



**TOWN OF NAGS HEAD
BOC ACTIONS
April 4, 2012**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Agenda – The Board passed a motion to approve the April 4th agenda as presented.
3. Audience Response – Andy McCann – Nags Head Fishing Pier owner; spoke of the reduced entrance fees/rates at Jennette’s Pier and the unfairness to the other piers – his Nags Head Fishing Pier and Garry Oliver’s Outer Banks Fishing Pier; Jennette’s Pier has dropped their fee by \$60 and are doing everything they can to undercut the local piers; Mr. McCann also mentioned surfers and dogs that were a problem last year – he would like to see a police officer on ATV riding the beach to monitor the surfers and dogs on the beach.

Comr. Sadler stated that the Jennette’s Pier Advisory Committee is meeting the end of April and she will make sure this issue is discussed at that time.

The Board passed a motion to add a discussion of Jennette’s Pier and the fee conflicts among the piers under today’s Board of Commissioners agenda.

4. Recognition - Deputy Public Works Director Ralph Barile introduced Fleet Maintenance Superintendent Charlie Bliven who was recognized for 15 years of service; Mr. Barile also introduced Sr Fleet Mechanic Patrick Norcross who was recognized for five years of service.
5. Consent Agenda – The Board passed a motion to approve the Consent Agenda as presented:
Consideration of Budget Adjustment #10 to FY 11/12 Budget Ordinance
Consideration of Tax Adjustment Report
Approval of Minutes
Consideration of resolution to surplus Town equipment
Consideration of resolution authorizing lease/purchase of capital items
6. Public Hearing - The Board passed a motion to authorize staff to proceed with the Division of Coastal Management Public Beach and Coastal Waterfront Access grant application to repair the Abalone and Blackman beach accesses.
7. NC State Building Code updates - Discussion of Legislative Updates to the NC State Building Codes - effective March 1, 2012

Comr. Cahoon suggested including free board and community rating system as part of the discussion with the Planning Board; she suggested checking to see how it has worked in other towns; John Dorman, NCEM, uses historical data to prepare flood maps – he may come to this area for a public forum and to meet with other organizations. Board members agreed with Planning Director Teague to move forward with the text amendments without delay. Board members also spoke of the unintended consequences with the free board amendment as well as with the impact of additional fill.

It was Board consensus to move forward with the process to present legislative updates to the NC State Building Codes to the Planning Board.

8. Committee Reports – Comr. Walters – Work recently began at Colony Ridge Rehabilitation Center.

Comr. Walters – thanked the Town for sponsoring the document shredding last weekend.

Comr. Cahoon – thanked all the Towns and businesses that participated in the NCBIWA Conference by sponsoring an event. It was the first time the conference was held here (at Jennette's Pier) and it is scheduled for the same location again next year.

9. Auditor – Board members spoke about doing business with the same firm for the Town's annual audit for a number of years - The Board passed a motion to award the audit contract, for the next three years, to a different vendor – Osborne and Dowdy. The motion passed 4 – 1 with Mayor Oakes casting the NO vote.

10. Town Attorney - Town Attorney Leidy requested a Closed Session to update the Board on Sansotta and Cherry, Inc. litigation.

11. Town Attorney – Litigation updates - Town Attorney Leidy filed notice of appeal last week in the Cherry, Inc. litigation and asked the court to review the Court of Appeals decision; The federal judge granted the Town's motions on the Sansotta 1 litigation – after dismissing the federal claims, the remaining State law claims and the Town's counter claims for all six properties was remanded back to Dare County; The Toloczek case was dismissed as some issues were considered moot – the Judge stayed the remainder of that case until after the Supreme Court rules in the Cherry, Inc. case. There has been no decision yet in the Sansotta II litigation.

12. Town Manager - Town Manager Ogburn requested a Closed Session to discuss the acquisition of real property.

13. Town Manager – Upcoming budgets - Town Manager Ogburn reported that Dept. Heads will be preparing their budgets for the upcoming fiscal year keeping in mind the Board's actions during its January 2012 Board Retreat. It was Board consensus to concur with the goals established in the Board's January 2012 Retreat and to concur with Town Manager Ogburn's plans to incorporate these goals into each department's budget.

14. Town Manager – South East Parasail contract extension - The Board passed a motion to authorize the Town Manager to enter into an agreement for a lease extension of three years with South East Parasail on the Windmill Point site. Staff is to verify that the parcel is correctly identified in the agreement – DCTB is to execute the agreement first.

15. Town Manager – Easter Egg Hunt - Police Chief Brinkley invited everyone to attend the 19th annual Easter Egg Hunt to be held at the Barnes Street Town Park on Saturday, April 6th at 1 pm.

- 16.** Town Manager – DOT/Dare County CTP hearings - Planning Director Elizabeth Teague presented the schedule for the upcoming Comprehensive Transportation Plan (CTP) public hearings – she noted that all information may also be found on the Town’s website.
- 17.** Town Manager – Speed limit change - Town Manager Ogburn reported that the Town of Kill Devil Hills approved speed limit of 45 MPH from the Nags Head/KDH town line to Carlow Street – this is to be completed before the start of summer.
- 18.** Town Manager - Town Manager Ogburn wished everyone a Happy Easter!
- 19.** Town Manager – Trash Schedule - Town Manager Ogburn noted that the trash schedule for the Town will not change for this upcoming Easter weekend.
- 20.** Town Manager – Budget Workshops - Board members were reminded of the upcoming Budget Workshops that have been scheduled for Monday, April 9th at 3 pm and Wednesday, April 11th at 5 pm in the Board Room.
- 21.** Town Manager – Ocean outfall extensions - Town Manager Ogburn reported on the status of the ocean outfall extensions – project initiated because of the Beach Nourishment Project. He explained that some settling issues are still to be resolved due to heavy rains that created some holes; Dep. Public Works Director Barile explained that DOT is going to mark some of the cement columns in the surf zone for visibility and will put up additional signage; the bolts have been cut off; the Corps has given the Town authority to work on the outfalls on the beach until April 28th.
- 22.** Comr. Cahoon – Update on stormwater drainage projects - Dep. Public Works Director Barile updated the Board on the Vista Colony Subdivision stormwater drainage project - the driveways have been cut and the culverts will be installed next week; The west side of the Bypass multi use path drainage issues are completed and today work was started on the curbs; Whalebone Park project – fill has been brought in and now waiting for soil testing – drainage work will be next.
- 23.** Comr. Cahoon – Mid-month meeting – Comr. Cahoon said she would not be able to attend an April mid-month meeting if one is scheduled due to attendance at a CRC meeting in Beaufort April 18-19.
- 24.** Comr. Cahoon – Dare County Project Manager Jenny Gray Jones made a presentation at NCBIWA re: homes for residential elevation mitigation and the program’s success in Dare County - It was Board consensus to invite Ms. Jones to present that program for the public - which is for year-round residents - and see if it is something the Town should pursue – there may be some sound side homes that would be eligible for grant money for raising – specifically invite those south of Jockey’s Ridge – Community Watch may be able to assist.
- 25.** Comr. Cahoon – Additional lifeguards - Comr. Cahoon requested, because of the new beach, that enhanced lifeguard presence in South Nags Head be discussed during budget workshops - as well as what was mentioned during Audience Response for an ATV patrol at Nags Head Fishing Pier.
- 26.** Comr. Sadler – Dep. Public Works Director Barile explained that recent traffic backups at the YMCA were due to the multi-use path construction – the delay was due to having to go under the YMCA entrance.
- 27.** Comr. Sadler – NCBIWA Conference - Comr. Sadler reported on a great NCBIWA Conference and that she heard nothing but good concerning the hospitality received – she thanked everyone for their

sponsorship. She gave a special thank you to Mayor Pro Tem Gary Perry of Kitty Hawk for being a part of the conference.

28. Comr. Sadler – Update on beach accesses - Dep Public Works Dir Barile provided that all beach accesses are open – except for Hargrove Street in which staff is in discussions with CAMA – the ramp cannot be cleared because of the amount of sand that has overtaken that area – CAMA has suggested using another access north of Hargrove as the handicapped accessible access – Staff will update the Board later. Comr. Sadler spoke in favor of maintaining a handicapped accessible access in South Nags Head. All bath houses will be open by tomorrow, April 5th; Trash cans will be placed on the beach a week before Memorial Day weekend – placed in middle of beach, secured with racks.

It was Board consensus that Town Manager Ogburn contact Jennette's Pier officials re: its bath house and when it will be opened.

29. Comr. Sadler – NPS Ramp 1 in South Nags Head - Comr. Sadler thanked TM Ogburn for his efforts with Park Service officials – Ramp 1 will not be available for the Town's use – It was Board consensus that Town Manager Ogburn research costs for an additional vehicle ramp in South Nags Head – a ramp to be used strictly for vehicle ingress/egress and not for parking – signage would need to be included in the costs – for discussion during the upcoming budget process re: beach driving.

30. Comr. Sadler – Beach driving permit fee – she feels a lower permit fee should be available to those that are paying for the beach nourishment project.

31. MPT Remaley – Beach jetties - Comr. Cahoon explained that because the Town is not an "inlet" Town, it cannot apply for jetties in this area – she stated that there is ongoing discussion re: amending legislation that was passed last year for emergency jetties. Comr. Cahoon suggested looking at changing our Corps district. Comr. Sadler spoke in favor of review for a jetty also – or some type of jetty or groin to stop sand from entering Oregon inlet.

32. MPT Remaley – Beach sweeper equipment – Staff was asked to research beach sweeper equipment costs, include labor and time in the costs – to keep the Town's new beaches pristine.

33. Mayor Oakes – Jennette's Pier rates/fees - Board members discussed the fees/rates at Jennette's Pier – The Board passed a motion to authorize the mayor and manager to draft a resolution/letter opposing the reduction in Jennette's Pier entrance fee/rates and forward to appropriate legislative officials.

Include the following addressees: DENR Sec. Dee Freeman, NC Director of Aquariums David Griffin, Senate President Pro Tem Phil Berger, Speaker of the House Thom Tillis, Sen. Don East of Surry County, Sen. White and local legislative officials, former Mayor Bob Muller; the letter/resolution should indicate an unfair business practice and violation of commitment on the part of Jennette's Pier – include if it's a money issue, then why are rates being reduced - it was noted that the process of Jennette's Pier assured the Town that there would be no undercutting of fees and admission would be charged to walk on the pier.

34. Mayor Oakes - It was Board consensus that surfers, dogs on the beach, ATV's, and lifeguards will be addressed by the Board during the upcoming budget process.

35. Mayor Oakes - Consideration of resolution opposing the institution of tolls on ferry service operations to/from Ocracoke - The Board passed a motion to adopt the resolution opposing the institution of tolls on ferry service operations to/from Ocracoke as presented.

36. Mayor Oakes – Sandbags - Mayor Oakes brought forward some of the new rules proposed on sandbags as follows: 1) Increase in length of time to keep sandbags – new ruling increases from 5 to 8 years, and 2) Repetition – new ruling allows for repetition of sandbags.

It was Board consensus that in light of the Town's beach nourishment project to protest the new sandbag rules being proposed - Comr. Cahoon suggested a prohibition of beach bulldozing. Mayor Oakes is to draft some comments on this issue to bring back to the Board.

37. Closed Session – The Board passed a motion to enter Closed Session to discuss Sansotta and Cherry, Inc. litigation and to consider real property acquisition:

- Fin and Feather motel site on Causeway
- Dowdy's Go Cart Track on Beach Road
- Dowdy's Amusement site on US 158
- Old Horse Farm – Between the highways, MP 13
- Nags Head Woods - Town partnering w/Nature Conservancy to purchase Deel property
- Daniels Crab Shack at end of Causeway

– in accordance with GS 143-318.11(a)(3) and (5). The time was 11:25 a.m.

38. Open Session - The Board re-entered Open Session at 12:25 p.m. Attorney Leidy reported that during Closed Session the Board discussed the two litigation items and took no action – and the Board discussed property acquisition and gave the Town Manager instruction.

39. Mayor Oakes – Mayor Oakes said that there would not be an April mid-month meeting.

40. Adjournment – The Board passed a motion to adjourn at 12:26 p.m.