



**TOWN OF NAGS HEAD
BOC ACTIONS
February 16, 2011**

1. Call to order - Mayor Oakes called the meeting to order at 7:30 p.m.
2. Agenda adoption – the Board passed a motion to approve the February 16th agenda as presented.
3. Audience Response – Jeanne Acree - South Nags Head resident; Ms. Acree thanked the Board of Commissioners and the Nags Head visitors and citizens who have worked so hard to get the Town beach nourishment; she said she could not think of another Board who has done as much for the Town.
4. Beach Nourishment – Public Hearing to consider establishment of two (2) Municipal Service Districts – John Lacey, Richard Murphy, Jo Cross, Jim Robins, Keith Sawyer, and Miriam McFadden spoke. The Board passed a motion to adopt the resolution entitled Resolution Establishing and Creating Two Nags Head Beach Erosion Control and Flood and Hurricane Works Municipal Service districts with the following amendment: to modify the District 1 boundary to read: from Bonnett Street to Gulfstream Street; and to modify the District 2 boundary to read: from Gulfstream Street to the south Town line. Mayor Pro Tem Gray cast the NO vote.

Approval of Interlocal Funding Agreement between Dare County and the Town – The Board passed a motion to approve the Interlocal Funding Agreement between Dare County and the Town with the removal of the first sentence in the Modification and Waiver paragraph. Mayor Pro Tem Gray cast the NO vote.

Adoption of resolution authorizing initial issuance of special obligation bonds – The Board passed a motion to adopt the resolution entitled Resolution Relating To The Authorization and Issuance of Beach Nourishment Special Obligation Bonds of the Town of Nags Head, North Carolina to pay a portion of the cost of a Beach Nourishment Project as presented. Mayor Pro Tem Gray cast the NO vote.

Although not adopted until the upcoming budget process, it was Board consensus to agree to an additional .16 tax increase for the two municipal service districts and an additional .02 tax increase town-wide.

The Board passed a motion to authorize the Town Manager to relay to the Local Government Commission (LGC) the Board's commitment to tax the two (2) municipal districts in order to pay for the Town's Beach Nourishment Project. Mayor Pro Tem Gray cast the NO vote.

5. Town Attorney - reported that a lawsuit has been filed by Reed/June Fisher and others against the Town challenging the Board for the condemnation of property for easements for the beach nourishment project.

6. ACO Truck – The Board passed a motion to authorize the purchase of the Public Safety – Police Animal Control Officer (ACO) vehicle as requested.
7. SED-80 District - At the February 2nd Board meeting, a conditional use application/site plan for a residential cluster in the SED-80 District in Nags Head Woods was reviewed and denied by the Board – After further review of the SED-80 regulations, it was Board consensus that staff return with a first draft revised SED-80 ordinance that addresses/revisits the following concerns:
 - Sprinkler system requirement for exception
 - Add definitions to include dry hydrant definition
 - Keep single family housing as a permitted use / Remove residential clusters as conditional use
 - No commercial activity allowed in the Woods
 - Investigate possibility of designating a conflagration (fire) district
 - Revisit requirement that structures built since 1993 must have a water connection
 - Review State Bldg Code to determine what can be required for structures built in the Woods
8. DCTB/Town MOU for Windmill Point site – The Board passed a motion to approve the Dare County Tourism Board/Town Memorandum of Understanding (MOU) for the former Windmill Point site as presented.
9. Town Attorney - requested a Closed Session to discuss newly filed litigation by the Fishers/Others and a Moore/Neal nuisance structures settlement, and to approve Closed Session minutes.
10. Town Manager - recognized Fire Chief Zorc for a FEMA grant that was recently awarded to the Town - The Assistance to Firefighters grant in the amount of \$107,075 was awarded for the purchase of hand-held radios for use with the new 800 MHZ radio system.
11. Comr. Cahoon - reported that she has received complaints that audience members are unable to hear Board members during meetings; Moving microphones closer, updating sound equipment may be considered.
12. Comr. Sadler – 50th Anniversary Committee Chair John Ratzenberger provided a brief update on the Anniversary festivities – The Board passed a motion to approve an additional \$5,000 for the Committee (Funds are to come from Miscellaneous Recyclables line item per Finance Officer Kim Kenny).
13. Mayor Oakes - reported that the Outer Banks Community Development Corporation multi-use building groundbreaking recently took place for the site just south of St. Andrews By The Sea Church. Board members spoke in favor of the facility which they feel will be an asset to the community.
14. Closed Session – The Board passed a motion to enter Closed Session in accordance with GS 143-318.11(a)(1) and (3) to discuss Closed Session minutes, Moore/Neal litigation, newly filed litigation by Reed/June Fisher/Others, and to review the February 2, 2011 Closed Session minutes. The time was 9:50 p.m.
15. Open Session - The Board re-entered Open session at 10:39 p.m. Attorney Leidy reported that during Closed Session the Board discussed litigation pending against Moore/Neal and gave the Town Attorney direction; the Board discussed litigation recently filed by the Fishers/Others and the Board took action to approve/seal the Closed Session minutes from February 2nd and gave the Town Attorney direction concerning those minutes.
16. Adjournment – The Board passed a motion to adjourn - The time was 10:40 p.m.