



**TOWN OF NAGS HEAD
BOC ACTIONS
April 6, 2011**

1. Call to order - Mayor Oakes called the meeting to order at 9:02 a.m. Comr. Remaley was not present.
2. Adoption of agenda – The Board passed a motion to approve the April 6th agenda as presented.
3. Audience Response - Marvin Demers, South Nags Head property owner; he thanked the Town for cleaning out the ditch in South Nags Head - the drainage ditch from the Fire Station south along SOOIR.

Audience Response - Beth Taliaferro, spoke on behalf of ABC Towing of Kitty Hawk; she requested that ABC Towing be added to the Town's towing rotation schedule to allow five instead of the current four companies.

4. Consent agenda – The Board passed a motion to approve the Consent Agenda as presented:
 - Consideration of Budget Adjustment #10 to FY 10/11 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Consideration of 2011-2012 Government Education Channel Committee Budget
 - Extension of franchise with Outer Banks Hauling Company for curbside recycling
5. Public Hearing – The Board passed a motion to table two (2) public hearings: the Public Hearing to consider a site plan/conditional use application submitted by David/Laura Deel for development of residential cluster housing, and the Public Hearing to consider a zoning ordinance text amendment submitted by Attorney Crouse Gray, Jr. on behalf of Paul Shaver Trustee to eliminate Boarding Homes and Residential Cluster Housing from the uses currently allowed within the SED-80 District - until the April 20, 2011 mid-month meeting.
6. Public Hearing - to consider a preliminary subdivision plat approval and accompanying waiver request submitted by Bill Owen on behalf of property owners Robert Waid and Bobby Bowman.

The Board passed a motion (3 – 1 with Comr. Sadler casting the NO vote) to approve the preliminary subdivision plat and the accompanying waiver as requested – to include the following conditions:

- The developer is to obtain the easement necessary to pass the waterline through the Lot 2 property (the developer is not required to pay for the waterline)
- The entire radius of the turn-around area is to be paved

7. Public Hearing - to consider a zoning ordinance text amendment, submitted by the Village at Nags Head Property Owners Association, to permit the onsite rental of beach chairs and umbrellas from within the private beach bathhouse - This request involves the establishment of the Recreation District within the Village.

Mayor Oakes owns the company that manages the Village rentals and he requested to be recused from the discussion; The Board passed a motion to this effect – Mayor Pro Tem Gray took control of the Board meeting.

The Board passed a motion (3 – 0 – Mayor Oakes was recused and Comr. Remaley was not present) to approve the request to include adding the Recreation District to the Village Master Plan and to include language re: sign visibility as recommended by staff/Planning Board. In addition, all recommendations in staff's memo are to be followed; monitoring is to continue until the first BOC meeting in Dec 2011 - This sunset provision means that the ordinance is not in effect after the Dec 2011 Board meeting unless the Board re-adopts it.

A 4/5 vote is required on first-time ordinance adoption and the proposal will be considered in a second reading at the May 4th Board meeting.

8. Discussion of plantings in the right-of-way - It was Board consensus to move forward with the proposal to "soften" plantings in the right-of-way utilizing a consistent sign height of 16'.

9. Committee reports - Comr. Sadler said that she will report on DCTB meetings at the next BOC meeting.

10. Comr. Sadler - Comr. Sadler thanked Fire Chief Kevin Zorc who did a good job of burning down the former Windmill Point Restaurant and providing training for many firefighters.

11. Comr. Sadler - Comr. Sadler reported on the Town's 50th Anniversary Committee - Chair John Ratzenberger provided further details on the upcoming events.

12. Firemen Relief Fund – The Board passed a motion to appoint Annette Ratzenberger to fill the vacant Firemen Relief Fund Board of Trustees position.

13. PW Fuel Pump – The Board passed a motion to approve the funds required to bring the Public Works Fuel Pump into OSHA compliance as presented.

14. Refund of water impact fee – The Board passed a motion to deny the request from Seth Johnson Construction for a water impact fee refund. It was Board consensus for staff to gather data for Board review to determine if water impact fees for structure square footage and associated water usage are still accurate.

15. Waiver of water consumption unit (WCU) fee – The Board passed a motion to table the request from the DeVillars for a waiver of WCU fee for a private dock to the May 4th Board meeting after attorney research.

16. Town Attorney – Town Attorney Leidy requested a Closed Session to provide updates on Sansotta, Hardesty, and Fisher litigation.

17. Town Manager - Town Manager Ogburn provided the following Beach Nourishment project updates:

- Last week a (pre) pre-construction meeting was held with the Great Lakes Dredge contractor
- Yesterday the LGC unanimously approved the Town's request for Special Obligation Bond financing
- All beach nourishment pump/dredge equipment will be mobilized in mid-May
- In mid-June nourishment in south section of Town – Outer Banks Pier south with Texas dredge
- In July nourishment in north section of Town – Outer Banks Pier north with Dodge/Padre Island dredges
- In August Liberty Island dredge will pump from Bonnett Street to where it meets with Dodge/Padre Island dredges
- On April 26th a mandatory pre-construction meeting will be held with all regulatory agencies
- Great Lakes Dredge suggested an informal meeting where interested parties may come and get answers to questions/inquiries they have about the project
- Weekly construction meetings with CSE, Town staff, and Great Lakes Dredge Company will take place

- A one-page flyer will be prepared to answer some of the most common questions

18. Town Manager - The Board passed a motion to authorize staff to work with the Town Attorney toward extension of the 10.5 Shoppes Letter of Credit.

19. Comr. Sadler - Public Information Officer Roberta Thuman reported on information dissemination to rental agencies for the Beach Nourishment Project and its impact on summer rentals, etc. this summer season.

20. Comr. Sadler - The Half Marathon is this upcoming weekend; she is grateful for Town staff taking care of many things that are not necessarily a part of their job description; Comr. Sadler thanked Police Chief Brinkley for his community information email broadcasts.

21. Comr. Sadler - Comr. Sadler stated that she has joined the Town's Relay For Life team – this is the second year for the Town's team. She noted that co-chairs Dabni Shelton and Kelly Wyatt are very enthusiastic and have scheduled several fundraisers this year for the cause.

22. Comr. Sadler - Comr. Sadler stated that she is honored to be a part of the Board that has gone as far as it has with the Beach Nourishment Project – obtaining the required permits took over five (5) years.

She noted that the vote of four (4) Commissioners was required for two votes for the Beach Nourishment process to continue – both dates fell within her annually scheduled vacation month – she postponed her vacation in order to be present for the first vote; she came back from vacation to attend the second Board meeting date. She expressed her appreciation for the money in the Board's budget to pay for her airfare to/from her vacation site in Florida and she appreciates all that was done for this project.

23. Mayor Pro Tem Gray - Mayor Pro Tem Gray questioned the pipe placement on the beach during the upcoming Beach Nourishment Project - Town Manager Ogburn explained that the pipe will be on the beach for the duration of the project – the engineer has indicated that walkovers will be constructed over the pipe at all beach accesses and at other busy locations on the beach.

24. Closed Session – The Board passed a motion to enter Closed Session to discuss updates on the Sansotta, Hardesty, and Fisher litigation with the Town Attorney - The time was 12:23 p.m.

25. Open Session - The Board re-entered Open Session at 2:08 p.m. Attorney Leidy reported that the Board discussed Sansotta, Hardesty, and Fisher litigation cases and gave direction to the Town Attorney in each of these matters – no action was taken.

26. Mayor Oakes – The Board passed a motion to include Town of Nags Head in the House Bill 415 along with the Town of Topsail Beach - The Bill is also to be forwarded to Rep. Tim Spear in the House.

27. Mayor Oakes - Mayor Oakes reported for the Board's information that he is preparing a letter to be sent to State legislatures supporting the Board's previous positions on billboards. There is currently legislation that would override local regulations and allow for existing billboards to be converted to digital billboards and would also allow for expanding areas where trees can be cleared along roadways for billboards.

28. Mayor Oakes - Mayor Oakes brought forward the request during Audience Response by ABC Towing to be added to the Town's towing rotation list. He noted that the policy is an administrative policy and he asked Police Chief Brinkley to review the data to determine if there is a need for an additional towing company.

Comr. Sadler suggested that the policy may need to be updated/upgraded; she suggested discussions with the other towns and a review of the Town's current towing companies to make sure they meet the Town's standards.

29. Adjournment - Mayor Oakes recessed the Board meeting until Wednesday, April 20, 2011 at 7:30 p.m. in the Board Room. The time was 2:15 p.m.