



**BOC ACTIONS
WEDNESDAY, JANUARY 4, 2017**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the January 4th agenda as presented.
3. Recognition – Police Chief Kevin Brinkley introduced Police Sergeant Chase Tadlock who was recognized by the Board for 10 years of service. Public Works Director Ralph Barile introduced Facilities Maintenance Technician Steven Saunders who was recognized by the Board for 15 years of service.
4. Public Comment – Paula Donaghy, Nags Head resident; her Nautilus house sign has been in front of her house since 1996; the sign is more than just a marker to her as it reflects her and her husband's dream to live at the beach; her husband installed it shortly before he passed away; real estate signs can stay until January 2019 but her residential sign has to be modified now to comply with Town Code regulations; she asked the Board to consider amending the Town Code to exempt from its regulations residential signage that represent the area and are less than six square feet in size.

Public Comment – Dr. Lin Logan, representing the League of Women Voters; she read from the proposed 28th amendment to the US Constitution: the quality of life shall not be denied by the United States or any state on account of sex; the League of Women Voters is asking the Town to issue a resolution endorsing the 28th amendment; she will be bringing forward a resolution at the February 2017 meeting; she distributed a handout inviting everyone to attend a movie explaining the issue in more detail on January 26th at the Duck Woods Country Club.

5. Consent Agenda – The Consent Agenda was approved with the revised Conditional Use Process Public Hearing section of the December 7th minutes; the agenda consisted of the following items:
 - Tax Adjustment Report
 - Approval of Minutes
 - Modification to Consolidated Fee Schedule
 - Request for Public Hearing to consider a zoning ordinance text amendment as it relates to allowable lot coverage for nursing homes
 - Request for Public Hearing to consider Conditional Use/Vested Right/Site Plan Request from Outer Banks Hospital for construction of detached medical office/maintenance/storage building
6. Public Hearing – to consider zoning ordinance text amendment re: requiring commercial structures within the C-2, General Commercial Zoning District with a total habitable area that is 15,000 square feet or greater to obtain site plan approval via the Conditional Use Process (CUP) – Attorney Leidy provided some CUP introductory notes on this process.

Bob Muller, former Mayor and Nags Head resident; Mike Kelly, Nags Head resident and business owner; John Harris, owner Kitty Hawk Kites; Bob Oakes, former Mayor and Nags Head resident, business owner; Willo Kelly, Homeowners Association/Association of Realtors government affairs liaison; Ervin Bateman, Kitty Hawk resident and Nags Head business/rental property owner; RV Owens, property developer; and Stan White, Nags Head resident and business owner – all spoke against the proposed ordinance.

The Board unanimously passed a motion to not adopt the ordinance at this time and to allow the FOCUS Nags Head Advisory/Technical Committee process to take over consideration. Comr. Cahoon clarified for everyone that no formal action would be taken at next week's FOCUS Advisory Group Workshop.

7. Annual Audit Report – The Town's Annual Audit Report was presented by Ko Tang Cha-Moses of Martin Starnes & Associates which was positive. Comr. Ratzenberger asked staff to provide an update to the Board periodically of the issues concerning post-employment benefits.

8. CS&E Post-Matthew survey results - Tim Kana, CS&E President, provided a summary of his firm's survey of the beach after Hurricane Matthew in October 2016. In summary, the beach lost approximately 30% of the nourishment sand provided in 2011. Mr. Kana stated that he believes the Town is eligible to receive FEMA funds as a result of Hurricane Matthew.

Comr. Ratzenberger reported that when the Shoreline Management Committee meets on January 18th for a review of the alternative scenarios, they will hopefully have some information from FEMA. This will be a preparatory discussion leading to February when CS&E will be back and will be handed a recommendation from the committee at least in terms of date/volume/cost – that then puts the Board of Commissioners in the budget process timeframe – which will then lead to the planning process. Comr. Ratzenberger emphasized that the committee is aiming to come up with a desired state of the beach, i.e., to design protection for the Town's beaches.

9. BOA Chair/Vice-Chair annual appointments – The Board unanimously reappointed Jack Cooper and Margaret Suppler as Board of Adjustment Chair and Vice-Chair.

10. Recess – The Board recessed for lunch at 12:20 p.m. and reconvened at 1:30 p.m.

11. Project updates – Planner Holly White updated the Board on the FOCUS Nags Head Project and the Sea Level Rise Project. Engineer David Ryan presented an update of Dowdy Park Phase One with a powerpoint presentation – He noted that the recent wet and cold weather removed the schedule advancement that had been made and the project is now on schedule.

12. Planning Board – Planning Board Chair Mark Cornwell wished the Board a Happy New Year. He summarized the December 13th Planning Board meeting: Action items are the Request for Public Hearing items on today's consent agenda scheduled for public hearings in February; in addition, he noted that he and Dep Town Manager Andy Garman will meet with the three new Planning Board members next week for an overview of the Planning Board and the FOCUS Nags Head Project.

13. Attorney Leidy - Attorney Leidy wished the Board a Happy New Year.

14. Attorney Leidy - Attorney Leidy updated the Board on the Nies vs Town of Emerald Isle case concerning the Town's alleged taking of the Nies oceanfront property due to beach nourishment projects. The Supreme Court dismissed the appeal of the Nies case – no reason was given for the dismissal.

15. Town Manager Ogburn – It was Board consensus to authorize moving forward and participating with Dare County/Towns in the Re-Group notification system.

16. Town Manager Ogburn – Board members spoke in favor of the Seagull Drive easement agreement process moving forward.

- 17.** Comr. Cahoon – The Board unanimously approved the request to apply for a \$10,000 grant in non-matching funds from the Dare County Government/Education Channel's Local Programming Development Initiative (LPDI) as requested (\$4,000 for videos and \$6,000 for video storage equipment).
- 18.** Comr. Cahoon - It was Board consensus to authorize the Mayor to sign a letter to the Chair of the North Carolina Marine Fisheries Commission in support of Dare County's resolution opposing the petition for rulemaking to designate special secondary nursery areas.
- 19.** Comr. Ratzenberger - It was Board consensus to agree with Comr. Ratzenberger to add a demo of new pointer/screen software to the February 1st Board of Commissioners meeting agenda.
- 20.** Comr. Ratzenberger - Comr. Ratzenberger thanked and displayed on screen the sponsors of the 2016 Community Watch Christmas Luncheon held on December 9th.
- 21.** Comr. Ratzenberger - Comr. Ratzenberger asked that the conditional use process introductory notes read by Attorney Leidy during the Public Hearing be included in the Board meeting minutes.
- 22.** Mayor Edwards - Dep Town Manager Andy Garman summarized the purpose of the January 12th BOC Joint Workshop with the FOCUS Nags Head Advisory Committee and Planning Board. He explained that the workshop is to determine how everyone wants the Town to look in each specific area and if there is anything that has been missed during the workshops/discussions. He requested that the Board provide staff with a general list of major things to discuss at the workshop by Friday, January 6th.
- 23.** Mayor Edwards - Board members discussed/added to the agenda for the January Board Retreat.
- 24.** Mayor Edwards - The Board approved the 2017 BOC meeting calendar as presented.
- 25.** Mayor Edwards - It was Board consensus that Comr. Ratzenberger represent the Town and attend Sen. Cook's formal swearing in on Thursday, January 5th.
- 26.** Adjournment - Mayor Edwards recessed the Board meeting to the Nags Head FOCUS Joint Workshop with the FOCUS Advisory Committee and the Planning Board on Thursday, January 12, 2017 at 9:00 a.m. in the Board Room. The time was 2:31 p.m.