



**TOWN OF NAGS HEAD  
BOC ACTIONS  
May 4, 2011**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 am.
2. Agenda – The Board passed a motion to adopt the May 4<sup>th</sup> agenda as presented.
3. Audience Response – Andy McCann, Nags Head Pier owner; expressed his concern that the new Jennette’s Pier would not be charging a fee as pier owners were told originally; Comr. Sadler noted that the Jennette’s Pier Advisory Committee Chair Bob Muller is looking into having the fee re-established.

Audience Response – Richard Murphy, SNH resident; he spoke of concerns re: several near-accidents between drivers on SNH driveways and the multi-use path; he distributed a list of addresses with line-of-sight issues.

Audience Response - Marvin Demers, SNH resident; he thanked the Town’s legal representation team [Hornthal, Riley, Ellis, and Maland/Attorneys John Leidy and Ben Gallop] for the job they do; he attended a recent court case re: beach nourishment in Pasquotank Co.; he felt the legal team did an outstanding job.

Audience Response - Kelly Wyatt/Dabni Shelton provided a Relay For Life update: The Relay For Life event is Sat, May 14<sup>th</sup> at FFHS; she distributed a handout with details of the weekend – “Carnival For A Cure”.

Audience Response – 50<sup>th</sup> Anniversary Committee Chair John Ratzenberger provided a report; Every Tue and Thu in May from 2 – 4 pm, two artists and 1 docent will provide tours of the Town’s artwork collection.

4. Recognition – New employees Firefighter/EMTs Matthew Swain and Cody McKinney and Planning Director Elizabeth Teague were welcomed to Town employment by the Board; Water Service Technician Todd Workman was recognized by the Board for ten (10) years of service.

5. Proclamations – Proclamations announcing Accident Prevention Week and Municipal Clerk Week – May 2 – 8, 2011 – were read/presented by Mayor Oakes.

6. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:  
Budget Adjustment #11 to FY 10/11 Budget Ordinance  
Tax Adjustment Report  
Approval of Minutes  
Request for Public Hearing on May 18, 2011 to consider application for State Adopt-A-Trail Grant program  
Consideration of request for lifeguard stand/lifeguard at Ida Street in South Nags Head

7. Public Hearing - to consider a zoning ordinance text amendment to permit the on-site rental of beach equipment as an accessory use to fishing piers within the CR, Commercial Residential Zoning District -

Board members spoke of their concern of commercialization of the beach – The Board passed a motion to deny the amendment to permit on-site rental of beach equipment as accessory use to fishing piers.

**8.** Waiver of WCU - Request from the DeVillars for waiver of water consumption unit fee for private dock – It was Board consensus that they would be willing to provide this waiver to the DeVillars as requested – they directed the attorney/staff to meet with the DeVillars, make sure this is what is wanted, and to bring this item back with a final answer/explanation of what needs to be done at the May 18<sup>th</sup> mtg.

**9.** Second reading - Village at Nags Head private beach bathhouse rentals of chairs/umbrellas – The Board passed a motion to recuse Mayor Oakes from the discussion due to conflict of interest – The Board passed a motion to adopt the zoning ordinance amendment to allow Village beach bathhouse rental of chairs/umbrellas.

**10.** NH Woods Report - The Nature Conservancy/Nags Head Woods Steward Aaron McCall provided a PowerPoint presentation with an update on Nags Head Woods' activities during the past year.

**11.** Committee reports - Comr. Sadler thanked John Ratzenberger for his 50<sup>th</sup> Anniversary report. She also reported that the DCTB met recently and had positive thoughts about the upcoming summer season.

**12.** Surfside Drive – The Board passed a motion to adopt the resolution of intent to close Surfside Drive.

**13.** Lease of SNH Water Tower - Staff was directed to put in writing a modification to the AT&T agreement concerning lease renewals and bring back the revised agreement for Board consideration at the May 18<sup>th</sup> recessed meeting.

**14.** Campers/trailers ordinance – The Board passed a motion to adopt with ordinance permitting campers/trailers on-site for Town-sponsored events modifying the eight (8) day limitation to seven (7) days.

**15.** Town Attorney - Leidy expressed his appreciation for Municipal Clerk Week/Town Clerk/Deputy Clerk.

**16.** Town Attorney - Attorney Leidy updated the Board on the Fisher lawsuit – the court heard the motion on Monday, April 25<sup>th</sup> in Pasquotank County; Judge Cole has taken the case under advisement and expects to review all materials and make a decision next week (week of May 9<sup>th</sup>) at the earliest.

**17.** Town Attorney - Attorney Leidy requested a Closed Session to discuss the Sansotta, Hardesty, Deel, and Matthews/Ruiz litigation cases in accordance with GS 143-318.11(a)(3).

**18.** Town Mgr - Ogburn thanked Town Clerk/Deputy Clerk for their work for the Town.

**19.** Town Mgr - Town Mgr Ogburn reported that the Beach Nourishment Project contract with Great Lakes Dredge has been executed; a one-page flyer on the project is being prepared/printed for distribution.

**20.** Comr. Cahoon – It was Board consensus that the Town Non-Profit Signage Committee include as members Comr. Cahoon, Angelina Lowe (Planning Board), resident Marvin Demers, and Planning staff.

**21.** Mayor Oakes – The Board passed a motion to appoint Mayor Oakes and Comr. Sadler to the Windmill Point Advisory Committee.

**22.** Mayor Oakes - reported that the DCTB has funds for fireworks displays; Comr. Cahoon suggested that Mayor Oakes speak with Manteo Mayor Daniels and KDH Mayor Sturza to determine interest in a joint 2011 fireworks display. It was Board consensus to authorize staff to apply for a fireworks grant from the DCTB.

**23.** Mayor Oakes – The Board passed motions to adopt two resolutions: in support of annual federal funding for the dredging of Oregon Inlet and in opposition to State funding cuts to cultural/historic arts pgms.

- 24.** Mayor Pro Tem Gray - thanked Town Clerk Carolyn Morris and Deputy Town Clerk Michelle Gray for their work for the Town; he also thanked the Public Works Dept. for their recent work on Admiral Street.
- 25.** Closed session – The Board passed a motion to enter Closed Session IAW GS 143-318.11(a)(3) to confer with the Attorney re: Sansotta, Hardesty, Deel, and Matthews/Ruiz litigation cases at 11:55 p.m.
- 26.** Open session - The Board re-entered Open Session at 12:25 p.m. [Comr. Sadler left the Board meeting during Closed Session.] Attorney Leidy reported on the Closed Session.
- 27.** Adjournment - Mayor Oakes recessed the meeting to May 18<sup>th</sup> at 7:30 p.m. - The time was 12:27 p.m.