



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, JUNE 3, 2015**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the June 3rd agenda as presented.
3. Lifeguards - Fire Chief Kevin Zorc introduced Ocean Rescue Director Chad Motz who presented the 2015 summer season lifeguards. Each lifeguard introduced him/herself and was welcomed to the Town by Board members.
4. Recognition
 - New employee, Police Officer Talor Willner, was welcomed to Town employment.
 - Firefighter/EMT Mark Edwards was recognized for ten years of service.
 - Water Plant Operator David Perry was recognized for 20 years of service.
5. Presentation from Dare Coalition Against Substance Abuse (CASA); Amber Bodner, Program Director, Drug Free Communities Support – She provided a powerpoint presentation that was favorably received. She explained that the organization is based on prevention.
6. PUBLIC COMMENT

Richard Murphy, South Nags Head resident; public perception is that there are two (2) standards of operation; one for Board members and one for everyone else; a CAMA permit was issued in error to Comr. Demers for a dune deck at his oceanfront home; Mr. Murphy explained that he and Comr. Demers are neighbors and that this is not a neighborhood dispute; he stated that the Mayor's letter to him requesting his resignation from the Planning Board was rescinded; Mr. Murphy displayed on screen a photo of work being done at the Demers' residence which Mr. Murphy said was after a stop work order had been issued; at five minutes, Attorney Leidy announced that Mr. Murphy's time was up and Mayor Edwards asked Mr. Murphy to sit down; Ryan Murphy offered his five minutes to his father; Mayor Edwards announced a ten-minute recess.

Public Comment continued after a brief recess.

Keith Sawyer, Nags Head resident and owner of three businesses on the Outer Banks; the rules and laws he has to abide by are a different sets of laws; he is appalled at what goes on in the Town; our elected officials should stand up for its citizens; 1) setbacks, etc. what is fair for one should be fair for all; 2) drainage of S Old Oregon Inlet Road is a major issue - he questioned where the \$4 stormwater fee that he pays on his water bill is going; 3) his last issue is that he calls Town Hall and does not always receive a return phone call.

Louis Toth, Nags Head resident; at Colony Ridge nine cats and at Harris Teeter three cats were trapped and neutered.

Barbara Gernat, Village at Nags Head resident; she provided some information concerning the Village wastewater treatment plant and asked the Town to provide more aggressive assistance; since the week before Memorial Day this year the odors have been outrageous.

Ryan Murphy, South Nags Head resident; he displayed a photo from March 2015 of construction work being done on Comr. Demers' decking after a February stop work order was issued.

Donald Stalpinski, South Nags Head property owner; he displayed a photograph from Comr. Demer's deck work; he lives in New York and he thanked the Town for the beach nourishment project; he appreciates Town assistance in keeping sand dune where it needs to be; he said that Mr. Murphy is attuned to protecting the environment and helping out his neighbors; he noted the drainage problems with SOOIR.

Larry Allen; Seagull Drive property owner; removal of the sand bags on Seagull Drive has been ongoing; he emphasized that he is not a patient man.

Elizabeth Demers, South Nags Head resident; she clarified that her and her husband applied for the appropriate permit for their deck construction which was erroneously issued by the Town; she explained that the photographs shown earlier during Public Comment were of the work being done on their walkway.

Perry White, Villa Dunes Drive; he was happy to see the waterline work being done from Windjammer Drive to the entrance to the Villas; he reported success of the project since the new waterline was activated; there is, however, a problem – he asked that the Town's Water Dept change some of the pump schedules so they are not always pumping the maximum amount of water into the tank or less water more often.

Mr. White spoke in favor of a Town-wide mandatory recycling program; he also thanked Amber Bodner for her presentation on Dare CASA.

7. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:

- Consideration of Budget Adjustment #10 to FY 14/15 Budget Ordinance
- Consideration of Tax Adjustment Report
- Request for write off of uncollectible water accounts
- Approval of Minutes
- Consideration of resolution to surplus Town equipment
- Request for extension of Storm Debris Monitoring and Management contracts for FY 15/16
- Request for Public Hearing – nonconforming sign and sign structures
- Request for Public Hearing – regulating structures within the Public Trust Beach Area
- Request for Public Hearing – turfstone, permeable pavement and the calculation of lot coverage

8. Second reading/Public Hearing – to re-establish “Airboat Rental Passenger Operation” as a Conditional Use within the Commercial-Outdoor Recreation Overlay District

The Board adopted the text amendment with changes previously made at the May 6th Board meeting and with removal of the requirement to have an eco-tourism certificate from paragraph (d)(1)f.7. The motion passed 4 – 1 with Comr. Demers casting the NO vote. Comr. Demers expressed concern about possible noise issues.

9. Public Hearing - to consider a Conditional Use/Site Plan Amendment submitted by James Moore of Outer Banks Adventures, to operate airboat tours and paddle board rentals at the property located at 7649 S. Virginia Dare Trail and zoned C-2, General Commercial and within the Commercial-Outdoor Recreation Overlay District

The Board approved the conditional use/site plan amendment with the required three (3) findings of fact. Included is the condition that the existing tank and pump on the site is not to be used.

10. Public Hearing - to consider a Preliminary Subdivision Plat with subdivision variance/waiver requests submitted by Ray Meekins on behalf of property owner, Shirley Weeks for the creation of a two-lot subdivision. The property is zoned SPD-C, Village Special Planned Development, Commercial-2 District and is located at 109 E. Mall Drive

The Board tabled the preliminary subdivision plat with subdivision variance/waiver request for the creation of a two-lot subdivision until the first Board meeting in September 2015.

11. Public Hearing - to consider citizen comment on the Town Manager's proposed operating budget for fiscal year July 1, 2015 – June 30, 2016 and proposed CIP requests for FY 15/16 through FY 19/20

It is expected that the FY 15/16 Budget will be considered for adoption at the Board's June 17th mid-month meeting.

12. Budget Workshop - Board members agreed to another budget workshop to take place Wednesday, June 10th at 9 am in the Board Room. Comments/questions concerning the proposed FY 15/16 Budget are to be provided to Town Manager Ogburn by 5:00 p.m. on Friday, June 5, 2015.

13. Lunch - The Board recessed for lunch at 12:07 p.m. and reconvened from lunch at 1:10 p.m.

14. Public Hearing - to consider amendments to the Town's Stormwater Ordinance as it pertains to limitations on fill material and the relationship to the Town's one foot freeboard requirement

It was Board consensus to have the Planning Board consider adding "ring wall" style of construction to a future stormwater ordinance amendment – as suggested by Mayor Edwards. The Board adopted the amendments to the Stormwater Ordinance, as presented.

15. Public Hearing - to consider a zoning ordinance text amendment prohibiting the removal/clearing of trees on vacant lots prior to site plan approval for new construction

The Board adopted the text amendment prohibiting the removal/clearing of trees on vacant lots prior to site plan approval for new construction with the following added to Sec 48-375 – "Nothing in this section shall prevent the removal of a dead or diseased tree that has become an imminent danger or hazard to person(s) or property."

16. Planning Board Chair Mark Cornwell summarized the Planning Board meeting of May 21st.

It was Board consensus to agree with Mr. Cornwell's suggestion that a new Planning Board member be appointed in September 2015 prior to current member Barbara Gernat's November 2015 departure.

17. Committee reports – The Board reappointed Annette Ratzenberger to the Firemen's Relief Trust Fund Board. The Board appointed Comr. Ratzenberger to the Land Transfer Tax Appeals Board.

Mayor Pro Tem Walters – Dare County Tourism Board (DCTB) - The DCTB met May 28th and approved an extension to the NC Aquarium Society for improvements to the Roanoke Island Aquarium; the DCTB also approved a request from the Chicamacomico Life Saving Station for the repair of their building in time for the 100th anniversary of the Coast Guard.

Comr. Cahoon - Local Business Committee – The Local Business Committee submitted the rental sign concern to the Planning Board; the topic of speed limits at the Event Site and the Little Bridge sites were discussed.

Comr. Ratzenberger – ARPO Bike and Pedestrian Plan - It was Board consensus to bring back the ARPO Bike and Pedestrian Plan multi-use path projects for further Board discussion/decision at the June 17th Board meeting. Comr. Ratzenberger noted that a response is due to ARPO by July 6, 2015.

Comr. Demers – Solid Waste Management Authority and stormwater activities – There was nothing new to report at this time.

18. Vehicle for hire text amendment – The Board adopted the ordinance amending Town Code Chapter 46 re: taxicab rates and fares as presented.

19. YMCA lease agreement/ordinance/deed for the skateboard park – the Board passed motions for the following actions:

- to approve the Town/YMCA Lease agreement for the skateboard park.
- to adopt the ordinance for the operations/management of the skateboard park.
- to make the lease agreement effective July 1, 2015.
- to transfer the deed for ownership of the YMCA from the Town to the YMCA.

Comr. Ratzenberger noted that the Town has to solve the entryway issue – signage is needed to identify the Town as owner of the skateboard park.

20. Closed Session – The Board entered Closed Session to discuss the beach nourishment condemnation cases – Richardson and Granby – and to confer with the Town Attorney to preserve attorney/client privilege. The time was 2:25 p.m.

21. Open Session - The Board re-entered Open Session at 2:40 p.m. Attorney Leidy reported that no actions were taken during Closed Session.

22. Town Manager - Town Manager Ogburn thanked Dare CASA Amber Bodner for today's presentation. Police Chief Kevin Brinkley informed the audience that if anyone has prescription medications that they would like to get rid of to please contact the Police Dept and they will pick them up and destroy them properly.

23. Town Manager - Fire Chief Kevin Zorc provided an update on the Fourth of July Fireworks scheduled for July 4th (rain date July 5th) at 9:25 pm at the Nags Head Fishing Pier. He thanked the Outer Banks Visitors Bureau/DCTB, Andy and Lovie McCann, and involved Town employees.

24. Town Manager - Stormwater drainage in South Nags Head - Town Manager Ogburn explained that the Town does not own SR1243 (S Old Oregon Inlet Road) nor the ditch in South Nags Head. These areas are not the Town's responsibility however the Town is very aggressive in making improvements and has spoken with NCDOT, concerning further improvements in South Nags Head.

Comr. Ratzenberger pointed out that the Town is both physically and fiscally working on drainage issues in the Town to include South Nags Head and this information needs to be relayed to the public.

Town Project Engineer David Ryan summarized issues around Town with stormwater and he explained that the Town has gone through a process with the other regulatory agencies such as NCDOT in order to work on drainage issues.

- 25.** Town Manager - Comr. Demers walkway and deck - Town Manager Ogburn summarized the process that took place with the building permit issued by Town staff, in error, to the Demers for construction of their deck/walkway. Town Manager Ogburn offered his apology for the error made by Town staff to the Demers – he wanted to make sure everyone was aware.
- 26.** Comr. Cahoon - Comr. Cahoon stated that the Board did not do a good job permitting the ABC Store at Eighth Street – there should be a “pork chop” design when turning left into the store parking lot. She feels that the Board and staff need to do a better job in the future with permitting site plans instead of having to take action after the fact. It was Board consensus to bring back at an upcoming meeting cost estimates for resolution(s) of this situation (such as a “pork chop” design).
- 27.** Comr. Ratzenberger – Community Watch is Tuesday, June 9th at 7 pm - Bike and Pedestrian safety will be discussed.
- 28.** Comr. Ratzenberger – Comr. Ratzenberger reminded Board members of the Water Act Resolution adopted last year – it was entitled: *Resolution Opposing the Proposed Rules promulgated by the US Environmental Protection Agency and the US Army Corps of Engineers regarding the scope of their regulatory Authority under the Clean Water Act.* The new rule is now out and is approximately 300 pages. Comr. Ratzenberger said that he will review further before bringing this back to the Board.
- 29.** Comr. Ratzenberger - The Drone (unmanned aircraft) Workshop begins at 6 pm on Wed, June 17th.
- 30.** Comr. Ratzenberger – The Carolina Water Service issue is a Village at Nags Head issue. He stated that he does not know what the Town can do but feels that there is a strong case for the smell.
- 31.** Comr. Demers - Comr. Demers responded to this morning’s Public Comment period. He expressed appreciation for the Town Manager’s professionalism; Comr. Demers explained that he and his wife have done nothing knowingly wrong in building the walkway at his home; he explained further that the facts speak clearly and everything is a public record; anyone interested can pursue this information; there has been no coercion or under-handed activity - he and his wife have only done what Town staff told them to do.
- 32.** Mayor Edwards - Mayor Edwards asked Board members to come to next week’s Budget Workshop prepared with possible dates for a September 2015 Board Retreat.
- 33.** Adjournment - Mayor Edwards recessed the Board meeting to a Budget Workshop on Wednesday, June 10th at 9 am in the Board Room. The time was 3:18 p.m.