



**TOWN OF NAGS HEAD
BOC Actions
Wednesday, May 15, 2013
Special Meeting**

1. Call to order - Mayor Oakes called the meeting to order at 7:18 p.m. Mayor Oakes requested a moment of silence in memory of Nags Head Sgt. Earl Murray who died responding to a call on May 15, 2009.
2. Adoption of agenda – the Board passed a motion to adopt the May 15th agenda as presented.
3. Audience Response – no one spoke during Audience Response.
4. The Board passed a motion to approve the Consent Agenda as presented:
 - Consideration of Budget Adjustment #12 to FY 12/13 Budget Ordinance
 - Consideration of request to apply for Beach Educator/Nags Head Elementary School Officer Grant
 - Consideration of Administration printer/copier contract
5. Second reading – the Board passed a motion to amend Zoning Ordinance for residential dimensional requirements within the C-2, General Commercial and CR, Commercial Residential zoning districts relating to overall lot size and lot width.
6. Second reading – to amend the Town Code Chapter 26 to prohibit sky lanterns. The Board passed a motion to adopt the ordinance to be in effect immediately.
7. CAMA policies regarding sand bags and septic systems within Ocean Hazard Areas brought the Board to consider making changes to the Land Use Plan. Town Manager Ogburn provided an update from the recent Coastal Resources Commission (CRC) meeting regarding potential changes in State regulation of sand bags and septic systems located on the public beach. Planning Director Elizabeth Teague explained the process for amending the Land Use Plan. Ms. Teague stated the plan could be on CRC's agenda September 25th.
 - Staff was directed to move forward on amending the Land Use Plan with a request for a public hearing to be on the June 5th agenda.
8. Town Attorney – Attorney John Leidy provided an update on potential litigation. The Sansotta appeal case is scheduled for the 4th Circuit Court of Appeals in Richmond on Friday, May 17th. Attorney Leidy, Town Manager Ogburn, and Attorney Ben Gallop will be traveling to Richmond for this hearing.
9. Town Attorney – Town Attorney Leidy requested a Closed Session to update the Board on Cherry Inc. and Sansotta litigation.
10. Comr. Walters - Bike and Build kickoff will be held on Friday, May 17, at 8:00 am at Forrest Street.

- 11.** Comr. Cahoon – reported the House recently passed for the third time, their version of Senate Bill 10 (SB 10) - elimination or changes of certain State Boards and Commissions. The CRC is one of the committees listed in this bill for reduction of membership.
- 12.** Mayor Oakes – Moon Gate subdivision storm water improvements – Town Engineer David Ryan summarized proposed storm water improvements along the Beach Road. He reported it's the opinion of a NCDOT engineer to not allow the proposed perforated pipe to be used within the right-of-way for drainage improvements. After some discussion, it was Board consensus for the Mayor, Town Manager, and Town Engineer coordinate a meeting with the Town's representative to the NC Board of Transportation Board Member, Malcolm Fearing to request assistance with this issue.
- 13.** The Board entered Closed Session for litigation update. The time was 8:00 p.m.
- 14.** Open Session – The Board re-entered Open Session at 8:24 p.m. Town Attorney Leidy reported that during Closed Session attorney/client privilege relating to Cherry, Inc. and Sansotta litigation - no action was taken.
- 15.** Adjournment - The Board passed a motion to adjourn at 8:26 p.m.