



**TOWN OF NAGS HEAD
BOC ACTIONS
November 2, 2011**

1. Call to order - Mayor Oakes called the meeting to order at 9:00 a.m. Prayer was provided by Planning Director Elizabeth Teague and was followed by the Pledge of Allegiance.
2. Agenda – The Board passed a motion to adopt the November 2nd agenda with the removal from the Consent Agenda of item #8 re: OBVB grant for Kelly's 2012 Parade for separate discussion.
3. Audience response – Reed Fisher, S Virginia Dare Trail resident; the Beach Nourishment project ended at his oceanfront house [located in the Historic District area] on the morning of October 28th; the water had come over to the dune in his section and surrounded the Great Lakes Dredge shed; the beach in front of his berm is slightly higher than elevation and instead of sloping from that elevation to the edge of the dune, it slopes down toward the dune; he wants the amount of sand that was placed in their area to be reviewed.
4. Audience Response – Richard Murphy, South Nags Head resident; the beach nourishment in front of his house took place in August 2011; they also had a berm in front of their area and he questioned Dr. Kana of CS&E – it was a similar situation as noted by Mr. Fisher; after the storms, the area has filled in and the berm built at waters edge was to obtain the proper slope out into the ocean to be graded by natural currents; he feels over time this will be the same situation for the Fishers.
5. Audience Response – June Fisher, S. Virginia Dare Trail resident; In response to Richard Murphy's comments, Ms. Fisher stated that the Historic District area received ¼ of the amount of sand that was received in South Nags Head.
6. Recognition - Public Works Director Dave Clark introduced new employee Sanitation Equipment Operator Thomas Sumner, Facilities Maintenance Technician Steven Saunders, and Fleet Mechanic Ron Watson who were recognized by the Board for years of service.
7. Consent Agenda – The Board passed a motion to approve the Consent Agenda with the removal of agenda item #8 re: OBVB grant for Kelly's 2012 Parade for placement on the November 16th mid-month meeting. Other items on the Consent Agenda were:
 - Budget Adjustment; Tax Adjustment; and Resolution supporting a NCDOT grant application for a Comprehensive Pedestrian Plan
8. Public Hearing - to consider approval of a Site Plan/Conditional Use/Vested Right Application to construct a detached one story retail structure (Pet Smart) within Satterfield Landing Shopping Center – The Board passed a motion to make the required three (3) findings of fact; and to approve the site plan as presented.

9. Public Hearing – The Board passed a motion to make the required three (3) findings of fact; and to approve the site plan/conditional use application for On Trading Corp (N Nuzzi) with the condition that if the applicant sold the business the site plan would have to return to the Board for resolution re: restroom facilities – a conditional permit would be issued subject to continued legal access to adequate restroom facilities or the construction of on-site restroom facilities.

Comr. Cahoon suggested that now may be a good time to revisit the ordinance – and to meet with the personal watercraft operators.

An amendment to the motion was passed by the Board (Mayor Pro Tem Gray cast the NO vote) to include the Planning Board recommendation that buoys and safety signage be provided onsite to address conflict concerns between motorized and non-motorized recreational uses.

10. Public Hearing - The Board passed a motion to adopt the ordinance to allow vertical axis wind turbines as presented and to adopt the associated Statement of Consistency.

11. Public Hearing - The Board passed a motion to deny the request from Jim Selckmann pertaining to private docks as a conditional use within the R-1 District.

12. Public Hearing - The Board passed a motion to table consideration of the text amendment with regard to new installation of sandbags until the regular Board meeting in January 2012 to allow time for additional research.

13. Streets definition – The Board passed a motion to adopt the modified street standard change for Chapter 36 Environmental and Subcollector Streets as presented.

14. Committee Reports

Comr. Cahoon - Coastal Resources Commission (CRC) meeting – now that the Town Beach Nourishment Project is completed, CRC will be looking at public trust areas; the proposed Sea Level Rise policy has been sent back to the Science Committee.

Comr. Remaley – PIO/Admin Assistant Roberta Thuman reported on the recent Government Education Channel Committee (Gov-Ed) meeting - Ms. Thuman reported Gov Ed TV Committee has doubled allocation of franchise fees and increased Nags Head shares from \$4,300 to \$8,600 per quarter.

Comr. Sadler – reported on the recent Dare County Tourism Board (DCTB) Steering Committee meeting – the Feasibility Study for the Windmill Point property is to be provided within the next three – four months and is to include short and long-term use of the property.

Comr. Sadler – reported on the Southern Albemarle Association Annual Conference – the new NCDOT representative Matt Wood from Elizabeth City was present as were delegates from all six (6) counties; Comr. Sadler explained that the organization deals only with transportation improvements.

Comr. Sadler – reported on the Jennette's Pier Advisory Committee meeting of October 26, 2011; total visitation to the pier has reached 252,500 with walk-on donations now up to \$215,000; the Advisory Committee is still committed to having a mandatory walk-on fee.

Mayor Oakes – reported on the recent Shoreline Management Commission meeting where there was discussion of a proposal from the County Manager concerning areas such as Southern Shores and Duck that contribute to the Shoreline Management Funds but have little to no public beach accesses – He noted that Nags Head has the best and the most public beach accesses in the State.

- 15.** Town Attorney - Town Attorney Leidy reported that the Colony Ridge Rehabilitation Center/Britthaven Nursing Home contract has been executed and received.
- 16.** Town Attorney - Town Attorney Leidy provided a brief update on the Sansotta I and Sansotta II lawsuits.
- 17.** Town Attorney - Town Attorney Leidy requested a Closed Session at the appropriate time for the Board to confer with the attorney and to preserve the attorney/client privilege concerning the status of the Sansotta lawsuits.
- 18.** Town Manager – the Board passed a motion to approve the contract between the Town and CZR for benthic monitoring as presented.
- 19.** Town Manager - reported that the Town Beach Nourishment Project was completed last week – He reported that Great Lakes Dredge will be in Town for another two (2) weeks getting items moved off the beach and returning beach accesses to the way they were; also, certain areas that were pooled such as the Fishers noted, need to be addressed; pre-project profiles will be run again to be used as a benchmark for maintenance and monitoring from this point forward – need to enter into maybe an annual contract with someone to do this work every June.
- 20.** Comr. Remaley - There is a lot of debris on the beach and Comr. Remaley would like to see it cleaned up, possibly with beach raking equipment.
- 21.** Comr. Sadler - Comr. Sadler thanked Planner Angela Welsh for the Sea Level Rise information provided as an FYI item.
- 22.** Comr. Sadler - Comr. Sadler gave a “monumental” thank you to Deputy Public Works Director Ralph Barile and his staff for all their post Hurricane Irene clean-up.
- 23.** Comr. Sadler - Comr. Sadler asked about her water bill which did not specify a stormwater charge; Town Manager Ogburn confirmed with Finance Officer Kim Kenny that the charge was made but the Town’s new finance software program did not allow for the notation on the bill. Ms. Kenny stated that the program has been fixed and future water bills will be printed with the correct notation.
- 24.** Mayor Oakes – The Board passed a motion to authorize \$500 (jointly with the Town of Kill Devil Hills who is also paying \$500) to be issued to the NCBIWA organization for coastal causes.
- 25.** Mayor Oakes – Mayor Oakes, on behalf of the Board, honored outgoing Mayor Pro Tem Wayne Gray with a Resolution of Appreciation for his years of work as a Board member.
- 26.** Closed Session – The Board passed a motion to enter Closed Session to consult with the Board’s Attorney and to discuss the Sansotta litigation and to discuss a personnel honorarium in accordance with GS 143-318.11(a)(3). The time was 12:00 noon.
- 27.** Open Session – The Board re-entered Open Session at 1:04 p.m. Town Attorney Leidy reported that during Closed Session, the Board discussed the status of the Sansotta lawsuits and provided instruction to the Attorney; in addition, a personnel honorarium was considered.
- 28.** Adjournment - Mayor Oakes recessed the Board meeting to the November 16, 2011 mid-month meeting at 7:30 p.m. in the Board Room. The time was 1:06 p.m.