



**TOWN OF NAGS HEAD
BOC ACTIONS
December 7, 2011**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. Prayer was provided by Rick Lawrenson which was followed by the Pledge of Allegiance.
2. Reorganization - Town Clerk Carolyn Morris reported on the results of the November 8th election and Comrs. Walters and Cahoon were sworn in. Comr. Remaley was nominated and sworn in as Mayor Pro Tem.
3. Agenda – The Board passed a motion to approve the December 7th agenda as presented.
4. Audience Response - Rick Lawrenson - he asked the Board to reject the proposal on today's agenda re: LED signage; he would like to see the Planning Board and Board of Commissioners approve a proposal allowing digital signage tastefully done - similar to the Outer Banks Hospital sign.
5. Audience Response - Bob Muller – he congratulated Comr. Cahoon and Comr. Walters; he would like to see the Board adopt a policy that would budget adequate funds to televise the Nags Head election forums – the last two times the forums were aired, they were paid for by individual citizens.
6. Audience Response - Lois Williams - she has been working with Code Compliance Officer Kim Allen in creating an LED sign for the Outer Banks Mall; they have done a lot to support their tenants; they would like to display professional digital signage that would allow each tenant to be represented.
7. Audience Response – Annette Ratzenberger – she congratulated Comr. Cahoon and Comr. Walters; she stated that the Village Board of Directors forwarded a letter to the Board of Commissioners asking that rentals at the Village private beach access be allowed to continue (agenda item #12); she noted that after reading staff's recommendation which indicated "few problems" were seen this past summer, she wanted to clarify for the Board that in fact there were no problems or violations at the Village private beach access; she said that the Village Board of Directors would like to see the beach chair/umbrella rental service continued.
8. Audience Response - Thomas Musica, Cabana Service; Mr. Musica provided the beach chair/umbrella rental service at the Village this past summer (agenda item #12); he was concerned about staff's recommendation against the rental service continuing; he would like the opportunity to sit down with staff to work out a proposal that would be acceptable and would allow the service to continue.
9. Employee of the Year – The following nominees for 2011 Earl Murray, Jr. Employee of the Year Award were presented with a Certificate of Appreciation: Fire Dept -John Wilkinson; Public Works - Todd Workman; Police Dept - Lora Gilreath; Administrative Services - Christie Bliven; Town Clerk's Office - Roberta Thuman; and Planning & Development - Kelly Wyatt. Roberta Thuman was awarded the 2011 Employee of the Year designation and plaque.

10. Recognition – New employees Firefighter/EMT Josh Ball and Water Service Technician Joe Donski were welcomed by the Board; Finance Officer Kim Kenny was recognized by the Board for 20 years of service, and recently retired Sr Accounting Technician Jo Ann Clark was congratulated by the Board on her retirement.

11. Consent agenda – The Consent Agenda was approved by the Board as presented and consisted of the following: Budget Adjustment #6, Tax Adjustment Report; BOC minutes; and Resolution to surplus equipment.

12. Public Hearing - to consider adoption of amendments to various Town Code sections to permit the installation of concealed building mounted antennae as a conditional use within the CR and C-2 zoning districts; The Board passed a motion to adopt the ordinance amendment as presented – SprintCom and Planning Board's provisions were included in the approval. The Statement of Consistency was also adopted.

13. Public Hearing - to consider adoption of amendments to Town Code Section 48-8, Definitions and Town Code Section 48-324, Prohibiting LED and Digital Signage; The Board discussed LCD, LED and other digital signage and requested that an ordinance combining their ideas be prepared prior to adoption.

Later in the meeting, Planning Director Elizabeth Teague presented a revised ordinance for Board review. The Board passed a motion (Mayor Pro Tem Remaley cast the NO vote) to adopt the ordinance concerning prohibited signage which prohibits LED, LCD or plasma signs that project imagery or moving imagery. The Statement of Consistency was also adopted by the Board.

14. Review of ordinance permitting onsite rental of beach chairs/umbrellas at Village Club House – The Board passed a motion to recuse Mayor Oakes from the discussion due to conflict of interest. Mayor Pro Tem Remaley conducted the discussion. The Board passed a motion to allow the sunset provision to lapse (with the Village at Nags Head Beach Club rentals) and to have staff bring back a proposal within the next 60 – 90 days - combining all goals – a proposal that provides clear guidance to potential vendors and to the public. A proposal that would provide an opportunity for a family in Nags Head to have a place to rent a beach chair/umbrella and not limit the service to hotel or Village Club House patrons. The Board also passed a motion to initiate reconsideration of the ordinance concerning the CR District and rental of beach chairs/umbrellas.

15. Committee reports - Board members had no committee reports to present.

16. Planning Board - It was Board consensus to consider Planning Board appointments at the January 2012 Board meeting. Mayor Oakes pointed out that if the alternate, Barbara Gernat, is appointed to the regular position, another alternate would need to be appointed. In addition, the Board will need to consider the reappointment of Tom Haddon whose term expired in November 2011.

17. Town Attorney - Attorney Leidy requested that the Board enter Closed Session at the appropriate time to discuss Sansotta litigation.

18. Town Manager - Town Manager Ogburn and Department Heads presented the FY 10/11 Annual Report which was well received.

19. Town Manager - Town Manager Ogburn updated the Board on Hurricane Irene damage assessment.

He noted that 4,615,126 cubic yards of sand have been added to the beach system and that 4,451,549 cubic yards still remain in the beach system.

The Stinson Ranch is moving toward being rebuilt; Seven structures were condemned, two are now in compliance and five are still posted as condemned. Cost estimates have been received for repair of the Estuarine Access, Harvey Sound Access, Danube Sound Access, and Jockey's Ridge Sound Access. The Board requested the scope of work and some documentation detailing the requested work prior to approving funds for repair of the sound access sites – for the January 2012 Board meeting. Town Hall roof repair was discussed and approval for the relocation of Nags Head Woods Road from Clean Water Mgmt Trust Fund was noted by Town Manager Ogburn.

20. Town Manager - Town Manager Ogburn asked for Board consideration of a residential trash cart replacement policy – It was Board consensus to authorize staff to charge the fee for a new cart after 10 years in service and to continue to replace parts as needed. Staff is to look for the best quality of cart and is to prepare a policy.
 21. Town Manager - Town Manager Ogburn thanked Town Clerk Carolyn Morris for preparing for Board members a new method of reviewing agenda items during Board meetings.
 22. Town Manager - On behalf of staff, Town Manager Ogburn wished Board members a Merry Christmas.
 23. Mayor Pro Tem Remaley – At Mayor Pro Tem Remaley’s request, the Board passed a motion to authorize an annual market adjustment in the amount of \$100 (in the form of a gift card) for Town employees.
 24. Mayor Pro Tem Remaley - Mayor Pro Tem Remaley stated that he would be on his retirement cruise and out of Town for the Board of Commissioners January 4, 2012 meeting.
 25. Comr. Walters - Comr. Walters asked Board members to consider a time change for the Board’s mid-month meetings which currently start at 7:30 p.m. It was Board consensus that the start time for Board mid-month meetings be an item for discussion at the Board’s January 2012 Retreat.
 26. Comr. Walters - Comr. Walters reported that in the past few months, the Planning Board and the Board of Commissioners have struggled with some Town Code conflicting with other Town Code such as with cluster homes, historic homes, etc. A lot of the code was written during a time of rapid development to control or restrict development. Now the Town is experiencing re-development and will be for the foreseeable future. She pointed out that a service can assist with the review of ordinances objectively and look for conflict.
- Planning Director Teague agreed with Comr. Walters and said that periodically the Town should have the Town Code reviewed to make sure the ordinances and regulations are keeping up with the times.
- It was Board consensus that a Request For Proposal to begin the process of a review of the Town’s Code of Ordinances be a topic for the Board’s January 2012 Retreat.
27. Comr. Cahoon - Comr. Cahoon reported that the next Coastal Resources Commission meeting will take place February 8 - 9, 2012 in Nags Head – at Jennette’s Pier.
 28. Comr. Cahoon - If the Town qualifies, i.e., if the Town has the required number of sponsorships, the NC Beach and Inlet Waterway Association (NCBIWA) meeting will take place in Nags Head next year. Town Manager Ogburn pointed out that Jennette’s Pier will be the site for the meeting, if approved.
 29. Mayor Oakes - Mayor Oakes reported that the Community Watch luncheon is scheduled for December 14th at Tale of the Whale Restaurant.
 30. Mayor Oakes - Mayor Oakes stated that a joint BOC/Planning Board Workshop will be scheduled for January 2012 and will include items discussed during the Board’s Retreat.
 31. Closed Session – The Board passed a motion to enter Closed Session to confer with the Town Attorney re: Sansotta II litigation in accordance with GS 143-318.11(a)(3). The time was 12:57 p.m.
 32. Open Session - The Board re-entered Open Session at 1:57 p.m. Attorney Leidy stated that the Board conferred with the Town Attorney during Closed Session concerning the Sansotta II litigation and no actions were taken.
 33. Mayor Pro Tem Remaley – At Mayor Pro Tem Remaley’s request, Town Manager Ogburn summarized the Town’s Christmas decorating contest for both residential and commercial properties.
 34. Adjournment – The Board passed a motion to adjourn – the time was 2:00 p.m.

