



**TOWN OF NAGS HEAD  
BOC ACTIONS  
WEDNESDAY, SEPTEMBER 3, 2014**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the Sep 3<sup>rd</sup> agenda with the removal of agenda items E-5 (Consideration of resolution to surplus Town equipment) and E-6 (Consideration of request for replacement vehicle) for separate discussion. Mayor Edwards moved agenda items E-5 and E-6 to New Business.

3. Audience Response

Perry White - Nags Head resident; spoke in favor of the stop signs being considered today for the US 158 multi-use path; on Sep 11<sup>th</sup>, 2001 over 300 firefighters/ over 100 police officers died in NYC – St. Andrews Church will be holding a memorial service on Sep 11<sup>th</sup> for public safety who have died for their community.

Bob Oakes - former Nags Head Mayor; he commented on the proposed ordinance re: digging holes and tents on the beach – he is not sure legislation is the best way to address this issue; he agrees with Comr. Cahoon's previous comments on walkability and feels that Admiral Street needs to be more pedestrian friendly.

Talmage Davis - Admiral Street resident; there has been a lot more traffic such as trucks on Admiral street since Food Lion was built; he asked the Board to keep the neighborhood charm and still satisfy the needs of the community by making no changes - he asked the Board to not fix something that is not broken.

4. Recognition – New employee Planning Director Andy Garman was welcomed by the Board; Police Officer James Tate was recognized by the Board for five years of service; Fire Captain Gina Elko was recognized by the Board for 15 years of service; Fire Captain Chip Holcomb was recognized by the Board for 25 years of service; Andy and Lovie McAnn were presented a framed photo in appreciation of their generosity in allowing Town fireworks at their pier.

5. Consent Agenda - The Consent Agenda consisted of the following items:

Consideration of Budget Adjustment #1 to FY 14/15 Budget Ordinance

Consideration of Resolution to appoint Tax Collector/Charge Tax Collector to prepare current taxes

Consideration of Tax Adjustment Report

Approval of Minutes

Consideration of resolution to surplus Town equipment (Removed for separate discussion)

Consideration of request for replacement vehicle (Removed for separate discussion)

Consideration of resolution authorizing Annual OBAR Fishing Tournament

Request for Public Hearing to consider a Preliminary Subdivision Plat for a two-lot subdivision on Mall Drive

Request for Public Hearing to consider a Zoning Ordinance Text Amendment for new use "Horseback Tours"

Request for Public Hearing to consider text amendment to establish a "freeboard" of one foot above BFE

Request for Public Hearing to consider Zoning Ordinance Amendment - category "Residential Group Housing"

The Board passed a motion to approve the Consent Agenda as amended (with removal of agenda items E-5 and E-6 for separate discussion).

**6.** Public Hearing – The Board passed a motion to take no action on the Outer Banks Events site conditional use/site plan request since hard copy site plans were just received by Board members and to table any decision to the September 17<sup>th</sup> mid-month meeting.

**7.** Public Hearing - The Board passed a motion to table a decision on the Jet Pak zoning ordinance text amendment to the September 17<sup>th</sup> mid-month meeting to give staff a chance to review the limits of businesses in this area.

**8.** Nags Head Woods annual report - Steward Aaron McCall of Nags Head Woods/Nature Conservancy presented the 2014 report of Nags Head Woods via a power point presentation which was well received.

**9.** DCTB Grant – The Board passed a motion to authorize staff to apply for the DCTB Restricted Fund Grant for extension of the west side multi-use path as requested.

**10.** Dowdy Park design - The Board passed a motion to approve staff's recommendation for the Dowdy Park Design and to award the contract to Albemarle & Associates and VHB Engineering.

**11.** Beach tents ordinance – The Board passed a motion to table a decision on the beach tent ordinance to the October 1<sup>st</sup> Board meeting in order to address today's discussion and to obtain/provide additional input from citizens/rental agencies. The motion passed 4 – 1 with Mayor Edwards casting the NO vote.

**12.** Clean Water Act resolution – The Board passed a motion to adopt the Clean Water Act resolution with the additional "WHEREAS" paragraph added - The signed resolution is to be forwarded to EPA contacts listed as part of public input, State Senators Burr and Hagan, congressional delegation and to local officials.

**13.** Lunch – The Board recessed for lunch at 12:32 pm and reconvened at 1:38 p.m.

**14.** Traffic control for w side multi-use path – The Board passed a motion to place the smaller version of a regular Stop Sign which indicates just "STOP" on the multi-use path at neighborhood intersections with US 158 and the sign "Caution – Watch for Pedestrians and Cyclists" at each US 158 neighborhood intersection.

**15.** Committee Reports

Comr. Ratzenberger – Albemarle Rural Planning Organization (ARPO) – A resolution will be brought forward at the September mid-month meeting in support of ARPO's letter to the Strategic Prioritization Office of Transportation (SPOT) Work Group.

Comr. Ratzenberger - YMCA Master Planning – The Town's role in the YMCA Master Planning process is now done - Main items of concern are: 1) swimming, and 2) the facility itself. It was Board consensus that Mayor Edwards, Comr. Ratzenberger, and Town Manager Ogburn meet with YMCA officials re: Town issues and return to the Board - after receipt of the final YMCA report.

Comr. Demers – Albemarle Regional Solid Waste Management Authority – Initial concern was caused by a coal ash spill in the Dan River – legislation was subsequently passed which established a commission to oversee all future action and to prohibit construction of new or expanded coal ash dump sites.

Mayor Edwards – Colony Ridge Rehabilitation Center – The committee extended the date for receipt of RFP's for another 30 days – they hope to start negotiating with a new operator some time in September 2014.

Mayor Pro Tem Walters – Dowdy Park Committee – Mr. Phil Ruckle's group did geo-caching - and many people from different organizations helped with a Dowdy Park site clean up; the building on site will be fitted with cedar shakes that were donated; the Committee will be preparing a "Memory Book" and will be requesting old photos of the Dowdy Park Amusement site.

Mayor Pro Tem Walters – Dare County Tourism Board – The DCTB 2013 figures are out and Dare Co. ranks #4 in tourism out of 100 NC counties; social media audience continues to grow – now over 550,000 fans.

**16.** Items moved to open discussion from Consent Agenda: The Board passed a motion to adopt a resolution surplussing the Police Ford Crown Victoria and vehicle police equipment. The Board also passed a motion to authorize the purchase of a new Police vehicle and associated police equipment as requested.

**17.** Town Attorney Leidy – Request for Closed Session was moved to the end of the agenda.

**18.** Town Manager Ogburn – The Board passed a motion that staff work with Missions of Mercy (dental health care) to get the space they need at the former Outer Banks Medical Center (OBMC) facility.

**19.** Town Manager Ogburn - Town Manager Ogburn reported that body boarders have inquired about entering the ocean when red flags are flying as surfers do - a text amendment to the red flag ordinance with this modification will be forthcoming.

**20.** Town Manager Ogburn - Town Manager Ogburn noted that the Town has an agreement with the State pertaining to duck blinds – He is to provide Board members with a map identifying the location of the duck blinds in the Sound.

**21.** Town Manager Ogburn - Town Manager Ogburn reported that the Village Wastewater Treatment Plant is passing its inspections but still smells bad and the Town has received several complaints. He is to set up a meeting with the Village and Wastewater Treatment Plant officials concerning this issue.

**22.** Town Manager Ogburn – He summarized the meeting that took place Sep 2<sup>nd</sup> at Fire Station #16 to discuss the issues that remain on Seagull Drive. Approx. 50 people attended to include Mayor Edwards, Comr. Ratzenberger, Town Manager Ogburn, Frank Jennings from CAMA and interested property owners from South Nags Head. The Seagull Dr. house contractor was also present. Mayor Edwards reported that those in attendance were not exactly satisfied with the answers but were satisfied that they were being heard.

**23.** Comr. Cahoon – The Board passed a motion to remove the Admiral Street pork chop and to make the western portion of Admiral Street two-way - "No Thru Trucks" signage was also approved. The motion passed 4 – 1 with Mayor Edwards casting the NO vote.

**24.** Mayor Edwards - Due to various meeting obligations during the month of October 2014, it was Board consensus to schedule the mid-month meeting for Monday, October 20<sup>th</sup> at 5:30 pm.

**25.** Mayor Edwards - It was Board consensus to schedule the following for September 2014:  
September mid-month workshop – Wednesday, September 17<sup>th</sup> - 4 – 6 pm  
September mid-month meeting – Wednesday, September 17<sup>th</sup> – 7 pm  
Town Manager evaluation (use current evaluation form) - Wednesday, September 24<sup>th</sup> at 9 am

**26.** Comr. Ratzenberger - Comr. Ratzenberger noted that today's online streaming of the Board meeting went well – He also pointed out that during today's meeting, it took 12 minutes for the 300+ page

Stormwater Plan to download. Staff is to look into a resolution of providing large documents and for the consistent streaming of Board meetings.

**27.** Closed Session – The Board passed a motion to enter Closed Session to discuss Sansotta litigation, Beach Nourishment Project condemnations, and to preserve attorney/client privilege - The time was 4 p.m.

**28.** Open Session - The Board re-entered Open Session at 4:33 p.m. Attorney Leidy reported that no actions were taken during Closed Session.

**29.** Adjournment – The Board passed a motion to recess to a workshop on Wednesday, September 17, 2014 at 4:00 p.m. with the mid-month meeting to begin at 7:00 p.m. The time was 4:34 p.m.