



**TOWN OF NAGS HEAD
BOC ACTIONS
July 7, 2010**

1. Call to order - Mayor Oakes called the meeting to order - Comr. Remaley provided prayer - followed by Pledge of Allegiance. It was noted that Mayor Pro Tem Gray had to leave but would return.
2. Agenda adoption - The Board approved the agenda as presented.
3. Audience Response - Mike Mattingly, applicant from OB Fudge Co for today's public hearing re: fudge/Italian ice stand; he thanked the Board for their consideration of text amendment change request.
4. Audience Response - Jerry Bescell, Nags Head resident; expressed concern about severity of traffic flow on Admiral St because of the new 10.5 Shoppes shopping center; stop signs are not adhered to by drivers; he is worried about a fatality in this area and he hopes the Board will take action.
5. Proclamation - The Board presented the National Night Out proclamation to Police Chief Brinkley.
6. Recognition - Firefighter/EMT Anthony Dillion was welcomed to Town employment by the Board; Water Plant Operator David Perry was thanked by the Board for 15 years of service; Police Sergeant Doug White was thanked by the Board for 25 years of service.
7. Mayor Pro Tem Gray - Mayor Pro Tem Gray was present at 9:25 a.m.
8. Consent - The Board approved the Consent Agenda as presented:
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
9. Public Hearing - The Board adopted the zoning ordinance text amendment to add "Fudge and Italian Ice Stand" to the list of permitted outdoor stands as presented.
10. Site Plan - The Board approved the site plan submitted by Keith Stone of Island Limousine for a change of use from the former Crown Gas Station to a Taxi and Limousine Service business as presented.
11. Vacant storefronts - Town Manager Ogburn is to report back on the following:
 - Larger "vacant" real estate (for sale/lease) signage
 - Forwarding a letter to shopping center property owners requesting suggestions to fill vacancies

- Tracking of storefront vacancies

12. Seamark store - The Board passed a motion to initiate the zoning ordinance text amendment process to allow a change to assembly use for the former Seamark grocery building - and to provide to the Board the occupancy limits of the Seamark building.

13. Sonic/Resort Realty vegetation/signage - It was Board consensus to encourage the Resort Realty site, next to the Sonic site, to initiate a site plan amendment in order to move forward with clearing out excess weeds/vegetation, and cutting back and stabilizing the berm.

14. Town Birthday - 50th Birthday Committee Chair John Ratzenberger provided an update; He received Board consensus to allow alcohol to be served at the June 14, 2011 social event tentatively scheduled for the pier house at Jennette's Pier.

15. Sgt. Murray dedication - Mayor Pro Tem Gray reported on the west side multi-use path dedication to the late Police Sgt Murray scheduled to take place August 11th at 11 a.m. Details will follow.

16. Mayor Oakes - Mayor Oakes reported that the occupancy tax bill is out of the House Committee and up for vote today. Mayor Oakes, Town Manager Ogburn, and County Attorney Bobby Outten traveled to Raleigh last week on this issue. The additional occupancy tax bill, if approved, will be issued by Dare County and will go toward beach nourishment.

17. Mayor Oakes - Mayor Oakes reported that he recently attended the annual Dare County Arts Council meeting where the joint program (OBCan) between the Town and the Arts Council was recognized. At the BOC August 4th meeting, artist Barry Lee will be recognized for originating the idea of having local artists paint trash cans for placement on the Town's beaches.

18. Revised public trust area ordinance - The Board passed a motion to adopt the ordinance, as amended, concerning establishing a prohibition on permitting for the continuation of repair of structures that are located in the public trust area.

19. Attorney Leidy - Attorney Leidy requested a Closed Session to discuss the Gail Jones and Roc Sansotta lawsuits and other nuisance structure litigation.

20. Comr. Cahoon - The Board adopted the resolution requesting that the NC General Assembly enact legislation to allow local governments to regulate usage on multi-use paths.

21. Comr. Cahoon - Comr. Cahoon questioned why some of the "No motorized vehicles on the multi-use path" signs have been removed from the multi-use path. Town Manager Ogburn stated that he would look into this and have the signs re-installed.

22. Comr. Cahoon - Comr. Cahoon thanked employees who have forwarded thank-yous and other comments to Board members on Board actions.

23. Comr. Sadler - The Board passed a motion to increase safety near the Shoppes at 10.5 shopping center by:

- Adding two (2) stop signs on Wrightsville Ave at Admiral St, heading north and south,
- Painting stop bars on the street,
- Providing a cost estimate for a 6' wide sidewalk on the south side of Admiral Street to facilitate pedestrian safety.

- 24.** Comr. Sadler - It was Board consensus that Comr. Sadler, as the Town's DCTB representative, take the Board's request for 2011 fireworks funding to the Outer Banks Visitors Bureau.
- 25.** Comr. Remaley - Comr. Remaley stated that he agrees that the Outer Banks Visitors Bureau should fund the 2011 fireworks; he also noted that there may be other ways to fund the display.
- 26.** Mayor Oakes - It was Board consensus to schedule a Special Assessment Workshop for the Town's local beach nourishment project for Thursday, July 22nd from 4 - 6 p.m. in the Board Room.
- 27.** Mayor Oakes - Staff was directed to provide a proposed ordinance that would reduce parking requirements for assembly uses - briefly discussed during today's agenda item concerning the former Seamark grocery store.
- 28.** Mayor Oakes - The Board passed a motion to initiate the zoning ordinance text amendment process that would relax standards/provide exemption for vehicles being used as signage as long as the vehicles are legal/licensed.
- 29.** Closed Session - The Board entered Closed Session to discuss two nuisance structure lawsuits: the Gail Jones vs the Town and the Roc Sansotta vs the Town litigation - The time was 12:35 p.m.
- 30.** Open Session - The Board re-entered Open Session at 12:55 p.m. Attorney John Leidy reported that during Closed Session the Board discussed the status of the Sansotta litigation and considered a settlement agreement in the Jones litigation.
- 31.** Gail Jones litigation - The Board approved the proposed settlement agreement with Gail M. Jones.
- 32.** Comr. Sadler - Comr. Sadler asked Town Manager Ogburn to thank department heads for the comprehensive departmental reports provided each month as the reports are read and appreciated.
- 33.** Adjournment - The next BOC meeting is August 4th at 9 am in the Board Room - The Board will also meet in a Beach Nourishment Special Assessment Workshop on July 22nd from 4 to 6 p.m. in the Board Room. The Board adjourned at 12:57 p.m.