



**TOWN OF NAGS HEAD  
BOC ACTIONS  
May 2, 2012**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Mayor Oakes - Mayor Oakes reported that Comr. Walters was not in attendance – he expressed sympathy on the loss of Comr. Walters’ mother.
3. Agenda – The Board passed a motion to adopt the May 2<sup>nd</sup> agenda – with the removal from the Consent Agenda of item #10 re: DOT municipal agreements for landscaping.
4. Audience Response - Ronnie Sloan, President of Outer Banks Hospital – thanked the Board and Town Manager Ogburn for their support of the first annual Couch to 5K event; Police Officer Lora Gilreath was recognized for her work on this event; Mr. Sloan presented a plaque to the Town for being the fastest and for having the fastest male and female runners.
5. Audience Response – Arlene Palmer, Colony Ridge Rehabilitation Facility; she announced that May 13 – 19, 2012 is National Nursing Home Week; Colony Ridge members will be recognized for their accomplishments; events include a junior/senior prom on May 16 at 6:30 p.m.
6. Recognition - The Board passed a motion to adopt the Proclamation recognizing National Nursing Home Week as May 13 – 19, 2012; The Board passed a motion to adopt the Proclamation recognizing Accident Prevention Week as April 30 – May 6, 2012.  
25 years – Deputy Police Chief Tom Gilliam was recognized.  
10 years – Fleet Mechanic David Fronius was recognized.  
5 years – Facilities Maintenance Technician Chad Forrester was recognized.
7. Consent Agenda – The Board passed a motion to approve the Consent Agenda - with removal of the Town-DOT municipal landscaping agreement item to be discussed separately:
  - Consideration of Budget Adjustment #11 to FY 11/12 Budget Ordinance
  - Consideration of Tax Adjustment Report
  - Approval of Minutes
  - Change Orders #1 and #2 to Gull Street Water Tank Project
  - Authorization for Town Manager to execute Clubcorp waterline easement agreement
  - Consideration of Interlocal Agreement between Town and Dare County for storm debris pickup
8. Public Hearing – You Can Fly site plan – The Board passed a motion to approve the conditional use/site plan amendment submitted by *You Can Fly, LLC* for redevelopment of the property located at 7517 SVDT with the condition that should the shared parking agreement be terminated, the owner is to comply with required parking spaces for the uses in the site; to make the following affirmative findings of fact:
  - a) The applicant has met the requirements of the Town of Nags Head Zoning Ordinance, Subdivision Ordinance and other applicable ordinances.
  - b) The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted.
  - c) The use as proposed will not overburden the fire fighting capabilities and the municipal water supply capacity of the Town.

and further to find that the site plan is consistent with the Town's Land Use Plan.

**9.** Public Hearing – Subdivision variance – The Board passed a motion to approve the subdivision variance request with regard to the minimum lot width for lots and portions of lots 24, 25 and 26, Section A of Seashore Properties located at 6321 SVDT with the stipulation suggested by the Planning Board of a common, shared driveway. Mayor Oakes said that if this type of action can be done administratively, it may serve everyone well.

**10.** Public Hearing – The Board passed a motion to adopt the text amendments in response to NC Building Code Updates which mandate regulatory building elevation in Flood Hazard Zones at one foot above Base Flood Elevation - Mayor Oakes directed staff to continue to look at fill and its impact.

**11.** Public Hearing – The Board passed a motion to adopt the text amendments concerning digital time and temperature displays as presented with the recommended height restriction reduced from 18 to 14 inches and to approve the LUP Statement of Consistency.

**12.** Committee reports:

Comr. Sadler – Outer Banks Community Development Corporation – A beautiful building that houses four non-profits dedicated to helping other people recently held its ribbon cutting.

Comr. Sadler – Dare County Comprehensive Transportation Plan Hearing - the hearing concerning the ferry tolls was the most attended.

Comr. Sadler - Replacement of Oregon Inlet Bridge – is on schedule .

Comr. Sadler – Dare County Tourism Board - April 19<sup>th</sup> meeting at Hatteras – New media image campaign for those that were stuck with negative images from hurricane-hit areas; Cape Hatteras was listed as one of the top 10 family beaches according to the Today Show; she is working on a sub-committee to come up with a plan for other uses for the Windmill Point site.

Comr. Sadler - Conch Street Ocean Outfall – Deputy Public Works Director Ralph Barile and Eddie Valdivieso attended a stakeholders meeting – the outfall's smart sponge is not working like they thought it would – Comr. Cahoon emphasized that when the project began, it was presented as a test project through the State and UNC-CSI – there was never a commitment made by the Town to take over anything with this project. Comr. Sadler said she would like Dr. White of UNC-CSI to provide the Board with an update - she is concerned about outfall safety.

Comr. Sadler – Jennette's Pier Advisory Committee met on April 25<sup>th</sup> with Town Manager Ogburn in attendance.

Comr. Sadler – May 13, 2012 is Mothers Day and it is also the annual Bike and Build at Forrest Street; Bicyclists will meet at 8:00 a.m. before they travel across country building houses for those in need.

Mayor Oakes – Colony Ridge Rehabilitation Facility Committee meeting – the building remodeling/repairing is proceeding and they are making progress.

**13.** Consolidated Fee Schedule - The Board passed a motion to approve the requested CFS amendments (for addition of 50<sup>th</sup> Anniversary Cookbooks, DVD, and Lapel pins). It was Board consensus that staff initiate the text amendments concerning internet sweepstakes activities for review/recommendation by the Planning Board. The Board passed a motion to adopt the revised Internet Café/Sweepstakes definition for inclusion in Town Code Chapter 12 *Businesses and Licensing* as presented.

**14.** Nags Head Woods - Steward Aaron McCall presented the annual report for Nags Head Woods.

**15.** Attorney Leidy – Attorney John Leidy provided an update on the Sansotta and Cherry, Inc. cases; he also requested a Closed Session to discuss both cases in more detail and to discuss potential litigation.

- 16.** Agenda item #10 from Consent Agenda – Town-NCDOT municipal landscaping agreements – It was Board consensus that staff bring the Town–NCDOT landscaping agreements back after irrigation requirements are incorporated – costs to be shared 50 - 50 with NC DOT.
- 17.** Town Manager – Jennette’s Pier – The Board passed a motion to approve the one-page letter reaffirming the Town’s position that Jennette’s Pier not be competitive with private piers.
- 18.** Town Manager – Piers and associated uses – It was Board consensus that piers and their associated uses be discussed by the Planning Board with recommendations provided for review and consideration by the Board of Commissioners.
- 19.** Town Manager - Town Manager Ogburn requested a Closed Session to discuss the acquisition of real property.
- 20.** Comr. Cahoon - Deputy Public Works Director Ralph Barile reported that stormwater work at Vista Colony Subdivision is 2/3 completed – it is anticipated to be completed by the end of May 2012.
- 21.** Mayor Pro Tem Remaley – The Board passed a motion to approve the FY 12/13 Government Education Channels Budget as presented.
- 22.** Mayor Oakes – It was Board consensus to forward the shorter of the two letters concerning enforcement of sandbag removal to Coastal Resources Commission members.
- 23.** Closed Session – The Board passed a motion to enter Closed Session to discuss the acquisition of real property – the Dowdy Amusement Park property on US 158 – in accordance with GS 143-318.11(a)(5); to discuss an update on existing litigation – Sansotta and Cherry, Inc. cases as well as potential litigation – in accordance with GS 143-318.11(a)(3). The time was 12:17 p.m.
- 24.** Open Session - The Board returned from Closed Session at 1:20 p.m.
- 25.** Adjournment - The Board adjourned to a mid-month meeting on Wednesday, May 16, 2012 at 7:00 p.m. in the Board Room. Board members were reminded of the next Budget Workshop on Wednesday, May 9, 2012 at 2:00 p.m. in the Board Room. The time was 1:21 p.m.