



**TOWN OF NAGS HEAD
BOC ACTIONS
February 1, 2012**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Adoption of agenda – The Board passed a motion to adopt the February 1st agenda as presented.
3. Audience Response – no one spoke during Audience Response.
4. Recognition - Police Officer Chris Montgomery was recognized by the Board for completion of the FBI Academy Program; Police Officer John Gilreath was recognized by the Board for five (5) years of service.
5. Proclamation – Mayor Oakes read the 2012 Relay For Life Proclamation and encouraged all to attend and participate in the scheduled events.
6. The Consent agenda was approved as presented and consisted of the following:
 - Consideration of Budget Adjustment #8 to FY 11/12 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Request for Order of Advertisement & Request to begin In Rem Foreclosure on 2011 taxes
7. Public Hearing – The Board passed a motion to adopt the zoning ordinance text amendment to permit “Indoor Training Facility for Dog Agility” as a permitted use within the C-3 District.
8. Public Hearing – Mayor Oakes was recused from the discussion; The Board passed a motion to adopt the ordinances modifying the zoning ordinance re: CR Hotel sites and the Village Beach Club to allow umbrella and beach chair rentals – to include the Planning Board’s correction to paragraph viii - to include adoption of the Statement of Consistencies. [First time adoption of an ordinance requires a 4/5 positive vote; a second reading is therefore scheduled for the March 7, 2012 Board of Commissioners meeting.]
9. Final Subdivision Plat – The Board passed a motion to approve the final subdivision plat submitted on behalf of property owners Robert Waid and Bobbie Bowman for the two-lot division located just north of Bainbridge Street and accessed from Memorial Avenue as presented.
10. Planning Board - It was Board consensus to not take action, i.e., to not appoint anyone to the Planning Board alternate position.
11. Second reading – The Board passed a motion to adopt the zoning ordinance text amendment as brought forward at the January 25, 2012 Board meeting which allows a 5 footcandle level for parapet walls (initiated by Nick Nuzzi of Dairy Queen).

It was Board consensus, for the April 2012 Board of Commissioners meeting, that staff and the Planning Board prepare a proposal addressing the lack of curb cut lighting on US 158 – where driveways on US 158 are not on grade with the street - for Board consideration.

12. Committee reports

Mayor Pro Tem Remaley - Gov Ed (GACC) Committee; PIO Roberta Thuman reported that at last week's committee meeting, live-streaming of Ch 20 by Dare County, with a link on the Town's web site, was discussed and will officially launch soon; changes are being made to enable better audio/video for Channels 19 and 20; she is hoping to have the Town's grant request completed in March for upgrading Board Room sound system.

Comr. Walters – Seafood Festival; Comr. Walters stated that the Seafood Festival continues to meet to work toward the Fall 2012 event at the Windmill Point site.

Comr. Cahoon – Coastal Resources Commission; Comr. Cahoon invited anyone interested to attend the CRC meeting scheduled for Jennette's Pier next week; there will be periods of public comment on coastal policies.

Mayor Oakes – Shoreline Management Commission; Mayor Oakes reported to the Commission on the final results of the Town's Beach Nourishment Project; bottom line is the project is holding up reasonably well.

Mayor Oakes – Colony Ridge (formerly Britthaven) Committee meeting; Mayor Oakes initiated the Advisory Committee meeting with three (3) members from the Town and (3) members from Colony Ridge; they took a walk-thru of the facility; everyone is waiting on a set of plans for improvements to the facility.

13. Abalone Street – The Board passed a motion to authorize staff to transfer \$13,003 to the proper budget line items for the total design and the owner's cost of the construction of the Abalone Street waterline; and to authorize staff to transfer funds in the amount of \$12,154.06 from Water Fund Retained earnings to Water Distribution Capital Outlay Other for construction of the Town's portion of the complete loop.

14. Town Attorney - Attorney Leidy reported that full arguments in the Cherry, Inc. case and the submission of the brief in the Fisher et al case have been completed. February 21, 2012 is when arguments will be heard on the Fisher et al case.

15. Town Attorney - Attorney Leidy requested a Closed Session to discuss pending litigation and to provide an update on Sansotta litigation via attorney/client privilege.

16. Closed Session – The Board passed a motion to enter Closed Session to discuss potential and pending litigation re: Sansotta vs the Town and to preserve the attorney/client privilege. The time was 10:05 a.m.

17. Open Session - The Board returned to Open Session at 10:21 a.m. Attorney Leidy reported that during Closed Session that the Board discussed pending litigation in the Sansotta case and potential litigation but no action was taken.

18. Town Manager – The Board passed a motion to approve staff's request to add Nags Head Acres stormwater work to the Vista Colony Project and to add \$24,719 to the contract.

19. Town Manager – The Board passed a motion to approve the additional \$17,893 for the demolition work at the Curlew Street ocean outfall as requested.

20. Town Manager - Town Manager Ogburn said that he wanted to let everyone know that on Presidents Day, Monday, February 20, 2012, the east side will not receive trash pick-up; however, trash will be picked up town-wide on Tuesday, February 21, 2012.

- 21.** Town Manager - The Town is now included in most forms of social media such as Facebook, Tweeting, and Email Broadcasting.
- 22.** Town Manager - The Board passed a motion to authorize Town Manager Ogburn to write a letter to DENR – Division of Coastal Management – referencing the issues brought forward by Planning Director Teague – which is that DCM assume the permit functions for those properties that the Town is actively involved in litigation.
- 23.** Town Manager - Town Manager Ogburn requested a Closed Session to discuss/consider five (5) pieces of real property.
- 24.** Town Manager - In response to Mayor Pro Tem Remaley, Town Manager Ogburn said that he would emphasize consistency with Outer Banks Hauling in picking up recycling materials.
- 25.** Comr. Cahoon - Comr. Cahoon said there was no need at this time for discussion on stormwater drainage projects as discussion has already taken place and she wants to move forward with current projects.
- 26.** Mayor Oakes - It was Board consensus to shift the Wednesday, July 4, 2012 Board of Commissioners meeting date to Wednesday, July 11, 2012.
- 27.** Mayor Oakes - Mayor Oakes requested a Closed Session for Board review/approval of the Closed Session minutes from July to December 2011.
- 28.** Mayor Oakes - Mayor Oakes said that the sand fence installed at his house is working and now is the time to install sand fence and to plant beach grass for dune stabilization.
- 29.** Mayor Oakes - Town Manager Ogburn was directed to prepare a list of possible dates for upcoming FY 12/13 Budget Workshops for Board consideration.
- 30.** Closed Session – The Board passed a motion to enter Closed Session to discuss the acquisition of the following real property:
 - Dowdy's Go Cart site, located at 3006 SVDT
 - Dowdy's Carnival site, located at 3005 S Croatan Highway
 - Fin and Feather Motel site, located at 7740 SVDT
 - Gilliam Wood properties – post office lots, five acres between the highways at milepost 13
 - Dune Burger Restaurant, located at 7304 SVDTand to approve Closed Session minutes from July to December 2011 - The time was 10:40 a.m.
- 31.** Open Session - The Board re-entered Open Session at 11:40 a.m. Town Attorney Leidy reported that during Closed Session the Board discussed various real properties as listed when entering Closed Session – the Board did give some direction to Town Staff re: those properties; the Board also took action to approve the Closed Session minutes from July to December 2011 and took action to seal those as indicated.
- 32.** The Board recessed to a Board of Commissioners mid-month meeting on Wednesday, February 15th at 7:00 p.m. (NEW TIME) in the Board Room. The time was 11:41 a.m.