



## **BOC ACTIONS**

### **September 4, 2013**

- 1.** Call to order – Mayor Oakes called the meeting to order at 9 am; Recently passed Dare County Comr. Richard Johnson and former Nags Head Comr. Ronnie Scott were remembered.
- 2.** Agenda – The Board approved the Sep 4<sup>th</sup> Agenda as presented.
- 3.** Audience Response – Mike Kelly, resident and business owner; his restaurant located in the Commercial Outdoor Overlay Recreational District was mentioned during the last Board meeting during Audience Response as being rumored to be purchased by Harris Teeter stores; he stated that no one is buying or developing either of his properties; he feels it sets a dangerous precedent to forward information for Planning Board/staff review and proposed ordinance development based on a rumor; the Town has eliminated so much commercial property within the town and he feels that this is serious – he is hopeful that after today's discussion on the overlay district there will be more direction from the Board – the Town needs a balance of residential and commercial uses – he has come before the Board to note that the short-term stay for tourists is needed; he feels this will adversely affect the Town and the number of visitors that come in the next 20 – 30 years.
- 4.** Audience Response – Pat Heezen, Kill Devil Hills resident; owns two oceanfront cottages in South Nags Head; she would like the Board to consider requiring all oceanfront property owners to provide a bulkhead (sand dune) in front of their property so that when there is a storm/hurricane everyone's property is protected; her neighbor does not want to install sand fence or bulkhead (sand dune) which adversely affects her property when there is a storm.
- 5.** Audience Response – Richard Murphy, resident; as the Town approaches elections this year, he noted that the Nags Head Board will be changed; he has always supported beach nourishment – the Board has stayed on track with beach nourishment – and it has been a huge success; he would like the support of beach nourishment to stay on track in order to keep financing in place for renourishment, if necessary.
- 6.** Recognition - Deputy Fire Chief Shane Hite introduced Firefighter/EMT Hayden Poulin who was recognized by the Board for five (5) years of service.
- 7.** Consent Agenda – the Consent Agenda consisted of the following items:
  - Budget Adjustment #3 to FY 13/14 Budget Ordinance
  - Tax Adjustment Report
  - Approval of Minutes (Aug 7<sup>th</sup> and Aug 21<sup>st</sup>)
  - Outer Banks Association of Realtors Surf Fishing Club resolution
  - Surplus Town equipment resolution
  - Consolidated Fee Schedule modification
  - Application to DCTB for Phase VI of US 158 multi-use pathThe Board pulled the Aug 21<sup>st</sup> BOC/NCDOT workshop minutes from Consent Agenda for separate discussion. The Board approved the Consent Agenda as amended.

- 8.** Public Hearing – Conditional use/vested right/site plan amendment for Colony Ridge Rehabilitation Center and Nursing Home – The Board made the required three ( 3) findings of fact and approved the conditional use/vested right/site plan amendment as presented – to include approval of the RPZ connection (backflow preventer device) before the building permit is issued.
- 9.** Public Hearing – Text amendment for Automated Ice Vending Machine Structures as accessory use to retail shopping centers – The Board denied this text amendment.
- 10.** Public Hearing – to consider adoption of proposed amendments to Town Code Chapter 34 – Stormwater Management ordinance. The Board tabled consideration of the revised Stormwater Management ordinance until the October 16<sup>th</sup> mid-month Board meeting. The next few Board meetings are to include a spot for the public to provide comments.
- 11.** NCDOT Pedestrian Plan agreement – The Board approved the municipal agreement with NCDOT for a comprehensive pedestrian plan – Staff is to return at the October 16 mid-month Board meeting in October with a proposed Pedestrian Plan Committee member list.
- 12.** Recess for tours – The Board recessed at 11:46 a.m. to tour the Community Care Clinic and the Colony Ridge Rehabilitation Center and then to lunch. The Board reconvened at 2:00 p.m.
- 13.** Retail structures in Commercial Outdoor Recreational Overlay District – Planning Board is to take a broad look at footprint and uses – it was noted that this item had moved too far, too fast.
- 14.** Committee reports – Comr. Sadler reported on the mid-August Dare County Tourism Board meeting – end of June 2013 readings were up – she expressed disappointment that Nags Head and Kill Devil Hills were the only two towns that did not receive any grant funds for holiday celebration decorations; grant guidelines will be redefined; an August 26<sup>th</sup> meeting at the Outer Banks Event site (former Windmill Point site) provided three (3) alternatives for the site – all open-air events and devoid of buildings except for restrooms and a small office – the alternatives were all well received – to be re-discussed in mid-September.
- 15.** Taxicab driver appeals – The Board entered Closed Session to discuss two taxicab driver appeals – In Open Session both applicants were approved taxicab driving permits.
- 16.** Aug 21<sup>st</sup> BOC/NCDOT Workshop minutes removed from Consent – The Board approved the Aug 21<sup>st</sup> minutes as amended – with clarification (on page three) of Comr. Walters’ statement re: the Jennette’s Pier crosswalks, the requested crosswalk at Outer Banks Fishing Pier, and the need for a crosswalk at Nags Head Fishing Pier.
- 17.** Town Attorney - Town Attorney Leidy summarized the request from Mr. Bobby Harrell for a refund of prepaid water consumption units – Attorney Leidy stated, after performing a title search, that Mr. Harrell was asked to provide an affidavit to show the necessary link.

The Board adopted a resolution establishing a procedure to follow and to allow decisions in the future re: WCU refunds to be made administratively.

- 18.** Town Attorney - Town Attorney Leidy requested a Closed Session in accordance with/to preserve attorney/client privilege.

- 19.** Town Manager – The Town’s proposed Land Use Plan amendments are scheduled for consideration at the Sep 24 – 26, 2013 Coastal Resources Commission (CRC) meeting, scheduled to take place at Jennette’s Pier.
- 20.** Town Manager - Town Manager Ogburn expressed his sympathy and that of Town staff at the recent passing of former Comr. Ronnie Scott.
- 21.** Comr. Cahoon - Comr. Cahoon asked that when changes are made to the Stormwater Management Ordinance, that these change pages be provided to Board members for input into their hard-copy binder along with exact location the change pages are to be placed.
- 22.** Comr. Cahoon - Comr. Cahoon asked that the Check Valve at the Catfish Farm drainage pipe be checked periodically to prevent flooding of the Whalebone area.
- 23.** Comr. Cahoon – After the successful Labor Day surfing events at Jennette’s Pier, Comr. Cahoon suggested a “No Passing” sign be installed in area of the pier; she noticed the amount of pedestrians and the illegal passing on the right and into the Town’s multi-use path when vehicles exit South Nags Head.
- 24.** Comr. Sadler - It was Board consensus to agree with Comr. Sadler and to retire former Comr. Ronnie Scott’s beach driving permit.
- 25.** Comr. Sadler – In response to Comr. Sadler’s concerns, Police Chief Brinkley will continue to provide extra patrolling in the area of Admiral Street – many still enter Admiral Street illegally from Memorial Drive.
- 26.** Mayor Oakes - Mayor Oakes said that he will be contacting Town of Manteo officials to inquire about modifying the speed limit from 50 MPH to 40 MPH to help with Little Bridge safety.
- 27.** Closed Session – The Board entered Closed Session to consider land acquisition – Dowdy’s Amusement Park on US 158/Bypass - in accordance with GS 143-318.11(a)(5) – and to confer with the Town Attorney. The time was 3:33 p.m.
- 28.** Open Session - The Board re-entered Open Session at 4:03 p.m. Attorney Leidy reported that no actions were taken during Closed Session.
- 29.** Adjournment - Mayor Oakes recessed the Board meeting to the September 18, 2013 mid-month meeting at 7:00 p.m. The time was 4:04 p.m.