



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, MAY 4, 2016**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m. [Mayor Pro Tem Walters was out of Town and not present.]

2. Agenda – The Board passed a motion to adopt the May 4th agenda as amended - with the movement of all Closed Sessions to just after the Planning and Development agenda item.

3. Recognition

Nags Head Woods Fire - Fire Chief Kevin Zorc thanked the many agencies who supported/participated in the efforts to contain the wild fire in Nags Head Woods March 22-26, 2016. On behalf of the Board, Mayor Edwards presented a plaque to Aaron McCall who accepted for all agencies involved.

Proclamation – The Board adopted the Proclamation declaring Peace Officers Memorial Day/Police Week.

Proclamation – The Board adopted the Proclamation declaring National Hurricane Preparedness Week.

Proclamation – The Board adopted the Proclamation declaring Accident Prevention Week.

4. Thank you – Mayor Edwards passed on a “thank-you” from Holiday Inn Express to Dep Town Manager Andy Garman and Dep Planning Director Kelly Wyatt for their cooperation during the motel’s recent renovation project.

5. Public Comment

David Bragg, Nags Head resident; he addressed House Bill 2; the Board of Commissioners sent a letter to the Governor in opposition to House Bill 2 without first obtaining the opinion of the residents; Mr. Bragg feels that there should have been an open forum prior to sending the letter; he also questioned what lawsuit is being referred to in an email from the Mayor to the Mayor Pro Tem.

Mike Jones, Seagull Drive property owner; thanked Public Works for the work they did on Seagull Drive that is now enabling everyone to access their homes and for continued support through the rental season. He requested, prior to the June 1st Public Hearing, that all information/options for Seagull Drive be provided to the property owners so they can make an informed decision.

Joe Pylypczuk, Seagull Drive property owner; asked the Board to consider providing access on Seagull Drive through the upcoming rental season.

6. Consent Agenda – The Board approved the Consent Agenda as presented:

- Consideration of Budget Adjustment #9 to FY 15/16 Budget Ordinance
- Consideration of lease/purchase for Sanitation Dumpster Truck and refinancing loans for Eighth St. Water Tank and S Nags Head Fire Station
- Consideration of Tax Adjustment Report

- Approval of Minutes
- Request for Public Hearing to consider amendments to the Town's sign ordinance to ensure content neutral language and regulations pertaining to residential freestanding signage
- Request for Public Hearing to consider a conditional use/vested right request on behalf of the DCTB for modifications to the previously approved site plan and conditional use permit for the Outer Banks Event Site
- Request for Public Hearing to consider Dowdy Park Phase I Site Development Plan
- Request for Public Hearing to consider citizen comment on the Town Manager's proposed operating budget for fiscal year 2016/2017 and proposed CIP requests

7. Public Hearing – the Board adopted the zoning ordinance text amendment to list “Municipally-owned recreation facilities” as a permitted use within the C-2, General Commercial District as presented.

8. Nags Head FOCUS and Sea Level Rise Projects – Dep Town Manager Garman provided updates:

FOCUS Nags Head Update – During the last month, staff has conducted approximately 23 meetings with staff, board members, and other parties regarding specific areas of responsibility, expertise, or interest to complete relevant elements of the plan.

Sea Level Rise Update – After a draft report was available, a small group of workshop attendees are to meet to review it to ensure that it is inclusive of each workshop group's discussions - prior to being given to the Board of Commissioners. Mayor Edwards stated that the charge for the Sea Level Rise ad hoc committee would be: “The purpose of convening another meeting of people who attended the VCAPS workshop is to ensure that the report and diagrams are inclusive and capture the discussions of each of the three groups prior to moving a draft document forward to the BOC.”

In addition to Comrs. Ratzenberger and Demers, the following ad hoc committee members were appointed: Bob Brown; Dave Elder; Randy Blanton; Louise Hanson; Reide Corbett; Andy Keeler; Kate Murray; Mark Cornwell; Jason James; Bob Muller; Patrick McManus. The final draft version of the report is to be presented for review at the June 1st BOC meeting.

9. Report from Planning Board Chair - Planning Board Chair Mark Cornwell provided a summary of the Planning Board's April 19th meeting to include two action items (Vested right approval of event site and neutral language/regulations ord for residential freestanding signage) and one discussion (cottage courts).

10. Closed Session – The Board entered Closed Session to consider the Jul – Dec 2015 Closed Session minutes, to consider a presentation on honorariums and to confer with the Town Attorney.

11. Open Session - The Board re-entered Open Session at 10:52 a.m.

12. Town Attorney Leidy – He reported on potential options for the closing of Seagull Drive:

Special Assessment process – Town would have to go through each time an expenditure was needed.

Municipal Service District (MSD) process – for improvements to include beach erosion control and flood hurricane and protection works - This would be a lot easier and a more useful way to raise funds.

The “easement by necessity” process – The Town is not able to provide an opinion as it is based on examination pertaining to each individual property – each property owner's counsel would be necessary.

Further discussion is to take place at the June 1st Board meeting when the Public Hearing is held.

13. Committee Reports

Comr. Ratzenberger – Albemarle Rural Planning Organization (ARPO) – State legislature has initiated House Bill 1002 in opposition to ferry tolling.

SPOT Report – Highway scoring was received and the widening of US 158 mentioned in previous sessions was given the County's 100 points so that is the priority and possibly good for funding for Dare County.

Pipeline dredge – He attended the christening of the pipeline dredge in Manteo which was a big day for NCDOT Ferry Division.

NCBIWA Conference – Kathleen Riely is the new chair; he noted good presentations at the conference; Beach Nourishment is considered erosion control and not hurricane protection.

Comr. Cahoon – Local Business Committee meeting in April; vendors with outdoor displays attended and will meet again in June to continue the discussion.

National Tourism Week - Comr. Cahoon asked everyone to remember to welcome our visitors.

Coastal Resources Commission - meets in Manteo next Tuesday and Wednesday and the CRC does have public comment sessions for those interested in speaking.

Comr. Demers – Albemarle Solid Waste Management Authority meeting was held in April; the annual budget meeting has been scheduled for May 19, 2016.

Mayor Edwards – Mayor Edwards and Town Manager Ogburn met with Peak Resources on April 22nd to discuss renovations; the 200 Hall is due for completion end of May 2016.

14. Board appointment – The Board reappointed Judy Burnette to a three-year term on the BOA.

15. Beach Renourishment/Shoreline Management consulting services RFO's – The Board passed a motion to authorize continuing negotiations with Coastal Science and Engineering as requested.

16. Town Manager – The Town Manager's proposed FY 16/17 Budget was presented – the proposed budget will be discussed at the upcoming May 13th Budget Workshop.

17. Comr. Demers – Comr. Demers provided a brief update of the Soundside Boardwalk Project – he reported that four separate actions need to be closed out before dissolving the committee although he is not proposing any action at this time.

18. Comr. Ratzenberger – Community Watch - Coffee With A Cop at Waveriders at Pirate's Quay in April went very well; the next meeting is scheduled for May 10th at 6:30 pm in the Police Training Room.

19. Comr. Ratzenberger – Brush/Bulk Pickup – He stated that the amount of bulk and brush items on the side of the Town's roadways has made the Town look worse than it ever has. He emphasized that contractors need to take care of their own debris. He asked staff to look at how to best handle the April/May surge. Comr. Cahoon suggested including more direction/information for new property owners on the Town's web site/Facebook page and with the issuance of press releases by the PIO. Town Manager Ogburn is to provide a report on progress/actions at an upcoming meeting.

- 20.** Comr. Ratzenberger – Comr. Ratzenberger reported that Sgt. Billy Brown's brain cancer is inoperable – he is receiving chemo in Nags Head and he and his wife are receiving visitors at home.
- 21.** Comr. Cahoon – Comr. Cahoon discussed with Board members a possible agreement with The Shoppes at 10.5 for a sidewalk connection from Nags Head Acres Subdivision to Admiral Street. Board members were interested in pursuing this idea.
- 22.** Comr. Cahoon – Old Go-Cart Track north of Tortuga's Restaurant - Comr. Cahoon asked staff to look into what, if anything, can be done about the old go-cart track just north of Tortuga's Restaurant.
- 23.** Comr. Cahoon – Small cars for rent - Comr. Cahoon said that she is aware that the small cars being rented in Town are legal but she is concerned about safety as drivers are not educated about driving them and she has seen several close calls. Comr. Ratzenberger asked about putting flags on the cars so they are more visible; Police Chief Brinkley explained that by definition they are "mopeds" and must not go over 35 MPH – he stated that he will take another look at these vehicles and verify that they are legal.
- 24.** Comr. Ratzenberger – Coastal Resources Commission - It was Board consensus that the following be provided to CRC in response to their request for two items of importance to the Town: Ease of permitting and Living shorelines – Add a Beach Nourishment subset under Ease of permitting to 1) Limit time periods for State agency comments, and 2) Allow ocean outfall modifications to be *permitted* instead of treated as a *variance*.
- 25.** Mayor Edwards - Town Hall Day – Wednesday, June 8th - Mayor Edwards stated that he and Town Manager Ogburn will be attending - He encouraged other Board members to attend if available.
- 26.** Mayor Edwards - Groundbreaking for Dowdy Park – scheduled for Wednesday, July 6th at 12 Noon. Mayor Edwards emphasized the importance of making sure a complete invitation list is prepared.
- 27.** Mayor Edwards – On Nags Head's 55th Anniversary - June 14, 2016 – the Lightkeeper and NagsHeader awards will be presented – at 11 a.m. on the Town Hall grounds.
- 28.** Town Attorney John Leidy – June 1, 2016 Board of Commissioners meeting – He reported that Attorney Robert Hobbs will be attending in his absence.
- 29.** Adjournment - Mayor Edwards recessed the Board meeting until 9:00 a.m. on Friday, May 13, 2016 in the Board Room for a FY 16/17 Budget Workshop. The time was 12:22 p.m.