



**TOWN OF NAGS HEAD
BOC ACTIONS
June 5, 2013**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Lifeguards - Ocean Rescue Director Chad Motz said that 2013 was his ninth year as Director of Ocean Rescue. Each lifeguard introduced his/herself and the Board wished them a good 2013 season.
3. Wellness - Police Officer/ACO Lora Gilreath reported on the May 2013 Couch to 5K Run results in which the Town had fastest male (Chad Motz) and fastest female (Shayla Morrison).
4. Agenda – The Board made a motion to approve the agenda with the removal of agenda item #4 Approval of Minutes (for review of Moongate Subdivision discussion in May 15th minutes) and agenda item #6 Municipal Records Retention Schedule (for additional review by the Town Attorney).
5. Audience Response

George Moore, South Nags Head resident; he requested a trash can to Altoona Street beach access for convenience of guests; he's heard from a number of absentee owners inquiring about cleaning up the South Nags Head ditch trash which he is aware is a State waterway.

Lewis Toth, Village at Nags Head resident; new organization called Feline Fix – mission is to trap, neuter, return for free-roaming feral cats; he would like the Town to take the lead and take action.

Rufus Pritchard and son Patrick, Dunes Restaurant owner; never knew personally how devastating a fire can be until he was involved with the fire at his restaurant; he appreciated the Fire and Police Depts. and Sanitation Equipment worker Tony Windham who smelled the fire before he saw it.

Fire Chief Zorc spoke of the May 27, 2013 fire at the Dunes Restaurant which was taken care of without a flaw; there were no injuries; some significant damage that is being worked on; he also recognized sanitation worker Tony Windham who could not be here today due to a family emergency.

Jack McCombs; KDH resident; thanked the Board for the support past six years given to Bike And Build who pedal to San Diego after leaving Nags Head; he thanked Comr. Sadler who gave many of the ceremonies and this year Comr. Walters; Pastor Rick Wilkinson allows students to stay at his church.

Rick Lawrenson; Nags Head Baptist Church Pastor and Town Chaplain; he is a grandfather of two students at Nags Head Elementary School; he strongly supports a School Resource Officer as proposed in the upcoming year's budget and he encouraged the Board to approve.

6. Recognition
 - Public Information Officer Roberta Thuman was recognized for her recent graduation from the Municipal Administration Class
 - Former Public Works Director Dave Clark was recognized/congratulated on his recent retirement

- 7.** Consent Agenda – The Consent Agenda consisted of the following agenda items:
- Consideration of Budget Adjustment #13 to FY 12/13 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Request to write off uncollectible water accounts
 - Approval of Minutes
 - Consideration of ordinance to remove “alternate” position from Planning Board composition
 - Consideration of adoption of updated Municipal Records Retention Schedule
 - Consideration of resolution updating NC ABC Commission local government opinion form

The Board approved the Consent Agenda as amended – with removal of item #F4 (Approval of Minutes) for further discussion and removal of item #F6 (Municipal Records Retention Schedule).

8. Public Hearing – FY 13/14 Budget

Marvin Demers, South Nags Head resident; and John Ratzenberger, Village at Nags Head resident commented on the proposed budget.

Mayor Oakes – Complimented Town Manager Ogburn on the budget process this year; he said the budget reflects an economy that has recovered which he does not feel is the case; he is not in favor of adding anything to the budget this year - to include no increase in personnel.

Mayor Pro Tem Remaley – Spoke in favor of dep Fire Chief/new police officer positions and a higher level of service.

Comr. Walters – Spoke in support of the proposed budget; proposed budget does hit the west side a little harder this year but feels everyone benefits from beach nourishment; she supports the Town-adopted Fund Balance Policy; spoke in favor of the School Resource Officer (SRO) position – she heard nothing but positive comments about last year’s Beach Educator position.

Comr. Sadler; She stated that the Town has a healthy fund balance; she is very comfortable with the Board-adopted Fund Balance Policy; wants to support Beach Nourishment maintenance as the sand won’t last forever; she supports Town’s current level of service; strongly supports a dep Fire Chief as well as the NHES SRO officer; is in favor of the .01 tax increase for path/recreational needs.

Comr. Cahoon; There is no budget that is perfect but this is a much better budget and presentation than in the past; she wished that there had been more communication with the Towns/County for the SRO position; no budget is satisfactory to everyone; she supports parks and path maintenance; she will not vote against whole budget just because she does not approve of one item.

The Board passed a motion to adopt the proposed FY 13/14 Budget Ordinance as presented 4 – 1 with Mayor Oakes casting the NO vote.

9. Whalebone Park dedication/Lunch - At 10:45 a.m. Mayor Oakes recessed the Board meeting to the Whalebone Park dedication. The Board reconvened from the dedication and lunch at 12:48 p.m.

10. Public Hearing – Assessment Resolution West Carolinian Circle street improvements – the Board passed a motion to adopt the Assessment Resolution for West Carolinian Circle street improvements as presented and to direct that the assessment taxes be due at same time property taxes are due.

11. Public Hearing – Site Plan for food store at Outer Banks Mall – The Board passed a motion to approve the site plan amendment for a 4,000 square foot expansion to the Outer Banks Mall to accommodate a new food store.

12. Public Hearing – Zoning Ordinance text amendment for parking requirements by pier length and parking stall dimensional requirements – The Board passed a motion to adopt the proposed zoning ordinance text amendment submitted by Andy McCann of Nags Head Fishing Pier concerning parking standards in relation to pier length (PART I of the proposed ordinance).

The Board also passed a motion to table the proposed change in parking stall dimensions (PART II of the proposed ordinance). It was pointed out that the review of parking stall dimensions is to be tabled until a Town-wide review is considered.

13. Planning Director - Planning Director Teague distributed Septic Health (BE WATER WISE) magnets to Board members.

14. Planning Director – Proposed amendment to Land Use Plan re: sandbag placement and repair/replacement of septic tanks on oceanfront – The Board passed a motion to schedule the Public Hearing on the proposed amendments to the Land Use Plan re: sandbags and septic tanks for the July 17, 2013 mid-month meeting – with the meeting to begin at 7:30 p.m.

15. Committee reports - Mayor Oakes reported on a recent Colony Ridge Advisory Committee meeting in which a set of plans were reviewed and comments provided. Colony Ridge employee Dannie Kennedy provided updated information to the Committee.

16. Old Business/Privilege licensing debt – The Board passed a motion to adopt the ordinance authorizing the write off of old business licensing debt to include reference to both “privilege” and “business” license.

17. Town Attorney - Attorney Leidy reported that oral arguments for the Sansotta appeal took place on May 17th in Richmond, VA with a decision not expected until end of summer.

18. Town Attorney - Requested a Closed Session to preserve attorney/client privilege.

19. Town Manager - Project Manager David Ryan provided an update on stormwater drainage projects during May 2013 - Vista Colony, Establishment of connectivity to right-of-way drainage at Barnes street, and the MoonGate Subdivision drainage proposal.

20. Town Manager - Fire Chief Kevin Zorc provided an update on the July Fourth fireworks display at Nags Head Fishing Pier.

21. Town Manager - Police Chief Brinkley reported that the Town has received two (2) non-matching grants from the Governors Crime Commission.

22. Town Manager – Town Manager Ogburn reported that the Board will receive for consideration in the near future an ordinance to address boats being stored at beach accesses.

23. Town Manager - Town Manager Ogburn reported that the Board will receive for consideration in the near future a request for refunds for pre-paid water consumption units.

24. Comr. Sadler - Comr. Sadler thanked the Dare County Tourism Board for its generosity in awarding fireworks grants.

25. Comr. Sadler - Comr. Sadler said that at today's Whalebone Park dedication, Outer Banks Visitors Bureau Executive Director Lee Nettles reported that since 1993 the communities of Dare County have received over \$9 million from Tourism Board grants for various events.

- 26.** Comr. Sadler – The Outer Banks Relief Foundation is now located in the former Dixon/Meekins building on Eighth Street.
- 27.** Comr. Sadler - Comr. Sadler reported that the Windmill Point site will be hosting movies starting Friday night and an arts fair every Thursday in June.
- 28.** Comr. Cahoon - Comr. Cahoon commented on the Planning Board minutes where there was discussion on reducing the size of parking stalls. She recommended looking at the whole picture – she is not opposed to reducing the size of parking stalls but this may not give everyone more green space.
- 29.** Mayor Oakes – The Board passed a motion to approve the May 1st and May 15, 2013 Board minutes as amended – with verbiage that it was Board consensus to accept responsibility for the MoonGate Subdivision right-of-way drainage pipe maintenance.
- 30.** Mayor Oakes - Mayor Oakes reported on kite surf overcrowding at Jockey's Ridge - Police Chief Brinkley will be directing his officers to inform the public that they can also go to the Harvey site to kite surf. Comr. Cahoon suggested contacting State Parks to see if there is a possibility that the park can stay open longer.
- 31.** Comr. Sadler - Comr. Sadler asked Town Manager Ogburn to have staff “string” an area at the Windmill Point site so it can be preserved for grass to grow. A specific area should be set for parking.
- 32.** Mayor Oakes- In response to Comr. Sadler, Mayor Oakes stated that because a State license is required, real estate brokers do not need to obtain a Town privilege/business license.
- 33.** Closed Session - The Board passed a motion to enter Closed Session to preserve attorney/client privilege in accordance with GS 143-318.11(a)(6) for discussion of Sansotta and Cherry, Inc. litigation, new legislation and attorney fees, and Beach Nourishment Project condemnation cases. The time was 2:37 p.m.
- 34.** Open Session - The Board returned to Open Session at 3:20 p.m. Attorney Leidy reported on the Closed Session.
- 35.** Mayor Oakes - Mayor Oakes reported that there will not be a June mid-month meeting. He stated that there will be a mid-July meeting on July 17th which will start at 7:30 p.m.
- 36.** Adjournment - The Board passed a motion to adjourn at 3:25 p.m.