



**TOWN OF NAGS HEAD
BOC ACTIONS
June 1, 2011**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. Rev. Trip Lowery provided the prayer which was followed by the Pledge of Allegiance.
 2. Agenda – The Board passed a motion to adopt the agenda as amended, with removal of agenda items #7, #9, and #11 from the Consent Agenda.
 3. Lifeguards – Fire Chief Zorc, Captain Motz, and 2011 summer lifeguards were presented to the Board.
 4. Intern – Mayor Oakes recognized Town intern Conner Winstead.
 5. Audience Response – Marvin Demers, Nags Head resident; spoke of the amazing progress of the Beach Nourishment Project; he would like to see covered/vegetated sandbags remain.
 6. Audience Response – Teresa Reddy, has a loved one at Britthaven Nursing Home; she asked Board members to agree to the purchase of Britthaven.
 7. Recognition - Police Officer Matthew Huntingford was welcomed by the Board to Town employment. Firefighter/EMT Justin Bulifant was recognized by the Board for five years of service.
 8. Consent agenda - The Consent Agenda consisted of the following items:
 - Consideration of Budget Adjustment #12 to FY 10/11 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Consideration of request to purchase new Planning and Development Dept plotter
 - Consideration of lease/purchase proposals for current year capital projects
 - Annual write-off of water accounts
 - Consideration of revised Beach Nourishment Project ordinance
- The Board passed a motion to approve the Consent Agenda with the removal of agenda items #7 (Approval of minutes), #9 (Lease/purchase proposals/resolution), and #11 (Revised Beach Nourishment Project ordinance) for separate discussion before approval/adoption.
9. Public Hearing – The Board held a Public Hearing on FY 11/12 proposed Town Operating Budget. A letter sent from property owner Jim Robins was read by Town Manager Ogburn at Mayor Oakes' request.

10. Public Hearing – The Board passed a motion to adopt the resolution to close Surfside Drive with the two findings noted by the Town Attorney (That closing Surfside Drive is not contrary to the public interest, and That no individual owning property in the vicinity of Surfside Drive or in the subdivision in which it is located would be deprived of reasonable means of ingress and egress).

11. Public Hearing - to consider a Zoning Map Amendment request, submitted by Brian McDonald of Outer Banks Heating and Air, to rezone a 1.12 acre tract of land located on W. Carolinian Circle from R-2 to C-3.

After a brief recess (Comr. Cahoon left the meeting and then returned) the Board passed a motion to table discussion/vote on the zoning map amendment request for 60 days.

Staff is to bring information back re: conditional use zoning for discussion at the July BOC meeting – Staff was also asked to include potential implications of conditional use zoning.

12. Public Hearing - The Board passed a motion to adopt the zoning ordinance text amendment to soften buffer requirements, to increase the allowable height of freestanding signs within Village C-2 District to 12' and to limit the clearing of vegetation within the NCDOT right-of-way. Statement of Consistency was also adopted.

13. Committee reports - Comr. Sadler – 50th Anniversary Committee Chair John Ratzenberger provided an update on the Town's 50th Anniversary activities.

Mayor Oakes – Windmill Point Advisory Committee – DCTB and the Town each have three representatives; discussion took place re: interim uses of the property between now and future construction to include festivals.

The Board passed a motion to appoint Planning Director Teague and Planner Welsh to replace Town Manager Cliff Ogburn and Public Information Officer Roberta Thuman on the Albemarle Commission – Rural Planning Organization (RPO) - Rural Transportation Committee (RTCC).

14. Town Attorney - Attorney Leidy requested a Closed Session for the Board to confer with the attorney concerning the Sansotta and Hardesty litigation cases and to preserve the attorney/client privilege.

15. Town Manager - Town Manager Ogburn provided an update on the Beach Nourishment Project which started last Tuesday, May 24, 2011. A weekly progress meeting is scheduled for every Thursday. There is now a footpath at the Gray Eagle Street Beach Access which is where the project equipment will be stored. By July 6th a contract is to be awarded for extension of the ocean outfalls.

16. Comr. Cahoon – Comr. Cahoon presented and the Board adopted a resolution requesting that NC DOT move the crosswalks at Jennette's Pier – for pedestrian safety - to be lined up with the pier entrance/sidewalks.

17. Comr. Cahoon – She pointed out that the Town's Beach Nourishment Project - work began last week - looks great.

18. Comr. Cahoon - Comr. Cahoon said that she would like to see more enforcement action when vehicles are parked on the Town's multi-use path.

19. Comr. Cahoon - Comr. Cahoon stated that weddings that take place on the beach should not block the property and/or the property rights of others. Attorney Leidy agreed and stated that whether renting at a beach house or not, weddings are allowed to take place on the beach, but they cannot compromise the beach. Education for the public and for wedding planning associations may be needed. Board members suggested speaking with local wedding planners.

20. Mayor Pro Tem Gray – he would like to see mutual cooperation with the State re: parking at Jennette’s Pier.
21. Comr. Sadler - Comr. Sadler asked for the status of vegetation blocking the right-of-way in SNH which was mentioned at a previous Board meeting - Planning Director Teague provided an update – Staff was encouraged to begin cutting the vegetation in the right-of-way - Mayor Oakes requested that two additional areas of concern be researched: the entrance to the Village Beach Club and at Sugar Creek Condos.
22. Comr. Sadler - Comr. Sadler noted the increase in price for the toll booth at the Chesapeake Expressway – she reported that traffic was down in April 2011 and that it will be interesting to see how the situation works out.
23. Comr. Sadler - she would like staff to look at all the beach accesses and contact those whose name/organization is listed to see if clean-up responsibility is still in effect – to be brought back in the fall.
24. Comr. Sadler - Comr. Sadler thanked Administrative Assistant/Public Information Officer Roberta Thuman for keeping the Beach Nourishment Project information updated on the Town’s web site.
25. Comr. Sadler - Comr. Sadler thanked the Beach Nourishment Project Committee from South Nags Head to include Richard Murphy, Garry Oliver, and Marvin Demers.
26. Closed Session – The Board passed a motion to enter Closed Session to discuss Sansotta and Hardesty litigation and to confer with the Town Attorney to preserve the attorney/client privilege – pursuant to GS 143-318.11(a)(3). The time was 12:30 p.m.
27. Open Session - The Board re-entered Open Session at 12:54 p.m. Attorney Leidy reported that during Closed Session the Board conferred with the Town Attorney concerning a legal matter in order to preserve the attorney/client privilege and no action was taken.
28. Mayor Oakes - Mayor Oakes reported on the issues with Britthaven/Colony Ridge nursing facility: The facility as of Oct 1, 2011 reverts back to the Town - He explained that determination of who owns the Certificate of Need will probably have to come from a court decision - The Board will continue to work towards resolution of the issues with the facility.
29. Closed Session – The Board passed a motion to re-enter Closed Session to continue discussions concerning litigation. The time was 1:33 p.m.
30. Open Session - The Board re-entered Open Session at 2:07 p.m. Attorney Leidy reported that during Closed Session he was given instructions concerning the Sansotta and Hardesty litigation.
31. Mayor Oakes – The Board passed a motion to adopt two resolutions: a resolution opposing any legislation changing the current transportation funding equity formula and a resolution opposing any toll ferry service between Hatteras Island and Ocracoke Island as presented – and to excuse Comr. Remaley from the remainder of the meeting – Comr. Remaley left during Closed Session.
32. Mayor Oakes - Mayor Oakes presented and asked for comments re: two (2) letters: a letter to residents and visitors of the Town concerning the Town’s Beach Nourishment project and a letter to NC Governor Perdue requesting her help in the removal of condemned houses on the beach.
33. Mayor Oakes – The Board passed motions to approve agenda items #7, #9, and #11.
34. Mayor Oakes - Mayor Oakes reminded Board members of tomorrow’s Budget Workshop at 3:30 pm.

- 35.** Adjournment - The Board recessed to a mid-month meeting on Jun 15th at 7:30 pm – It was 2:12 p.m.