



BOC ACTIONS WEDNESDAY, JANUARY 8, 2020

1. Call to order – Mayor Cahoon called the meeting to order at 9:00 a.m.

2. Agenda – The Board approved the January 8th agenda as presented.

3. Recognition:

Five Years - Planning Director Michael Zehner introduced Principal Planner Holly White who was recognized by the Board for five years of service.

Presentation – Heroic Action Award - Fire Chief Randy Wells introduced Ocean Rescue Director Chad Motz who reported that at Jennette’s Pier this past summer lifeguard Austin Fallon’s heroic actions saved a swimmer in what Director Motz stated was “not your average” rescue. The Board expressed their appreciation of Mr. Fallon who received a standing ovation.

Retirement – Dep Police Chief Perry Hale introduced Public Safety Office/Systems Manager Lisa Ward who recently retired from the Town after 28 years of service. The Board congratulated Ms. Ward on her years of service to the Town, presented her with a plaque, and wished her well in retirement.

4. Public Comment – The following Southridge Subdivision residents spoke during Public Comment – While not opposed to the development of the Coastal Villas subdivision, they are opposed to its access being via Deering Street - they asked the Board to consider the safety of the neighborhood residents and to authorize the access to Coastal Villas via US 158: Jim Troutman, Teresa Cassidy, Dominic Palidori, Richard Kittrell, David Kravitz, Paul Melnyk, Rachel Baker, Tom Cassidy, Mark Eagan, Karen Novello, Joe Maione, and Michelle Chimento.

Public Comment – Deborah Horst spoke concerning an issue with her mentally ill stepdaughter when Police were called to their house; her husband ended up being arrested instead of her stepdaughter; she stated that she has been unable to obtain the police video.

5. Consent Agenda – The Consent Agenda was approved as presented and consisted of the following:

- Consideration of Budget Adjustment #7 to FY 19/20 Budget
- Consideration of Tax Adjustment Report
- Approval of minutes
- Modification to Town Code Chapter 44 *Utilities* re: water billing
- Consideration of revised Todd D. Krafft Septic Health Initiative Pgm Policy - repair/replacement loan pgm
- Request for Public Hearing – for Vested Right Site Plan for the Outer Banks Hospital for the demolition of the Urgent Care Facility and the construction of an addition to the existing Radiation Therapy building

6. Annual Report from Auditor – Town Auditor Teresa Osborne presented the Town’s annual audit report. She stated that the Town received an “Unmodified Opinion” which is the best evaluation that can be received.

7. Beach Nourishment Fund Update – Dare County Manager/Attorney Bobby Outten presented a summary of the funding for the County’s Beach Nourishment Fund. He reported that Nags Head was the first to have beach nourishment – Nags Head moved forward on its own because the federal project was not coming to fruition; the County’s share of the fund comes from the occupancy tax. Board members appreciated and thanked Mr. Outten for attending the meeting and providing an informative presentation.

8. Public Hearing - to consider proposed text amendments to the Unified Development Ordinance pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditional use permitting requirements --- the Board adopted the ordinance re: off-street parking requirements associated with alternative and reduced parking, as presented, with the appropriate corrections made.

9. Update on Short-Term Rental registrations - Planning Director Zehner reported 69 registrations have been received; the new platform of concierge services was noted; the Board questioned what needed to be done in order to register the 600 rentals that are eligible but not yet registered.

10. Consideration of Preliminary Plat for a Major Subdivision, known as Coastal Villas, for an approximately 9.86 acre property, zoned R-2 - Medium Density Residential, owned by Nags Head Construction, located on the west side of US 158, approximately 300 feet south of the intersection of W. Soundside Road and US 158; Preliminary Plat proposes to create 17 lots, along with an associated street and other required improvements --- The Board passed a motion to table consideration of the Preliminary Plat for the Major Subdivision, Coastal Villas, until the Board of Commissioners March 2020 meeting and to ask that the Town facilitate a discussion between the developer and the Fourth Street property owners to have one curb cut, one right-of-way – off of US 158 – as a better solution for access.

11. Recess for lunch – The Board recessed for lunch at 12:11 p.m. and reconvened at 1:21 p.m.

12. Consideration of Major Site Plan for the Christmas Mouse submitted by House Engineering, P.C. on behalf of Robeca, LLC; the application involves the redevelopment of the site, including the construction of a 8,682 sq. ft. building for retail use; property is zoned C-2, General Commercial --- the Board approved the Christmas Mouse Major Site Plan as presented.

13. Update from Planning Director - It was Board consensus to meet with the Planning Board on Tuesday, February 18th at 9 am for a joint workshop to discuss the Flood Damage Prevention Ordinance. Mayor Cahoon asked for as much information as possible ahead of time – Mr. Zehner stated that the draft ordinance is expected to be ready by the end of January which will be provided to Board members.

14. Committee reports - Comr. Renée Cahoon – She reported that the Government Access Channel Committee will meet in January 2020 and a proposed budget will be forthcoming for review/approval.

15. Board/Committee appointments:
Jennette’s Pier Advisory Committee – The Board appointed Comr. Brinkley to represent the Town.

Board of Adjustment – The Board reappointed Jack Cooper as Chair and Margaret Suppler as Vice-Chair.

Arts & Culture Committee – The Board approved the staggered terms for the Arts & Culture Committee members as presented [three terms expire in 2021 and three terms expire in 2022].

Planning Board - The Board reappointed Kristi Wright to another three-year term. The Board also appointed Molly Harrison and Gary Ferguson to three-year terms.

Age/Gender – The Board passed a motion to strike gender and age data from future information provided to Board members for consideration of appointments to Town Boards/Committees.

16. Town Attorney - Attorney Leidy asked the Board to consider all oceanfront beach nourishment condemnation cases and not just the Richardson case during Closed Session. Mayor Cahoon received Board concurrence to schedule Closed Session at the end of today's meeting after all other agenda items have been addressed.

17. Town Manager - Discussion of Dominion Energy Nags Head/Manteo Causeway Plan - The Board passed a motion to authorize the Manager to sign the easement with Dominion Energy in order that they may move forward to resolve the Nags Head/Manteo Causeway power issues.

18. Comr. Renée Cahoon – Red-light cameras – She asked Mayor Cahoon to ask the Board of Education about red light cameras at traffic signals. She has observed more drivers running red lights and would like to increase enforcement. She would also like to see funds received from the red light camera enforcement go to the Town to recoup some of the monies used for the program.

Attorney Leidy said that if the Town is not concerned about costs and only the safety aspects, this is something that can be done easily but in order to recoup some of the costs he would need to look into it further. He is to check with the City of Greenville and their ordinance on red-light cameras and report back.

19. Comr. Brinkley – He recently attended the Essentials of Municipal Government Class in Kitty Hawk which he said was very informative.

20. Comr. Brinkley – Town Alerts - Comr. Brinkley wants to make sure the public is aware that they can sign up to receive Town alerts when there are changes to agendas, sanitation schedules, etc. Town Manager Ogburn pointed out that the Town's email broadcasts, issued on a regular/scheduled basis, can be utilized. Mayor Cahoon suggested using the Town's billing for water/tax bills, etc. to inform people they can sign up to receive email updates.

21. Comr. Fuller – Audit - Comr. Fuller pointed out that the Annual Audit document contains some non-factual information re: top employers in the Town – He emphasized the importance of the Town not sending out anything with obvious factual errors.

22. Mayor Cahoon – Retreat Agenda - Board members made no changes to the Retreat Agenda as presented.

23. Closed Session - The Board entered Closed Session to discuss a personnel matter, the Richardson Beach Nourishment Project easement condemnation litigation as well as all other Beach Nourishment Project condemnation cases, and to consider the Jul – Dec 2019 Closed Session minutes. The time was 2:05 p.m.

24. Open Session - The Board re-entered Open Session at 3:57 p.m.

25. Adjournment - The Board recessed to a Board Retreat on January 23, 2020 at 9 am at the Villas Clubhouse on Villa Dunes Drive. The time was 3:58 p.m.