



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, JANUARY 7, 2015**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 am.
2. Adoption of agenda – The Board adopted the agenda as amended - by moving item #F-3 (Outer Banks Event Site MOU) to New Business for separate discussion, and switching Public Hearings – item #G-2 (Fishing Piers text amendment) with item #G-3 (Proposed Parking Ordinance).
3. Audience Response - Brian Brumfield, Nags Head resident and business owner for the past 20 years; he builds houses in Nags Head; he spoke concerning the firing range in Nags Head Woods – the guns can be heard within a 10-mile radius; he said that the Board has an opportunity to do something good for the Town by getting rid of the firing range.

Matthew Byrne, Kill Devil Hills resident who lives near the firing range; he stated that he has also spoken at Dare County and Kill Devil Hills Board meetings in opposition to the firing range; he would like to see a park where Fresh Pond – the entrance to Nags Head Woods - is located; he asked that the firing range be moved to an area that is not near residential areas.

Perry White, Villa Dunes Drive resident and Nags Head volunteer fireman; 1) He commented on the site plan for Dowdy Park and congratulated the Dowdy Park Committee for the paths proposed; 2) Mr. White spoke in favor of the letter/resolution to be forwarded to Rep Paul Tine concerning municipal public trust authority – it should also be forwarded to leadership in the General Assembly of counties affected; 3) Mr. White stated that tonight will be a very cold night and he cautioned residents concerning the use of supplemental heating.

Bob Oakes, Nags Head resident and former Mayor of Nags Head; 1) He supported Mr. Byrne's Fresh Pond idea and he encouraged an alternative firing range; he feels that Fresh Pond is a great resource and it could be a nice entry into Nags Head Woods; 2) He said that a 2010 law requires carbon monoxide detectors on every level of a rental home; this is especially important on nights when it is expected to be extra cold and will affect a lot of properties.

4. Jennette's Pier - Jennette's Pier Manager Mike Remige provided an updated report of the programs and visitor statistics associated with Jennette's Pier. His presentation was well received by Board members.
5. Recognition – Planning Director Andy Garman introduced Planner Holly White who was welcomed by the Board to Town employment.

Public Works Director Ralph Barile introduced Sanitation Equipment Operator Keefe White who was recognized by the Board for 20 years of service.

6. Consent agenda - The Consent Agenda was approved as amended (with the Outer Banks Event site MOU discussion moved to New Business). It consisted of the following items:
 - Consideration of Budget Adjustment #5 to FY 14/15 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Consideration of fourth amendment to Verizon lease of Town Hall monopole
7. Public Hearing – to consider text amendment to consider time limits on re-reviewing text amendment applications – The Board adopted the ordinance as presented.
8. Public Hearing – to consider text amendments to the Town's Parking Ordinance – The Board discussed numerous modifications to the Residential portion of the ordinance – the Commercial portion was not modified. Planning Director Andy Garman summarized all concerns of the Board to include single family dwelling parking standards, alternative parking surfaces, taxi/limousine and retail parking standards, designated turnaround areas and stacking parking standards. The Board passed a motion to send the ordinance back to the Planning Board for further development/consideration of Board comments to be brought back, at their pleasure, for Board consideration.
9. Recess – The Board recessed at 11:25 am and reconvened at 11:40 am.
10. Beach Nourishment presentation - Coastal Science and Engineering President Tim Kana and Engineer Haiqing Kaczowski were present. Dr. Kana provided an update on the Town's local Beach Nourishment Project since the project completion in summer 2011. He stated that while South Nags Head, understandably, lost the most sand in the Town, overall the project "zone" has approximately 10% more sand than when the project was completed. He emphasized that South Nags Head has always had a five times higher erosion rate than the rest of Nags Head.
11. Recess – The Board recessed for lunch at 12:52 pm and reconvened from lunch at 2:00 pm.
12. Public Hearing – The Board adopted the ordinance concerning fishing piers in the CR Commercial Residential District with one change to Part I of the ordinance, Sec. 48-405(c)(1)(e), paragraph (g): Modify 1,000 square feet of combined indoor/outdoor customer service area to 1,500 sq feet.
13. PARTF grant – The Board authorized staff to make application for the PARTF Grant for the construction of Dowdy Park.
14. Hazard Mitigation Plan – It was confirmed with staff that the Regional Hazard Mitigation Plan will include a specific Nags Head appendix. Board members are to forward their comments to Planner Holly White by Tuesday, January 13th. Ms. White stated that she would incorporate comments received and the Plan would be provided for Board consideration at the January 21st mid-month meeting.
15. Outer Banks Event Site MOU – from Consent Agenda – It was Board consensus that staff return with a clean copy of the Outer Banks Event Site MOU at the January 21st mid-month meeting for Board consideration. The Board's comments included removing the maintenance paragraph and included the DCTB's request that the term of the lease remain as long as the site is an event site.
16. Committee reports - Annual appointment of BOA Chair/Vice-Chair - The Board reappointed Jack Cooper and Margaret Suppler as Chair and Vice-Chair respectively to the Board of Adjustment - Board members were asked by Mayor Pro Tem Walters to consider at some point in the future an

ordinance authorizing election of Chair/Vice-Chair among BOA members. Mayor Edwards also pointed out that Jack Cooper's term expires in October 2015.

Comr. Cahoon – Nags Head Promotion - Comr. Cahoon said that she has received several names of those interested in serving on the Nags Head Promotion Committee; staff is in the process of preparing a letter describing the charge of the Committee.

Comr. Ratzenberger – Comr. Ratzenberger updated the Board on the YMCA (he will be attending the Board of Directors meeting scheduled for January 8th); the Albemarle Rural Planning Organization (meets on January 21st); the Dare County Beach Nourishment Committee (did not meet in December 2014 but is expected to meet in January); and the American Shore and Beach Preservation Association (ASBPA) Coastal Summit (is scheduled for February 24 – 26, 2015 in Washington, DC) which he is unable to attend.

Comr. Demers – Stormwater Management – Comr. Demers referenced the stormwater management timeline shown at the last Board meeting and reported that Public Works staff is moving quickly on its tasks.

17. Alligator River Resolution – The Board adopted the resolution in support of a new bridge across the Alligator River as presented.
18. Purchasing Program – The Board approved the request to join the cooperative purchasing program (HGAC Buy Program) which is expected to save the Town approximately \$50,000 on a sanitation truck purchase; Public Works Director Ralph Barile noted that the contractor has indicated that he is willing to sign the Town contract format also.
19. Sole Source Purchase – The Board approved the capital outlay/sole source purchase of Public Works equipment as requested which is expected to save the Town approximately \$10,000.
20. Town Attorney - Attorney Leidy requested a Closed Session to discuss the Sansotta litigation. Mayor Edwards moved the Closed Session to the end of the meeting and added the following: the Closed Session minutes for July – December 2014 and the Colony Ridge Rehabilitation Center. Town Manager Ogburn received approval to add discussion of a personnel issue.
21. Comr. Cahoon – Police Firing Range - Comr. Cahoon referred to the complaint mentioned during Audience Response concerning the gunfire at the Police Firing Range by several people who live/work nearby in Nags Head Woods. Town Manager Ogburn reported that a two-week Police class recently took place at Town Hall and at the Nags Head Woods Firing Range. These type of classes increase activity at the range and increase the number of complaints the Town receives. Police Chief Brinkley said that they will step back and review the necessity of hosting the police firing classes. He said that he and Town Manager Ogburn will come up with a compromise.
22. Comr. Cahoon – Big Box Stores - Comr. Cahoon asked Planning Director Andy Garman to forward for Planning Board discussion a review of Big Box Stores.
23. Comr. Ratzenberger – Fresh Pond site - Comr. Ratzenberger asked if converting Fresh Pond to a park was a feasible idea. It was Board consensus that the idea of converting Fresh Pond to a park be reviewed for possible options at a future time.
24. Comr. Ratzenberger – Crush/run as non-permeable - Comr. Ratzenberger stated that crush/run is non-permeable per the Town's proposed parking ordinance. He described a situation where his

neighbor wanted to replace his stairs but they had to be brought up to Code and was told he could not do it because there was not enough lot coverage available. His neighbor was told he could remove some pavement and replace with crush/run in order to free up lot coverage for stair construction. Comr. Ratzenberger said that he was bringing this up only for thought at this time.

25. Mayor Edwards – Board Retreat - The Board Retreat agenda was discussed by the Board. The Retreat is scheduled for January 22-23, 2015 at the Villas Club House. Mayor Edwards agreed to leave an open spot for miscellaneous issues of discussion and said that any item is to be provided to Board members prior to the Retreat.
26. Mayor Edwards – Board 2015 meeting calendar - The proposed 2015 Board meeting calendar was presented to the Board. Comr. Cahoon said that she would be unable, because of Coastal Resources Commission (CRC) meetings, to attend any Feb, Jul, or Nov 2015 mid-month meetings; Mayor Pro Tem Walters said that she would not be available to attend a Feb 2015 mid-month meeting; Mayor Edwards stated that he would be unable to attend the Feb 2015 regular meeting.
27. Mayor Edwards – Municipal authority over public trust area resolution – The Board adopted the resolution in support of municipal authority over public trust areas as presented.
28. Closed Session - The Board entered Closed Session to consider July – December 2014 Closed Session minutes and their disposition in accordance with GS 143-318.11(a)(1), to discuss a personnel issue in accordance with GS 143-318.11(a)(6), and to discuss the Colony Ridge Rehabilitation Center and Sansotta litigation in accordance with GS 143-318.11(a)(3). The time was 3:36 pm.
29. Open Session - The Board re-entered Open Session at 4:41 pm. Attorney Leidy reported that during Closed Session the Board approved the July – December 2014 Closed Session minutes and their disposition; the Board also gave direction to the Town Attorney concerning Sansotta litigation.
30. Adjournment - The Board recessed to a mid-month meeting on Wednesday, January 21, 2015 at 5:30 pm in the Board Room. The time was 4:43 pm.