



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

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. Pastor Tony Facenda from Stillwaters Baptist Church provided the prayer which was followed by the Pledge of Allegiance.
2. Agenda adoption – The Board passed a motion to adopt the October 5th agenda as amended (with the removal of agenda item #7 – amendment to the Beach Nourishment Project ordinance).
3. Audience response - Billy Moseley, Soundside Road resident; he reported that the world championship for surf kayaking currently taking place at Jennette’s Pier includes representatives from all over the world; he thanked the Board and Town Manager Ogburn for helping out with the logistics as originally the championships were scheduled to be held in Hatteras.
4. Recognition – P & D Intern Amanda Tucker was introduced; Firefighter/EMT John Wilkinson was recognized for 5 yrs of svc; Office Assis/Dep Town Clerk Michelle Gray was recognized for 15 yrs of svc.
5. Fire Prevention Week – The Board passed a motion to adopt the Fire Prevention Week Proclamation as presented. Open House is at Fire Station #16 on Tue, Oct 11th at 5:30 p.m.
6. Sheila Davies, Albemarle Hospital Foundation – Project Director for Telepsychiatry at the Outer Banks Hospital, summarized a powerpoint presentation and she reported on Missions of Mercy Partnership which is sponsoring a dental clinic for adults on Oct 28 – 29 at the KDH Youth Center.
7. Consent Agenda – The Board passed a motion to approve the Consent Agenda as presented (item #7 re: amendment to Beach Nourishment Project was removed). Consent Agenda consisted of:
 - Consideration of Budget Adjustment #4 to FY 11/12 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Consideration of Resolution designating Applicant’s Agent
8. Public Hearing – The Board passed motions to adopt the ordinance to allow Child Day Care Centers as an accessory use to Religious Complexes within the SPD-20 District as presented and to adopt the Statement of Consistency.
9. Mayor Oakes – The Board passed a motion excusing Mayor Oakes from the next two Public Hearings that concern the Village at Nags Head.

10. Public Hearing - The Board passed a motion to approve the zoning ordinance map amendment to reclassify properties within the VNH SPD-C, Special Planned Development from Detached Sgl Family SF#2 to Attached Sgl-Family SF#4 and to approve Statement of Consistency.

11. Public Hearing - The Board passed a motion to adopt the zoning ordinance text amendment to Sec 48-866, Attached Sgl-Family District, subsection (d)(2) and subsection (e)(1) as it relates to setbacks for duplex use/maximum density as presented and to approve Statement of Consistency.

12. Mayor Oakes - Mayor Oakes returned to the Board meeting.

13. Public Hearing – The Board passed a motion to make the required findings of fact and to grant the conditional use permit to construct a private dock at 7810 N North Shore Road with the amendment that the DeVillars combine their two lots (7807 and 7810 N Shore Road) or tie the two lots together with a restricted covenant.

14. Public Hearing – The Board passed a motion to make the required findings of fact and to grant a subdivision variance by approving the order entitled "Order Approving a Subdivision Variance by the Board of Commissioners Town of Nags Head, NC". Included was one correction to para (4) last line reference to Town Code should read: Sec 48-404(d)(3). The Board also passed a motion to approve the preliminary plat with associated variances to the Town zoning regulations in recombining Lots 7, 8, and a half portion of lot 6, Sec 1, Blk 4, amended map of Nags Head Shores Subdivision.

15. Closed Session and recess for lunch – The Board passed a motion to enter Closed Session to discuss the Toloczko lawsuit (Attorney Hobbs was not present – Attorney Thompson was present) and to recess for lunch at 1:15 p.m.

16. The Board reconvened from lunch at 2:30 p.m. Mayor Oakes reported that during the Closed Session just prior to the lunch recess the Mayor was given instructions concerning Toloczko litigation.

17. Appointments – The Board passed a motion to appoint Perry White and Daniel Jones as alternates on the Board of Adjustment and Toni Parker to the Citizens Advisory Committee.

The Board passed a motion to reappoint the current members of the Dangerous Animal Appeal Board (Bob Oakes, Jeff Ackerman, Bobby Gentry) and to appoint Jeanne Acree to the position held by Perry White who did not wish to be reappointed.

It was Board consensus that staff hold annual Personnel Grievance Panel training and verify Panel members are still interested in serving.

18. Committee reports - Comr. Sadler – Reported on recent DCTB meeting.

Comr. Cahoon – Reported on Dare County Comprehensive Transportation Plan meeting

Comr. Cahoon – Reported that Dr. Braxton Davis, a coastal scientist, has been named new DCM director

Mayor Pro Tem Gray – Reported that he and staff recently met on-site with Carolinian Circle residents

19. Attorney Hobbs - Attorney Hobbs requested a Closed Session to consult with the Board re: the two Sansotta cases and on two possible acquisitions of real property.

- 20.** Town Manager - Town Manager Ogburn provided an update on Beach Nourishment Project.
- 21.** Town Manager – The Board passed a motion to adopt the ordinance prohibiting alcohol at the Barnes Street Town Park – Harvey Sound Access was removed from the ordinance.
- 22.** Town Manager – He reported on a recent meeting with Carolinian Circle Subdivision residents - The Board passed a motion to authorize staff to begin the process of amending Town Code Chapter 36 (Streets, Sidewalks and other public places) for the Environmental and Subcollector Streets. The ordinance is to go through Planning Board process and presented to the BOC on Nov 2nd.
- 23.** Town Manager - It was Board consensus that Mayor Oakes meet with new NCDOT rep and consult with Public Works Dir Clark to work out installation of the ocean outfalls – in order to install them in the most cost effective manner – without having to cut the outfalls back as erosion occurs.
- 24.** Comr. Cahoon – It was Board consensus that a letter be forwarded to the Eastern Surfing Association inviting them back next year. All of their events had to be moved due to damage caused by Hurricane Irene. Comr. Sadler expressed her concern that she does not want to take any potential revenues away from Hatteras.
- 25.** Comr. Cahoon - Town Manager Ogburn reported that DWQ is reviewing plans for the Vista Colony drainage – the project will be bid next week. Public Works Clark reported that the ditch pipe in Northridge Subdivision has been installed with increased water flow via W Lookout Road.
- 26.** Comr. Cahoon - Comr. Cahoon confirmed with Dep Public Works Director Barile that he continues to contact NC DOT each week concerning the pickup of storm debris on US 158.
- 27.** Comr. Sadler - Comr. Sadler mentioned the monthly recycling report – almost five tons of recycle items have been collected. Staff is to increase the recycle carts at beach accesses.
- 28.** Comr. Sadler - Comr. Sadler told the audience that there is still a supply of 50th Anniversary cookbooks for sale – and still a supply for replenishing at stores if necessary.
- 29.** Comr. Sadler - The second annual Get Pinked Campaign is taking place at the Outer Banks Hospital - The campaign allows for a mammogram x-ray for those that cannot afford one.
- 30.** Mayor Oakes – The Board passed a motion to adopt Amendment #7 to the Beach Nourishment Project Ordinance as presented.
- 31.** Mayor Oakes - It was Board consensus to agree to an automatic sponsorship of the airing of the League of Women Voters Candidate Forum on public television – every two yrs for elections.
- 32.** Mayor Oakes – He confirmed with staff that the Colony Ridge lease has not yet been signed/returned – although Colony Ridge staff has indicated it is on its way to the Town. The Board appointed Bob Edwards, Ben Reilly, and Kathleen Briehoney to the Colony Ridge Committee.
- 33.** Closed Session – The Board passed a motion to enter Closed Session to discuss the two Sansotta lawsuits and the two real property acquisitions – The time was 3:46 p.m.

- 34.** Open Session - The Board re-entered Open Session at 4:18 p.m. Attorney Hobbs reported that during Closed Session he provided an update on the two Sansotta cases under litigation; instructions were given to the Town Manager concerning the two pieces of property identified in the motion.
- 35.** Adjournment - Mayor Oakes recessed the Board mtg to Oct 19th - 7:30 pm - Time was 4:19 pm.