



**BOC ACTIONS  
WEDNESDAY, SEPTEMBER 7, 2016**

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the agenda as amended - with removal of agenda item E-4 re: request to apply for DCTB grant for bi-lingual rip current signage.
3. Recognition -
  - Water Service Technician Sean Owen was welcomed to Town employment.
  - Police Officer/CID Greg South was recognized for ten years of service.
  - Office Assistant Barbara Minter was recognized for twenty years of service.

4. Public Comment:

Jim Brunges – Seagull drive property owner – he would like to see Seagull Drive remain open.

Karen DelVacchio – Real Estate agent – she thanked the Board for removing the tents from the beach; the burned Ayers house is adversely affecting her house that's for sale nearby.

Ellen Heatwole – she is in support of the closing of Seagull Drive; it is the safest thing to do; she also asked the Board to finish the job and remove the sandbags along with wires/pipes, etc. at the site where the homes were removed last year on Seagull.

Lucas Munn – owns on Seagull Drive; he would like to see Seagull Drive remain open.

Casey Varnell – Attorney for the Munns – Seagull Drive property owners are just looking for access to their properties.

Debbie Whalen, visitor from Maryland; she has visited the area and stayed at the same house on Seagull Drive for 20 years; the road caved after the recent storm; she feels this area is being left on its own.

Terry Jones, owns on Seagull Drive; they just want access and if the road is to be closed, then what is the next step; she would like the Town to provide access.

Charles Aycock; attorney who spoke on behalf of Jay/Donna Fohs who own on Seagull Drive; he suggested that some condemnation for a strip of land between properties may be the least costly means.

Jim Gilreath; Attorney for the Allens who own on Seagull Drive (Lot 49); they have been described as the "lynchpins" to Seagull Drive; he would like entered into the record that the Allens support the Town to reach a compromise that would find a reasonable solution to access.

Barbara Maskello, property owner on Altoona; she has walked the beach and seen jutting pieces of wood, tubing with wires two/three feet high sticking out of the sand; the Town needs to finish the job of removing debris that remains on the beach from the Seagull Drive houses that were removed last year.

At Mayor Edwards' request, Attorney Leidy explained that the Town has been in litigation with the owners of both the Toloczko and Cherry houses; the State decided that the Town does not have authority to remove the structures – at this point the Town is ready for the State to take action.

**5.** Consent agenda - The Consent agenda was approved as presented (item E-4 was removed) and consisted of the following items:

Consideration of Budget Adjustment #2 to FY 16/17 Budget

Consideration of Tax Adjustment Report

Approval of Minutes

Consideration of resolution to surplus Town equipment

Request to apply for DCTB Short Term Restricted Fund Grant for Phase II improvements to Dowdy Park

Request for Public Hearing to consider allowing the use of "cottage courts"

**6.** Public Hearing – to consider preliminary subdivision plat for Elliott Estates, Phase III, Lot 25 with associated subdivision waivers.

Comr. Cahoon – concerned that the Town continually does away with commercial property and there is no mechanism to get it back.

Mayor Edwards – has same concerns as Comr. Cahoon and creating private streets is not a good idea.

Comr. Ratzenberger – he has the same issues as Comr. Cahoon; the Board will deal with Gallery Row soon where commercial to residential is making that district hard to be maintained, and by carving this particular area up for residential for two houses when it is not needed as a public use does not make sense to him.

Mayor Pro Tem Walters – she shares the same concerns already expressed; her primary concern is the road maintenance and relying on the property owners to maintain the roadway.

Comr. Demers – understands preserving a certain amount of commercial property for the Town but he does not feel it is an issue at this time, he does not have a strong objection to this application/request.

The Board passed motions to deny the waiver requests for lots that do not front a Town street and to deny the application for the subdivision plat approval based on failure to comply with all Town ordinances and the Land Use Plan. Both motions passed 4 – 1 with Comr. Demers casting the NO vote.

**7.** Public Hearing – to consider an ordinance directing the demolition of the Ayers house located at 8320 S Old Oregon Inlet Road. Attorney Leidy noted that the next step is to auction the house contents.

Town Manager Ogburn said that the ad for auction of the house contents is for ten days; the Public Works Director can go ahead and obtain necessary costs.

The Board passed a motion to adopt the ordinance authorizing the demolition of the Ayers house as presented. Comr. Ratzenberger asked staff to prepare a one-page timeline of the procedures in this process to make it easier to review what needs to be done for future situations.

- 8.** Planning Board - Chair Mark Cornwell summarized the August 16<sup>th</sup> Planning Board meeting: car wash text amendment was to be reconsidered, however, neither applicant nor a representative could attend so this was moved to the September Planning Board agenda; review of cottage courts took place and was recommended for approval. He commended staff for their work on cottage courts.
- 9.** Consideration of the closing of Seagull Dr - The Board adopted the resolution to close Seagull Dr - extending from the property line between Lot 56 (10200 Seagull Dr) and Lot 55 (10204 Seagull Dr) to the north - and running to the property line between Lot 21 (216 Seagull Dr) and Lot 22 (214 Seagull Drive) to the south - of the Goose Wing Subdivision. The Board also passed a motion to start the process to close the remaining portion of Seagull Drive at the November 2<sup>nd</sup> Board meeting.
- 10.** FOCUS Nags Head – Planner Holly White provided an update on the FOCUS Nags Head Project.
- 11.** Sea Level Rise – Planner Holly White provided an update on the Sea Level Rise Project.
- 12.** Dowdy Park Update - Town Engineer David Ryan provided an update on the Dowdy Park Project – the project is approximately 30 days ahead of schedule. Concrete walkways will begin soon as well as plumbing and electrical line installation.
- 13.** Leasing of former OBMC building to Community Care Clinic – The Board adopted the resolution to lease the former OBMC building to Community Care Clinic as presented. Comr. Cahoon pointed out that the Community Care Clinic benefits all communities of Dare County and not just Nags Head.  
  
Comr. Ratzenberger made a friendly amendment to the motion and pointed out a typo in the resolution: monthly lease cost should be \$1,050 with the total annual cost of \$12,600.
- 14.** Veterans preference hiring – The Board approved the modification to the Personnel Policy for veteran preference hiring as presented; the vote was 4 – 1 with Comr. Demers casting the NO vote; Comr. Demers would like to see the veterans preference hiring expanded to include veteran widows/widowers.
- 15.** Lunch – The Board recessed for lunch at 12:20 p.m. and reconvened at 1:30 p.m.
- 16.** Committee reports  
  
Comr. Demers – Albemarle Regional Solid Waste Management Authority – now has a website which will include meeting minutes.  
  
Comr. Ratzenberger – Upcoming meetings: Shoreline Management Committee on September 13<sup>th</sup>; Pre Albemarle Rural Planning Organization (ARPO) meeting with Dare County and other Towns on September 21<sup>st</sup> to discuss point allocation and other items; ARPO meeting on September 28<sup>th</sup>; and a NC Beach and Inlet Management Program meeting on September 22<sup>nd</sup>.
- 17.** Town Attorney – Town Attorney Leidy requested a Closed Session – deferred to later in the meeting.
- 18.** Town Manager – The Board passed a motion to approve the Miller's Restaurant/Harvey site cross-easement agreement as presented.
- 19.** Comr. Cahoon – Comr. Cahoon noted that some of the bicycles rented by some local bike rental companies have no lights and she asked Police Chief Kevin Brinkley to provide an update on State law and bicycles. Chief Brinkley is to notify bike rental companies of the current and December 1<sup>st</sup> State bicycle laws – and, in addition, to provide this information to the County Bicycle Coalition also.

- 20.** Comr. Cahoon - It was Board consensus to agree with Comr. Cahoon and acknowledge with a thank you letter from Mayor Edwards, on behalf of the Board, to Dave Oaksmith's widow, Judy Oaksmith. Ms. Oaksmith gave two very special gifts to the Town from Mr. Oaksmith who served the Town in several capacities for a very long time – his Lightkeeper lantern and a painting by Don Bryan.
- 21.** Comr. Cahoon – In response to a citizen's inquiries, staff will look into returning a recycling container to one of the Town streets/accesses for use when individual recycling carts are full - in-between pick-ups.
- 22.** Mayor Pro Tem Walters – It was Board consensus that an artwork selection committee ordinance would not be necessary for the process to procure art for Dowdy Park, Gallery Row, and other outside locations – the existing Board/Committee Policy would be utilized instead of an ordinance. Staff is to provide at the November Board meeting, for review, a new art committee charge to include membership requirements, duties and responsibilities, and an application. Dep Town Manager Andy Garman also noted that grants may be available for this purpose. Mayor Pro Tem Walters emphasized that this committee would have allotted funding for its use and would also have one staff member as a standing committee member.
- 23.** Comr. Ratzenberger - Comr. Ratzenberger asked if there were something that could be done, technology-wise, that would allow laser pointers used during Board meetings to be visible to those watching on-line. Town Manager Ogburn said that staff will look into this possibility.
- 24.** Closed Session – The Board entered Closed Session in accordance with the purposes allowed by GS 143-318.11(a)(1), (3), and (6). The time was 1:57 p.m.
- 25.** Open Session – The Board re-entered Open Session at 3:34 p.m. During Closed Session attorney/client issues were discussed along with the annual Town Manager review and no other action was taken.
- 26.** Adjournment – The Board recessed to the September 29<sup>th</sup> Board Retreat at the Villas Clubhouse on Villa Dunes Drive at 8:00 a.m. The time was 3:35 p.m.