



**TOWN OF NAGS HEAD
BOC ACTIONS
March 6, 2013**

1. Call to Order - Mayor Oakes called the meeting to order at 9 a.m. He announced that Comr. Sadler was not present; and that Ben Gallop was filling in for Town Attorney John Leidy.
2. AGENDA – The March 6th agenda was adopted, with the exception of item #4: “Updated Board Room Use Policy” to be brought back on the mid-month meeting for further discussion (Comr. Cahoon).
3. Audience Response - Lori DiBernardo, of the Dare County League of Women Voters, brought the Town the new 2013 Citizens Guide containing the most updated information on county, municipal and other important contact information within our community.
4. Recognition – Public Works’ new Project Manager, David Ryan, was introduced to the Board.
5. Proclamation – The Board spoke in support of the Sunshine Week Proclamation where the Town of Nags Head commits, March 10th-16th, and throughout the year 2013, to work diligently to enhance the public’s access to government records and information.
6. Consent Agenda – The Consent Agenda was approved with the removal of “Updated Board Room Use Policy”. The Consent Agenda consisted of the following items:

Consideration of Budget Adjustment #9; Tax Adjustment Report; Approval of Minutes; Consideration of tax delinquent listing to be advertised; Consideration of formal bid for Sanitation roll-off truck; Request to amend the delivery date of Fire Quint apparatus

7. Public Hearing - to consider adoption of a zoning ordinance text amendment request submitted by Antonio McBroom on behalf of Ben and Jerry’s/Primo Partners, LLC to amend Town Code Section 48-372 to permit Ice Cream Vending Stands as an accessory use to retail shopping centers.

Comr. Cahoon and MPT Remaley spoke of the possible consequences to existing food businesses.

- Bob Edwards, Planning Board Chairman, understood the concerns, but believes they are adequately addressed in the proposed ordinance.
- Planning and Development Director Elizabeth Teague stated that only 7 of the current 13 shopping centers qualify for 2 stands under the provisions of the proposed ordinance.

Mayor Oakes motioned to adopt the proposed ordinance with no changes. The vote was 2 – 2 with MPT Remaley and Comr. Cahoon casting the NO votes.

- Debbie Moore, Property Manager of Tanger Outlet Center, stated that the additional ice cream cart would benefit the town due to an increase in revenues. Tanger Outlet Center would not be an ice cream destination, but an ice cream would be more of an impulse buy, keeping shoppers at the center longer, increasing sales.

Comr. Walters motioned for the Board to adopt the amendment to Town Code Section 48-372, Outdoor Stands to permit Ice Cream Vending Stands as an accessory use to shopping centers. This does not include the second cart amendment. The vote unanimously passes 4-0.

Comr. Walters motioned for the Board to adopt the Planning Board's recommended ordinance, which increases the number of allowable stands from one per site to two per site, with a sunset clause, which would be in effect until December 31, 2013. The vote was 3 – 1 with Comr. Cahoon casting the NO vote, with a notation that her no vote was not against Tanger Outlet, but strictly due to her concern regarding the effects this may have on already established food businesses.

8. MPT Remaley asked that the GovEd TV Committee report be moved to the April 3, 2013 meeting, at which point the Board will also consider the GovEd TV's new budget.
9. The Board adopted the request to amend the Village of Nags Head stormwater plan - adjacent to Moongate subdivision. The vote was 4-0, motion passes.
10. No Items Referred to and Presentations from the Town Attorney.
11. Town Manager Ogburn - Update on storm water drainage projects

David Ryan – updates storm water project: Representative from the Hydro group will meet today, 3/6/13, to discuss the following:

Nags Head Pond – bid amount \$15,750 for swell improvement to promote positive drainage out to the Bypass; Nags Head Acres – they will be looking at multiple routings to the Bypass;

David Ryan explained that all elements are currently in place in Vista Colony. There is a three week delay due to Dominion Power. Vista Colony stormwater project should be completed by April 1. In addition, the Town Ditch Maintenance Program is 90-95% complete.

12. Town Manager Ogburn – stated Shellfish Sanitation is asking to modify their lease so that the Town would have to notify them 60 days in advance before terminating their lease agreement, instead of the current 30 days. The Town's lease was with UNC CSI, who subleased to Shellfish Sanitation.
13. Comr. Cahoon: Would like to see the Town develop a policy dealing with contractors who encroach on utility easements, making it so the tax payers don't get stuck with the additional costs. Town staff is to research an existing policy to see if it covers fencing, which needs to be maintained by the Town or DOT.
14. Comr. Walters would like the Town to consider adding to next fiscal year's budget the cost to advertise Nags Head candidate's forum on the government access channel.
15. MPT Remaley discussed the condition of the 158 Bypass, stating the road is showing noticeable cracks and seems to be retaining water during storm events. He requested Public Works to find out when NC DOT will be resurfacing it.

16. Mayor's Agenda: Mayor Bob Oakes requested the Board to consider the resolution in supporting House Resolution 819 (H.R. 819) Preserving Access to the Cape Hatteras National Seashore Recreational Area Act. The vote passes 4-0.
17. Police Chief Kevin Brinkley – Updated the Board on their Project Lifesaver grant application. The Nags Head Police Department was awarded a non-matching grant, in the amount of \$5,000, from Project Lifesaver International. These grant funds will be used to promote Project Lifesaver within our community. The primary mission of Project Lifesaver is to provide timely response to save lives and reduce potential injury for adults and children who wander due to Alzheimer's, autism, and other related conditions or disorders.
18. Adjournment – The Board recessed. The time was approximately 11:30 am.