



**TOWN OF NAGS HEAD
BOC ACTIONS
December 5, 2012**

1. Call to order - Mayor Oakes called the Board meeting to order at 9:00 a.m.

Mayor Oakes noted that Mayor Pro Tem Remaley was not present as he was out of Town; today's Board meeting was the last meeting for videographer Bob Boyer.

2. Agenda – The Board passed a motion to adopt the Dec 5th agenda as presented.

3. Audience Response - George Moore, Nags Head resident; today is the day of the Community Watch Organization lunch at Tale of the Whale Restaurant at 1:00 p.m.; he commented on the great sand removal job done by Town Public Works Department after Hurricane Sandy; he requested that the Board consider modification/revoking the MOA he has with the Town – he has received an offer to purchase his house on Altoona Court in South Nags Head; he thanked the Board for the Beach Nourishment Project which has made a huge difference.

4. Recognition - Presentation of the 2012 Earl Murray, Jr. Employee of the Year Award Nominees were introduced: Public Works Ron Watson, Administrative Services Christie Bliven, Planning Dabni Shelton, Police Dept Doug White, and Fire Dept Shane Hite

The 2012 Earl Murray, Jr. Employee of the Year Award was presented to Sgt. Doug White of the Police Department.

Comr. Cahoon presented to Town Manager Cliff Ogburn the NC Beach Inlet and Waterways Association Local Partner Of The Year Award, which was presented to the Town at the Association's recent conference in Wrightsville Beach.

5. Consent Agenda – The Board passed a motion to approve the Consent Agenda as presented – the Consent Agenda consisted of the following items:

- Consideration of Budget Adjustment #6 to FY 12/13 Budget Ordinance
- Consideration of Tax Adjustment Report
- Approval of Minutes
- Request from Police Dept to apply for Governor's Crime Commission grant

6. Public Hearing – to consider adoption of a Zoning Ordinance Text Amendment to reduce the minimum 300 ft. setback for metal structures adjacent to US 158, US 64-264, NC 12 or NC1243 - the Board passed a motion to adopt the ordinance as presented on the screen:

- Add "means" after "Buffer yard, mature, or "mature buffer" in PART I.
- Remove Sec. 48-88 para (a) completely – Sec. 48-88 will start with "Generally."
- Replace text in Sec. 48-88 with following: "When a metal building is buffered from the right-of-way of U.S. 158, U.S. 64, N.C. 12 or N.C. 1243 by a mature buffer that is a minimum of 50 feet wide or is otherwise substantially screened from view, the setback may be reduced to 250 feet from such right-of-way."
- Move Intent/Purpose verbiage in PART II to the WHEREAS Section
- Delete paras (a) and (b) making PART II changes to Sec. 48-88 one para

7. Public Hearing – to consider adoption of a Zoning Ordinance Text Amendment to allow Outdoor Amusements and Games, including a Ferris Wheel, as an Accessory Use to Go-Cart Tracks

- The Board passed a motion to adopt the Planning Board proposal with the following exceptions: Add proof of compliance to state/federal regulations to PART I; Change 2 acres to 3 acres in PART I; and Add to allow only one amusement ride over 35' in height to PART I.

8. Committee reports:

Comr. Sadler - Dare County Tourism Board meeting on Nov 15th:

- Dare County Chair Warren Judge reported on the hardships experienced by those living south of Oregon Inlet Bridge after Hurricane Sandy
- The DCTB audit was completed and was favorable
- Windmill Point Event site – consensus of DCTB to proceed with 10-year master plan for the site - first thing they will do is allow up to \$120K for limited fill and re-vegetation
- After the Oct 19th 2013 Seafood Festival more improvements to the area can be made
- Now in discussion stages with firm to develop master plan/layout of the site to include incorporating restrooms, a stage area, a walkway along the sound, and infrastructure such as electricity
- The Town's multi-use path Phase V grant request will go to full DCTB for approval which will take the path to Villa Dunes Drive
- The DCTB Chair has asked Comr. Sadler to discuss use of the Harvey tract as part of the Windmill Point site with her Board - Board members agreed that discussion of the Windmill Point/Harvey site would be a great policy discussion for the upcoming Jan Board Retreat.

Comr. Cahoon – Coastal Resources Commission met in November:

- The Commission approved an emergency variance for NCDOT for sandbags along NC 12 to include an exemption from height, width, and depth
- Also at that meeting was a presentation entitled Unique Challenges Facing Eastern NC Related to Sea-Level Rise and Drainage Issues by NCSU Associate Professor Emeritus Paul Lilly who may also meet with the Town.

9. Dare County revised Tipping Fee Policy – It was Board consensus that Town Manager Ogburn meet with Dare County Manager Bobby Outten and Kill Devil Hills Manager Debbie Diaz to discuss the new Dare County tipping fee process in more detail to see if something more timely can be worked out. The meeting is to take place prior to the Board's Jan 16th meeting.

10. Town Attorney Leidy - he requested a Closed Session to protect attorney/client privilege.

11. Closed Session – The Board passed a motion to enter Closed Session to consult with Town Attorney Leidy re: the request from George/Pat Moore re: their house on Altoona Court.

12. Open Session - Town Attorney reported that during Closed Session the Board discussed the request from George and Pat Moore and no action was taken.

13. Town Manager Ogburn – he provided an update on stormwater drainage projects:

- Bids were opened this week for the multi-use path extension
- The pipe will be replaced at Woodhill Drive and Pirates Quay
- Waiting for NCDOT review for cleaning out the ditches between Nags Head Realty and Dirty Dick's Restaurant
- Phase II of the Vista Colony Subdivision drainage project – obtaining hybrid geological approval along Barnes Street out to US 158
- He will meet with Northridge property owners to discuss their stormwater issues
- Stormwater project is going to bid for Memorial Avenue homeowners this week
- Staff will remove the vegetation from the ditch along the boundary of Northridge on US158 and NCDOT will clean and reshape the swale
- NCDOT will scrape/reshape swale to get standing water off of 158 south of Bark St
- NCDOT will scrape shoulder along NC 12 in Jockey's Ridge area to reduce water
- DOT will scrape/reshape swale in vicinity of 8000-9000 block on SOOIR
- Work will be coordinated to fit the culvert and swale running under Woodhill and Villa Dunes to match up with the flow north and south as part of the Town's multi-use path extension. NCDOT will install these two culverts prior to Christmas
- NCDOT will coordinate with their staff to approve culvert running under Barnes Street as part of the stormwater repair/improvement project in Villa Dunes
- Nags Head will send NCDOT a list of the crosswalks that it would like to have striped with thermo-plastic.
- NCDOT will investigate the possibility of "slip-lining" the existing US158 cross culvert pipe at Oak Knoll Dr.
- Vista Colony Subdivision - Dep Public Works Director Ralph Barile provided an update: Swales have been drilled and installed; electrical service for the pump is being worked on; once the groundwater is lower, ditch culverts can be installed.
- In response to Comr. Sadler, Town Manager Ogburn stated that he hoped to have the latest multi-use path phase completed by Mar 15th 2013.

14. Town Manager Ogburn – He reviewed with Board members the amount of sand and accumulated loss – beach volume changes – since completion of the Beach Nourishment Project in 2011 - The project has fared well in spite of northeaster storms and two hurricanes since placement of the project sand.

15. Town Manager Ogburn – Traffic Control Map considerations for upcoming Board meeting at the request of property owners associations:

- No Parking – Tow Away Zone on NC 12 - adjacent to Seven Sisters Subdivision
- Four-way stop sign at intersection of Windjammer and Lookout in Northridge

16. Town Manager Ogburn – Request from George/Pat Moore re: their South Nags Head Altoona Court house - Mayor Oakes reported that it was Board consensus to take no action at this

time - there is currently pending legislation that addresses the Town's ability to take action re: nuisance properties on the beach.

17. Comr. Cahoon - She asked for clarification from Town Attorney Leidy re: Pumping of water onto adjacent properties for various reasons. Town Attorney Leidy stated that the Town is only to ensure compliance with the actual building permit –offsite work would not apply. Discussed were: Filling a pool from an adjacent property, Draining stormwater onto an adjoining property without a permit, and Illegal drainage mechanisms.

18. Comr. Cahoon - She displayed photos of flooding in South Nags Head still present several weeks after Hurricane Sandy. She feels that safety hazards of the flooding in South Nags Head – and in other parts of the Town – need to be emphasized to NCDOT.

A resolution is to be presented at the next Board meeting re: NCDOT and South Nags Head drainage issues. She asked that NCDOT be notified/invited to attend the discussion.

19. Comr. Sadler – Comr. Sadler thanked videographers Bob Boyer and Perry White for taping the Board of Commissioners meetings since 2003. She wished Mr. Boyer well.

20. Mayor Oakes – Mayor Oakes received concurrence from Board members for a seasonal salary adjustment for employees.

21. Mayor Oakes – He spoke highly of the results he has seen after installing sand fencing at his oceanfront home and he encouraged others to do the same.

22. Mayor Oakes - Mayor Oakes, on behalf of the Board, presented a Certificate of Appreciation to retiring videographer Bob Boyer.

23. Town Manager Ogburn – He updated everyone on: annual Christmas decorating contest open to Nags Head businesses/residents, and the Town's Open House on Friday, Dec 14th.

24. Mayor Oakes – He reminded everyone of today's Community Watch luncheon.

25. Adjournment – The Board passed a motion to adjourn – the time was 12:35 p.m.