



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, JULY 3, 2013**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Agenda – The Board passed a motion to adopt the July 3rd agenda as presented.
3. Audience Response - John Costulis and wife Kay are new property owners that live in Virginia; Mr. Costulis complimented the Board on its transparency of agenda/backup, etc.; he supports the item later in today's meeting re: the encroachment agreement with Moongate partners; he supports the item later in today's meeting re: MOA for School Resource Officer.
4. Audience Response - Garry Oliver owner of Outer Banks Fishing Pier; he supports additional safety measures at the Little Bridge site on the Causeway as he feels it is close to having an accident; Jennette's Pier with a restaurant and selling alcohol is not what he and other businesses were told when it was being built – he feels that the Town should have some control over who sells alcohol.
5. Audience Response - Fire Chief Kevin Zorc on behalf of Capt. Chad Motz of Ocean Rescue; invited everyone to attend the SALA Competition with other lifeguard competitors this week at Jennette's Pier.
6. Audience Response – Town Manager Ogburn presented to the Board an award for engineering excellence for the Town's Beach Nourishment Project; Coastal Science & Engineering are nationally recognized for excellence in engineering; he compared \$400K in damage from Hurricane Isabel in 2003 to \$93 from damage after the recent Hurricane Sandy.
7. National Night Out – The Board passed a motion to adopt the National Night Out Proclamation – National Night Out is scheduled for the evening of August 6, 2013.
8. Recognition – Accounting Tech Supervisor Kim Blankenburg was welcomed to Town employment. Human Resources Director Bonita Hurdle thanked the Wellness Committee for organizing wellness events and keeping employees informed of wellness activities throughout the year. Police Officer Doug Ludden was recognized by the Board for five years of service. Fire Captain/EMT/Safety Officer Shane Hite was recognized by the Board for ten years of service.
9. Consent Agenda – The Consent Agenda was approved as presented and consisted of the following:

Ratification of Budget Adjustment #13a to FY 12/13 Budget Ordinance
Consideration of Budget Adjustment #1 to FY 13/14 Budget Ordinance
Consideration of Tax Adjustment Report
Approval of Minutes
Consideration of ordinance amending the Traffic Control Map
Consideration of updated Municipal Records Retention Schedule
10. Public Hearing – to consider zoning ordinance text amendments to Town Code to allow Aerobic Class, Dance School, Karate School as a permitted use within shopping centers – The Board passed a motion to adopt the ordinance re: dance school as permitted use in shopping centers as presented.

11. W Carolinian Circle street improvement project – The Board passed a motion to approve/enter into the contract with Barnhill for construction of the W Carolinian Circle street improvements as presented.

12. Taxicab driver permit denial - It was noted that the applicant was not in attendance. The Board passed a motion to deny the appeal requested by Mr. William Harrell.

13. Committee reports:

Mayor Pro Tem Remaley – YMCA Committee Meeting - He attended the recent YMCA Committee Meeting along with Planning Director Elizabeth Teague; he brought up Town concerns specifically skateboard park and not being notified of issues directly affecting the Town which was well received. It was Board consensus to schedule a workshop with the YMCA Committee members during the Sep – Oct timeframe.

Mayor Pro Tem Remaley – Government Education Channel – the Committee met last week to finalize issues and concerns re: remaining funds in the budget.

Comr. Sadler – Dare County Tourism Board (DCTB) meeting – the meeting was held in Fire Station #16; the DCTB approved the budget of \$11 million; grants were awarded to Wings Over Water and wedding events; Comr. Sadler reported that Facebook users have increased significantly; the first tourism summit was held in May 2013 in Avon; Friday night movies continue during July and August at the former Windmill Point site; there is no meeting scheduled for July.

Mayor Oakes – Colony Ridge Advisory Committee meeting – recent meeting was followed by a Technical Review; improvement plans are moving forward and will go before the Planning Board later this month.

14. MOA with Board of Education for School Resource Officer for Nags Head Elementary School - Town Manager Ogburn presented the proposed MOA for discussion. The “start” date is to be left blank. It was Board consensus for staff to rework the proposed Memorandum of Agreement for School Resource Officer after receipt of Board of Education comment.

15. Town Attorney – Attorney Ben Gallop thanked the Fire Dept for investigating smoke from HVAC system at his office yesterday, July 2nd.

16. Town Attorney – Attorney Ben Gallop requested a Closed Session for attorney/client privilege related to the Cherry, Inc. case.

17. Town Manager - Moongate Subdivision encroachment agreement - The Board passed a motion to approve the NCDOT/Moongate SAGA/TNH encroachment agreement as presented.

Moongate Subdivision maintenance agreement – Language added to include: all property owners must sign, authorization for attorneys to make non-substantive changes, and “there shall be no gates, doors, or openings in the eastern or rear sides of the fencing” to Para #2. The Board passed a motion to table resolution of Moongate Subdivision drainage maintenance agreement to the July 17th mid-month meeting.

18. Town Manager - It was Board consensus to have attorney research and provide legal opinion and what is potential for others to come forward and ask for a Water Consumption Unit (WCU) refund.

19. Town Manager - The Board passed a motion to approve the amendment to the Outer Banks Hauling recycling franchise agreement as presented (to allow for the pickup of recycle trailers).

20. Town Manager - Town Manager Ogburn requested a Closed Session to discuss the acquisition of real properties located at 204 W Lost Colony Drive and 2620 S Bridge Lane.

21. Comr. Cahoon - Comr. Cahoon discussed with Board members the safety of pedestrians at the Little Bridge site on the Nags Head/Manteo Causeway. She recommended that street lights be installed.

It was Board consensus that staff prepare a letter for Mayor Oakes' signature to be forwarded to NCDOT (J. Jennings and M. Fearing) to include the following safety suggestions: additional signage referring to pedestrian walkway ahead in both directions, and installation of blinking yellow light at crosswalk site. A long-term solution is to be requested. Town's portable message board is to be utilized in the meantime.

22. Comr. Cahoon - Comr. Cahoon reported that people in the house cleaning community have expressed concern about one less trash cart because of modifying one cart for recycling purposes. Mayor Oakes asked if there was a better day for picking up recycling – other than Tuesdays.

23. Comr. Sadler - Comr. Sadler reminded everyone of the July 4th Town fireworks and expressed thanks to the DCTB for subsidizing the fireworks and to the McCanns for the use of the NH Fishing Pier.

24. Comr. Sadler – Comr. Sadler reported from Public Information Officer Roberta Thuman that the Town's new brochures may be picked up at local businesses as well as at the Outer Banks Visitors Centers.

25. Comr. Sadler - Response to Audience Response speakers - Mayor Oakes stated that he would include a response to today's Audience Response speakers during his portion of the agenda.

26. Mayor Oakes - It was Board consensus to investigate what the Town can do to make sure commitments made by Jennette's Pier officials, specifically regarding alcohol sales, during the planning and building of the pier are honored. Attorney Gallop was asked to investigate, obtain more information and provide options for Board discussion.

27. Mayor Oakes - Mayor Oakes reported that July 5th through 19th is the municipal filing period – the Town has several seats available in the November election. He encouraged those interested to file.

28. Mayor Oakes – Regional Planning Commission - Mayor Oakes suggested that the Board consider replacing him on the Albemarle Regional Planning Commission - for discussion at the Aug Board meeting.

29. Mayor Oakes – Mayor Oakes invited everyone to view the Town Fireworks tomorrow at 9:25 p.m. He thanked the Town Public Safety depts. and Andy/Lovie McCann for use of the Nags Head Fishing Pier.

30. Fire Chief Zorc – Fire Chief Zorc reported on receiving a \$34K Assistance to Firefighters Grant from FEMA to be used for turnout gear – the grant is a 95/5 match.

31. Fire Chief Zorc – Fire Chief Zorc extended the sympathy of the Town to those 19 who have died and to their families the last several days fighting wild fires in Prescott, AZ.

32. Fire Chief Zorc – Chief Zorc reported that there were injuries, but no fatalities, at this morning's head-on collision in front of the Quality Plus gasoline station on the Nags Head/Manteo Causeway.

33. Closed Session - The Board passed a motion to enter Closed Session for an update on the Cherry Inc. litigation to preserve attorney/client privilege, to approve Closed Session minutes/disposition, and to consider the acquisition of property IAW with GS 143-318.11(a)(1), (3), and (5). The time was 12:09 p.m.

34. Open Session - The Board re-entered Open Session at 1:02 p.m. Attorney Ben Gallop reported that during Closed Session, Closed Session minutes and their disposition were approved as presented, no action was taken on pending litigation and no vote was taken to acquire property.

35. Adjournment - The Board passed a motion to recess until the Wednesday, July 17, 2013 mid-month meeting at 7:30 p.m. (different time). The time was 1:03 p.m.