



**TOWN OF NAGS HEAD
BOC ACTIONS
April 3, 2013**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. Mayor Oakes noted that reps from OBX Marathon, Dare Co Comr. Bob Woodard, and FFHS students were present.
2. Adoption of agenda – The Board passed a motion to adopt the April 3rd agenda as presented.
3. Recognition - Police Chief Brinkley introduced and the Board welcomed Police Officer Tim Armstrong to Town employment and they recognized Sgt. Vince Hopson for five yrs. of service.
4. Audience response – Outer Banks Sporting Events (OBSE) Director Lynda Wood thanked the Board for their support of the annual OBX Marathon – the framed poster “A Joyful Run” was presented to the Board in appreciation. Jim Snyder provided a summary of the 2012 economic impact on the Outer Banks – just over \$2 million for Nags Head.
5. Audience response - Joe Goetchis, Tanger Mall Flip Flops owner; spoke in opposition of the ordinance to allow a second cart at Tanger Mall; Tropical Smoothie is in the process of being developed; he agreed to a hot dog stand originally but not two vendor carts; he emphasized that he does not feel it is fair to the bricks/mortar businesses that are here year-round.
6. Audience response – Mike Kelly, Nags Head business/property owner; he thanked the Board for their support of the annual Kelly’s St. Patrick’s Day Parade, he thanked Mayor Pro Tem Remaley as a founding supporter of the Parade – next year is the Parade’s 25th year; he stated that he appreciates the Board’s participation and the ease of operation.
7. Audience response – Liliias Morrison, owns property at 3117 Memorial Ave; she asked the Board for information re: moratorium on installing culverts in ditches; after some calls, she said that a commissioner and Planning Board Chair knew nothing about a moratorium; she is asking for permission to fill in the ditch with gravel – or the Town can purchase the lot; Mayor Oakes clarified with Ms. Morrison that she would like one culvert and 15’ on each side filled.
8. Audience response – FFHS student project presentations - Planning Director Elizabeth Teague introduced the students who are members of Mr. Herman’s First Flight High School Honors Civics Class. Students provided the following presentations:
 - Recycling Project (Nathan Parker and Brian Evers);
 - Community Garden (Megan Forbis, Cassidy McNeill, and Shelby Klotz)
 - Pedestrian Bridge at Jockey’s Ridge – (Leah Wigenroth)
 - Batting Cages at Dowdy’s – (Annah Bachman and Patty Beasley)

9. Audience response – Nick Nuzzi, Nags Head business owner; he spoke in opposition to allowing vendors at retail shopping centers; he emphasized that he was not opposing the competition but was opposing allowing vendors to set up a business with a small investment; he does not feel it is fair to existing brick/mortar businesses that put so much into the community. He would like the ordinance allowing vendors at retail shopping centers to be reconsidered.
10. Proclamation – The Board passed a motion to declare April 2013 Child Abuse Prevention Month.
11. The Board passed a motion to approve the Consent Agenda as presented:
 - Consideration of Budget Adjustment #10 to FY 12/13 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Authorization of replacement dump truck formal bid
12. Public Hearing - to consider two NC Division of Coastal Management (DCM) – Public Beach and Coastal Waterfront Access grant applications - for Nags Head/Manteo Causeway Estuarine site and Islington Beach Access site - The Board passed a motion to approve both grant applications as presented. Planner Angela Welsh is to meet with Manteo resident Richard Welch to discuss his comments re: floating kayak ramps and possible funding.
13. Public Hearing - to consider adoption of zoning ordinance amendment and Fee Schedule amendment - The Board passed a motion to adopt the ordinance updating the Post- and Pre-FIRM (Flood Insurance Rate Map) dates and to approve the Consolidated Fee Schedule addition of \$50 for a floodplain permit that is not associated with a building permit - as presented.
14. Public Hearing - to consider adoption of a zoning ordinance text amendment to allow the use of porous concrete within all interior drive aisles regardless of zoning district - The Board passed a motion to adopt the zoning ordinance text amendment as presented – the version that included David Ryan’s operation and maintenance verbiage.
15. Public Hearing – to consider approval of a Site Plan Amendment submitted by the Dare County ABC Board for re-development of the Nags Head ABC Store site.

The Board passed a motion to make the required three (3) findings of fact; and to require compliance with Fire, Stormwater Management, Traffic Circulation, Lighting and Signage plans which are to be submitted, reviewed/approved by the appropriate department; and to approve the Vested Right/Site Plan Amendment application submitted by the Dare County ABC Board for redevelopment of the Nags Head ABC Store site.
16. Amend agenda – The Board passed a motion to amend the April 3rd agenda to allow item # H-2 re: Second Reading of the vendor carts ordinance at this time.
17. Second reading – of text amendment to allow two (2) vendor stands/carts at shopping centers – The Board passed a motion to deny the ordinance allowing a second vending cart at shopping centers. The motion to deny passed 3 – 2 with Mayor Oakes and Comr. Walters casting the NO votes.
18. Alternative ice cream vending cart motion - Comr. Cahoon stated that she would place an alternative motion/motion to reconsider on an upcoming Board agenda for discussion.
19. Second reading - of Cross Connection Ordinance - Attorney Leidy noted a typo on page 6 – Sec. 13A – “my” should be “may”. A motion to adopt the Cross Connection Ordinance (revised

ordinance with no specific timeline for compliance) failed 3 – 2 with Mayor Oakes, Comr. Cahoon, and Comr. Walters casting NO votes.

It was Board consensus that staff follow-up on the Cross Connection ordinance to provide additional information pertaining to costs and impact on the Town; in addition to prepare a policy instead of an ordinance to include what is the Town's responsibility and a sample agreement to enter.

20. Recess - The Board recessed for lunch at 12:30 p.m. and reconvened at 1:45 p.m.

21. Public Hearing - to consider approval of a Conditional Use/Site Plan Amendment for installation of Outdoor Amusement Rides and Games at Full Throttle Speedway.

The Board passed a motion to make the required three (3) findings of fact; and to approve the conditional use/site plan amendment for the installation of amusement rides/games at Full Throttle Speedway as presented. Comr. Sadler confirmed that the Board would hear any neighborhood concerns re: height, noise, etc. at the Board's November 6, 2013 meeting.

22. Public Hearing - to consider approval of the Preliminary Plat submitted on behalf of SAGA Construction for creation of a 6-lot subdivision within the Village at Nags Head and Elliott Estates.

The Board passed a motion to table approval of the Preliminary Plat with a 4 – 1 vote with Mayor Pro Tem Remaley casting the NO vote. Town Manager Ogburn stated that the goal would be to return with additional information for Board consideration at the April 17, 2013 mid-month meeting.

23. Public Bldg Use – The Board passed a motion to approve Public Bldg Use Policy as presented.

24. Committee reports - Comr. Sadler provided the following updates from the DCTB:

- First time Outer Banks Tourism Summit will take place May 8, 2013
- Filling and leveling of the Outer Banks Events site (former Windmill Point site) is completed
- Contract has been signed for the design of the Outer Banks Events site
- Hatteras Economic Study is being done with findings to be presented at the Summit
- A renovated Welcome Center – to be more visitor-friendly - is to be completed by summer

25. Carolinian Circle improvements – The Board passed a motion to authorize the Town to participate as a property owner in the Carolinian Circle Special Assessment process - in amount of \$7,885. – The Board passed a second motion to approve the construction of the sidewalk – at the Town's expense of \$1,144. Mayor Oakes confirmed with Ms. Teague that all neighbors are in agreement with the process. The topic is to return at the April 17, 2013 mid-month Board meeting with a petition/resolution for Board consideration.

26. Town Manager - Project Mgr David Ryan provided an update of stormwater drainage projects:

- Vista Colony Subdivision – has been semi-operational for about 2.5 weeks
- Woodhill Drive and Pirates Quay – driveways complete by end of this week
- Public/private partnership on S Memorial Drive in process
- NCDOT discontinued work in S Nags Head to move their resources to Hatteras Island
- Linda Lane cul-de-sac - working with impacted homeowner to determine best solution
- Gallery Row/Conch St drainage area connection – NCDOT is in review
- Moongate Subdivision – Mr. Ryan will ask NCDOT about perforated pipe maintenance
- Ms. Liliias Morrison's issue from Audience Response – she would like ditch filled/install of pipe – staff noted drainage flow area when ditches were filled was reduced by 85% - Town Manager Ogburn said that there are some lots that the Town could purchase to

assist with the resolution of stormwater drainage - it was noted all who ask about filling in ditches are treated the same.

- 27.** Town Manager – Update on legislative issues affecting the Town – briefing from Town Hall Day
- They met and/or spoke with Rep. Tine, Rep. Jenkins, and Sen. Cook
 - SB 394 lower tax rate
 - Bill to reduce municipality power to alter aesthetics in architecture
 - Bill to regulate signs in r-o-w except for political signs
 - Regulation of building code – harder to get things into the code
 - HB 238 – to allow LGC to take over water system if revenues not meeting expenditures
 - SB 10 stripped members from several boards and gave Governor control to reappoint
 - Bill introduced April 1st to hold NC harmless and to dedicate a State religion
 - Some programs stripped of funding - rural septic system projects, PARTF, and CWMTF
 - Suggestion of local working group to travel back/forth to Raleigh with municipal agenda

It was Board consensus that Comr. Cahoon and Comr. Walters meet with community members and bring a report back to the Board on issues/bills affecting municipalities – Mayor Oakes is to forward a letter to local legislatures in opposition to underground injection of wastewater.

- 28.** Mayor Pro Tem Remaley – Government Education Channel Committee – The Board passed a motion to approve the GECC Budget for FY 13/14 as presented.

29. Comr. Sadler – Bike and Build – the May 2013 kickoff at Forrest Street - Comr. Sadler oversees Bike and Build kickoff in May of each year when the bicyclists dip their rear wheels in the ocean, which starts their cross-country trip which ends in San Diego. This year Comr. Walters will participate as Comr. Sadler will be out of Town during the kickoff.

- 30.** Comr. Sadler - Comr. Sadler thanked the FFHS students for their presentations this morning.

31. Mayor Oakes – reminded Board members of the joint workshop with the Planning Board on Wednesday, April 17, 2013 at 6:00 p.m. to discuss stormwater and fill – followed by the mid-month meeting at 7:00 p.m. Mayor Pro Tem Remaley pointed out that he would not be present.

32. Comr. Cahoon - reported that Hatteras Island already requires rental homes to pay for recycle cart. Town Manager Ogburn stated that he would bring a proposal forward re: recycling/rental homes.

- 33.** Adjournment - The Board recessed at 4:48 p.m.