



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, JANUARY 2, 2019**

1. Call to order - Mayor Cahoon called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the Jan 2nd agenda as presented.
3. Recognitions:

NEW EMPLOYEE - Water Service Technician Alan Beatty was welcomed by the Board to Town employment
TWENTY YEARS - Firefighter/EMT Diego Dayan was recognized by the Board for 20 years of service
RETIREMENT - Fire Captain George "Chip" Holcomb was congratulated by the Board on his recent retirement

4. Public Comment – no one spoke during Public Comment.
5. Consent Agenda – The Board approved the Consent Agenda as presented which consisted of the following:
 - Budget Adjustment #7 (7.1 – 7.5) to FY 18/19 Budget
 - Tax Adjustment Report
 - Approval of minutes
 - Resolution to surplus Town equipment/vehicles
6. Public Hearing - to consider the adoption of resolutions authorizing the Town of Nags Head to enter into an Installment Purchase Contract, in an amount not to exceed \$800,000, to finance the cost of the Doug Remaley Fire Station 16 HVAC renovations as well as the Stormwater Construction Projects.

The Board passed the following motions:

- Approving the contract with Piedmont Service Group for the Fire Station 16 HVAC renovations in an amount not to exceed \$82,704
 - To issue the Notice of Intent to Award the bid to Hatchell Concrete for the Stormwater Projects contingent upon Local Government Commission approval
 - Authorizing the Town Manager to proceed with execution of the construction contract with Hatchell Concrete for the Stormwater Projects contingent on Local Government Commission and Town Attorney approvals at a cost of \$514,800 plus a 20% maximum contingency allowance
 - To adopt the resolution approving application to the Local Government Commission for the financing of the HVAC renovations and Stormwater Projects as presented
 - To adopt the resolution approving entering into a contract with BB&T with the financing terms as presented for the HVAC renovation and Stormwater Projects in an amount not to exceed \$705,000
 - Approving Budget Amendment #7 (7.6) as presented
7. Public Hearing – to consider a zoning ordinance text amendment submitted by Brian Rubino of Quible and Associates, P.C. on behalf of Miller's Waterfront Restaurant and Tale of the Whale Restaurant to allow a new use, docking facilities with transient boats slips, in the C-2, General Commercial Zoning District and in the Commercial-Outdoor Recreational Uses Overlay Zoning District

Board members brought up several items of discussion to include: 1) Under current Town regulations, what prevents anyone from tying their transient boat up at a restaurant pier to go eat; 2) Does the proposal violate the Town's Land Use Plan; 3) The Town's "commercial marina" definition does not parallel to CAMA's definition; 4) The Recreational Carrying Capacity Study was done years ago and focused on personal watercraft businesses; 5) How would redevelopment with the number of boat slips requested impact the estuarine shoreline; and 6) Clarification was made by staff that inconsistency is with the Town's ordinance definition and not the Town's Land Use Plan.

- A motion to take no action on the ordinance for the next 90 days failed for lack of a second.
- A motion to adopt the ordinance as presented failed for lack of a second.

The Board passed a motion to table the request for docking facilities with transient boat slips to the Feb 6th Board meeting and directed staff and the Town Attorney to render a definitive opinion at that time as to whether or not the proposal is consistent with the Town's Land Use Plan; also Staff is to address questions brought forward by the Board.

8. Annual Audit Report – Auditor Teresa Osborne of Dowdy & Osborne, LLP presented the Town's annual audit report for the period ending June 30, 2018. An Unmodified Opinion was issued which means that the financial statements were prepared and comply with accounting standards in use; the Comprehensive Annual Financial Report (CAFR) has been approved by the LGC and has been presented to the Government Finance Officers Association (GFAO). She spoke of the Town's strong financial position as well as the high caliber of work done by the Town's financial department. Finance Officer Amy Miller presented the Popular Annual Financial Report (PAFR) which was favorably received.

9. Project Updates – Planner Holly White provided an update on the Draft FOCUS Unified Development Ordinance (UDO) which was distributed to Board members in Dec 2018.

10. Site Plan Amendment – The Board considered a site plan amendment submitted by LKC Engineering, PLLC on behalf of Carolina Water Service Inc. of NC for numerous site improvements - at the existing Village at Nags Head Waste Water Treatment Plant (WWTP). The Board approved the amendment as presented.

11. Appointments - The Board appointed Meade Gwinn to fill the Planning Board position vacancy – and reappointed Jack Cooper and Margaret Suppler as Chair and Vice-Chair of the BOA.

12. Town Manager Ogburn – Acquisition of real property located at 2620 Bridge Lane in Nags Head Acres for stormwater drainage: The Board passed motions to approve the associated Budget Amendment #7 (7.A and 7.B); to approve the purchase contract in the amount of \$110,000; and to adopt the resolution terminating the Nags Head Leasing Interfund Loan Agreement.

13. Mayor Cahoon – The Board adopted a resolution in support of the medical use of marijuana in North Carolina as presented.

14. Closed Session – The Board entered Closed Session to Discuss confidential personnel matters, to Consider the acquisition of property located at 6806 S Virginia Dare Trail, and to Confer with the Town Attorney in a matter of attorney/client privilege - The time was 11:55 a.m.

15. Open Session – The Board re-entered Open Session at 12:37 p.m.

16. Adjournment – The Board recessed to the Board Retreat on January 24, 2019 at 8 a.m. at 2621 S Virginia Dare Trail. The time was 12:40 p.m.