



**TOWN OF NAGS HEAD
BOC ACTIONS
SEP 17, 2014 – 7:00 P.M.**

1. Call to order - Mayor Edwards called the meeting to order at 7:00 p.m.
2. Agenda – The Board passed a motion to adopt the September 17th agenda as amended – to include a Closed Session with Attorney Everett Thompson concerning Toloczko litigation.
3. Audience response - Butch Stone, OBX Jet Pak business operator; he is requesting a zoning ordinance amendment that would allow him to operate a Jet Pak business on the Sound; he would like to have approval of the business prior to Memorial Day - the location he is requesting for his business is the best spot on the Outer Banks to fly the Wounded Warriors – across from Basnight's Lone Cedar restaurant on the Causeway.
4. Closed Session – The Board passed a motion to enter Closed Session to discuss the Toloczko litigation with Attorney Everett Thompson in accordance with GS 143-318.11(a)(3).
5. Open Session – The Board re-entered Open Session - Mayor Edwards reported that during Closed Session Board members received an update on the Toloczko litigation and provided instruction to Attorney Thompson.
6. Outer Banks Event Site – Public Hearing held on Sep 3rd – The Board unanimously passed a motion to approve the conditional use/site plan for the Outer Banks Event Site, to include the required three findings of fact, and with the following conditions:
 - That fill be minimized, that the southwest retention drainage area be revised so stormwater stays on site, that the buffer along the south boundary be continuous per the Town Code, that shared parking arrangements be negotiated with the Town and with Miller's Restaurant, and that "impervious asphalt" be replaced with "pervious concrete", and
 - That to minimize the amount of fill – other than the building site - no fill is to be above 8', and
 - That a 10' utility easement for a fire lane and fire hydrant fitted with bollard protection - per the Town Engineer's email of Aug 28, 2014 – be established, and
 - That the future active/repair area for wastewater disposal – per the Town Engineer's email of Aug 28, 2014 - be included, and
 - That the Town Engineer's comments (utility easement, fire hydrant fitted with bollard protection, and future active/repair area) be incorporated into the site plan, and
 - That the turnaround circle and northern entrance areas be flattened out - but not specifically to an elevation of 8'.
7. Zoning Ordinance text amendment for new use Jet Pak Rentals – Public Hearing held on Sep 3rd – The Board denied the application for Jet Pak rentals – and passed a motion that their denial was consistent with the Town's Land Use Plan.

- 8.** Beach Tent Ordinance – The Board unanimously passed a motion to adopt the Beach Tent Ordinance with the following conditions: that the two WHEREAS statements that contain roman numerals and numbers be modified in order to be consistent and by adding “or the public” to para (b)(1) of Part I and to para (a)(3) of Part II, pertaining to the disruption of passage on the beach.
- 9.** Attorney Gallop – Attorney Gallop requested a Closed Session at the end of the Board meeting to update Board members on the Town vs Cherry, Inc. litigation.
- 10.** Comr. Ratzenberger – The Board passed a motion to adopt the resolution in support of the Albemarle Rural Planning Organization’s (ARPO) request for changes to the Strategic Prioritization Office of Transportation (SPOT) 4.0 process as presented.
- 11.** Comr. Ratzenberger – He is to provide more detailed information pertaining to NCDOT and the Albemarle Rural Planning Organization (ARPO) at the October 1st Board meeting re: the State Strategic Plan, and the NC DOT 25 year vision.
- 12.** Comr. Cahoon - Comr. Cahoon expressed her sympathy at the recent passing of public servant Doug Remaley – she wanted to express to the Remaley family how much everyone cared for Mr. Remaley who gave a lot of his life to the Town – she emphasized that he will be missed.
- 13.** Mayor Edwards - Mayor Edwards stated that he would save his comments concerning the YMCA for the October 1st Board of Commissioners meeting.
- 14.** Closed Session – The Board entered Closed Session at 9:51 p.m. to discuss the Town vs Cherry, Inc. litigation.
- 15.** Open Session – The Board re-entered Open Session at 10:10 pm. Attorney Ben Gallop reported that the Cherry, Inc. litigation was discussed and instruction was provided to him.
- 16.** Adjournment – The Board passed a motion to adjourn to Wednesday, September 24th at 9:00 a.m. in the Board Room. The time was 10:11 p.m.