



BOC ACTIONS
WEDNESDAY, NOVEMBER 6, 2019

1. Call to order - Mayor Cahoon called the meeting to order at 9:00 a.m.
2. Agenda adoption – The Board approved the agenda with the removal of item #G-1 - Continuation of public hearing re: lot size for large residential dwellings.
3. Recognition

Public Works Director Ralph Barile introduced new employee Sanitation Equipment Operator Rich DeMedici who was welcomed by the Board to Town employment.

Finance Officer Amy Miller recognized Accounting Technician Vicky Wright who was congratulated by the Board on her fifteen years of service.

Fire Chief Randy Wells recognized Ocean Rescue Captain/Firefighter Chad Motz who was congratulated by the Board on his fifteen years of service.

Proclamation – The Board adopted the *Recycle Right North Carolina* Proclamation as presented.

2019 Earl Murray Jr Employee of the Year nominees - Dept Heads introduced their nominee:

Administrative Services – Tax Collector Linda Bittner
Fire and Rescue – Dep Fire Chief Shane Hite
Planning – Code Compliance Officer Ed Snyder
Police – Police Officer Joseph (JC) Mitchell
Public Works – Sanitation Superintendent Ricky Spencer

4. Public Comment – Linda Madison – has owned her property since 1999 and it is now her permanent home; she came to today's meeting to speak during the public hearing re: lot size for large residential dwellings – the item that was removed from the agenda; she also noted that the ads that she receives on her Facebook page from SAGA development company are not illegal but she is concerned as Mr. Gupta of SAGA scares her.
5. Public Comment - Robert Netsch, he has lived in Nags Head for the past six months; he spoke concerning the Harvey Soundside Access site as the sound is great for sailing; the site is not a great site for boats to launch from; he stated that some improvements would make it easier to launch a catamaran/kayak; he said that he would be happy to work with the Board/staff to help provide some improvements.
6. Public Comment – John Ratzenberger, Nags Head resident; 1) He congratulated Town employees selected as Earl Murray Jr Employee of the Year nominees; 2) He thanked Renée Cahoon, Kevin Brinkley, and Keith Sawyer for running for Town office and for not littering right-of-ways with campaign signage; 3) The UDO has passed its test as the Planning Board had about a dozen questions and he congratulated the Planning Board on their approach; he also appreciated the highlighting of the UDO portion of the backup for this meeting.
7. Public Comment – Jim Selckmann, Nags Head resident; Attorney Leidy confirmed with Mr. Selckmann that he would provide his comments during the Public Hearing on the proposed site plan for the You Can Fly item.

8. 2019 Beach Renourishment Report - Coastal Science & Engineering (CS&E) President Tim Kana and Engineer HK provided an update on the Town's 2019 Beach Nourishment Project which was recently completed. A slide summary of the project was entitled "Nags Head 2019 Beach Renourishment Project Summary and Path Forward". He thanked the Board for allowing them to work with the Town over the years on the Beach Nourishment projects. Mayor Cahoon conveyed to CS&E, contractors and Town Staff the Board's appreciation of the good work done.
9. Consent Agenda – The Consent Agenda was approved as presented and consisted of the following items:
 - Consideration of Budget Adjustment #4 to FY 19/20 Budget
 - Consideration of Tax Adjustment Report
 - Approval of minutes
 - Consideration of T-Mobile Monopole Tower lease agreement
 - Consideration of resolution designating applicant's agent for Hurricane Dorian
10. Postponed from October 2nd Board meeting - Public Hearing to consider the conditional use/site plan amendment for substantial site improvements to Kitty Hawk Sports – After explaining quasi-judicial hearings and verifying Board members would be able to make their decision based on the evidence presented, Attorney Leidy turned the public hearing over to Attorney Lauren Arizaga-Womble of the Twiford Law Firm. Attorney Leidy's firm, Hornthal, Riley, Ellis, and Maland, had a conflict as another member of his firm has represented the applicant in a previous matter.

After the evidentiary hearing and subsequent Board discussion, it was determined that there were too many substantive changes to make a decision. It was Board consensus to allow staff to work through the issues discussed and present an update after the Board reconvenes from lunch.

11. Lunch – the Board recessed for lunch at 12:20 p.m. and reconvened at 12:50 p.m.
12. (Continued) Public Hearing to consider the conditional use/site plan amendment for substantial site improvements to Kitty Hawk Sports - Planning Director Michael Zehner reviewed the conditions with Board members. The Board then passed a motion to approve the Conditional Use Site Plan for this application with the required three findings of fact and subject to the following conditions:
 - #1. The site shall be developed in compliance with the plans dated August 28, 2019 and stipulations made in November 5, 2019 submission from Albemarle & Associates, revised as necessary to comply with conditions of approval;
 - #2. The development of the site shall result in the overall decrease of any preexisting nonconformities, consistent with the provisions of Article 5, Nonconformities of the Unified Development Ordinance;
 - #3a. Prior to the issuance of a Certificate of Occupancy (CO) and annually thereafter, the applicant/owner shall submit the rated capacity of the boat(s) as determined by the U.S. Coast Guard; or, when not regulated by the U.S. Coast Guard, the rated capacity of the boat(s) as determined by the manufacturer. In no instance shall a tour boat have greater than 49 passengers; and
 - #4. The use shall be conducted consistent with all commitments made by the applicant in the submitted application.

Attorney Leidy returned to the Board meeting – The time was 1:02 p.m.

13. Consideration of Acceptance of Improvements to Dove Street – The Board adopted the resolution accepting Dove Street into the Town street system, as presented.
14. From October 2nd Board meeting – Discussion of NCBIWA membership - It was Board consensus to authorize the Town Manager to request of the NCBIWA Executive Committee Chair that the Town’s letter and resolution re: opposition to offshore oil and gas exploration be placed on the next NCBIWA Board of Directors (BOD) meeting agenda for consideration; and that beforehand both proposed letter and resolution be emailed to the full BOD and the full membership.
15. Committee reports - Comr. Fuller – Dare County Tourism Board (DCTB) - The DCTB has appointed a Working Committee to look at the Soundside Event Site for discussion at their December 2019 meeting. Comr. Fuller stated that the Pamlico Jack sale closing date is before the end of 2019. He stated further that because of prior commitments at the site, the building does not have to be vacated until January 10, 2020.
16. Town Manager Ogburn – Town Workforce Housing study/plan - Board members confirmed the housing was for seasonal employees; Staff reported that Phase 1 completion is expected beginning of January 2020 and Phase 2 completion is expected beginning of March 2020.

Building Access safety – Board members discussed the importance of access safety at Town facilities.

It was Board consensus that a summary memo with the financing/cost figures of all three projects (ADA Study, Workforce housing, Building access security) be provided to Board members before the December 4th Board meeting. In addition, the financing/associated budget adjustments and any additional details on the proposals are to be provided as an agenda item for Board discussion at the December 4th Board meeting. It was Board consensus to not hold up the projects but concern was expressed about financing, especially the Building access security costs.

17. Town Manager Ogburn – The Board approved the Community Care Clinic lease agreement as presented.
18. Town Manager Ogburn – He invited everyone to the Veterans Day Ceremony at Town Hall on Monday, November 11th at 11 am. Police Chief Phil Webster, a Marine Corps veteran, is the guest speaker.
19. Town Manager Ogburn - At the December 4th Board of Commissioners meeting, a Comprehensive Stormwater Maintenance and Projects update will be provided.
20. Town Manager Ogburn – At the December 4th Board meeting the Board will consider appointments/reappointments for three Planning Board members whose terms expire December 2019.
21. Town Manager Ogburn – Town Engineer David Ryan updated the Board on the multi-use path projects:
 - a) West of US 158 - Soundside Road to Danube Street – permits have been applied for and are expected this week – project is to be bid this week; this project includes (on the east side of US 158) a small section of sidewalk from Deering Street to Dunn Street
 - b) West of US 158 - Baymeadow Drive to Gull Street
 - c) West of US 158 - Funds and time permitting, extension of the path from Danube Street to Outer Banks Mall may take place.
22. Comr. Renée Cahoon – Cottage Court/Event Center Project – She brought forward for discussion the Cottage Court/Event Center project between the highways. She has received numerous phone calls, messages, etc. from people expressing various concerns about the site and wants to make sure any disruption is minimized.

Since cottage courts were approved by the Board, she wants to make sure the site is a good neighbor to the community. Town Manager Ogburn reported that signage identifying the path to the beach, to minimize trespassing, has been installed. Staff is to include a review of the Town's noise ordinance on a future agenda.

23. Comr. Fuller – Discussion of public boat storage and launching site at Harvey Soundside Access – He mentioned Robert Netsch who spoke this morning during Public Comment re: organization for better use of the Harvey Soundside site. The site needs to be further developed; equipment/items to organize and increase use of this site will be discussed further during the Town's Capital Improvement Program (CIP) process.
24. Comr. Fuller – Short-term rentals – He confirmed with Town Manager Ogburn that the deadline for short-term rentals to sign up/register with the Town is December 31, 2019. Comr. Fuller asked that an item be included on the January 2020 agenda summarizing the information received.
25. Mayor Cahoon – 2020 Board of Commissioners meeting calendar – The Board adopted the proposed 2020 Board of Commissioners meeting schedule with the following changes: the January 1, 2020 meeting was moved to January 8th and the April 1, 2020 meeting was moved to April 15th (at 9 am).
26. Mayor Cahoon – Traffic concerns

Little Bridge - Board members are concerned that all the safety items at the site cause confusion for pedestrians as well as motorists. It was Board consensus that staff place the Little Bridge discussion back on the agenda for the new sitting Board to discuss on December 4th. Staff is to include a check-off list of all items that have been requested/installed at the Little Bridge site to include the flashing lights and the crosswalk. The Board discussed the possibility of removing all or some of the items placed at this site – to include putting the area back to its original condition. The new sitting Board can determine what, if any, action to take. Police Chief Webster is to provide updated incident information for the site and if an incident occurred before or after installation of DOT safety items.

US 158 speed limit reduction to 45 MPH – Mayor Cahoon said checking with the Town of Kill Devil Hills concerning support for lowering the speed limit on US 158 to 45 MPH has been placed on hold until the new sitting Mayor of Kill Devil Hills is in place. Comr. Renée Cahoon asked staff to continue to pursue the speed limit reduction to 45 MPH that the Town requested from NCDOT from the Town line on the Nags Head/Manteo Causeway north to the Nags Head Elementary School.

Easement with NCDOT for Adams Lane/Shoppes at 10.5 Shoppes crosswalk – Town Manager Ogburn reported that the Town has prepared the easement and delivered it to NCDOT; he said that he will follow-up with DOT to determine status.

27. Mayor Cahoon – January 23-24, 2020 Board Retreat agenda – Mayor Cahoon reviewed the proposed agenda with Board members; he encouraged Board members to provide additional topics to the Clerk for inclusion.
28. Closed Session/Open Session – The Board entered Closed Session to discuss the following: Selection of the 2019 Earl Murray Jr Employee of the Year; a Personnel issue; Acquisition of real property located at 7813 S North Shore Road in the Pond Island Subdivision; an attorney/client issue re: Richardson easement condemnation - the time was 2:38 p.m. The Board re-entered Open Session at 3:51 p.m.
29. Adjournment – The Board recessed to a Municipal Services District (MSD) Workshop on Monday, November 18, 2019 at 9 am in the Board Room. The time was 3:53 p.m.