



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

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Adoption of agenda – The Board approved the September 5th agenda as amended – with agenda item #11 moved out of Consent Agenda for open discussion and moving the Town Manager's discussion on stormwater to directly after the Consent Agenda.
3. Safe Routes to School - Amy Montgomery, Director of Community Outreach at Outer Banks Hospital reported on the summer program – Safe Routes to School - which also focused on healthy habits. All but one of the children that participated were present.
4. Audience Response – Robert Parnell, spoke of the recent tragic event when he was walking his 13-year old dog and a pit bull ran out of his neighbor's house and killed his dog; he suggested that the Town make sure it is covered, liability-wise, by allowing pit bulls to reside in the Town. He wants the Town to do the right thing.

Audience Response - Linda O'Meara, property owner from Seven Sisters Subdivision; she is present to garner information re: the resolution of stormwater drainage to take back to the community so that they do their part.

Audience Response – Ed Mays, NH Pond resident; thanked the Town for its efforts to fix the stormwater issues; the swales are working; it becomes a public health issue due to septic systems overflowing, etc.

5. Recognition - Police Chief Brinkley introduced Office/Systems Manager Lisa Ward who was recognized by the Board for 20 years of service.
6. Consent Agenda – The Board approved the Consent Agenda after removing item #11 re: Federal Excess property for open discussion. The Consent Agenda consisted of the following:
  - Budget Adjustment #3 to FY 12/13 Budget Ordinance
  - Tax Adjustment Report / Tax Settlement Report / Waiver of BN tax penalty for 2 properties
  - Approval of Minutes
  - External Communications Policy (social media, etc.)
  - Resolution supporting September 29, 2012 as Big Sweep Day in Nags Head
  - Request for authorization to apply for DCTB grant for w side multi-use path extension

**7.** Town Manager Ogburn – Stormwater status - Town Manager Ogburn presented PowerPoint slides detailing problem areas for stormwater drainage in the Town and explained potential solutions. It was Board consensus that Town Manager Ogburn bring back the stormwater projects he has proposed, prioritized, with a schedule and cost estimates for Board review and approval.

**8.** Public Hearing – to consider zoning ordinance amendments by Bissell on behalf of NH Self Storage related to porous pavement in C-3 Commercial Services District and curb requirement when abutting stormwater retention areas – The Board passed a motion to adopt the zoning ordinance text amendments/Statement of Consistency as presented.

**9.** Public Hearing - to consider Conditional Use/Site Plan amendment by Bissell on behalf of NH Self Storage related to expanding existing use to allow outdoor storage of boats and recreation vehicles – The Board passed a motion to make the required three (3) findings of fact and to approve the site plan/conditional use application for NH Self Storage expanding its use as presented with the buffer yard C provision as recommended by the Planning Board.

**10.** Public Hearing - to consider approval of a subdivision variance to minimum lot area and minimum lot width for previously combined lots 6-9 and lots 16-17, Block 7 Section 1, Nags Head Shores Subdivision (former Dowdy's Go-Cart Track on SVDT) - The Board denied the request and expressed concern about creating nonconforming lots.

**11.** Windmill Point site - Lee Nettles, Outer Banks Visitors Bureau Exec Director, presented the consultant Heery International Group recommendations – at this time, the DCTB has not reached consensus on any type of long-term development – partners would be required due to lack of funding – they do feel pursuit of new business cannot be at the expense of those living here.

**12.** Recess – The Board recessed for lunch at 12:15 p.m. and reconvened at 1:30 p.m.

**13.** Whalebone Park development – Planning Director Teague provided an update on the Whalebone Park development.

**14.** Streetlight status - Dave Clark reported on the status of the streetlights in the Town. He stated that of the 409 streetlights on the Town's listing – he found that there were a total of 29 lights that were not functioning on Town streets. He reported that a new pilot program is being created by NC Dominion Power for easier reporting of problems.

**15.** "Fill" regulations - Ms. Teague assured the Board that she would keep them updated as the Planning Board moves forward with a zoning ordinance text amendment concerning use of "fill".

**16.** Committee reports:

Comr. Cahoon – Town Board/Committee Policy meeting (included Comr. Walters and Planning Board Chair Bob Edwards) – proposed policy for review at September 19<sup>th</sup> mid-month meeting.

Comr. Sadler – Dare County Tourism Board meeting – she pointed out that Director Lee Nettles reported earlier in the meeting on the results of the Heery Group's analysis of the Windmill Point Site; Comr. Sadler reported that the Outer Banks visitation numbers are still great –except for retail sales which are still down.

Mayor Pro Tem Remaley – Channel 20 Committee – continues to make progress.

Comr. Walters – Outer Banks Seafood Festival Committee – the committee meets often and is planning a great event for October 20, 2012.

**17.** Town Manager – Item removed from Consent Agenda - Request to obtain Federal Excess Property via the NC Forest Service - Town Manager Ogburn stated that if approved, Fire Chief Zorc will make application and see what equipment he wants to obtain – then return to the BOC for review/approval taking into account maintenance costs, insurance, etc. of the equipment. It was Board consensus to review any costs associated with the federal excess equipment such as maintenance costs before being accepted by the Town.

**18.** Town Attorney – Town Attorney Leidy provided a brief update on the Fisher, Cherry, Inc., Sansotta I, and Sansotta II cases.

**19.** Town Attorney - Town Attorney Leidy requested a Closed Session to discuss condemnation actions associated with five (5) of the Town Beach Nourishment Project easements.

**20.** Town Attorney - In response to Mayor Oakes, Attorney Leidy summarized the Town's dangerous animal ordinance. He noted that any liability claim would likely involve the animal's owner and not the Town.

**21.** Town Manager - Attorney Leidy is to perform a title search on the properties at 119 Proteus and 9701J Nansemond (property the Moores would like to donate) and to verify that as property owners, the Town would not be liable – to return for Board consideration.

**22.** Town Manager - Town Manager Ogburn reported that the property purchased in Nags Head Woods by The Nature Conservancy is complete.

**23.** Town Manager - The annual NC Beach, Inlet and Waterways Association (NCBIWA) Conference is scheduled for November 19-20, 2012 at Wrightsville Beach. It was Board consensus to pledge \$500 toward an activity at the Conference.

**24.** Town Manager - Town Manager Ogburn reported that, pre-audit, \$330,000 has been put back into the Town's Fund Balance. He thanked the Finance Dept for being very diligent re: the current economic times.

**25.** Town Manager - Town Manager Ogburn reported on the tragic drowning of Mr. Robert Forest this past week - recovery effort support came from several agencies - It was Board consensus to donate \$250 to the Chicomocomico Life Saving Station in appreciation. Also reported was the successful revival of an 8 ½ month old baby by firefighters at Fire Station 21, pulled from the bottom of a pool in a house located just south of the station.

**26.** Town Manager – The Town-sponsored Blood Drive is scheduled for today, September 5, 2012, at St. Andrews By The Sea Church from 12 noon to 6:00 p.m.

**27.** Comr. Walters - Police Chief Brinkley and Attorney John Leidy are to research what can legally be done when beach driving permit regulations are violated and are to bring this information back for Board discussion at the September 19th mid-month meeting.

- 28.** Comr. Cahoon - Comr. Cahoon thanked PIO Roberta Thuman for placing the upcoming Coastal Resources Commission public hearings re: erosion rates on the Town's web site.
- 29.** Comr. Cahoon - Comr. Cahoon reported that Coastal Resources Commission has approved an eight-year sandbag permit; how many times the permit can be renewed has not been decided.
- 30.** Comr. Cahoon - Comr. Cahoon would like the Town to be more responsible to adjoining property owners when issuing building permits – for both residential and commercial sites. Planning Director Teague noted the request.
- 31.** Comr. Sadler - Comr. Sadler reported that Chief Zorc removed a 200' piece of concrete - left on the beach from a recent ocean outfall repair. She also pointed out that just north of Curlew street at the toe of the dune is a big "band" possibly left over from the Beach Nourishment Project. She encouraged everyone to report any type of structure on the beach to a lifeguard.
- 32.** Comr. Sadler – In response to Comr. Sadler, Town Manager Ogburn stated that he and staff have been discussing the issue of tagging the cabana "skeletons" as well as reviewing solutions to the giant holes dug in the beach.
- 33.** Comr. Sadler - For the summer months, Comr. Sadler asked that staff place recycle containers next to the trash containers on the beach.
- 34.** Comr. Walters - Comr. Walters thanked staff for their continued help in working with the Outer Banks Seafood Festival Committee which has been a huge cooperative effort.
- 35.** Comr. Sadler - Comr. Sadler congratulated John Ratzenberger on his position in charge of transportation for the OB Seafood Festival scheduled for October 20<sup>th</sup> at the Windmill Point site.
- 36.** Mayor Oakes - Mayor Oakes invited everyone to participate in the Big Sweep scheduled for September 29, 2012. The state-wide event is a big operation to get our beaches clean.
- 37.** Closed session - The Board entered Closed Session to confer with the Town Attorney re: condemnation actions of the following Beach Nourishment Project properties: Finn, Santee, LLN Properties, Shelton, and Cage and to discuss the Cherry, Inc. litigation - The time was 2:50 p.m.
- 38.** Open session - The Board re-entered Open Session at 3:24 p.m. Town Attorney Leidy reported that five (5) condemnations actions were discussed and the Board provided direction.
- 39.** Adjournment - Mayor Oakes adjourned the Board meeting to the September 19th mid-month meeting at 7:00 p.m. The time was 3:24 p.m.