



**TOWN OF NAGS HEAD  
BOC ACTIONS  
WEDNESDAY, NOVEMBER 6, 2013**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. He welcomed everyone and noted that Comr. Cahoon was unable to attend due to a death in the family. He also noted that Attorney Robert Hobbs was sitting in for Attorney John Leidy.

Mayor Oakes congratulated the new mayor/commissioners-elect and thanked all those who ran.

2. Agenda – The Board passed a motion to adopt the November 6<sup>th</sup> agenda as presented.

3. Audience Response – Louis Toth, Village at Nags Head resident; he described how he traps feral cats - they trap, neuter, and then return the cats to the location they were picked up; he can see a decrease in the population; he asked if anyone was interested in volunteering, to please let him know.

4. Audience Response – Annette Ratzenberger, Village at Nags Head resident; she spoke about lung cancer and questioned why there wasn't more outrage with the lack of research for a cancer that kills an estimated 435 people a day; she provided some statistics on lung cancer and her husband John distributed a LUNGEVITY pamphlet to Board members; Ms. Ratzenberger said that lung cancer among women who have never smoked is the fastest growing cancer; this has become her family's passion – her daughter-in-law died of lung cancer a year ago; she asked people to help by spreading the word, talking about it with others and to please donate if possible.

5. Recognition - Public Works Sanitation Equipment Operator Michael Flowers was unable to attend today's meeting to receive his ten year service recognition.

Public Works Equipment Operator Jessie Spruill was unable to attend today's meeting to receive recognition for retirement after 25 years working for the Town. Public Works Director Ralph Barile accepted the retirement plaque on Mr. Spruill's behalf. Later in the Board meeting, Mr. Spruill and his wife arrived at the Board meeting. He was introduced to the Board and thanked for his years of service -- Mayor Oakes presented the retirement plaque to Mr. Spruill.

6. Consent Agenda - The Board approved the Consent Agenda with the removal of the item re: the traffic control map amendment extending the 35 MPH speed limit on SR1243 to allow for further clarification and which will be considered at the Nov 20<sup>th</sup> mid-month meeting -- the Consent Agenda consisted of the following items:

Consideration of Budget Adjustment #5 to FY 13/14 Budget Ordinance

Consideration of Tax Adjustment Report

Approval of Minutes

Consideration of resolution to surplus Town equipment

Consideration of post storm debris monitoring contract

Request to apply for DCTB Special Projects Grant on behalf of Kelly's 2014 St. Patrick's Day Parade  
Consideration of revised Street Lights Policy  
Request for funds for installation of Fire Department turnout gear washer  
Request to apply for 2013 Assistance to Firefighters Grant  
Modification to Personnel Policy re: longevity payout schedule

**7.** Public Hearing - to consider adoption of a Zoning Ordinance Text Amendment re: lighting of outdoor recreational uses as it pertains to specific lighting exemptions for amusements both above and below 35 feet in height - this exemption is scheduled to "sunset" Nov 6<sup>th</sup> if no further action -- The Board passed a motion to remove the sunset clause and adopt the text amendment as presented.

**8.** Public Hearing - to consider adoption of a Zoning Ordinance Text Amendment within the Commercial-Outdoor Recreation Overlay District to increase the total number of amusement rides that can exceed 35 feet in height, not to exceed 60 feet, from one to three --- The Board passed a motion to adopt the text amendment as presented.

**9.** Public Hearing – to consider adoption of a Zoning Ordinance Text Amendment to allow structural poles associated with "Aerial Adventure Parks" to extend no more than 60 feet in height -- The Board passed a motion to adopt the text amendment to allow structural poles associated with aerial adventure parks to extend no more than 60' in height from natural or original grade as presented.

**10.** Public Hearing - to consider adoption of a Zoning Ordinance Text Amendment to reflect changes made by the General Assembly re: Zoning Boards of Adjustment -- The Board passed a motion to adopt the text amendment to reflect changes made by the General Assembly in Session Law 2013-126/House Bill 276 re: Zoning Boards of Adjustment as presented.

**11.** Committee reports - Comr. Walters – Jennette's Pier Advisory Committee – Some of the highlights presented include:

- There will be an entrance fee to the pier beginning in 2014
- Fees will be charged to visiting researchers - there are currently three research projects
- The pier has received NC Green Travel Destination recognition
- Fish tanks at the pier are being repaired
- Town Manager Ogburn added that there will be a half wall built to separate the Aquarium Society and the Gift Shop/concessions to help delineate responsibilities
- Mayor Oakes thanked both Comr. Sadler and Comr. Walters for their work in making it an even playing field with the other piers re: fees

**12.** Committee reports - Comr. Sadler – Dare County Tourism Board – Some of the highlights presented include:

- Dare County Arts Council information on upcoming events was presented
- Approved was a short-term restricted fund grant for the continuation of the Town's west side multi-use path which will extend the path to the Northridge Subdivision
- Repair of the Outer Banks Visitors Center building was contracted
- No final figures yet on the Outer Banks Seafood Festival but estimated attendance is over 8,000
- The DCTB is planning Outer Banks Christmas events and any information re: Christmas events should be forwarded to be included on the DCTB web site
- The next meeting of the DCTB will be the third Thursday in Nov at the UNC-CSI building

**13.** Attorney Hobbs - Attorney Hobbs reported on the recently adopted resolution detailing the water consumption unit refund process and Sunnyside Elevators who requested reimbursement of 21 remaining prepaid water consumption units – at a value of \$2,000 each -- The Board passed a motion to approve the reimbursement to Sunnyside Elevators in the amount of \$42,000.

**14.** Regional Bicycle Plan - NCDOT Gretchen Byrum reviewed the Work Program Update, Final Plan Summary, and the Next Steps to take for the Albemarle Regional Bicycle Plan -- the Board passed a motion to adopt the resolution in support of the Albemarle Regional Bicycle Plan as presented.

**15.** Town Manager - It was Board consensus to schedule a time for a representative from the State Historic Commission to discuss a Town Historic Landmark Commission in further detail with Board members.

**16.** Report from auditor - Auditor Teresa Osborne of Dowdy & Osborne summarized the results of the recent Town audit via a powerpoint presentation – she provided the following:

- An unqualified opinion was provided.
- There were no significant deficiencies found.
- There was a reduction in net assets – but with valid reason.

**17.** Presentation from Lee Nettles, Executive Director of Outer Banks Visitors Bureau – Mr. Nettles thanked the Town for its support of the recent Outer Banks Seafood Festival; he then presented, with a powerpoint presentation, the proposed conceptual plan for the Outer Banks Event site (former Windmill Point site).

In response to Village resident Louis Toth, Mr. Nettles said that the Town did not receive any funds from the Seafood Festival entrance fee but that there was no expense to the taxpayers of the Town. He and Comr. Walters pointed out the economic benefit of the festival to the entire Outer Banks.

**18.** Comr. Sadler – She pointed out that there will be several appointments made soon since the Town will be losing two Planning Board members; she encouraged anyone interested in serving to apply.

**19.** Mayor Oakes - Mayor Oakes scheduled the consideration of nominees to represent the Town on the DCTB for consideration at the Nov 20<sup>th</sup> mid-month Board meeting.

**20.** Mayor Oakes - Mayor Oakes invited everyone to attend the Town Veterans Day Ceremony scheduled for 11 am on Monday, Nov 11<sup>th</sup>.

**21.** Mayor Oakes – The Board passed a motion to enter Closed Session to discuss a personnel honorarium – He reported the following items will be considered at the Nov 20<sup>th</sup> mid-month meeting:

- Sansotta vs Town litigation update
- Amendment to George Moore's agreement re: his SNH house
- Possible land acquisition

**22.** Open Session – The Board re-entered Open Session at 11:34 a.m. Attorney Hobbs reported that during Closed Session the Board considered and reached consensus on a personnel honorarium.

**23.** Mayor Oakes said that the Stormwater – Best Management Practices (BMP) Workshop will begin at 7 p.m. on Nov 20<sup>th</sup> following a brief mid-month meeting at 6:30 p.m.

**24.** Adjournment - Mayor Oakes recessed to a mid-month meeting on Nov 20<sup>th</sup> at 6:30 p.m. The time was 11:36 a.m.