



**TOWN OF NAGS HEAD
BOC ACTIONS
January 4, 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 adopt the Jan 4th agenda as amended – to move agenda item #21 re: property owners association and taxing benefits to just prior to the start of Public Hearings.
3. Audience Response - Meade Gwinn, President of VNH POA; he addressed the resolution re: non-profit property owners associations; he feels that the resolution may be trying to correct a problem before a problem exists; the language may mislead homeowners living in NH to think Village residents may be receiving a tax benefit others are not allotted; he asked the Board to explore other options instead of making legislative changes and he asked that the Board table action on the resolution.
4. Audience Response – Recognition - Police Officer First Class Justin Kupfer was recognized by the Board for his recent certification as National Drug Recognition Expert; Firefighter/EMT Ryan Dodson and Police Officer Chase Tadlock were recognized by the Board for five years of service.
5. Consent Agenda – The Board approved the Consent Agenda as follows:
 - Consideration of Budget Adjustment #7 to FY 11/12 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Annual Certification of Firefighters
 - Consideration of amendment to Verizon Wireless contract for antenna modification
6. Mayor Pro Tem Remaley - Mayor Oakes noted that Mayor Pro Tem Remaley was currently on a two-week vacation celebrating his recent retirement from Dare County.
7. Comr. Sadler – Homeowner Association resolution and legislative changes re: property tax exemptions – moved from end of agenda. The Board passed a motion to adopt the resolution with the following addition: “so long as legislative change does not result in the double taxation of any property owned by a non-profit homeowners association”; Town Manager Ogburn is to provide the resolution to other municipalities, NCBIWA, NCLM, etc.
8. Public Hearing - to consider comments related to the Town’s Parks and Recreation Plan – It was Board consensus that a Recreation Plan Workshop be scheduled for January 18th at 5 pm with BOC and Recreation Plan Committee members and that the Board’s mid-month meeting be held on January 25th.

It was Board consensus to approve the “immediate” section of the Plan in order for staff to move forward which follows:

- To develop communication system with Dare Co to inform NH citizens of programs / resources
- Coordinate a community calendar with local partners such as DCTB, YMCA, Dare County
- Provide maps using Google that identify where parks and water accesses are located
- Partner with YMCA on skate park task force
- Research feasibility, cost, site for illuminated tennis courts or work with Kelly’s to update agreement

- Apply to NCDOT for comprehensive pedestrian plan grant
- Apply to Safe Routes to School Program for multi-use trail
- To adopt the Parks and Recreation Plan

9. Public Hearing - to consider application to Parks and Recreation Trust Fund (PARTF) for grant for playground at Whalebone Park site; there was some Board concern about lack of restrooms and about proximity of toddler to adult activities. The Board passed a motion to adopt the resolution/concur with staff's request to apply for the PARTF grant as requested.

10. Public Hearing - to consider adoption of a Zoning Ordinance Text Amendment submitted on behalf of Overrun I, LLC (Nicholas Nuzzi) to amend the Town Code re: Architectural and Interior Lighting; the Board passed a motion to table discussion/action to the Jan 25th mid-month meeting when all Board members are expected to be present.

11. Public Hearing - The Board passed a motion to make the three required findings of fact and to approve the site plan/conditional use application for a child day care facility in Ark International Church.

12. Subdivision application - The Board passed a motion to approve both the preliminary and final plats for the two-lot subdivision in Nags Head Woods requested by Mike Kelly with the condition that the recombination plat be approved by the Planning Director.

13. From Dec 7th - Beach chair/umbrella rentals; The Board passed a motion to appoint Marvin Demers, Courtney Fowler, and Thomas Musica to the Beach Chair/Umbrella rentals ad hoc committee. Additional names for appointment will be presented at the January mid-month meeting.

14. From Dec 7th - Digital signage; The Planning Board appointed Pogie Worsley and Tom Haddon to serve on the Digital signage ad hoc committee; Mayor Oakes suggested waiting until after the next agenda item re: second reading of the proposed digital signage ordinance before appointing a Digital Signage ad hoc committee.

15. Second reading – Digital signage ordinance – The Board passed a motion to deny the second reading of the ordinance (due to no size limits identified) which passed 3 – 1 with Mayor Oakes casting the NO vote; The Board passed a motion to adopt the Planning-Board recommended ordinance as presented at the Dec 7th Board of Commissioners meeting and to adopt the Statement of Consistency. The ordinance provided a complete prohibition of digital signage; the Digital signage ad hoc committee is to research and bring back a revised proposal for Board review/consideration at a later date.

16. Committee reports –
Comr. Sadler – DCTB meeting – news media reported adequately on the Dec 2011 meeting of the DCTB.
Comr. Walters – the Seafood Festival Committee is planning an event at the Windmill Point site in the fall.
Mayor Oakes – A formal meeting of all members of Colony Ridge Committee has been scheduled

17. Board/Committee appointments –
Planning Board - Comr. Sadler requested that appointments be postponed to a future Board meeting when all Board members are present. An updated list of those interested in serving is to be provided for the next Board of Commissioners meeting.

Local Firemen's Relief Fund Board of Trustees - The Board passed a motion to appoint Jo Fessler to another term on the Local Firemen's Relief Fund Board of Trustees.

Annual appointment of Board of Adjustment Chair/Vice-Chair - The Board passed a motion to appoint Jack Cooper and Margaret Suppler as Board of Adjustment Chair and Vice-Chair respectively.

18. Town Attorney – provided an update - To allow the Town to enforce it's nuisance ordinance against the cottage owned by Cherry, Inc. Next Thu, Jan 12th the case is to be considered by the Court of Appeals

- 19.** Town Attorney – provided an update on Fisher et al litigation - the case against the Town by the Fishers et al was originally dismissed by the court and subsequently appealed by the Fishers; Town response is due next Fri, Jan 13th.
- 20.** Town Attorney – requested a Closed Session to preserve the attorney/client privilege with discussion of Sansotta litigation and condemnation actions to include the Fisher/Margaret Burch litigation.
- 21.** Town Manager - Town Manager Ogburn requested a Closed Session to discuss possible acquisition of real property (Dowdy Go-Cart track) located at 3006 S Virginia Dare Trail – Lots 8, 9, 16, and 17 – next to Tortuga’s Lie Restaurant.
- 22.** Town Manager – replacement trash cart policy/ordinance – The Board passed a motion to adopt the ordinance concerning the replacement automated cart policy as presented.
- 23.** Town Manager – The Board passed a motion to award the contract to repair the Hurricane Irene-damaged Sound access sites to Earth Savers in an amount not to exceed \$56,500.
- 24.** Closed Session – The Board passed a motion to enter Closed Session to confer with the Board’s attorney and to preserve the attorney/client privilege and to discuss the acquisition of real property – the Dowdy Go-Cart track property - located at 3006 S Virginia Dare Trail (lots 8, 9, 16, and 17) in accordance with GS 143-318.11(a)(3) and (5) respectively. The time was 12:36 p.m.
- 25.** Open Session - The Board re-entered Open Session at 2:32 p.m. Town Attorney Leidy reported that during Closed Session the Board discussed litigation and did provide some direction; possible acquisition of the Dowdy Go-Cart track property located at 3006 SVDT was discussed but no further action was taken.
- 26.** Adjournment - Mayor Oakes stated that the Board was in recess until the Board Retreat on Jan 12th at 9 am at the 4801 Engagement Hill Loop rental house. The time was 2:35 p.m.