



BOC ACTIONS
WEDNESDAY, AUGUST 1, 2018

1. Call to order - Mayor Cahoon called the meeting to order at 9:00 a.m.
2. Agenda adoption – The Board approved the August 1st agenda with the modification to combine all closed sessions at the appropriate time.
3. Recognition:

10-year service employees were recognized: Water Plant Operator Marvin (Buddy) Beacham and Police Sergeant Steven Anderson

Police Officer Christian Aguirre was congratulated by the Board for his recent successful completion and receipt of certificate from the Traffic Enforcement and Investigation Program.

Presentation - Ocean Rescue Director Chad Motz reported on this year's Regional Lifeguard Championship which was won by the Nags Head lifeguards.

Presentation – New Fire Dept ISO (Insurance Service Office) Public Protection Classification Rating – Town Manager Ogburn reported on the Town's recent fire protection class rating which decreased from 4 to 2 and is the highest rated fire dept in Dare County.

4. Public Comment - Barbara Ayars, resident of Gallery District spoke concerning the recent storms/flooding; she has two requests; 1) The Town needs a plan so Police know which roads need to be closed and when; 2) The Town should consider creating retention upstream and stop developing property to save businesses and residents from being flooded again.

5. Consent Agenda – The Consent Agenda was approved as presented and consisted of the following:

Consideration of Budget Adjustment #2 to FY 18/19 Budget

Consideration of Year End Tax Documents

Consideration of New Year Tax Documents

Approval of minutes

Consideration of resolution to establish Capital Reserve Fund for System Development Fees

Consideration of Interlocal Building Inspectors Agreement

6. Public Hearing - Public Hearing to consider proposed zoning ordinance text amendment submitted by Quible & Associates on behalf of Towne Bank to amend Town Code Section 48-284, Signs Permitted within Commercial Districts for the purposes of allowing a second freestanding sign for Shopping Centers – The Board unanimously passed a motion to deny the request.

7. Public Hearing - Public Hearing to consider Vested Right/Conditional Use/Site Plan Review submitted by Albemarle & Associates, Ltd. on behalf of Gandt Development, LLC for construction of a new

6 dwelling cottage court with a community pool. The property is zoned C-2, General Commercial and is located at 4402 and 4404 S. Virginia Dare Trail.

Mayor Cahoon was recused from the agenda item as his firm is the architect for the project; the Board approved the site plan as submitted with the three required findings of fact, the applicant must comply with all comments noted by the Town Engineer in his July 26, 2018 memo, the only access to/from the site is via Dove Street, and there is to be a requirement for beach access directional signage.

8. Public Hearing - Public Hearing to consider Vested Right/Conditional Use/Site Plan Review submitted by Albemarle & Associates, Ltd. on behalf of Gandt Development, LLC for construction of a 4,258 square foot indoor assembly area. The property is zoned C-2, General Commercial and is located at 4401 and 4405 S. Croatan Highway.

Mayor Cahoon was recused from the agenda item as his firm is the architect for the project; the Board approved the site plan as submitted with the three required findings of fact, the applicant must comply with all comments noted by the Town Engineer in his July 26, 2018 memo, and the only vehicular access to/from the site is via Dove Street.

9. Project Updates – FOCUS Nags Head Technical Committee – Planner Holly White provided an update; they are hopeful to adopt the document by year end.

10. Update from Planning Board Chair Mark Cornwell – he updated the Board on the Planning Board's progress in addressing the issue of short term rentals. After lengthy discussions, the Planning Board concluded that any attempt by the Town to regulate this growing industry, such as by conducting inspections or collecting the Occupancy Tax would exceed the resources available. However, the Planning Board did feel that the Town would be well served by a registration process.

Dep Town Manager Andy Garman also mentioned that the Planning Board was asked to review commercial development projects to provide pedestrian facilities as part of the approval process.

11. Small Wireless Facilities ordinance – the Board tabled this item until the next Board meeting when a Dominion representative is being requested to attend and answer specific questions.

12. Recess for Lunch – The Board recessed for lunch at 12:18 p.m. and reconvened at 1:20 p.m.

13. Taxicab driver denial appeal – The Board denied the appeal for taxicab driver denial by Mr. Charles Scherb, who was not present.

14. Closed Session – The Board entered Closed Session at 1:30 p.m. to approve/open/close Closed Session minutes, to confer with Town Attorney re: Richardson litigation, and to discuss possible acquisition of properties located at 205 Cutty Sark Lane, 2620 S Bridge Lane, 2625 S Bridge Lane, and 209 W Carolinian Circle.

15. Open Session – The Board re-entered Open Session at 1:48 p.m.

16. Comr. Siers – The Board passed a motion to excuse Comr. Siers from the remainder of the Board meeting. The time was 1:50 p.m.

17. Signage on tents on the beach – Regulation of commercial speech – Attorney Leidy discussed with the Board the motivation of the person placing a tent on the beach with advertising verbiage. The Board deferred the discussion concerning commercialization on the beach to a time in the future - to be determined.

18. Bonafide fishing tournaments – The Board adopted the resolutions as presented authorizing the following bonafide surf fishing tournaments to take place in the Town: Nags Head Surf Fishing Club (October 3-5, 2018), Fraternal Order of Eagles (October 13-14, 2018), and the Outer Banks Association of Realtors (October 19, 2018).

19. Dowdy Park Restrooms – The Board accepted the bid from Godfrey Construction for the Dowdy Park Restrooms Project in the amount of \$398,500 as presented. The Board also authorized the Town Manager to enter into the appropriate contract with Godfrey Construction.

20. Town Manager Ogburn – It was Board consensus that staff prepare a list prioritizing locations for installation of crosswalk lighting.

21. Comr. Renée Cahoon – She would like the Board to discuss ways to make other decisions re: residential stormwater retention/maintenance such as by utilizing cistern storage, etc.

22. Comr. Renée Cahoon – She would like the Board to take a serious look at the Town's recycling program. Town Manager Ogburn is gathering cost analysis data, etc. for the Town's recycling program for Board members so they can make a more informed decision concerning the program.

23. Comr. Fuller – He thanked Public Works and Public Safety staff for all the work they did during the recent storms.

24. Comr. Fuller – He confirmed with Mayor Cahoon that Board members will be able to add items to the proposed agenda for the Board's upcoming Retreat/Workshop on September 25th. Comr. Fuller added "Building Permitting Process" and "Site Buffering" to the Retreat agenda.

Mayor Cahoon asked staff to bring the Board a summary of what the proposed buffers will be in the new ordinance to see if they correspond with what is wanted – and to see what staff will be recommending before the discussion goes to the Retreat.

25. Mayor Cahoon - Mayor Cahoon noted that during this morning's Public Comment, Barbara Ayars asked the Board if there was a stormwater plan available; Town Manager Ogburn said that staff can formalize procedures into an action plan.

Re: water pumps, Town Manager Ogburn said that he will gauge the Board's interest in acquiring a pump – and obtain costs. Town Engineer David Ryan indicated that the Town currently has a 6" diameter water pump; he anticipated that after putting all the information together a cost estimate will be provided pushing six figures. Comr. Renée Cahoon also mentioned the possibility of applying for grant funds.

26. Adjournment – the Board adjourned at 3:15 p.m.