



**TOWN OF NAGS HEAD
BOC ACTIONS
November 7, 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 Nov 7th agenda as presented.
3. Audience Response - Robin Mann, former President of the Chamber of Commerce, introduced Karen Brown, the new President.

Audience Response – Ralph Buxton, Chairman of the Logistics Committee for the Outer Banks Seafood Festival thanked the Town for its support of the festival and especially the Public Works Department; he gave a special thank you to Town Manager Ogburn; he is looking forward to an even more successful festival next year.

Audience Response – Dru Ferrence, Nags Head resident; she spoke for John and Annette Ratzenberger who had to leave for Kansas where their daughter-in-law is suffering from lung cancer; November is Lung Cancer Awareness month; she read a note from Mr. Ratzenberger reporting that lung cancer kills twice as many women as breast cancer; she left brochures for the public.

Audience Response – Lewis Totten, Village at Nags Head; he spoke at a previous Board meeting during Audience Response re: grown-over ditches in the Village at Nags Head which causes flooding; he thanked the Board and Town Manager Ogburn for facilitating the efforts to clean the ditches.

Audience Response – Jean Schmidt, she lives in the Village at Nags Head on Marsh Drive; recently a wedding was held on the first tee and the noise was “over-the-top” and continued for five (5) straight hours; she stated that this was the first time it has ever happened and she hopes it never happens again.

Audience Response – Marvin Demers, South Nags Head resident; he stated that his heart goes out to the Ratzenberger family with their daughter-in-law; he spoke of Hurricane Sandy - it was amazing to him as a private citizen to see how Town staff pulls together and reorganizes itself to assess damage; there was very little damage compared to previous storms; the Town is a leader in regards to many events and with a great deal of credibility in the Outer Banks community; some neighboring towns have been looking into Nags Head’s leadership in beach nourishment as protection for the entire Outer Banks; he is looking for the Board’s continued leadership.

4. Recognition - Police Officer First Class Justin Kupfer was recognized for five (5) years of service. Dep Public Works Director Ralph Barile was recognized for thirty (30) years of service.

- 5.** Consent agenda – The Board passed a motion to approve the Consent Agenda as presented:
Consideration of Budget Adjustment #5 to FY 12/13 Budget Ordinance
Consideration of Tax Adjustment Report
Approval of Minutes
Resolution to authorize surplus of Town equipment
Request to apply/Consideration of Designation of Applicant Agent for Grant for Fire Dept generator
Request to apply for DCTB Special Projects Grant on behalf of Kelly's 2013 St. Patrick's Day Parade
- 6.** Public Hearing - The Board passed a motion to adopt the ordinance modifying the Town Code to reduce parking standards for go-cart tracks as presented.
- 7.** Public Hearing - The Board passed a motion to adopt the ordinance modifying the Town Code to allow for directional signage to public destinations as approved by the Town Manager – to include incorporation of the Town Attorney's comments by revising language at the end of Part I – “and *all* directional signage *exempted by this section*”.
- 8.** Grant for Pedestrian Plan – The Board passed a motion to adopt the resolution in support of a grant application to NCDOT for a comprehensive pedestrian plan as presented.
- 9.** Reallocate \$6,000 – The Board passed a motion to reallocate the \$6,000 from a denied grant to pedestrian related planning activities plan as requested with the caveat that expenses with the NC Coastal Land Trust contract be limited to \$500.
- 10.** YMCA committee appointment - It was Board consensus that Mayor Pro Tem Remaley, Ralph Buxton, and Planning Director Elizabeth Teague serve, on behalf of the Town, on the YMCA Strategic Planning Process Committee.
- 11.** Commercial site plans - Planning Director Elizabeth Teague presented an update on the following outstanding site plans: Sam and Omie's; Nags Head Self Storage; Kitty Hawk Kites; Mulligan's Restaurant; Dairy Queen; Forbes Office and Retail. Staff is to provide another update to the Board as to ongoing site plan status – no need to include expired site plans.
- 12.** Committee reports –
Comr. Walters – Outer Banks Seafood Festival - went wonderfully; everyone worked hard and was overwhelmed with the amount of participation; plans are underway to wrap up and plan for next year with lessons learned.
Comr. Sadler – Jennette's Pier Advisory Committee quarterly meeting – the request to charge admission has not returned to the Committee; Changing Pier hours for the winter from 6:00 am to midnight – December through March Pier is opened 8:00 am until 5:00 pm; at 5:00 pm the Pier itself will NOT be open to anyone; the only change for next year admissions is that the annual single person pass will be reduced.
Comr. Sadler – Dare County Tourism Board - met October 25th and reviewed the results of the Outer Banks Seafood Festival which was the second largest event in Dare County with the largest being the Wright Brothers celebration in 2003; Comr. Sadler was asked by the Steering Committee to ask Board members about the use of the Harvey site – in conjunction with events that take place next door at the Windmill Point site. She asked that Board members consider and provide comments to her so that she can report back to the Steering Committee. The DCTB Newsletter which contains valuable info about the community should be ready for distribution by Thanksgiving.

Comr. Sadler – Outer Banks Seafood Festival critique comments were provided by Town Manager Ogburn to all Board members; Comr. Sadler asked for comments from the Board to help do an even better job next year; the Town needs to decide what it will absorb expense-wise for future events as taxpayer money is being used. Town Manager Ogburn is to provide a tally of man-hours/costs/all expenses for the event. Town Manager Ogburn is to provide comments to the Outer Banks Seafood Festival Logistics Committee when they meet on Monday at 3:30 pm.

13. Quint fire truck – The Board passed a motion to accept the bid for the Quint Fire Truck from Pierce Fire Apparatus as requested in the amount of \$719,998 which reflects a discount of \$15,122 if a chassis pre-payment of \$275,000 is submitted within 15 days of contract signing. Per Finance Officer Kim Kenny, the full amount, including the \$275,000 prepayment, would be financed.

14. Town Auditor - Teresa Osborne of Dowdy & Osborne presented highlights of the recent Town FY 11/12 audit. She stated that the Town is in good financial shape and that she found no significant deficiencies.

15. Eddie Goodrich and sewage tie-ons – The Board passed a motion to deny Mr. Goodrich's request to move forward with a sewage tie-on to his Kill Devil Hills Wastewater Treatment Plant. The motion passed 3 – 2 with Mayor Oakes and Mayor Pro Tem Remaley casting the NO votes.

16. Town Attorney – Town Attorney Leidy presented an update on the Beach Nourishment Project oceanfront easement condemnation cases.

17. Town Attorney - Town Attorney Leidy requested a Closed Session at the appropriate time to discuss with Board members the condemnation cases of and Board of Adjustment appeals.

18. Town Manager - Town Manager Ogburn introduced Department Heads who presented the annual report for their respective departments.

Comr. Sadler said that it would be helpful for the Board to see what if anything is being done to the Town's groundwater quality; Ms. Teague agreed and stated that she recently met with Septic Health Coordinator Todd Krafft and Environmental Professions, Inc. President George Wood.

19. Town Manager - Town Manager Ogburn provided an update on the clean-up of Hurricane Sandy with assistance from Dep Public Works Director Ralph Barile and Planning Director Elizabeth Teague. It was Board consensus that for the \$87,000 needed for Hurricane Sandy clean-up, \$2,000 is to come from Contingency and the remainder is to come from Municipal Service District funds.

20. Town Manager – The Board passed an amended motion to utilize Municipal Service District funds to match Dare County funds (\$24,000) for installation of sand fencing. The motion passed 4 – 1 with Mayor Oakes casting the NO vote. It was Board consensus to give first priority for sand fencing to previous requests who have never received fencing.

21. Town Manager - Town Manager Ogburn provided an update on the Town stormwater drainage projects. The Board passed a motion to approve the request to fund Phase II of the Vista Colony drainage project with the additional amount (\$21,720) to come from Stormwater Contracted Services.

- 22.** Town Manager - Town Manager Ogburn reported that the Town's Board of Commissioners videographer Bob Boyer will be leaving the area and a new videographer will be needed after the December 5, 2012 Board meeting.
- 23.** Mayor Pro Tem Remaley - Mayor Pro Tem Remaley attended the recent Colony Ridge Rehabilitation Center Committee meeting on-site on behalf of Mayor Oakes. It was Board consensus to acknowledge Colony Ridge Manager Mr. Uzzell's request – to replace 18 HA beds for nine (9) private rooms - in letter form from Town Manager Ogburn. The letter is to indicate that the Town is willing to wait 90 days as Mr. Uzzell requested.
- 24.** Mayor Pro Tem Remaley - Mayor Pro Tem Remaley reported that he will be emceeding the upcoming Veterans Day Ceremony at Town Hall on Monday, November 12, 2012 at 11:00 a.m.
- 25.** Mayor Pro Tem Remaley - Mayor Pro Tem Remaley asked everyone to keep Pastor Lawrenson in their thoughts as his daughter-in-law is very ill.
- 26.** Comr. Cahoon - Comr. Cahoon thanked all Town departments for their hard work during and after Hurricane Sandy.
- 27.** Comr. Cahoon - Comr. Cahoon wanted to make sure everyone was aware that blogs represent opinions and not facts – some of the blogs during Hurricane Sandy posted pictures of the storm - The Town's beach nourishment project allowed the beach to absorb the impact of the storm before structures were damaged.
- 28.** Comr. Cahoon - Comr. Cahoon emphasized the importance of reviewing lessons learned from Hurricane Sandy for coastlines all along the Atlantic Ocean – there may be practices to adopt that would lead to better building practices.
- 29.** Comr. Sadler - Comr. Sadler confirmed with Town Manager Ogburn that the Town is ready for the Annual OBX Marathon on Sunday, November 11th.
- 30.** Comr. Sadler - In response to Comr. Sadler, Town Manager Ogburn explained that it would take local legislation adopted by the General Assembly – via a local Representative – to re-enact the sales (sand) tax.
- 31.** Mayor Oakes - It was Board consensus that the Cottage Row District signage be placed as described in Mr. Jones' email: just north of 3727 SVDT and just south of 4327 SVDT.
- 32.** Closed Session – The Board passed a motion to enter Closed Session to confer with the Town Attorney re: Osborne, Entrée Corp/Dairy Queen BOA cases, Fisher and Margaret Burch Beach Nourishment easement condemnation cases IAW GS 143-318.11(a)(3) and to consider an honorarium IAW GS 143-318.11(a)(2). The time was 1:50 p.m.
- 33.** Open Session - The Board re-entered Open Session at 2:29 p.m. Attorney Leidy reported on the Closed Session.
- 34.** Adjournment – The Board passed a motion to adjourn - the time was 2:30 p.m.