
- 29.** Town Manager Ogburn - Town Manager Ogburn presented his recommended FY 14/15 budget via a powerpoint presentation which was well received. He incorporated the Board’s six (6) values and five (5) strategic goals. Budget workshops have been scheduled for May 14<sup>th</sup> and 20<sup>th</sup>.  
  
It was Board consensus to schedule a Public Hearing on the recommended FY 14/15 Budget for the June 11<sup>th</sup> Board meeting with adoption to take place at the June 18, 2014 mid-month meeting.
- 30.** Town Manager Ogburn - Police Chief Brinkley said that the family of Sgt. Earl Murray, who died in the line of duty on May 15, 2009 when responding to a burglary call, has invited everyone to attend a Day of Remembrance at the Windmill Point Site. The event is to take place on Sat, May 17<sup>th</sup> from 11 to 4 pm.
- 31.** Town Manager Ogburn - Town Manager Ogburn congratulated Town staff who participated in the Couch to 5K run this past Saturday.
- 32.** Town Manager Ogburn - Town Manager Ogburn requested a Closed Session to discuss personnel issues with the Board.

- 33.** Closed Session – The Board passed a motion to enter Closed Session to discuss possible property acquisition, personnel issues, and to preserve the attorney/client privilege - The time was 11:27 a.m.
- 34.** Open Session - The Board re-entered Open Session at 12:45 p.m. Attorney Leidy reported that no actions were taken during Closed Session.
- 35.** Comr. Cahoon – The Board passed a motion to approve the request to apply for the Gov-ED Local Programming Development Initiative grant for the purchase of equipment to enable videotaping meetings and training sessions that take place in the south wing of Fire Station #16.
- 36.** Comr. Cahoon - Comr. Cahoon presented the second phase of her Nags Head Promotion strategic goal which encompasses parking on streets just off the Beach Road. Police Chief Brinkley summarized the recommendations he and Comr. Cahoon prepared after a drive-through of the Town streets. It was Board consensus to consider amendments to the Traffic Control Map, with the recommendations presented, at an upcoming Board of Commissioners meeting.
- 37.** Comr. Demers – The Board passed a motion to approve the revised *Section 6 Performance Evaluation* of the Town Manager's Contract as presented.
- 38.** Comr. Demers - Comr. Demers reported on Stormwater Management - Town Engineer/Project Manager David Ryan presented a slide presentation detailing what has been done to accommodate drainage along the US 158 multi-use path and a slide chart focusing on the South Nags Head west side drainage ditch and possible improvements that can be made. Comr. Demers reported that the next step is to follow up on obtaining/documenting additional clarification from the agencies involved. An upcoming Board meeting will include a presentation on recently completed drainage projects.
- 39.** Comr. Ratzenberger - Comr. Ratzenberger reported that a Community Watch meeting has been scheduled for next Tuesday (May 13<sup>th</sup>) at 7 p.m. in the Board Room.
- 40.** Comr. Ratzenberger - Comr. Ratzenberger invited everyone to attend Youth Aviation Day which is scheduled for Saturday, May 17<sup>th</sup> starting at 10 am at the Dare County Airport.
- 41.** Comr. Ratzenberger - Comr. Ratzenberger asked the Police Chief to look into a double stop sign – similar to the signage on Seachase Dr – on Gull St when exiting onto the Beach Road. He said that after witnessing several dangerous situations, he feels emphasis for vehicles to stop is needed at this location.
- 42.** Closed Session - The Board passed a motion to enter Closed Session to preserve the attorney/client privilege. The time was 1:45 p.m.
- 43.** Open Session - The Board re-entered Open Session at 2:06 p.m. Attorney Leidy reported that no action was taken during Closed Session.
- 44.** Mayor Edwards – Consideration of resolution opposing legislation that would restrict municipality ability to enact tree ordinances - The Board passed a motion to adopt a revised resolution with verbiage suggested by Comr. Ratzenberger – which includes reference to stormwater management and reference to adverse impacts that would result in a loss of quality of life if the legislation is adopted.
- 45.** Adjournment - The Board passed a motion to recess to the May 21, 2014 mid-month Board of Commissioners meeting at 7:00 p.m. in the Board Room. The time was 2:15 p.m.