



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, APRIL 2, 2014**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board passed a motion to adopt the April 2nd agenda as presented.
3. Audience Response - Larry Allen, owner of a vacation house in South Nags Head and a home in Phoenix, Arizona; he said that he appreciates the ability to watch council meetings online; he is concerned about Seagull Drive in South Nags Head where the condemned houses are located; he said he realizes that the property owners can apply for building permits as a result of the Town's Beach Nourishment Project; the situation with the houses sitting on the beach is now going on six (6) years and nothing has been done; he questioned how serious the owners are to rebuild; he said that something has to be done – one way or the other. Mayor Edwards stated that someone from staff will get in touch with Mr. Allen.

Audience Response - Perry White, Nags Head resident; he addressed several items on the agenda; he praised Captain Moseman who is being recognized for ten years of service; he thanked the Board for the new fire truck; Board approval of Dep. Fire Chief Hite has meant a lot to the Dept; he expressed concern about the requested funding increase for construction of the offices in Admin Svcs; he said that the Recycling Project was supposed to lower the recycle rate for all residents; he praised the new multi-use path extension and the new ditch which is working; he asked about the status of the Villa Dunes waterline extension from Jockey's Ridge which should increase water pressure to those on Villa Dunes Drive.

4. Recognition
 - Police Officer Hunter Meekins, Water Plant Operator Scott Buckalew and Water Services Technician William Heath Taylor were welcomed to Town employment by the Board.
 - Fire Captain James Moseman was recognized by the Board for ten years of service.
 - Former Police Sergeant Doug White was recognized, congratulated, and presented a plaque by the Board on behalf of his recent retirement from the Town.
5. Proclamation – The Board passed a motion to adopt the Proclamation declaring April 2014 as "Paint The Town Purple Month" in support of cancer awareness.
6. Presentation from Caroline Wood of Oceana – a non-profit International Ocean Conservation organization re: offshore seismic testing – she provided a powerpoint presentation detailing its effects on the environment/marine life. The Board passed a motion to adopt the resolution opposing offshore seismic testing as presented and to forward the resolution to the Bureau of Ocean Energy Management.

Mayor Pro Tem Walters pointed out that the Town is on record with a previously adopted resolution from 2010 opposing offshore oil drilling as are other towns in Dare County and the DCTB.

7. ASBPA – American Shore & Beach Preservation Association – Comr. Ratzenberger presented the American Shore & Beach Preservation Association - Best Restored Beach Award to Mayor Edwards who thanked Comr. Ratzenberger, Mayor Pro Tem Walters, and Town Manager Ogburn for attending the recent ASBPA conference in Washington DC where the award was presented. The Board passed a motion that the Town join the Association for an annual fee of \$500 – to include the current year.

8. FFHS – First Flight High School Mr. Herman's Honors Civics Class - *Job Placement Service for former convicts* – Students Rebecca Hite, Windy Hoover, Cullen Hodges, and Christian Valle presented information/slides concerning a job placement service for former convicts to help them re-enter society.

Use of the Dowdy Park site – Students Alex Matz and Ian Cowen presented information/slides concerning uses for the Dowdy Park site to include the construction of a multi-generational facility (community center). Both presentations were well received.

Mayor Pro Tem Walters is chair of the Dowdy Park site committee and she invited students Alex Matz and Ian Cowen to attend an upcoming Committee meeting and provide their presentation.

9. OBSE - Outer Banks Sporting Events Executive Director Lynda Wood introduced Race Director Dennis DiRaimondo - Ms. Wood explained via powerpoint presentation that the OBSE is a nonprofit organization whose mission is to organize/promote sporting events, competition, healthy living lifestyles, and to provide financial resources for needed – a presentation of upcoming events was also provided.

10. Consent Agenda – consisted of the following items:

- Consideration of Budget Adjustment #11 to FY 13/14 Budget Ordinance
- Consideration of Tax Adjustment Report
- Approval of Minutes
- Request for Public Hearing to consider a zoning ordinance text amendment to allow Outdoor Stands as an accessory use to "Office Retail Group Development"
- Request for Public Hearing to consider zoning ordinance text amendment re: yard sale signage and parking requirements
- Consideration of amendment to Verizon lease to add equipment to Town Hall monopole

The Board passed a motion to approve the Consent Agenda as presented and acknowledged Mr. Perry White's comments during Audience Response re: additional funds for the office construction at Town Hall noting that the item would be discussed later in today's meeting.

11. Dune migration activities – Planning Director Teague provided an update; Comr. Demers commended Town staff/Planning Dept for their work. Ms. Teague stated that this is not a free pass to reduce dunes – they are being very site specific.

12. Special Assessment – Pond Island waterline extension project – The Board passed a motion to adopt the resolution authorizing the Pond Island waterline extension project as presented – to include the paragraph re: cost – and to schedule the Public Hearing for the May 7th Board meeting.

13. Committee Reports

Comr. Demers – He attended the March meeting of the Albemarle Solid Waste Management Authority in Hertford – the authority is a conglomerate of seven (7) counties that hold the contract for disposal of our solid waste in a landfill. Elected officers were chosen; they discussed accepting new counties in the authority; effect of the coal ash spill in the Dan River is still to be determined - next meeting is in June.

Mayor Pro Tem Walters – At the Dare County Tourism Board (DCTB) meeting they approved 23 grants; the Event Grant replaces the TAG and Special Projects grants; applications will be due Feb 1st for spring events and Aug 1st for after Dec events; the new application requires organizers to provide more up front.

Mayor Pro Tem Walters – The first Dowdy Park committee meeting on March 25th was a very productive meeting with a lot of experience represented; the next meeting is April 15th at 4:30 pm and will focus on discussing interim use of the site.

Comr. Cahoon – For the Nags Head Promotion goal, Comr. Cahoon rode around Town with Police Chief Brinkley to take note of the “no parking signs” and realized that there were more areas for parking than people may realize. She said that recommendations will be brought forward at the May 7th Board meeting.

Comr. Ratzenberger – The Dare County Shoreline Mgmt Committee is not actively meeting, however, he and Town Manager Ogburn attended the northern beach town Beach Nourishment Project meetings.

Comr. Ratzenberger – YMCA Master Plan Committee – he and Planning Director Teague met with the YMCA Exec Director – the YMCA focus group is scheduled to meet on April 16th at 3 p.m. in Fire Station #16 with the Board; data collection will be complete after that.

Comr. Ratzenberger - He attended the Chamber of Commerce Economic Forecast Breakfast in March; the #1 project for the Sec. of Transportation is the Bonner Bridge; the Currituck Bridge is not moving forward.

Comr. Ratzenberger – He attended his first Albemarle Rural Planning Organization (RPO) meeting – a new funding process divides the State into regions/districts – DOT money is carved out and scored by State, region, and local importance and is not as available as previously. For the Bonner Bridge project, the money is there but the project is held up because of a court challenge. He also reported that if ferries are not tolled, then their maintenance may come solely from the transportation money allocated for our region. The traffic signal study for the Outer Banks Event Site has been approved – to determine need.

14. Town Hall Remodel Offices project – The Board passed a motion to approve the request for additional funds for the Town Hall Remodel Office Project.

15. Business License billing ordinance – The Board passed a motion to adopt the amendment to the Business License Ordinance as presented.

16. Town Attorney – Status of Sansotta litigation - Attorney Leidy reported that the Sansotta litigation stems back to the Nov 2009 storm – a lawsuit was filed in 2010. Initially the Town fought to have the structures declared a nuisance and removed; in the Cherry, Inc. companion case the Court of Appeals said that the Town has no authority to do this; meanwhile the owners have been able to obtain permits from CAMA and Dare County to make repairs and install septic systems.

17. Town Attorney - Status of Osborne case - Attorney Leidy reported that two appeals have been filed where Board of Adjustment had denied requests – Court of Appeals decision is expected by end of May.

18. Town Attorney – Dowdy Park site - Town Attorney Leidy reported that both parties made amendments to the contract; currently waiting for the owner to take care of the liens.

19. Town Manager – The Board passed a motion to adopt the resolution approving and ratifying the vehicle loan contracts with Southern Bank as presented.

- 20.** Town Manager - Town Manager Ogburn requested a Closed Session to discuss potential litigation with Colony Ridge and to preserve the attorney/client privilege.
- 21.** Closed Session – The Board passed a motion to enter Closed Session to discuss Colony Ridge potential litigation and to preserve attorney/client privilege IAW with GS 143-318.11(a)(3) at 12:05 p.m.
- 22.** Open Session – The Board re-entered Open Session at 12:46 p.m. Mayor Edwards reported that the Board discussed the Colony Ridge facility and that the Board's primary concern is a high quality of patient care and continuing uninterrupted operation of the facility and the physical improvements which have not been addressed by the operator; the Board has decided to entertain new proposals from qualified operators.
- 23.** Comr. Cahoon – Gov-Ed Channel Committee – the Board passed a motion to adopt the Gov-Ed FY 14/15 budget as presented. The Board also passed a motion that Comr. Cahoon take the revised interlocal agreement back to the Gov-Ed Committee for further clarification of agency representation, i.e., do agencies without elected officials – such as the UNC-CSI and COA - have a right to vote and if so, is that detailed in the agreement? The agreement is to return for Board consideration.
- 24.** Comr. Ratzenberger – Shoreline Management Committee - Comr. Ratzenberger chairs the Town's Shoreline Management Committee and he asked those interested in volunteering to please contact him.
- 25.** Comr. Ratzenberger – Dare County Veterans Advisory Council - The Dare County Veterans Advisory Council meets the fourth Thursday of each month in the Dare County Administrative Building. One of the programs they have is issuing Dare County Veterans ID cards – there are currently 22 businesses that honor the card with some type of discount. During April cards are issued every Wednesday from 10 am until 1 pm in Room 142 of the Dare County Administrative Building.
- 26.** Comr. Ratzenberger – League of Women Voters - The League of Women Voters will hold a reception for all candidates for the Tue, May 6th Primary in the Kitty Hawk Town Hall on April 6th and 10th.
- 27.** Comr. Demers - Parking Ordinance Subcommittee - Comr. Demers reported that the Parking Ordinance Subcommittee has reached agreement on all issues and the consolidated work is now in the hands of the Planning Department to finalize the first draft.
- 28.** Comr. Demers – Stormwater Management - Comr. Demers said that he continues to meet with Town staff concerning stormwater management and to look at the initial prioritization of projects along with associated funding requirements - funding will be addressed during the upcoming budget process.
- 29.** Mayor Edwards – April 16, 2014 Schedule – The Board passed a motion to schedule the South Wing of Fire Station #16 on Wednesday, April 16th for the YMCA Master Plan Workshop at 3 pm and the Recreational Overlay District Workshop at 5:00 p.m.
- 30.** Mayor Edwards - Pilot Recycling Project - Town Manager Ogburn verified with Board members that the pilot recycling project will continue this year in the same area – during the months of July, August, and September – with an additional day each week (Saturday) of recycle pickup. The recycle pickups will be Tuesday and Saturday of each week.
- 31.** Adjournment - The Board passed a motion to recess to the YMCA and Recreational Overlay District Workshops on April 16th in the South Wing of Fire Station #16 - to start at 3:00 p.m. Mayor Pro Tem Walters confirmed that there was no mid-month meeting scheduled for April. The time was 1:33 p.m.