



**BOC ACTIONS
WEDNESDAY, NOVEMBER 5, 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 approve the Nov 5th agenda as presented.
3. Recognition – Planning Director Andy Garman introduced Zoning Administrator Tiffany Sanders who was welcomed by the Board to Town employment.

Finance Officer Kim Kenny introduced Accounting Technician Vicky Wright and Fire Chief Kevin Zorc introduced Ocean Rescue Captain/Firefighter Chad Motz who were both recognized by the Board for ten years of service.

The Board passed a motion to adopt the Proclamation declaring November as Alzheimer's Disease Awareness Month as presented.

4. Audience Response – Richard Murphy – Mr. Murphy, South Nags Head resident and Planning Board Chair provided a brief synopsis of rules and regulations of elected officials last month; both federal and state statutes mandate the manner in which elected and appointed officials are to conduct themselves; he said that Mayor Edwards' actions push things beyond ethical behavior to possible criminal action; he feels that Mayor Edwards should have recused himself from voting on a letter asking for his resignation as Planning Board Chair; Mr. Murphy encouraged the Mayor to consider a simple request for a public apology.
5. Consent Agenda – The Board passed a motion to approve the Consent Agenda as presented – it consisted of the following items:

Consideration of Budget Adjustment #3 to FY 14/15 Budget Ordinance

Consideration of Tax Adjustment Report

Approval of Minutes

Consideration of NTELOS agreement for extension of lease of Town Hall monopole tower

Consideration of Consolidated Fee Schedule modification for increase in license plate cost

Request for Public Hearing to consider zoning amendment re: setbacks for pools as accessory structures

6. 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 creation of a two-lot subdivision at 109 E Mall Drive. The Board passed a motion to table both requests – request to rezone the property from commercial to residential and the request to approve a variance/waiver - not to any specific time – until loose ends are resolved and brought back by the applicant/staff.

7. Annual Audit/Financial Statements - Teresa Osborne of Dowdy & Osborne, LLP provided an overview of the Town's FY 13/14 audit results – She noted that the Town received an unqualified opinion – the best that can be received - with no significant deficiencies or material weaknesses.
8. Report from Planning Board Chair – Planning Board Chair Richard Murphy provided a report on the November Planning Board meeting. Mayor Edwards requested a report on the Jennette's Pier item in time for the Board of Commissioners December 3rd meeting.
9. NCDOT Presentation – Angela Welsh of Albemarle Rural Planning Organization began an update on the Draft Dare County Comprehensive Transportation Plan via a slide presentation; NCDOT Kerry Morrow finished the presentation to include detailing the highway maps. Nags Head is to consider the adoption of the highway maps at the December 3rd Board meeting. A correction noted by Comr. Ratzenberger to identification of the multi-use path at Whalebone Junction was noted by Ms. Morrow.

The Board passed a motion to open a public comment period from now until December 2nd, to be advertised on the Town's web site, and to schedule a public comment period and consideration of a resolution re: adoption of the highway maps at the Board's December 3rd meeting.

10. Public Hearing to consider adoption of a zoning ordinance text amendment request submitted by Eddie Goodrich to add a new use category, "Residential Group Housing" to Town Code Sections 48-404, R-3 High Density Residential District and 48-407, C-2 General Commercial District – The Board passed a motion to adopt the "Draft E" version ordinance amending the Town Code to add a new use - "Residential Group Housing" with the following change: delete "some or all of the" in paragraph (f).

11. Committee Reports:

Comr. Ratzenberger – YMCA - Comr. Ratzenberger reported that in October the areas of concern from the YMCA Master Planning Committee were given to a designer who is to bring back proposals for review at the YMCA Board November meeting. In December the final plan will be presented and in January 2015 the YMCA Board will consider a budget to accomplish this work.

Comr. Ratzenberger - Albemarle Rural Planning Organization (ARPO) - Comr. Ratzenberger reported that ARPO is working on the comments received for the Strategic Transportation Corridors - due to NC DOT by December 3rd. The Corridors Plan was shown earlier this year where major evacuation routes like US 158 and US 168 had been removed from the Strategic Transportation Plan (STP) map. The next ARPO meeting is November 12th where it is expected the STP and the Barco Diversionary Plan will be discussed. The Barco Diversionary Plan is where Virginia could close I-64 to NC traffic, requiring evacuation traffic to be diverted west ward toward I-95.

Comr. Ratzenberger – Shoreline Management - Dare County – The Committee met twice in October; the project is moving along with the Town of Kitty Hawk having more difficulties due to their unique situation of geography, etc. Comr. Ratzenberger stated that Dare County is unable to pump too much more money into the Beach Nourishment project but may address a property that is weakening the project and may look at Kitty Hawk being done in two stages – The next meeting is scheduled for December 2nd – He feels that the Town may need to talk with the County on future funding.

Comr. Ratzenberger – American Shore and Beach Preservation Association (ASBPA) - Comr. Cahoon and Comr. Ratzenberger attended the three-day Conference in October in Virginia Beach. There were four concurrent sessions and they coordinated attending those most useful. Comr. Ratzenberger also attended a one-day beach monitoring class at the Duck Research Pier. The next ASBPA Conference is February 2015 in Washington, DC.

Comr. Ratzenberger – Shoreline Management - Nags Head - Comr. Ratzenberger reported that he and staff took a lengthy drive on the beach last week with Coastal Science and Engineering (CS&E) discussing the state of the beach, the draft final report, the Town's winter fencing and sprigging program, and what might be next. Tim Kana of CS&E will present the final report to the BOC in January 2015 and receive any guidance for the future. There is a new section in the draft final report on dune management/stabilization, effectively moving the Town's program into the next stage of building that would create a uniform, healthy dune system.

Comr. Ratzenberger pointed out that he would be glad to hear from anyone interested in serving on the Shoreline Management Committee - He anticipates workshops to be scheduled next spring.

Mayor Pro Tem Walters – Jennette's Pier Advisory Committee – The Committee met and there are vacancies on its Board with some appointments expected to be made soon. Manager Mike Remige will be at Nags Head's December 3rd Board meeting to provide an update on all programs.

Mayor Pro Tem Walters – Dare County Tourism Board (DCTB) - The DCTB met and the numbers for occupancy, food, etc. were very good. The meeting was a celebratory meeting due to the success of the Outer Banks Seafood Festival with over 9,000 participants. Mayor Pro Tem Walters reminded everyone of the OBX Marathon scheduled for this upcoming weekend.

Mayor Pro Tem Walters – Dowdy Park - Planning Director Andy Garman provided the survey results for the Dowdy Park design project via a slide presentation; a public meeting has been scheduled for November 20th at 5:30 p.m. and a meeting on the design charrette with the committee and the designer has been scheduled for November 21st at 9:00 a.m.

Comr. Demers – Albemarle Commission meeting - At an Albemarle Commission meeting in Manteo, Comr. Demers said that he discussed beach nourishment projects with Dare County officials and whether Nags Head is a part of the plan and all conversations included Nags Head in the planning.

Comr. Cahoon – Nags Head Promotion Goal – Businesses - Comr. Cahoon said that she will be sending out a plea requesting those interested to join the Nags Head Promotion Goal group – Nags Head Promotion focuses on the business community.

Comr. Cahoon – Coastal Resources Commission - Comr. Cahoon reported that at the recent CRC meeting, she was part of a panel discussion to include question/answer period with the Governor.

Comr. Cahoon – American Shore and Beach Preservation Association (ASBPA) - Comr. Cahoon stated that the ASBPA Conference had an executive meeting which voted to terminate the contract with their lobbyist and to move forward with an executive director position.

Mayor Edwards – Solid Waste and Recycling Goal - Mayor Edwards stated that the kickoff meeting of the Solid Waste and Recycling Committee will take place later in November and he is looking for volunteers. One of the items to be discussed is Town-wide mandatory recycling.

12. Recess/Reconvene – The Board recessed for lunch at 12:07 p.m. and reconvened at 1:16 p.m.

13. Board/Committee appointments - The Board passed motions to appoint Planning Director Andy Garman to the Rural Planning Organization – Transportation Coordination Committee - and to the Soundside Boardwalk Steering Committee. The Board passed motions to appoint Jeanne Kramer to a regular position and Paula Farah to an alternate position on the Personnel Grievance Panel.

- 14.** Town Code Chapter 46 re: taxicabs – The Board passed a motion to adopt the ordinance amending Town Code Chapter 46 re: vehicles for hire, i.e., taxicabs as presented.
- 15.** Waterline Extension Project – The Board passed a motion to authorize the transfer of funds in the amount of \$26,000 (from Water – Retained Earnings fund) and for Town Manager Ogburn to proceed with the contract execution for construction of the S Memorial Avenue waterline extension.
- 16.** Land Use Planning Guidelines and Grants – Planning Director Andy Garman explained that comments on the proposed revisions to the LUP are due to him by Friday, November 7th which will then be forwarded to DCM; he feels the comments/changes are a step in the right direction.
- 17.** Town Manager Ogburn - Town Manager Ogburn introduced the FY 13/14 Annual Report. Each Department Head summarized their departmental highlights via a powerpoint presentation. Town Manager Ogburn finished the presentation with slides depicting financial and project highlights.
- 18.** Comr. Ratzenberger – Comr. Ratzenberger invited all those interested to attend the Town's November 11th Veterans Day Ceremony at Town Hall.
- 19.** Comr. Ratzenberger – Comr. Ratzenberger reported that the next Community Watch meeting is scheduled for November 11th at 7 pm – a new program entitled Community Police Activity will be discussed at that time and is to allow more community involvement with the Police Dept.
- 20.** Comr. Demers - Comr. Demers stated that he would like to provide the Board with an update on stormwater mitigation at the December 3rd Board meeting; Mayor Edwards concurred.
- 21.** Comr. Demers – Former Nags Head Commissioner Jeanne Acree's Celebration of Life is scheduled for November 16th at the Outer Banks Fishing Pier from 2:00 to 4:00 p.m.
- 22.** Mayor Edwards – The Board passed a motion that the Bureau of Ocean Energy Management be notified that the Town would like to participate as a consulting party in the review for issuance of leases within the Wind Energy Areas off the coast of North Carolina – and that Mayor Edwards will be the participant in the process.
- 23.** Closed Session – The Board passed a motion, with the appropriate General Statutes identified, to enter Closed Session to confer with the Town Attorney re: Sansotta litigation and Beach Nourishment Project easement condemnations; to prevent the premature disclosure of an honorarium; to consider the acquisition of real property – the Nags Head/Manteo Causeway property between Whalebone Tackle and the Town's Estuarine Access; and to confer with the Town Attorney to preserve the attorney/client privilege - The time was 3:40 p.m.
- 24.** Open Session – The Board re-entered Open Session at 4:18 p.m. Attorney Leidy reported that the Board conferred with the Town Attorney on the items listed when entering Closed Session; the acquisition of real property was discussed; and no action was taken. An honorarium was discussed but will not be divulged in order to prevent the premature disclosure of that award.
- 25.** Mayor Edwards – He confirmed that there was nothing scheduled for November mid-month meeting.
- 26.** Adjournment – The Board passed a motion to adjourn. The time was 4:20 p.m.