



**TOWN OF NAGS HEAD
BOC ACTIONS
January 5, 2011**

1. Call to order - Mayor Oakes called the meeting to order at 9 am, followed by the Pledge of Allegiance, followed by prayer provided by Human Resources Director Bonita Hurdle. [Comr. Remaley was not present.]
2. Agenda – The Board passed a motion to adopt the Jan 5th agenda as presented.
3. Audience Response - Garry Oliver, Nags Head resident; commended the Board for their decision last week at the Dec 27, 2010 special meeting to move forward with the beach nourishment project.

Audience Response - Marvin Demers, Nags Head resident; echoed Mr. Oliver's comments; thanked the Board for representing constituents across the board; he pointed out petition drive figures have not been met although over 54% of the property owners representing over 84% of the total property value has been received.

4. Recognition - Public Works Director Dave Clark introduced Sanitation Equipment Operator Tony Windham who was recognized by the Board for five (5) years of service.
5. First Flight - Lola Hilton, Executive Director of the Soaring 100 program; provided an informational powerpoint presentation on the centennial celebration of glider flight that will take place Oct 21-24, 2011; she invited everyone to view their web site for more information - www.soaring100.com.
6. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:
 - Budget Adjustment #7 to FY 10/11 Budget Ordinance
 - Tax Adjustment Report
 - Approval of Minutes
 - Modification to Consolidated Fee Schedule to clarify Vehicle For Hire designation
7. Public Hearing – to consider a zoning amendment to allow multiple permitted and conditional uses to be located within one or more buildings located on a single site within the C-3 Zoning District – The Board passed a motion to adopt the ordinance as presented.
8. Public Hearing – to consider a zoning amendment to establish definition for "Customer Accessible Area" The Board passed a motion to adopt the ordinance as presented.
9. Public Hearing – to consider a zoning amendment to permit the use of porous concrete on the same basis as open face pavers for increased lot coverage.

Mayor Pro Tem Gray left the meeting at 9:45 a.m. due to a family emergency. The Board passed a motion to excuse Mayor Pro Tem Gray from the remainder of the Board meeting.

The Board passed a motion to adopt the Planning Board ordinance which permits porous concrete in commercial districts and includes the requirement for a maintenance agreement. The motion passed 2 - 1 with Mayor Oakes casting the NO vote; First-time adoption of an ordinance requires 4/5 positive vote and a second reading will be necessary.

10. Moongate Subdivision (formerly Seven Sisters South Subdivision) – The Board passed a motion to approve the final plat of Moongate Subdivision as presented (contract presented with NC Dominion Power for street light and bond presented for site stabilization).

11. Beach Road Committee – Adopt-A-Bench - It was Board consensus to support the program.

District signs - Staff is to return with recommendation of specific sign sizes and to look at the total cost and identify sources for the funds.

12. Beach Nourishment Project - The Board adopted the following two (2) resolutions:

- Resolution requesting Dare County to assign federal beach nourishment project easements
- modify the second WHEREAS paragraph to read "Nags Head residents" vice "Nags Head properties".
- Resolution authorizing acquisition of easements in certain properties, including by condemnation

Signed easements must be received within 30 days from date of mailing (not date of receipt) from the 255 oceanfront properties still needing easements from - everyone listed on the deed must sign.

The Board approved the letter to be forwarded to all oceanfront property owners as presented.

TM Ogburn stated that an updated FAQ section on easements will be added to the Town's web site. Comr. Cahoon asked that information on beach bulldozing also be included in the FAQ section.

TM Ogburn and Finance Officer Kim Kenny are attending Local Government Commission meeting tomorrow (Thurs, Jan 6th) in Raleigh, with Dare County officials, to find out what is needed to officially approve financing.

The Board passed a motion to schedule a Public Hearing for the Feb 16th mid-month meeting to consider two (2) municipal service districts. Detailed report to be presented at that time also.

13. Board/Committee appointments – The Board passed a motion to appoint Jack Cooper and Margaret Suppler as Chair and Vice-chair respectively of the Board of Adjustments. It was Board consensus to wait until all Board members are present to consider vacancies on other Town Boards and Committees.

14. Attorney Leidy - Britthaven Nursing Home – Rights to the Certificate of Need to that facility are in question – The Board passed a motion to retain the attorney recommended by Town Attorney Leidy to represent the Town with the property management issues concerning Britthaven.

15. Attorney Leidy - Requested a Closed Session to update the Board on the Hardesty/Sansotta litigation.

16. Attorney Leidy - Attorney Ben Gallop has become a partner with the Hornthal, Riley, Ellis, and Maland law firm – as of Jan 1st. Board members congratulated Mr. Gallop.

17. TM Ogburn – Any debris, including Christmas trees, placed in the right-of-way, will be picked up.

18. TM Ogburn - At the Planning Board meeting on Jan 18th at 3:30 pm DENR will give a presentation on sea level rise. Comr. Cahoon noted that there have been CAMA discussions re: adding sea level rise to the LUP.

19. TM Ogburn – Beach insurance – public comment will be received in Raleigh on Jan 24th at 9:30 am concerning proposed increase in dwelling insurance rates (second homes) which is being considered by the Insurance Rate Bureau and the Commissioner of Insurance (COI); Written comments must be received by Jan 31st.

Willo Kelly, Homebuilders/Assoc of Realtors government rep added that the rates that went into effect in May 09 only affected owner-occupied (homeowners) insurance. She also said that COI Wayne Goodwin's decision is final. The County/Municipalities' lawsuit from 2009 is ongoing.

20. Comr. Sadler – The Board adopted the resolution opposing Catch Share Programs as presented.
21. Comr. Sadler - thanked staff that worked during the recent holiday and the recent snowstorm.
22. Comr. Sadler - thanked Fire Chief Zorc for the FYI letter in the Board packages with an update on fire reserves which continue to grow.
23. Comr. Sadler - thanked Public Works Director Dave Clark for the update in the FYI section of the Board packages on the Danube Street sound access.
24. Comr. Sadler - reported that the Town's 50th Anniversary Committee now meets twice per month; the next meeting has been scheduled for Thurs, Jan 13th at 5:30 pm in the Board Room.
25. Comr. Cahoon - It was Board consensus that the building permit process be modified to include clean up and/or repair of the multi-use path prior to Town issuance of a Certificate of Occupancy (CO). In addition the process is to include cleaning of the path each day by construction crew as appropriate.
26. Closed Session – The Board passed a motion to enter Closed Session to discuss the Hardesty/Sansotta litigation in accordance with GS 143-318.11(a)(3). The time was 11:56 a.m.
27. Open Session - The Board re-entered Open Session at 12:14 p.m. Attorney Leidy reported that during Closed Session the Board discussed the Sansotta/Hardesty litigation; direction was given but no action was taken.
28. Adjournment – Mayor Oakes recessed the Board meeting to Wed, Jan 19th at 7:30 p.m. in the Board Room. The time was 12:15 p.m.