



**TOWN OF NAGS HEAD  
BOC ACTIONS  
WEDNESDAY, AUGUST 7, 2019**

1. Call to order - Mayor Cahoon called the meeting to order at 9:00 a.m. A moment of silence to remember the victims and their families and friends of the recent shootings in El Paso, Texas and Dayton, Ohio was followed by the Pledge of Allegiance.
2. Adoption of agenda – the Board approved the August 7<sup>th</sup> agenda as presented.
3. New employees - Water Plant Superintendent Nancy Carawan introduced new Water Plant Operators Ryan Blythe and Ethan Ware who were both welcomed to Town employment.
4. Outer Banks Sporting Events (OBSE) – OBSE Director Jenny Ash presented a powerpoint presentation with an update on the 2018 sporting events / November 2018 Marathon. She pointed out that there were 6100 individual runners in the 2018 Marathon. She thanked the Board for their support of the organization's events; Sunday, November 10<sup>th</sup> is the date of this year's annual Marathon.
5. Public Comment - David Bragg, Village at Nags Head resident; he spoke concerning trash pickup and carts not being set out for pickup or being rolled back correctly; he specifically asked Mayor Cahoon for a response to his issues. He stated that he had asked the Town previously these questions and has still not received answers. His questions concerned enforcement of the Town's ordinances that require trash carts to be set out by the roadway and picked up during specific times.
6. Consent Agenda - The Consent Agenda consisted of the following items:

Consideration of Budget Adjustment #2 to the FY 19/20 Budget  
Consideration of Year End Tax Documents: Tax Adjustment Reports/Tax Settlement Report  
Consideration of New Year Tax Documents: Charge to Tax Collector to prepare current taxes  
Consideration of Business License / Registration Fee Write-off of debt owed more than three years  
Approval of Board of Commissioners meeting minutes  
Consideration of new multi-year phone service contract  
Consideration of change order to Hatchell Concrete Sand Fencing/Sand Sprigging contract  
Request for public hearing to consider zoning ordinance text amendments re: Accessory Dwelling Units  
Request for public hearing to consider zoning ordinance text amendments re: Multi-Level Deck Platforms

The Board passed a motion to remove *Consideration of change order to Hatchell Concrete Sand Fencing/Sand Sprigging contract* – Item #E-7 – from the Consent Agenda for separate discussion. The Consent Agenda was then approved as modified.

7. Public Hearing – to consider a Conditional Use/Site Plan Amendment to convert a vacant commercial structure into an Indoor Entertainment Facility, OBX-Scape Rooms. Mayor Cahoon reported that this agenda item was withdrawn by the applicant.
8. Public Hearing – to consider adoption of the proposed Unified Development Ordinance (UDO) which includes the repeal of existing chapters of the Town Code – the Board adopted the UDO as presented – with an effective date after 60 days [October 7, 2019].

- 9.** Islington Street public access grant – The Board authorized staff to apply for the DEQ – DCM Public Beach and Coastal Waterfront Access grant as presented. In addition, the required public comment period will take place at the September 4<sup>th</sup> Board meeting.
- 10.** Building permit status – Planning Director Michael Zehner provided an update on building permit status which was well received; he said that at this time an applicant cannot go online and see where their application is although they will receive email notifications on the status. Mr. Zehner indicated that he would follow up with the Board on a timeline for instituting online access to permit information. Board members were encouraged by staff's continuing work on the building permit program that will allow interaction.
- 11.** From July 3<sup>rd</sup> Board meeting – It was Board consensus to continue with the improvements for the two proposed crosswalks at Forbes Street/NC 12 and at Grouse Street/NC 12, as presented.
- 12.** From July 3<sup>rd</sup> Board meeting – The Board passed a motion 3 – 2, with Mayor Cahoon and Mayor Pro Tem Walters casting the NO votes, to request the attorney lead the Town Manager evaluation process by creating a matrix of individual Board scores. The Manager's evaluation was scheduled for September 16<sup>th</sup> at 9 am in the Board Room. The Town Clerk is to forward the manager's evaluation form to Board members today; she is to receive completed forms by August 19<sup>th</sup> and is to then forward them to Town Attorney Leidy.
- 13.** Moved from Consent Agenda - Item #E-7 Hatchell Concrete change order for sand fencing/sprigging project – the Board passed a motion to approve the change order to the Hatchell Concrete Sand Fencing/Sprigging project as presented.
- 14.** Town Attorney Leidy – he requested a Closed Session to discuss a matter within the attorney/client privilege – this was postponed to the end of the meeting.
- 15.** Town Manager Ogburn – the Board passed a motion to amend the Traffic Control Map to designate No-Parking, Tow-Away Zone on the east and west sides of Wrightsville Avenue from its intersection with Bonnett Street to the Nags Head Elementary School entrance.
- 16.** Town Manager Ogburn – the Board adopted the resolution authorizing the disposition of certain personal property by private sale, as presented.
- 17.** Town Manager Ogburn – the Board eliminated the No Wake Zone designation requirement for Miller's Waterfront Restaurant; staff is to request formal No Wake Zone designation via the NC Administrative Code rulemaking process.
- 18.** Town Manager Ogburn – the Pavement Condition Study will be presented for discussion at the Board's September 12<sup>th</sup> Retreat.
- 19.** Town Manager Ogburn – the 2019 Beach Nourishment Project Maintenance and Monitoring Plan – This plan will be presented for discussion at the Board's September 12<sup>th</sup> Retreat.
- 20.** Town Manager Ogburn - Discussion of a new lease for the Community Care Clinic in the former Outer Banks Medical Center building will take place at the September 4<sup>th</sup> Board meeting.
- 21.** Town Manager Ogburn – he confirmed with the Board that it would be fine for NCDOT (Jerry Jennings and Allen Moran) to be scheduled for the October 2019 Board meeting to discuss NCDOT issues.

- 22.** Town Manager Ogburn – he noted that the consultant provided a report on the future use of the Soundside Event site at a recent Dare County Tourism Board (DCTB) meeting – he confirmed with the Board that Comr. Fuller, as the Town’s representative, would carry forward the Board’s views as necessary.
- 23.** Comr. Fuller – he asked about the Town’s culvert replacement projects since NCDOT will not be repaving US 158 (several culverts would be replaced by NCDOT during the repaving project); Town Manager Ogburn said he has not received official word from NCDOT that the repaving would not take place; Mayor Cahoon said that he would also discuss this with the other Mayors.
- 24.** Comr. Fuller - In response to inquiry from Comr. Fuller concerning Board members adding items to the September 12<sup>th</sup> Retreat agenda, the Town Clerk is to forward the draft Retreat Agenda today.
- 25.** Comr. Fuller - OBX-Scape Room applicant withdrew from today’s Public Hearing schedule – They had requested to add bicycle parking spaces and to eliminate some vehicle parking spaces; Both staff and the Planning Board recommended this reduction in parking and encouraged riding bicycles to the area. Added to the Board Retreat agenda is how parking is being reviewed by Planning Board/staff and the Board’s values.
- 26.** Mayor Pro Tem Walters - she thanked all who served on the UDO advisory and technical committees.
- 27.** Comr. Renée Cahoon – she thanked all who attended last night’s National Night Out at the Ark Church.
- 28.** Comr. Renée Cahoon – she has received complaints about used tent skeletons being placed in the right-of-way and left for extended periods of time. Comr. Fuller asked if items in the right of way, such as brush, are ever picked up this time of year. Town Manager Ogburn said that items are eventually picked up and he will have staff be a little more diligent.
- 29.** Comr. Siers - he echoed other Board members in thanking those who volunteered to work on the Unified Development Ordinance committees.
- 30.** Mayor Cahoon – he noted the email received from Village at Nags Head, Meade Gwinn, and stated that the issue of cart set up and roll-back would be added to the Board’s September Retreat agenda.
- 31.** Mayor Cahoon – he reported that Planning Director Michael Zehner has been appointed to serve on the Dare County Complete Count Committee re: the upcoming 2020 Census.
- 32.** Closed Session - The Board passed a motion to enter Closed Session, pursuant to GS 143-318.11(a)(3), to confer with the Town Attorney re: a matter within the attorney/client privilege.
- 33.** Open Session - The Board re-entered Open Session at 11:56 a.m.
- 34.** Adjournment - The Board passed a motion to adjourn. The time was 11:57 a.m.