



**TOWN OF NAGS HEAD
BOC ACTIONS
August 1, 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 adopt the August 1st agenda as presented.
3. Audience Response

Linda Sharp – Oceanfront property owner; she feels that the Attorney and his firm as well as the Police Chief have personal grudges against her; she provided several minutes of her history with the Town concerning her dogs; she ordered the Board to direct the Police Dept to cease and desist from harassing her; she feels that the Police Chief and his officers are out of control.

Michelle Pharr - Kill Devil Hills resident; her and her family spent some time at Ms. Sharp's house recently; she was shocked when learning about the issues occurring and questioned how things could be so out of control; she was worried about her daughter walking one of Ms. Sharp's dog on the beach with a leash; Ms. Pharr said that she feels someone needs to take care of the situation.

Al Herman - Vista Colony Subdivision resident; he thanked those who arranged the meeting Monday night to discuss stormwater issues at Vista Colony and Nags Head Acres Subdivisions; he is concerned about the proposals that were mentioned to remedy the project; there are now huge ditches that are a safety and health issue; his family's quality of life has suffered as a result of the Town's project; he described the role of government and he asked that the Board fulfill its obligation to its citizens.

4. Recognition – Fire Chief Zorc introduced Andy and Lovie McCann who were presented with a plaque by the Board in appreciation of the Town's use of the Nags Head Fishing Pier for fireworks.

Fire Chief Zorc introduced Firefighter/EMT Tanner Mann who was welcomed by the Board to Town employment.

Fire Chief Zorc introduced Fire Captain/EMT John Kenny who was recognized by the Board for 25 years of service.

Dep Public Works Director Barile accepted the retirement plaque on behalf of retired Sanitation Equip Operator Reggie White who was recognized by the Board and thanked for his years of service.

5. Dominion NC Power - Dominion NC Power Michael Thompson introduced Manager of Operations Lee Rosier and Steve Saunders, manager of building the electrical line; Mr. Thompson presented some slides to help him explain the reason behind the proposed rate increase. He emphasized reliability as the priority – the base rate increase being requested is only the second time in 19 years.

Comr. Cahoon asked about the remaining wooden poles – Mr. Thompson explained they are for Century Link / Charter utilities – they have been asked to move the utilities either overhead or underneath.

The Board passed a motion to adopt the resolution opposing the proposed Dominion NC Power rate increase as presented. It was clarified that the Board is opposing the amount of the rate increase, not the increase – a letter forwarding the resolution is to explain the Board's feelings.

6. Consent agenda – The Board passed a motion to approve the Consent Agenda as presented:

- Budget Adjustment #2 to FY 12/13 Budget Ordinance
- Tax Adjustment Report
- Approval of Minutes
- Resolution in support of Nags Head Surf Fishing Club's October 2012 Surf Fishing tournament

7. Public Hearing - to consider approval of changes to the conditions placed upon the September 5, 2007 Site Plan/Conditional Use approval for the property located at 4006 SVDT (dwelling/Mulligans Restaurant) - The Board passed a motion to adopt the Planning Board recommendations for the conditions placed on the site plan/conditional use approval for Mulligan's Restaurant - for Conditions #2, #7 and #8 - and further to modify Condition #9 that would allow the applicant to bring forward a site plan to show either a Soundside Road or a S Virginia Dare Trail vehicular access configuration – either configuration would have to return to the Board for review. The motion passed 4 – 1 with Comr. Sadler casting the NO vote. Comr. Sadler preferred to include that the ingress/egress be blocked until the site plan configuring a Soundside Road or S Virginia Dare Trail vehicular access is brought back and a resolution is made.

8. Recess for lunch - Mayor Oakes recessed the Board meeting for lunch at 12:25 p.m. The Board meeting reconvened from lunch at 1:37 p.m.

9. Beach Nourishment Project – Beach Condition Survey – CS&E President Tim Kana reported that the Town's 10-mile stretch of beach that was nourished still has the same amount (volume) of sand that was placed for the project a year ago. Per Dr. Kana the project is performing better than expected.

10. Public Hearing - The Board passed a motion to adopt the ordinance amending the Town Code re: itinerant merchants as presented - with no modification. The Board also adopted the Statement of Consistency (with the Land Use Plan) as presented.

11. Second Reading – The Board passed a motion to adopt the ordinance adding “internet or electronic sweepstakes machines” as an accessory use in the C-3 District, as presented. The motion passed 3 – 2 with Mayor Oakes and Mayor Pro Tem Remaley casting NO votes.

12. Traffic Control Map – The Board passed a motion to amend the Traffic Control Map to include No Parking on W Soundside Road from 312 W Soundside Road to 4014 W Soundside Road as presented. The signage is to be erected on the side where the entrance to the parking lot is located – on the north side – staff was directed to initiate a stronger request higher up the chain of command in the State Parks system and request an expansion of the existing parking lot.

13. Committee Reports

Comr. Walters – she reported that John Ratzenberger will be serving as the Transportation Chair of the Outer Banks Seafood Festival – he will be taking care of parking and shuttles for the festival.

Comr. Walters – Planning Director Teague reported on last week’s successful partnership between the Outer Banks Hospital and the Town Planning/Police and Fire departments for summer camp for 14 children – the focus was on Safe Routes To School and being more healthy.

Comr. Sadler – Dare County Tourism Board meeting on July 19, 2012 – the final Hearing report on the use of the Windmill Point site has been received; the next meeting is a workshop meeting; she is pleased that the most recent Town Occupancy Tax Report is favorable - Dare County reports sales are the same as last year; visitation is up for sites such as the Hatteras Lighthouse, and the NC Aquarium.

Comr. Sadler – Jennette’s Pier Advisory Committee meeting on July 25, 2012 – the night fishing that has been taking place after Jennette’s Pier closes at 11:00 p.m. was discussed; the Pier Manager indicated that a policy change may be made; Comr. Sadler reminded everyone of the August 16th Public Hearing re: pier walk-on fee – she pointed out that the Committee supports a competitive fee.

Mayor Oakes – Colony Ridge Advisory Committee meeting in July 2012 – they toured the facility which has a number of improvements ongoing – the Committee still does not have a schedule of improvements.

Mayor Oakes – Gallery Row District meeting in July 2012 – the meeting was at the Dream Center and went very well; Mayor Oakes thanked Planning Director Elizabeth Teague who did very well conducting the meeting; many residents and artists were in attendance.

14. Board/Committee appointments - It was Board consensus to table Board/Committee appointments until the September 5, 2012 Board meeting so that a small committee made up of Comrs. Cahoon and Walters, and Planning Board Chair Bob Edwards can meet to work on developing parameters and a process for making appointments.

15. Safety recommendations for Beach Road/SOIR corridor - It was Board consensus to authorize staff to take action as requested:

Allow Planning and Public Works to: install mid-crosswalk signage at three locations; adjust signage locations and improve crosswalk striping; add signage on the beach road that indicates east-west cross streets with signalized intersections at US 158; investigate/price replacement lighting and supplemental lighting with Dominion Power; and investigate/price signage for cyclists and trail users.

16. NCLM legislative policy proposals - The Board passed a motion to submit to the NCLM for processing a request for local legislation giving the Town authority to regulate signage – on vehicles such as with mobile message boards – and with political signage in the State right-of-way.

17. Albemarle Commission – It was consensus for the Board to work on Comprehensive Economic Development goals individually and submit their list to Town Manager Ogburn by August 20, 2012 – for submission to the Albemarle Commission as the Board’s overall consensus.

18. Town Attorney - An update on Sansotta I and II litigation was provided.

19. Town Attorney Leidy – A Closed Session was requested to discuss potential litigation and to preserve the attorney/client privilege.

20. Town Manager Ogburn - The Board passed a motion to approve the Town Attorney/Firm's request for rate increase as requested.

21. Town Manager Ogburn – Stormwater problems in Vista Colony/Nags Head Acres Subdivisions

Town Manager Ogburn summarized the Vista Colony/Nags Head Acres stormwater project and what will be done to alleviate the problems. Phase 2 of the project is to run water further away from Vista Colony and to help the south east corner of Nags Head Acres; the last time Fresh Pond was pumped it was approximately 4' and it is now approx 7.8' – he feels the Vista Colony project was overwhelmed by capacity; the engineer is thinking of a possible additional retention pond; Town Manager Ogburn said that he is committed to accomplishing what needs to be done to alleviate the stormwater issues in these two subdivisions. He will provide an update to all property owners in two (2) weeks.

On August 10, 2012 Town Manager Ogburn will meet with NCDOT to discuss what will be done for the SOOIR/SR1243 standing water at 8000 block and where to pump the water; It was pointed out that the swales/ditches have not been maintained; the Town will push for the Red Drum outfall to be cleared.

22. Town Manager Ogburn – Town Manager Ogburn reported that property tax bills have gone out and there is a 1% discount if paid before August 31, 2012.

23. Town Manager Ogburn – Police Chief Brinkley reported that National Night Out has been scheduled for Tuesday, August 7, 2012 at the Arc International Church.

24. Comr. Cahoon – The Board passed a motion to modify the Town Rules of Procedure to indicate that 1) any change in service level, or 2) Funds that are requested for an unbudgeted item – are to be included on the Board's agenda as regular agenda items (not as Consent Agenda items).

25. Comr. Cahoon - Comr. Cahoon explained that last weekend at Jennette's Pier a scheduled Skim Boarding contest brought to light conflicts between swimmers and skimboarders in the ocean. It was a very crowded beach and no one could swim from Jennette's Pier north almost to Owens Restaurant. Police Chief Brinkley came out and had to address the behavior. Police Chief Brinkley said that he and Fire Chief Zorc will be looking at what other communities are doing in similar situations.

26. Comr. Sadler - Comr. Sadler requested that staff provide a Town-wide streetlight status for discussion at the September 2012 Board meeting.

27. Comr. Sadler – Comr. Sadler asked that staff provide a status of the Town Hall Recycling Trailer – at one point the Town was considering utilizing Outer Banks Hauling for this service. She stated that recently she had to leave her recycling materials outside the trailer, along with many others, as it was overflowing.

28. Comr. Sadler – Comr. Sadler asked for a review of the amount of "fill" allowed on lots for discussion at the September or the October 2012 meeting.

29. Comr. Sadler - Comr. Sadler thanked Planning Director Teague for conducting the Gallery Row District meeting, which took place at the Dream Center, to discuss ideas for the future of the district. Comr. Sadler commended Ms. Teague for her ability to pull some wonderful ideas from those present.

30. Comr. Sadler – Comr. Sadler reported that last week a NC-20 Symposium was held in Currituck County - all 20 coastal counties were invited. She said that she learned that the sea level rise was 8"

and not 39" as originally reported; she asked local government/Board of Realtors representative Wilo Kelly to provide an update on beach insurance.

Ms. Kelly emphasized that Beach Insurance policy holders need to be aware that insurance companies include a rate factor to each dwelling factor each year; that amount can be an additional 10% each year but should actually only reflect the amount needed to rebuild your home. The dwelling value is what is used to determine premiums and deductible.

31. Comr. Sadler – The Board passed a motion to enter Closed Session in order to approve Closed Session minutes, for discussion of an attorney/client privilege issue and pending litigation.

32. Comr. Walters - Comr. Walters had nothing new to report under her agenda.

33. Mayor Pro Tem Remaley - Mayor Pro Tem Remaley had nothing new to report under his agenda.

34. Closed Session - The Board adjourned to a Closed Session at 4:51 p.m.

35. Open Session - The Board re-entered Open Session at 5:26 p.m. Town Attorney Leidy reported that during Closed Session the Board discussed potential litigation with the Town Attorney and no action was taken; the Board also approved Closed Session minutes and took action to open those minutes in accordance with the approved schedule; no other action was taken.

36. Mayor Oakes – Mayor Oakes asked Police Chief Brinkley to report on the comments made by Linda Sharp during Audience Response – Mayor Oakes said that the Board has confidence in the Town's Police Dept and in their fairness of citing violators – Mayor Oakes noted that his wife has also been cited.

Police Chief Brinkley reported that all information is from public documents - Ms. Sharp was found guilty earlier this year of violating the Town's leash ordinance and was given a prayer for judgment; there were two incidents of dog bites in May and July of this year: A hearing will be scheduled by a special prosecutor – Chief Brinkley reported that the Town's Police Dept enforces the Town's ordinances and does not target people – the dept is complaint driven.

Mayor Oakes stated that it was the Board's intent to enforce the Town's ordinances; he thanked Chief Brinkley for the updated information.

37. Adjournment – The Board passed a motion to adjourn at 5:33 p.m. There was no mid-month meeting scheduled.