



**TOWN OF NAGS HEAD
BOARD ACTIONS
WEDNESDAY, AUGUST 7, 2013**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the August 7th agenda, as amended, with the removal of agenda item #10 re: Traffic Control Map amendment for separate discussion.
3. Audience Response

Garry Oliver, Outer Banks Fishing Pier owner; spoke of crowded conditions at Isabella Street Beach Access which is next to his Pier; when the access is filled, people park on the west side of SR 1243; he spoke with Police Chief Brinkley and suggested that a buffer zone should resolve the problem.

Margaret Suppler, Nags Head resident; supported Mr. Oliver's position; also, she commented on the proposed Harris Teeter store which she heard may be constructed at the Pamlico Jack's Restaurant site; if it took place, ingress/egress and stormwater drainage would be major issues at that site.

Marvin Demers, Nags Head resident; he lives close to the Outer Banks Fishing Pier and has not seen any traffic blockages or other issues in that area; proposed buffer zone for safety is a good idea and a recommendation from the Town's Recreation Committee was for crosswalks in heavily trafficked areas.

4. Recognition - Marvin (Buddy) Beacham was recognized by the Board for five years of service.

Andy and Lovie McCann of the Nags Head Fishing Pier were recognized and thanked by the Board for allowing the use of their Pier for the Town's July Fourth Fireworks.

5. Consent Agenda - The Consent Agenda - approved by the Board with the removal of agenda item #10 re: Traffic Control Map amendment for separate discussion – consisted of the following:

Consideration of Budget Adjustment #2 to FY 13/14 Budget Ordinance

Consideration of Tax Adjustment Report

Charge to Tax Collector to collect taxes

Consideration of write-off of old business licenses

Approval of Minutes

Consideration of purchase of Plotter/Scanner

Consideration of resolution authorizing the 63rd Annual Nags Head Surf Fishing Club Tournament

Ratification of grant application to DCTB for Christmas decorations

Consideration of Whistle-Blower policy

Amendment to Interlocal Funding Agreement with Dare County for Beach Nour Project Funding

6. Public Hearing – to consider a Conditional Use/Vested Right/Site Plan Amendment for construction of a new lobby area, covered walkway and parking lot improvements at Colony Ridge Rehabilitation Center and Nursing Home was withdrawn by the applicant.
7. Public Hearing – to consider a zoning ordinance amendment to allow light fixtures, including signs, to be located above 35 ft. in height – The Board adopted the ordinance as presented – Option C.
8. Planning Dept – Dep Planning Director/Zoning Administrator Kelly Wyatt presented an update / status of Planning projects.

In response to a question from Comr. Cahoon, Town Manager Ogburn reported that a moratorium is currently in effect until October 14th concerning adopting anything more stringent than State legislation re: stormwater regulations – He stated that if proven that the regulations are necessary for public health, safety, and welfare, the ordinance may stand.

9. Resolution authorizing modifications to the 2010 Land Use Plan – The Board adopted the resolution authorizing the modifications to the 2010 Land Use Plan [to prohibit sandbags on oceanfront and to prohibit repair/replacement of septic tanks on oceanfront] as presented.
10. Albemarle Regional Planning Commission appointment - It was Board consensus that Mayor Pro Tem Remaley attend the next Albemarle Rural Planning Organization (RPO) meeting in Mayor Oakes' place – on September 18th – and a two-year appointment representing the Town on RTAC will be made by the Board after the November 2013 election.
11. MOA for School Resource Officer at NHES – The Board adopted the Memorandum of Agreement between the Town and Nags Head Elementary School for a School Resource Officer – as presented.
12. Town Attorney - It was Board consensus that Attorney Leidy submit a policy requiring property owners to provide a Certificate of Title/title search confirming ownership of their Water Consumption Units (WCU) prior to requesting a refund. Mayor Oakes stated that he would like some assurance that the Town is legally able to do this; this item is to return to the Board.
13. Committee Reports

Comr. Walters reported on the Jennette's Pier Advisory Committee Meeting – the By-Laws were amended and Chair/Vice-Chair were approved; the pier and the three (3) aquariums are all reviewing revenues.

Comr. Cahoon reported on the Coastal Resources Commission – the legislature passed a bill and reduced the membership – four current members were kept to include Comr. Cahoon.

Comr. Sadler reported that there was no July Dare County Tourism Board meeting – she met with the grants committee; the full Tourism Board will be reviewing funding for all grants at the next meeting.

Mayor Oakes reported on a very brief Colony Ridge Advisory Committee meeting - they did not give direction to their engineer so everything was delayed.

14. Removed from Consent – Traffic Control Map Amendment – The Board adopted the Traffic Control Map amendment establishing a No Parking – Tow Away Zone 80' north and south of the Isabella Beach Access – next to Outer Banks Fishing Pier.

It was Board consensus that Police Chief Brinkley initiate a conversation with NCDOT concerning the possibility of a crosswalk and/or a reduction in speed in the area.

15. Attorney Leidy - Attorney Leidy reported on Sansotta litigation; he requested a Closed Session to discuss Sansotta and Cherry, Inc. litigation with Board members in more detail.

16. Town Manager Ogburn - he reported that the legislation mentioned earlier by Comr. Cahoon re: stormwater regulations would require a unanimous vote because it concerns the environment.

17. Town Manager Ogburn - Police Chief Kevin Brinkley reported on last night's National Night Out – he stated that the Police partnered with several local organizations and had a nice turnout. In response to Comr. Sadler, Chief Brinkley stated that proper recognition will be provided to the participants in appreciation.

18. Comr. Sadler - Comr. Sadler asked the public to have patience with the Town's Planning and Development Department – Code Compliance Officer Kim Allen is out with a broken foot.

19. Comr. Cahoon – She responded to the comments made during today's Audience Response that a Harris Teeter store may be constructed in place of the current Pamlico Jack Restaurant. Comr. Cahoon stated that she would like to keep things as is in the Recreational Overlay District – with no large structure blocking the sound front. The Board passed a motion that staff review and prepare regulations pertaining to side yard buffers, height, etc. for big box stores in the Recreational Overlay District.

20. Closed Session - The Board entered Closed Session, in accordance with GS 143-318.11(a)(3), to confer with the Town Attorney and to preserve the attorney/client privilege re: Sansotta and Cherry, Inc. litigation. The time was 10:40 a.m.

21. Open Session - The Board re-entered Open Session at 10:56 a.m. Attorney Leidy reported that the Board conferred with the Town Attorney re: Sansotta and Cherry, Inc. litigation and no action was taken.

22. Adjournment - Mayor Oakes recessed the Board meeting to a BOC / NCDOT Workshop on Wednesday, August 21, 2013 at 3:00 p.m. in the Board Room. The time was 10:57 a.m.