



**BOC ACTIONS**  
**WEDNESDAY, MARCH 2, 2016**

1. Call to order – Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the March 2<sup>nd</sup> agenda with agenda item I-4 (January 2016 Retreat minutes) removed from the Consent Agenda for separate discussion/consideration.
3. Recognition - Police Chief Brinkley introduced former Dep Police Chief Tom Gilliam who was recognized on his recent retirement and for his years of service with the Town – he received a standing ovation. Dep Chief Gilliam thanked the Board and stated that he has always felt lucky to work at what he loved doing and for being able to work in the Nags Head Police Dept.
4. Public Comment – No one present wished to speak at Public Comment.
5. Presentation – Mary Ann Remer of the League of Women Voters presented the Board with copies of the updated Citizens Guide.
6. Presentation – Ben Cahoon of Cahoon & Kasten Architects provided an updated Gallery Row Arts District Study with a powerpoint presentation. To make the district more visible, Mr. Cahoon indicated that identifying the district with art masts surrounding the district and/or street painting would be helpful.
7. Presentation – Chris Turner, NC Wildlife Resources Commission District 1 Biologist provided a powerpoint presentation on coyotes and their habits/impacts. He invited anyone with questions to contact him at 252-221-9961 and to visit the NC Wildlife Resources Commission website. In response to a question concerning walking small dogs, Mr. Turner said to keep small pets close when coyotes are observed.
8. Presentation – Outer Banks Sporting Events - Lynda Wood, Executive Director of Outer Banks Sporting Events and Jenny Ash, Race Director, thanked the Board for its support over the past 10 years. A powerpoint presentation was provided and included the economic impacts of the various OBSE programs.
9. Consent agenda – The Board approved the Consent Agenda as presented (with the previous removal of the January 2016 Retreat minutes) which consisted of the following items:
  - Consideration of Tax Adjustment Report
  - Consideration of tax delinquent list to be advertised
  - Approval of Minutes [Feb BOC minutes only]
  - Consideration to apply for OBVB Established Events Developer Grant for Kelly's St. Patrick's Parade
  - Consideration of contract with CLH Design for Dowdy Park Landscape Design Services
10. Public Hearing – to consider unmanned aircraft (drone) ordinance – The Board adopted the unmanned aircraft (drone) ordinance as presented. The vote was 4 – 1 with Mayor Pro Tem Walters casting the NO vote – she felt that the ordinance was a little overreaching and she questioned how, from a practical standpoint, the ordinance would be enforced.

- 11.** Dowdy Park Project - Project Coordinator David Ryan updated the Board on the Dowdy Park project - Mayor Edwards noted that the project is on schedule per the GANTT chart.
- 12.** VCAPS/Sea Level Rise (SLR) – Planner Holly White reported that staff is expecting draft diagrams on March 25<sup>th</sup> – Participants will review and then meet in April 2016.
- 13.** FOCUS Nags Head - Planner Holly White provided a powerpoint presentation summarizing the report and the meetings that have taken place. One of the highlights of her presentation included common themes that meeting members wanted to see in each area. Two presentations have been scheduled for the community meeting at Jennette’s Pier on Tues, March 8<sup>th</sup> – one at 5:30 pm and one at 7:30 pm.
- 14.** Planning Board - Planning Board Chair Mark Cornwell summarized the Planning Board meeting of February 16<sup>th</sup> which he indicated was a continuation of discussion of the sign ordinance – It was Board consensus to schedule a joint Board of Commissioners, Planning Board, property management industry representatives meeting to discuss rental signage on March 16<sup>th</sup> at 5:30 pm in the Board Room.
- 15.** Lunch – The Board recessed for lunch at 11:57 a.m. and reconvened at 1:00 p.m.
- 16.** Committee reports  
  
Comr. Ratzenberger – American Shore & Beach Preservation Association met in February 2016 in Washington, DC – he summarized his notes on the ASBPA Conference as well as his visits to Sen. Burr’s and Congressman Jones’ offices which were well received.  
  
Comr. Cahoon – Coastal Resources Commission (CRC) – the CRC met in February in Atlantic Beach; the legislature directed the CRC to adopt sandbag rules that could make North Carolina a wall of sandbags even on undeveloped properties. The CRC acted on that but due to requirements for the Public Hearing notice, adoption was delayed. Comr. Cahoon pointed out Town Manager Ogburn’s recent informative email to Braxton Davis of NCDENR detailing sandbags and their impacts on the Town.
- 17.** Seagull Drive - Town Manager Cliff Ogburn summarized the issues with Seagull Drive as a result of recent storms – The Board passed a motion to begin the process to close Seagull Drive and in the meantime directed Town Manager Ogburn to urge property owners to work out a viable solution to maintain emergency access to their properties. Staff is to forward a letter to the 10 properties with all pertinent roadway information, staff contact information, as well as all property owner contact information.
- 18.** Investment Policy – the Board adopted the updated Investment Policy as presented.
- 19.** Town Attorney – Town Attorney Leidy requested a Closed Session to confer with the Board concerning the Fisher and Richardson litigation to preserve attorney/client privilege.
- 20.** Town Attorney – Nuisance structures - Attorney Leidy reported that the Court of Appeals determined that the Town could not regulate by removing structures on the ocean beach merely because they were designated nuisances. In 2015 the Town received authority to remove structures from the ocean beach when certain determinations are made. Property owners can take action with the State to seek removal of a nuisance structure.

Comr. Cahoon suggested that Town Manager Ogburn answer the numerous Seagull Drive emails recently received and provide the information noted by Attorney Leidy – that property owners try to find an alternate method to access their properties.

It was Board consensus to take no condemnation action against the Cherry/Toloczko cottages, to encourage them to follow a civil course of action, and to not use taxpayer money to purchase and then tear down the Cherry/Toloczko cottages.

- 21.** Town Manager – Recycling update – Everyone is getting used to the new recycling process and staff is now looking into commercial recycling pickups which will be brought forward in the upcoming budget sessions – Comr. Cahoon asked questions re: notifying those on private streets re: their recycling options; adding a recycling dumpster at the Post Office; Mayor Edwards stated that he wants to make sure the Town is successful in residential recycling before over-reaching into other areas. It was pointed out that the Outer Banks Hauling carts can be taken to Public Works if they have not been picked up.
- 22.** Town Manager - Project Engineer/Coordinator David Ryan provided an update on the South Nags Head ditch projects. The Milepost 18 ditch improvements are now in place – the Milepost 20 six cross street culverts have been replaced. Only the pavement patching remains to be done.
- 23.** Mayor Edwards - Project Coordinator David Ryan stated that based on previous dialogue with Park Service officials, after staff submits a request, work to open up Station 21 ditch would be possible.
- 24.** Comr. Cahoon – The Board approved the GOV-ED FY 16-17 Budget as presented.
- 25.** Comr. Cahoon – Sand removal from private property – She continues to be asked if the Town would remove sand from ocean front properties. Town Manager Ogburn responded that he does not want to place Town vehicles on private property; he pointed out that the area designated for sand to be placed by private property owners is Juncos Street.
- 26.** Comr. Cahoon – The most recent flood maps were presented to the Coastal Resources Commission (CRC) in December 2014; Town Manager Ogburn was directed to prepare a letter for Mayor Edwards' signature to the State asking about the Town's flood maps.
- 27.** Comr. Ratzenberger - Comr. Ratzenberger reported on last month's Community Watch meeting where eight (8) new people showed up. They are looking to have the Citizens Academy in Fall 2016.
- 28.** Mayor Pro Tem Walters – She asked Board members to consider options during the upcoming budget process that would help move along the Gallery Row District project.
- 29.** Mayor Edwards - Staff was directed to invited Will Sassorossi, Maritime Archaeologist with the National Oceanic and Atmospheric Administration (NOAA) affiliate to the April 6<sup>th</sup> Board of Commissioners meeting for a presentation on the proposed expansion process.
- 30.** Closed Session - The Board entered Closed Session to discuss pending litigation involving the Fishers, the Richardsons, and the Granby properties, to confer with the Town Attorney to preserve attorney/client privilege, and to discuss a confidential personnel matter. The time was 2:53 pm
- 31.** Open Session - The Board re-entered Open Session at 3:52 pm
- 32.** Adjournment - Mayor Edwards recessed the meeting to March 16<sup>th</sup> at 5:30 pm in the Board Room for a joint meeting with the Planning Board and Property Management representatives to discuss rental signage. The time was 3:54 p.m.