



BOC ACTIONS OCTOBER 7, 2015

1. Call to order - Mayor Edwards called the meeting to order at 9:00 a.m.
2. Agenda – The Board adopted the October 7th agenda as presented.
3. Appreciation – The Board recognized and thanked Andy and Lovie McCann for their hospitality for the use of the Nags Head Fishing Pier for the Town's 2015 July 4th Fireworks display.
 - Lions VIP Fishing Tournament - Gwen White, Executive Director of Lions VIP Fishing Tournament presented a video celebrating the 34th Annual NC Lions VIP Fishing Tournament. Ms. White invited everyone interested to attend/volunteer at this year's tournament to be held on the piers from Kitty Hawk to Nags Head October 19 - 21, 2015. She also reported on the upcoming Angel Tree Gift Program – she encouraged families in need to apply to the program before November 13, 2015.
 - New Employees - Police Officer Benjamin Jadoff and Firefighter/EMT Phillip Lloyd were welcomed by the Board to Town employment.
 - Years of Service - Police Chief Brinkley was congratulated by the Board for 25 years of service.
4. Public Comment - Fred Schaan, property owner on Oriental Street in South Nags Head; he feels, as do others on his street, that the Town's upcoming Recycle Program will be a disaster for those with homes on private streets; Altoona Street has 18 houses which he feels will not work for recycling with 18 carts at the end of the street waiting for pickup; he asked the Board to reconsider recycling on private streets.
5. Consent Agenda – The Consent Agenda was approved as presented and consisted of the following:
 - Consideration of Budget Adjustment #3 to FY 15/16 Budget Ordinance
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Consideration of MOA with Town of Cary for emergency relocation
6. Public Hearing - to consider a text amendment permitting "ring wall" style construction as it relates to the Town's Stormwater Ordinance and retaining of structural fill – The Board adopted the text amendment as presented.
7. Public Hearing – to consider a zoning ordinance text amendment referred by the Town Local Business Committee pertaining to administrative adjustments – The Board tabled consideration of the ordinance to later in today's meeting when staff returns with a revised ordinance with suggested changes: adding language re: who will approve the adjustments, and removing reference to a sunset clause.
8. Peak Resources – Harold and Todd Nunn submitted a proposal for renovations to the nursing home facility – Harold Nunn summarized the schedule of dates for the renovations – the start date is January 2016 with a completion date scheduled for late summer 2016. The Board passed a motion to accept Schedule B (Description of capital improvements to be made by area of the building) as an addendum to the Lease Agreement. The Board also passed a motion to adopt the resolution authorizing the Rural Health Care grant application as presented.

Peak Resources Committee – It was Board consensus to appoint the following: Mayor Edwards, Town Manager Ogburn, and Dare County Social Services Division Director Melanie Corprew.

9. FOCUS Nags Head – Planner Holly White provided an update of Task 2 – Exploration Phase – of the FOCUS Nags Head Project.

10. Sign ordinance – The Board passed a motion to authorize staff to proceed with the process, to begin with the Planning Board, for the recommended changes to the sign ordinance as presented. Attorney Leidy explained that the proposed sign ordinance would address commercial signage size, height, etc. but can no longer address content – i.e., off-site signage can no longer be prohibited by the Town.

11. Planning Board - Planning Board Chair Mark Cornwell summarized the September 24th joint workshop between the Planning Board and the Town's Local Business Committee. Shannon Brooks from the NC Extension Office provided resources concerning native plants for NC landscapes which will be referenced in the proposed ordinance addressing this issue. Ms. Brooks also provided definitions of invasive and non-invasive vegetation. The next step is for a draft ordinance to be reviewed by the Town's Local Business Committee prior to forwarding to the Planning Board for review/processing.

12. Committee reports - Dare County Shoreline Management Committee – Comr. Ratzenberger provided a slide presentation – Dare County supports the northern beach towns in their beach nourishment projects – Beach Nourishment projects are scheduled to begin summer 2016 in the Towns of Duck, Kitty Hawk, and Kill Devil Hills.

13. Town Board/Committee appointments:

- Board of Adjustments regular position – the Board reappointed Jack Cooper.
- Board of Adjustments alternate position vacancy - It was Board consensus that an updated candidate list be prepared for Board consideration at its November 4th meeting.
- Personnel Grievance Panel - The Board appointed Tina Adderholdt to the vacant position.

14. Vehicle for hire companies doing business in Town - Island Taxi/Limo owner Keith Stone spoke on behalf of the Outer Banks Taxicab Association – new technology such as Uber cannot be regulated and while competition is fine, this new technology makes it much tougher to sustain a business; he would like to see some type of formula used to determine a specific number of approved taxicab companies that can operate in the Town. After some discussion, it was Board consensus to take no action.

15. Environmental Professionals Inc. Annual Report – Septic Health Coordinator Todd Krafft introduced EPI President George Wood who presented this past year's water quality findings/recommendations.

16. Town Attorney Leidy – Requested a Closed Session to preserve attorney/client privilege.

17. Town Manager Ogburn - Town-wide Recycle Project – The Board passed a motion to authorize entering into the contract with Toter for the purchase of the 96-gallon recycle carts as requested. Staff will return with bank financing proposals for a three-year period for the recycle carts.

Public Works Director Ralph Barile is to work on a favorable delivery schedule for the carts for residents and rental areas.

18. Recess for lunch – The Board recessed at 11:56 a.m. for lunch and reconvened at 1:30 p.m.

19. Closed Session – The Board entered Closed Session at 1:31 p.m. pursuant to GS 143-318.11(a)(3) and (6) in order to confer with the Town Attorney to preserve the attorney/client privilege, to discuss the Richardson Beach Nourishment Project easement litigation, and to discuss a personnel matter.

20. Open Session – The Board re-entered Open Session at 2:13 p.m. Attorney Leidy reported that no actions were taken during Closed Session.

21. Presentation from Employee Benefit Advisors - Representatives of EBA explained that their company will provide an extension of the Human Resources Department when it comes to employee benefits. They will take over the RFP process (medical, life, etc.) prior to expiration of existing service and will also handle any issues an individual employee may have.

The Board did not object to the Manager's recommendation to utilize EBA for employee benefits analysis and took no specific action. Town Manager Ogburn noted that there would be no effect on the current budget.

22. Town Manager Ogburn - Town Manager Ogburn reported that on Thursday, October 29th at 3 pm a sand fence and sand relocation workshop will be held in the Board Room for anyone interested – but will specifically target contractors. In addition, a letter will be sent to all oceanfront property owners.

23. Town Manager Ogburn - Town Manager Ogburn reported that on Thursday, October 22nd at 6 pm a construction proposal will be presented to address stormwater drainage issues in South Nags Head – to take place at South Nags Head Fire Station #21.

24. Town Manager Ogburn - The Board passed a motion to accept the proposed schedule for Residential Curbside Recycle Pick-up with Friday trash pickup for the Village at Nags Head and Nags Head Cove Subdivision. The motion passed 3 – 2 with Comrs. Cahoon and Ratzenberger casting the NO votes.

Comr. Ratzenberger made several suggestions: On information displays, staff needs to differentiate between carts and dumpsters, and between routes and sides; the Board also discussed possibilities for recycling on private streets, i.e., use of a recycle dumpster.

Comr. Cahoon asked that the pertinent information get out to everyone clearly and distinctly - She also asked for the software costs for tracking cart usage for consideration in next year's budget.

25. Tabled from earlier in the meeting – Administrative Adjustments Ordinance - The Administrative Adjustments Ordinance, as revised by staff with removal of the sunset clause and with addition of language that the Planning Director (or his/her designee) would be approving the requested adjustments, was adopted by the Board.

26. Comr. Cahoon – Comr. Cahoon thanked everyone who attended last night's Fire Prevention Night at the Douglas A Remaley Fire Station #16.

27. Comr. Ratzenberger – Comr. Ratzenberger noted that the Town is down to three reserve firefighters. There is ample opportunity in the community to help the Fire Department. Fire Chief Zorc stated that anyone interested can contact him at the Fire Station at 252-441-5909.

28. Mayor Pro Tem Walters – Mayor Pro Tem Walters thanked staff and everyone who attended this morning's Walk To School Day.

29. Adjournment - The Board adjourned at 3:20 p.m.