



**TOWN OF NAGS HEAD
BOC ACTIONS
October 6, 2010**

1. Call to Order - Mayor Oakes called the meeting to order at 9:00 a.m.
2. Adoption of agenda – The Board passed a motion to approve the October 6th agenda as amended – moving discussion re: Personnel Policy amendment for revised employee service awards to Comr. Remaley's agenda.
3. Audience response – Sarah Downing - representative of the Town's 50th Anniversary Committee; the Committee is continuing to work on events for the Anniversary; Ms. Downing is preparing a cookbook for the Anniversary celebration and requested recipes through the following email address - nagsheadcookbook@gmail.com.

Susie Walters - representative of the Town's 50th Anniversary Committee; she presented 50th Anniversary T-shirts to each Board member and the Town Manager; Flying Fish Company donated the design setup; T-shirts will be ready for sale after the first of the year.

John Hall - Nags Head resident; he asked if the audience will be permitted to speak during the public hearings as well as the beach nourishment item – Mayor Oakes responded affirmatively.
4. Proclamation – The Board presented a Proclamation in support of Fire Prevention Week – October 3 – 9, 2010 to Fire Chief Kevin Zorc.
5. Consent agenda – The Board passed a motion to approve the Consent Agenda as presented:
 - Consideration of Budget Adjustment #3 to FY 10/11 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Consideration of resolution designating applicant's agent for 2010 Hurricane Earl
6. Public Hearing – to consider zoning ordinance text amendment to allow architectural points for mansard roofs and for cedar shake mansard roofs as it pertains to the permitting of freestanding signage – The Board passed a motion to adopt the text amendment concerning allowing freestanding signage in the Village Commercial District as presented.
7. Public Hearing – to consider adoption of the revised Land Use Plan – Mayor Pro Tem Gray confirmed with Attorney Leidy that the Town DOES have the authority to restrict access to the public trust area portion of the beach. Attorney Leidy said that he is not aware, except in emergency situations, of the Town ever restricting access to the public trust area on the beach.

Marvin Demers, Planning Board member, John Ratzenberger, Nags Head resident and former Planning Board member, John Hall, Nags Head resident, and Reed Fisher, Nags Head resident, spoke concerning the revised Land Use Plan.

It was Board consensus to send the Land Use Plan back to the Planning Board with the suggested addition of verbiage re: protection of private access to oceanfront as well as adding the verbiage to the easement language.

8. Beach Nourishment Project – Town Manager Ogburn presented an update; Board members discussed a deadline for petitions and suggested they be turned in by Thanksgiving 2010. Mayor Oakes opened the beach nourishment comment period at 10:35 a.m.

John Hall, Steve Anish, Richard Murphy, Reed Fisher, Garry Oliver, Marvin Demers, Bill Riddick, John Ratzenberger, and Brendan Strum spoke concerning the proposed beach nourishment project and associated special assessment.

Comr. Cahoon – The Town can adapt, retreat, or disappear; the Town is proposing adaptation.

Comr. Sadler – The Outer Banks beaches are protection for the inland properties; the federal project was very popular because the federal government was going to fund the project.

Mayor Pro Tem Gray – He is concerned about maintenance after the project and having a plan in place.

Comr. Remaley – He feels the Board's obligation to maintain status quo has to be done; without beach nourishment the tax base will be lost and all taxes will be raised significantly.

Mayor Oakes – If beach nourishment does not take place, i.e., not enough petitions received, there is no plan and the only option would be to retreat.

9. Repair of nonconforming structures – The Board passed a motion to initiate the zoning ordinance text amendment process for the elimination of the 50% rule for the repair of nonconforming structures.

Staff is to verify that information concerning the repair of nonconforming structures is included in the Town's proposed Land Use Plan.

10. Lunch – The Board recessed for lunch at 11:56 a.m. and reconvened at 1:30 p.m.

11. Admiral Street – It was Board consensus that staff obtain a survey for the Admiral Street area and return with a thorough detailed plan for a sidewalk on the north side of Admiral Street. The Board passed a motion to modify the Traffic Control Map to include signage indicating "No Thru Traffic" on the existing speed limit post on the southeast corner of the Food Lion intersection.

12. Segway ordinance – The Board passed a motion to adopt the amendment prohibiting segways on the Town's multi-use paths. The motion passed 3 – 2 with Mayor Oakes and Comr. Remaley casting the NO votes.

13. Committee reports:

Comr. Sadler – spoke of a recent walkthrough of Jennette's Pier site; Windmill Point auction – It was Board consensus to give Manager Ogburn authority to make appropriate decisions concerning the Windmill Point activities; and the Town 50th Anniversary Committee's cookbook – email recipes to nagsheadcookbook@gmail.com.

Comr. Cahoon – spoke of attending a Shoreline Management Commission meeting on Mayor Oakes behalf where a document with proposed rules for the distribution of funds was discussed.

Mayor Oakes – spoke of a CRC sandbag meeting he attended in New Bern - Discussions took place on several issues surrounding sandbags including the installation of offshore breakwaters.

14. Appointments – The Board passed motions to reappoint Angelina Lowe to the Planning Board and Marty Moore to the Citizens Advisory Committee. It was Board consensus that staff contact the three (3) out of Town CAC applicants to verify their interest in quarterly CAC meetings.
15. Town Manager Ogburn – Danube Street Soundside beach access – Staff is to bring back more information for Board review/discussion after additional conversation with The Nature Conservancy.
16. Town Manager Ogburn – The Board passed a motion to approve the federal grant application to the American Recovery and Reinvestment Act (ARRA) for energy savings for Public Works buildings as presented.
17. Town Manager Ogburn – Board members were reminded of the nuisance homes policy that went into effect October 1st – the change requires staff to evaluate if a structure is on the public trust area and if eligible for a building permit.
18. Town Manager Ogburn – Admiral Street and speed - It was Board consensus that staff provide additional information such as financial information re: speed bumps/humps along with a discussion of experience from other municipalities who have utilized similar tools.
19. Comr. Cahoon - Town Manager Ogburn is to ask Jennette’s Pier Manager Mike Remige and wind turbine representative Jay Hart to attend an upcoming BOC meeting to provide additional information concerning wind turbines at Jennette’s Pier.
20. Comr. Cahoon – Dep PW Director Ralph Barile responded to Comr. Cahoon’s concern about the Barnes Street Town Park not being maintained – he stated that the site has had a new drainfield line installed and the area has not yet been re-seeded, raked out and vegetated.
21. Comr. Sadler – The Board passed a motion to forgive/forget any violation to businesses concerning flying Town 50th Anniversary flags during the year 2011.
22. Comr. Sadler – provided a brief history of the Nags Head Surf Fishing Club – the Club’s 60th annual tournament starts tomorrow, October 7, 2010.
23. Comr. Remaley - thanked everyone who worked on the National Fire Prevention Week Open House which took place at Fire Station #16 last night.
24. Comr. Remaley - The Board passed a motion to increase leave earnings for those with 25 years of service to earn 27 days/year and for those with 30 years of service to earn 30 days/year. Mayor Oakes agreed to Ms. Hurdle’s request to recognize those employees that would have received three years of service recognition at recent Board meetings - to be recognized at the November meeting.
25. Mayor Oakes - Mayor Oakes noted that the pervious concrete proposal had been reviewed by the Planning Board. He said that he had originally brought forward the possibility of using pervious concrete in non-commercial areas; he questioned the type of maintenance used by the new Food Lion which seems to have done well after the recent rains.
26. Mayor Oakes – requested a brief Closed Session to discuss a personnel issue.
27. Closed Session – The Board passed a motion to enter Closed Session to discuss personnel. The time was 3:21 p.m.
28. Open Session - The Board re-entered Open Session at 4:22 p.m. Town Attorney Leidy reported that during Closed Session a personnel matter was discussed and no specific action was taken by the Board.
29. Mayor Oakes - reminded Board members of the neighborhood restaurant ordinance adopted October 2009 – No one has taken advantage of the ordinance which allows reduced parking standards when a business has an outside customer service area. It was Board consensus to allow the ordinance to expire – November 30, 2010.

30. Mayor Oakes - Mayor Oakes confirmed with Town Manager Ogburn that details, to include the manager's recommendations, concerning filling vacant positions would be discussed at an upcoming Board meeting.

31. Adjournment – The Board passed a motion to recess to a BOC mid-month meeting on Wednesday, October 20, 2010 at 7:30 p.m. in the Board Room - The time was 4:25 p.m.