



BOC ACTIONS
WEDNESDAY, OCTOBER 4, 2017

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board passed a motion approving the Oct 4th agenda with removal of agenda item I-3 re: DCTB appointments - The motion passed 4 – 1 with Mayor Edwards casting the NO vote.
3. Recognition - Police Chief Kevin Brinkley introduced Police Officer Justin Naquin who was welcomed to Town employment.

Public Works Director Ralph Barile introduced Water Distribution Supervisor Raymond Schoonmaker who was recognized for five years of service.

Public Works Director Ralph Barile introduced Office Manager Karen Heagy who was recognized for ten years of service.

4. Fire Prevention Week – The proclamation declaring Oct 8 - 14, 2017 as Fire Prevention Week was adopted as presented. Fire Chief Zorc invited everyone to attend Youth Night Open House on Thursday, Oct 12th at 5:30 pm at the Douglas A Remaley Fire Station 16.

5. Town Hall Shipwreck - Dr. Nathan Richardson, East Carolina University Program in Maritime Studies, provided a powerpoint presentation detailing the scientific analysis of the shipwreck at Town Hall; he and his students have studied the wreck and determined that the Town Hall Shipwreck could NOT be the Francis E Waters Ship as it was thought to be for years.

Dr. Kate Bukoski, School of Art & Design, her senior level graphic design class partnered with Dr. Richardson's class and created a newly designed sign which is now on display at Town Hall in front of the shipwreck.

6. Public Comment - No one spoke during Public Comment.
7. Consent Agenda - In response to Mayor Edwards, Finance Office Amy Miller provided clarification of Budget Adjustment #4 – the encumbrance carry-overs are money carried over that was not spent – and the Board approved the Consent Agenda as presented – which consisted of the following items:

Budget Adjustment #4 to FY 17/18 Budget
Tax Adjustment Report
Approval of Minutes
Modification to Consolidated Fee Schedule
Resolution to declare Town equipment surplus
Resolution to apply for a State Aquatic Weed Management Program Grant

8. Public Hearing – to consider a zoning ordinance text amendment to allow dormitory style housing as a Conditional Use within the C-2, General Commercial Zoning District – It was Board consensus that the ordinance be modified to include a requirement for sprinkler protection – to be considered for adoption later in the meeting.

- 9.** Site Plan – submitted by Quible & Associates, P.C. on behalf of Outer Banks Hospital, Inc. for construction of a 4,516 sq. ft. radiation therapy building. The Board sat as a quasi judicial Board and approved the site plan as presented.
- 10.** Public Hearing (CONTINUED) – to consider a zoning ordinance text amendment to allow dormitory style housing as a Conditional Use within the C-2, General Commercial Zoning District – The Board adopted the zoning ordinance text amendment as amended - with a paragraph requiring sprinkler protection.
- 11.** Site Plan - submitted by Bohler Engineering NC, PLLC for construction of a 35,962 sq. ft. grocery store and necessary site improvements. The Board sat as a quasi judicial Board and approved the site plan with the landscaping island enlarged to preserve the oak tree cluster, if feasible.
- 11a.** Traffic Control Map amendment for right-turn only from Carolinian Circle - The Board passed a motion to refer proposed Traffic Control Map amendments to staff to arrange for a traffic engineer study.
- 12.** Project update – FOCUS Nags Head - Planner Holly White updated the Board on the FOCUS Unified Development Ordinance Project - Draft Articles 1 – 4 were recently reviewed by the committee.
- 13.** Flood Map letter – The Board approved the letter to the State and FEMA re: Preliminary Flood Map comments with one correction - the 1993 March Storm on Page 4 was a soundside event and not an ocean overwash event. Dep Town Manager Andy Garman stated that a meeting has been scheduled for Oct 19, 2017 with Dare County, municipalities, and the Homebuilders Association and he will report to the Board after that time.
- 14.** Mayor Pro Tem Walters - Mayor Pro Tem Walters reported that Dare County actual numbers are in for Jan through Jul 2017 – occupancy and meals are up for the County as are retail sales which are up 14.6% for the same time period in 2016.
- 15.** Mayor Pro Tem Walters - Mayor Pro Tem Walters attended and was appointed as a Director on the NC Resort Towns and Convention Cities Board at their meeting on Sep 20th.

(Video interrupted)

- 16.** Board/Committee appointments/listing - Comr. Cahoon brought this item forward for update prior to the new Board sitting in Dec 2017. The following modifications were made:
- Comr. Ratzenberger – YMCA Board of Managers – completed
 - Mayor Edwards – Dare County Substance Abuse Board – this Board no longer needed
 - Comr. Ratzenberger – Dare County Land Transfer Board – elected official not required
- 16a.** Personnel Grievance Panel – The Board reappointed Jeanne Kramer to the Personnel Grievance Panel.
- 16b.** *(Video resumed during this discussion)* Stormwater Committee – The Board appointed the following neighborhood representatives to the Stormwater ad hoc Committee – to serve until the committee's mission is accomplished: Megan Lambert (SVDT), Buster Nunemaker (NH Acres), Kristen Barnes (Carolinian Circle), Lisa Kimball (S Memorial), Jim Boyd (North Ridge), Speight Lilly (Wrightsville), Meade Gwinn (Village at NH), and Carol Mercer (S Nags Head). The committee's charge, which may evolve over time, will, among other things, focus on bringing forward issues/problems in each neighborhood, taking stormwater information back to their neighborhoods to share with their constituents, and establishing criteria for prioritizing projects.

17. Request additional groins - It was Board consensus to make the following modification to the letter of request for additional groins prior to forwarding:

- Amend the last sentence to read as follows: "...we request that the legislature direct the Coastal Resources Commission to explore alternatives for rule changes that would allow additional structural solutions..."

18. Debris Yard/Bulk Pick-up - It was Board consensus to agree with the request to move the bulk pick-up schedule to end Mar 31st to allow more time to collect debris before the increased service of the summer begins. Town Manager Ogburn stated that the software reader will allow staff to keep track of who is using the yard and how often – Staff would like to start the project Jan 1st.

Suggested modifications include under Definitions modify "residency" to read "property owners", make sure definition includes individual condo/apartment units; and narrow the definition for "pick-up trucks".

19. Town Attorney - Town Attorney Leidy reported that on Monday, Oct 1st, the US Supreme Court denied the Nies' petition for certiorari and ended the Nies v. Town of Emerald Isle litigation re: authority for the public to use - and local governments to regulate - the beaches. Comr. Ratzenberger clarified that this means that the beach now belongs to the public.

20. Town Manager - Police Chief Kevin Brinkley invited everyone to attend Coffee With A Cop scheduled for tomorrow, Thursday, Oct 5th, at Waveriders in Pirate's Quay from 4 – 6 pm. Chief Brinkley stated that he and several of his officers will be present to respond to/discuss any items of interest.

21. Comr. Cahoon – Nags Head Pond / Nags Head Acres Stormwater neighborhood meeting – Comr. Cahoon mentioned that some of the residents from Nags Head Pond and Nags Head Acres met last week to discuss stormwater; she noted that information on the meeting was included in a recent *Coastland Times* article. Comr. Cahoon stated that she received information last night from that meeting which she distributed. The main issue of concern is lack of drainage ditches being cleaned.

Comr. Demers pointed out that he was not invited to the neighborhood meeting but he urged anyone that felt like they are submitting concerns and not getting responses, to contact him as he is very accessible and it is his responsibility to respond to all who contact him.

Mayor Edwards said that if any Board member is invited to a neighborhood meeting, he asked that staff also be invited.

22. Comr. Cahoon – she confirmed with Finance Officer Amy Miller that while the Town recently received \$59,000 from the State Powell Bill Fund, funds are received twice per year.

23. Comr. Ratzenberger - The Shoreline Management Committee met on Sep 25th. He anticipates committee members looking more at long-range planning at the Oct meeting.

24. Mayor Edwards – DCTB appointments – He explained that he received two letters from Dare County re: the Dare County Tourism Board appointments and wanted to let them know that action is being deferred until the new Board is seated at the Dec 6th Board meeting.

25. Mayor Edwards - Mayor Edwards stated that he would be out of town Oct 5th through Oct 12th.

26. Adjournment - The Board adjourned at 1:08 p.m.