



**TOWN OF NAGS HEAD  
BOC ACTIONS  
October 3, 2012**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. The Board adopted the agenda as presented.

2. Audience Response – Lewis Totten, Village property owner; there has been a problem with the ditches in the BayMeadow Subdivision for the past year; he feels this is really the Board's problem; there are two (2) ditches of concern - one distributes to the bypass and one to the Sound – the ditches carry a tremendous amount of water and it's bad when there are blockages; the golf course staff filled in one area with grass and built a bridge; he would like the Board to take some action.

Audience Response – Jim Southers; Village property owner and a neighbor of Mr. Totten; he stated that the mold is horrendous; 40 bags of mold have been removed from his house which he believes was caused by the ditch around his property.

3. Recognition – the following were recognized by the Board; 30-year retirement for Mark Cross; Police Sgt. Becky Smith-Terry (10 years); Firefighter/EMT Chris Trembly (5 years); Planner Angela Welsh (5 years); Office Manager Karen Heagy (5 years); Tax Collector Becky Huff (5 years); New employees Sanitation Equip Operator Edwin Maldonado and Water Service Tech Ray Schoonmaker.

4. Fire Prevention - Fire Chief Kevin Zorc thanked the Board for their support of Fire Prevention Week - Activities include an Open House on Tuesday, Oct 9<sup>th</sup> at 5:30 p.m. at Fire Station #16. Proclamation was read by Mayor Oakes.

5. Consent Agenda – was approved as presented and consisted of the following:

- Consideration of Budget Adjustment #4 to FY 12/13 Budget Ordinance
- Consideration of Tax Adjustment Report
- Approval of Minutes
- Presentation of Hazard Mitigation Plan
- Consideration of Resolution to surplus Town equipment
- Consideration of Resolution in support of Big Sweep Nags Head - October 27, 2012
- Consideration of modification to Consolidated Fee Schedule for event inspections
- MOA between Town and State Sedimentation Control Commission

6. Public Hearing to consider approval of a Conditional Use/Site Plan Amendment submitted by Gus Zinovis for construction of secondary driveway for Mulligan's Restaurant - The Board passed a motion to approve the Mulligan's Restaurant traffic/site plan amendment with the two staff conditions re: vegetative/fencing barrier to delineate secondary exit and internal directional signage, with the required three findings of fact, and with approval of a statement of consistency.

7. Public Hearing to consider a request from Nags Head Golf Links to amend the Town Code for signage in the Village - The Board passed a motion to adopt the Zoning Ordinance text amendment on behalf of Nags Head Golf Links re: signage within the Village as presented.
8. Comprehensive Transportation Plan (CTP) Model – The Board passed a motion to move forward on the Comprehensive Transportation Plan (CTP) Model as presented. It was Board consensus for staff to prepare a resolution opposing widening the bypass (US 158) lanes.
9. Town Board/Committee Policy – The Board approved the Town Board/Committee Policy with the Board/Committee Evaluation Form, and the Candidate Characteristics Form to include an additional column to indicate if the candidate is serving on another Board or Committee.
10. Water Quality Testing presentation – It was Board consensus that Town Manager Ogburn and Septic Health Coordinator Todd Krafft meet with George Wood to obtain a list of costs re: water quality testing upgrades such as analyzing data for more quantifiable relationships to include a proposal modifying test sites for Board review/consideration at an upcoming meeting.
11. Recess - Mayor Oakes recessed the Board meeting for lunch, reconvening at 1:15 p.m.
12. Board/Committee appointments/reappointments – The Board reappointed Jack Cooper to the BOA and reappointed him to the BOA Chair position. In addition, staff is to distribute the newly adopted Board/Committee Policy to all Town Board/Committee members.

The Board passed a motion to appoint Bob Edwards to the Citizens Advisory Committee. – CAC Chair Perry White is to discuss new meeting times at the CAC meeting on Monday, October 8<sup>th</sup>. Staff is also to send notice requesting volunteers to serve on Town Boards/Committees to the Sunshine List – and post on Facebook/Tweet/weekly broadcast.

**13. Committee Reports**

Comr. Sadler - Dare County Tourism Board met on September 30<sup>th</sup> – the By-Laws and Mission Statement are being revised; a low-key buy local campaign is underway; she displayed new Welcome to the Outer Banks stickers; Visitation counts are still good – Jockey's Ridge State Park visitation counts have increased most likely because of better weather; Comr. Sadler recommended a look at the new Our State magazine with an article on the upcoming Seafood Festival.

Comr. Walters – Outer Banks Seafood Festival is set for October 20<sup>th</sup> at the former Windmill Point site from 11 – 6 pm. There will be restaurants - food vendors, artisans, craft-makers, non-profits, a kid-zone, and bands; 2,000 tickets sold thus far; Comr. Walters displayed Pepsi can advertising the event.

Mayor Pro Tem Remaley - PIO Roberta Thuman covered the recent Gov-Ed TV meeting for MPT Remaley who was out of Town; Towns of Southern Shores and Duck are now videotaping their Board meetings; Gov-Ed staff are working on making sure broadcasting during storm events is more reliable; In response to Comr. Sadler's question if the Town will have to relinquish any of its play-back time spots, MPT Remaley stated that it was possible - he will inform the Board of any changes.

14. Street Lighting Policy – The Board approved the revised Street Lighting Policy as presented.

- 15.** Town Attorney – The motion to accept the properties donated by George and Patricia Moore – properties located on Proteus and Nansemond Streets in South Nags Head - failed 2 – 3 with Mayor Oakes, Comr. Cahoon, and Comr. Walters casting the NO votes.
- 16.** Town Attorney - Town Attorney Leidy requested a Closed Session to discuss possible litigation.
- 17.** Town Manager – The Board passed a motion to authorize the Town Manager to spend stormwater funds for engineering/design of the stormwater drainage projects as requested. The amount requested is \$36,760 - the Northport project and the alternate project in Nags Head Acres are not being considered at this time.
- 18.** Town Manager - Although the issue is not a Town issue, Board members asked Town Manager Ogburn to contact the agencies involved to take appropriate action in clearing out the ditches in the Village as requested by Mr. Totten and Mr. Southers. In addition, to have COE come in and take a look at the filling of the ditches as it is possible a permit was never procured.
- 19.** Town Manager - It was Board consensus to forward a letter to all Historic District/Cottage Row property owners (with diagram) asking their opinion of including “Cottage Row District” on the back of the Bonnett St. district sign.
- 20.** Town Manager - Mayor Oakes said he would request an update on the Colony Ridge Rehabilitation Center building improvements at each quarterly meeting.
- 21.** Town Manager - Town Manager Ogburn reported to the Board that he has decided to advertise for the Project Manager position. He feels that the approved and budgeted position will be able to help several Town departments.
- 22.** Comr. Cahoon - It was Board consensus to keep the Veterans Day Ceremony as currently scheduled for Monday, November 12<sup>th</sup> at 11 am at Town Hall.
- 23.** Comr. Cahoon - Comr. Cahoon challenged Town Manager Ogburn and staff to use some creative thought and planning to present a proposal to the Board that meets the needs of the economy and the community. She would like to see garbage picked up and not sitting out on the street for two days. This challenge was accepted.
- 24.** Comr. Sadler - In response to Comr. Sadler, Town Manager Ogburn stated that the Town does have a plan that it is working toward with CRC and the Red Drum ocean outfall extension. This area was not nourished during last year’s Beach Nourishment Project.
- 25.** Comr. Sadler - Comr. Sadler reported that tomorrow, Thursday, October 4<sup>th</sup> is the first day of the annual Nags Head Surf Fishing Tournament.
- 26.** Comr. Sadler - For the November 2012 Board meeting, Planning Director Teague is to report to the Board on any outstanding commercial site plans.
- 27.** Comr. Sadler – Comr. Sadler reported that after the Seafood Festival on October 20<sup>th</sup>, a Harvest Ball dance will take place at the Comfort Inn in SNH, from 7 – 11 pm, with all proceeds to benefit the Interfaith Community Outreach organization. She encouraged everyone to attend.

- 28.** Comr. Walters - Comr. Walters stated that today is National Walk To School Day in which the Town participated in partnership with Nags Head Elementary School and the Outer Banks Hospital. It was a great event with everyone enjoying an alternate mode of transportation.
- 29.** Mayor Oakes - Town Manager Ogburn provided a list of plans/accomplishments as a result of the Board's January 2012 Retreat. He is working with staff on the six goals specified by the Board - It was Board consensus for staff to return with potential 1 ½ day February 2013 Board Retreat Dates for Board consideration.
- 30.** Town Manager - Town Manager Ogburn reported that staff has received a NCDOT permit authorizing the clean up of the SNH ditch – near Fire Station #21.
- 31.** Town Manager - Town Manager Ogburn reported that the Town may receive one free use of Jennette's Pier annually - this includes one free event after hours or a 9:00 a.m. – 5:00 p.m. event use - any other use would cost the Town the amount that would cover the Pier's costs.
- 32.** Closed Session – The Board passed a motion to enter Closed Session to confer with the Town Attorney re: possible litigation – the time was 3:16 p.m.
- 33.** Open Session - The Board re-entered Open Session at 3:57 p.m. Attorney Leidy reported that no action was taken during Closed Session.
- 34.** Mayor Oakes – Upcoming meetings – Mayor Oakes reported that on Monday, October 8<sup>th</sup>, a discussion concerning sea level rise conducted by Spencer Rogers of NC Sea Grant is scheduled for 5:30 p.m. at Jockey's Ridge State Park Visitors' Center. In addition, a joint meeting between the Board of Commissioners and the Citizens Advisory Committee (CAC) is scheduled for 7:30 p.m. in the Board Room.
- 35.** Adjournment – Mayor Oakes recessed the Board meeting until the joint session with the CAC at 7:30 pm on Monday, October 8<sup>th</sup> in the Board Room. The time was 3:57 p.m.