



**BOC ACTIONS**  
**WEDNESDAY, SEPTEMBER 6, 2017**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda adoption – The Board adopted the September 6<sup>th</sup> agenda subject to the verification that agenda item H-1 re: commercial piers with transient boat slips will allow a comment period.
3. Recognition - Police Chief Kevin Brinkley introduced Police Officer Daniel “Danny” Harris who was welcomed to Town employment.

Recognition - Public Works Director Ralph Barile introduced Sanitation Equipment Operators William “Eddie” Williams and Darlene Robinson who were welcomed to Town employment.

Recognition - Chief Kevin Zorc introduced Firefighter/EMT Christopher Trembly who was recognized for ten years of employment.

4. Public Comment – Nick Nuzzi, Kill Devil Hills resident who owns several businesses in Nags Head; he spoke concerning the agenda item request for boat slips in the outdoor recreational overlay district; if approved, there could potentially be 15 submittals of site plans requesting boat slips in the district; he asked the Board to consider the safety aspects.

Public Comment - Jane Lankford, Pelican Court; she distributed photos to Board members; the property at 9828 E Surfside Drive has been condemned for 14 years; at last month’s meeting it was noted that Mr. Caraway had 15 days to clean up debris around his property; At the last minute he put two pieces of plywood over broken windows; she and her neighbors are unified in their efforts to have the structure permanently removed; she wants to keep everyone aware of the situation and thinking about the issue.

Public Comment - Dillard Horton, Oregon Drive; he considers the Caraway house a fire hazard; if it should catch on fire it would probably take his neighbor’s house quickly.

Public Comment - Tom Shenk, Pelican Court; the Town of Nags Head and Dare County are not taxing condemned properties; this issue needs to be addressed - by not taxing those properties, there is no incentive for Mr. Caraway to do anything.

Comr. Ratzenberger explained that the Town is prohibited by State law to remove the Caraway house without facing a lawsuit. Attorney Leidy pointed out that property owners have the right to pursue their own private nuisance actions against the owners of the property – separate and apart from what the Town can do.

5. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following items:

Budget Adjustment #3 to FY 17/18 Budget  
Tax Adjustment Report

Approval of Minutes

Sixth amendment to Verizon cell tower lease

Interlocal agreement with Dare County for Hurricane/Disaster debris pickup

Resolution to authorize culvert cleaner donation to Dare Co.

Resolution to declare Town equipment surplus

Request for Public Hearing - to consider a text amendment to allow dormitory housing

**6.** Public Hearing – Fraternal of Eagles request for private clubs as permitted use – The Board adopted the zoning ordinance text amendment as presented – Staff Report is to be modified to more clearly state that IRS regulations limit the organizations and not the Town.

**7.** Public Hearing – to consider a zoning map amendment to rezone portion of Charles Sineath Subdivision from C-3 to C-2 – request for storage building construction behind TW's Bait and Tackle. The Board adopted the zoning map amendment as presented.

**8.** Site Plan – for construction of a 4,250 sf accessory structure to accommodate storage for existing TW's Bait and Tackle. The Board approved the site plan as submitted with the conditions defined – formal recombination of Lot 2a-1 of the Charles Sineath Subdivision and conditioned upon compliance with Town Code 48-88, Building Exterior Wall Finish.

**9.** Flood Map Presentation – Director UNC-CH Institute of Marine Sciences Dr. Luetlich explained the process used to determine the map modelling and he encouraged the Board to use the flood maps as just one source of data. Dr. Luetlich also stated that the Board should use every opportunity to get the State to review the maps and in the meantime the Town needs to make sure the public/builders/developers understand the maps.

**10.** Peak Resources – an update of the recently completed renovated Peak Resources Nursing facility was presented by Executive Director Todd Nunn and Administrator Melissa Harrison which was well received. They encouraged and invited the community to come in and tour the facility.

**11.** Lunch – The Board recessed for lunch at 11:55 a.m. and reconvened at 1:00 p.m.

**12.** Project Updates – The FOCUS Nags Head update was well received; The Board accepted the Sea Level Rise Report as presented.

**13.** Planning Board - Planning Board Chair Mark Cornwell summarized the August 15<sup>th</sup> Planning Board actions and thanked Dep Town Manager Andy Garman for a stormwater management update and Planner Holly White for an update on the FOCUS Unified Development Ordinance process.

**14.** Transient boat slips text amendment – Public Hearing was held on August 2<sup>nd</sup> – The Board passed a motion to deny the proposal to allow boat piers as part of the C-2 District Outdoor Recreational Overlay District. The motion passed 3 – 1 with Comr. Ratzenberger casting the NO vote.

**15.** Mayor Pro Tem Walters – Dare County Tourism Board - updated figures for Dare County for Jan through May 2017 were presented; she reported that in Nags Head – during this timeframe - Meals were up 7.7% and Occupancy was up 16.65%.

**16.** Comr. Ratzenberger – Shoreline Management Committee – An update was provided – It was Board consensus to start with a policy discussion with Division of Coastal Management concerning

increasing the length of ocean outfalls through regulation. Town Manager Ogburn and PIO Roberta Thuman will be attending property manager/association meetings to explain the timeline for next year's project as information is forthcoming – and to continue to add to their list of contacts.

17. 2017 Annual NCLM Conference – It was Board consensus that Town Manager Ogburn, who will be attending the conference, be the Town's voting delegate at the business meeting.
18. Acceptance of property donation – The Board adopted a resolution accepting the donation of property from the Shermans at 10026 S Old Oregon Inlet Road as presented.
19. Town Manager – The Board approved the request to remove the Whalebone Seafood Market open space easement.
20. Town Manager – Town Engineer David Ryan provided an update on stormwater.
21. Comr. Cahoon - The Board adopted the ordinance to modify the Traffic Control Map to prohibit parking on the south side of - and left-hand turns from - E Gray Eagle, as presented.
22. Mayor Pro Tem Walters – In response to the August 2017 violence in Charlottesville, Virginia, the Board adopted a Statement of tolerance and inclusiveness, as presented.

The motion to adopt the resolution supporting Governor Cooper's request to determine costs/logistics to remove/relocate confederate monuments from State property – failed 2 – 2 with Mayor Edwards and Comr. Ratzenberger casting the NO votes. A motion to redraft the resolution to speak specifically to repealing the 2015 law that prevents removal/relocation of monuments died for lack of a second.

The motion to adopt the resolution asking the NC Senate to oppose HB330, *CivPro/Qualified Immunity for Auto Accident* - passed with removal of the first three "WHEREAS" statements as it was felt they did not relate to the specific issue of House Bill 330.

23. Mayor Pro Tem Walters - A postcard was presented as a collaboration between the National Park Service and the Outer Banks Preservation Association, and is similar to the "Leave only your footprints on the beach" campaign.
24. Mayor Edwards – the workshop requested by staff re: Beach Renourishment, Stormwater, FOCUS UDO, Dowdy Park, and Personnel Policy update is scheduled for Monday, Sep 11<sup>th</sup> at 8 am.
25. Mayor Edwards - It was Board consensus to move to the Town Hall Library for a Closed Session to discuss the Town Manager's evaluation. The time was 2:56 p.m.
26. Closed Session - The Board entered Closed Session to discuss the Town Manager's evaluation in accordance with GS 143-318.11(a)(6). The time was 3:07 p.m.
27. Open Session - The Board re-entered Open Session at 4:30 p.m.
28. Adjournment - The Board recessed to the workshop on Monday, September 11, 2017 at 8:00 a.m. in the Town Hall Second Floor Conference Room. The time was 4:32 p.m.