



**TOWN OF NAGS HEAD
BOC ACTIONS
October 17, 2012**

1. Call to order - Mayor Oakes called the meeting to order at 7:00 p.m.
2. Adoption of agenda – the Board adopted the October 17th agenda as presented.
3. Audience Response – no one spoke during Audience Response
4. Bona fide fishing tournaments – The Board adopted an ordinance amending the definition of bona fide fishing tournament to state that an organization or group must give a minimum of \$500 to a recognized charity before applying for a beach driving permits for a surf fishing tournament.
5. Resolution to oppose widening of US 158 – The Board adopted a resolution opposing the widening of US 158 Bypass as presented.
6. Police separation allowance – the Board authorized the Police separation allowance to be funded annually and to come from the Undesignated Fund Balance.
7. Town Attorney - Attorney Leidy reported on the Town vs Cherry, Inc. litigation stating that the Court of Appeals ruled in March 2012 that the Town has no authority to enforce PART C of the Town's Nuisance Ordinance. The rest of the case will be coming back for trial - the issue of the storm-damaged condition of the cottages.
8. Town Attorney - Town Attorney Leidy requested a Closed Session to discuss with Board members the Cherry, Inc. and Sansotta litigation.
9. Town Manager - Town Manager Ogburn explained that condition #15 of the State CAMA permit for the Town's Beach Nourishment Project required benthic monitoring one year before and two years after nourishment – results of the monitoring has been positive with no apparent adverse impacts from the project. The Board authorized the Mayor to sign and forward a letter requesting that the State end the requirement for the monitoring.
10. Town Manager – Town Manager Ogburn commended Public Safety staff for doing an excellent job with the Fire Open House last week.

11. Town Manager – An invitation was received from NCDOT re: a dedication ceremony for the Colington Road Bridge to be named “Sgt. Earl Murray Bridge” in honor of Sgt. Murray who died in the line of duty. The dedication is scheduled for Friday, Nov 2nd at 2:00 p.m.
12. Mayor Pro Tem Remaley – He reported that he will be giving the welcoming remarks at Saturday’s Outer Banks Seafood Festival event – to be held at the Windmill Point site.
13. Comr. Walters - Comr. Walters provided a last reminder of Saturday’s Outer Banks Seafood Festival. The tents are in place and everyone is excited and looking forward to the event which has been more than a year in the planning. She complimented Town Manager Ogburn and his staff, the Festival Committee, and the Tourism Board who have all done a lot of work for the event.
14. Comr. Sadler - Comr. Sadler stated that she is also looking forward to the Outer Banks Seafood Festival this Saturday and she thanked Public Safety staff and in particular she thanked the Public Works staff for all their work preparing the site.
15. Mayor Oakes - It was Board consensus to schedule a BOC Retreat Jan 31 – Feb 1, 2013.
16. Mayor Oakes - It was Board consensus to obtain responses to the following questions before making a final decision concerning the request from Randy Uzzell to convert assisted living (HA) beds into private beds at Colony Ridge:
 - How many HA (assisted living) beds are at Spring Arbor facility and are they full?
 - Does this reduction leave any HA (assisted living) beds at Colony Ridge; if not, what is the long-term effect of doing away with all HA (assisted living) beds.
 - Town Manager Ogburn noted that these questions can be asked at next week’s Colony Ridge Advisory Committee meeting.
17. Mayor Oakes – The Board adopted a resolution opposing a Beach Plan Insurance rate increase as presented. Comr. Sadler emphasized to the public that they have until Fri, Oct 19th to email comments on the proposed rate increase (homeowners@ncdoi.gov). Detailed information can be found on the Town’s web site.
18. Closed Session – The Board entered Closed Session to discuss Sansotta and Cherry, Inc. litigation at 7:49 pm.
19. Open Session – The Board re-entered Open Session at 8:27 p.m. Attorney Leidy reported that during Closed Session he conferred with the Board re: Cherry, Inc. and Sansotta litigation; instruction was given to the Attorney but otherwise no action was taken.
20. Adjournment - The Board adjourned at 8:28 p.m.