



**TOWN OF NAGS HEAD
BOC ACTIONS
WEDNESDAY, JULY 17, 2013
RECESSED SESSION – 7:30 P.M.**

1. Call to order – Mayor Oakes called the meeting to order at 7:30 p.m.
2. Agenda – The Board passed a motion to adopt the July 17th agenda as presented.
3. Audience Response - Perry White, resident, thanked whoever was responsible for the Barnes Street/US 158 signage identifying the Town Park off of Barnes Street – he feels it is long overdue.
4. Consent agenda – The Board approved the Consent Agenda as presented:
 - Consideration of Tax Settlement Report
 - Consideration of amendment to Consolidated Fee Schedule for recycling fee
 - Approval of storm debris contracts for FY 13/14
5. Public Hearing - to consider modifications to the Town Land Use Plan to prohibit sandbags on the oceanfront, and to prohibit the repair/replacement of septic tanks on the oceanfront.

Planning Director Teague asked the Board to hold the Public Hearing but since comments on the proposed document were being received by staff as late as today, to adopt a final version with all modifications incorporated at the August 7th Board of Commissioners meeting. Board members commented:

- Comr. Cahoon said that she is comfortable with the proposed document – because CRC rules are not being enforced, she feels that the Town has to take some steps on its own.
- Comr. Sadler said that she feels that the Town, in the past, did not supervise and make sure sandbags were installed correctly. If the nourished beach project fails, future Boards may see the need for sandbags – correctly permitted and installed. She is on the fence about sandbags in the future.
- Comr. Walters thanked the Planning Board and staff for their work on the Plan; from what she's seen so far, it is a very comprehensive document; she would like to see the final and comment at that time.
- Mayor Oakes said that he feels the Board's main mission is to protect access to the public beach for everyone - to include emergency access; he stated that he personally feels a lot of what was lost was due to having sandbags; he feels that future Boards may thank the current Board for prohibiting sandbags; he is happy with what he has seen so far in the proposed Plan and would like to wait and adopt the final document at next month's Board of Commissioners meeting.

6. Taxicab driver permit appeal – No action was taken as the applicant did not attend; he was denied the appeal at the July 3rd Board meeting as he did not attend that meeting either.
7. Moongate Subdivision maintenance agreement – The Board passed a motion to approve the draft Moongate Subdivision maintenance and access agreement, with the appropriate parties as

presented to describe terms, conditions, and restrictions within the drainage and utility easement - with authorization given to the Town Attorney to negotiate any non-substantial changes to the agreement requested by the other parties that do not alter the principal goals of the agreement.

8. Attorney Leidy - Attorney Leidy requested a Closed Session for attorney update on pending condemnation cases filed on the Beach Nourishment Project and to confer with the Town Attorney to preserve attorney/client privilege.

9. Comr. Cahoon - Comr. Cahoon provided a report from the Pedestrian/Bicycle Safety Committee made up of local business leaders, government officials, and NCDOT to improve Outer Banks pedestrian/bicycle safety. She presented bumper stickers for those interested: "I look for bikes" and "I brake for people". She also presented some cards with safety tips for pedestrians/bicyclists/drivers.

10. Mayor's Agenda – The Board passed a motion to adopt the resolution opposing implementation of the Biggert-Waters Flood Insurance Reform Act of 2012 as presented.

11. Mayor Oakes - Mayor Oakes reported on his meeting today with NCDOT representative Malcolm Fearing, Comr. Anna Sadler, Town Manager Ogburn, and Project Manager David Ryan on safety at Little Bridge. Mr. Ryan is to draw up several proposals and forward to NCDOT for review. A workshop in place of an August mid-month meeting was mentioned to discuss the issue further and to come to an agreement on how best to improve that area for public safety. Some of the possible resolutions mentioned included: flashing lights, speed limit reduction, and a pedestrian bridge.

Mayor Oakes said that also discussed was NCDOT accepting the changes to stormwater drainage systems in Vista Colony and Nags Head Acres Subdivisions. Support to even out the ocean outfall flows, specifically the Red Drum ocean outfall, was also discussed.

12. Mayor Oakes - Mayor Oakes and Town Manager Ogburn traveled to Raleigh yesterday to be present on behalf of the Town concerning SB 151 Public Trust legislation entitled Coastal Policy Reform Act of 2013. Concerns were brought forward about the bill from realtors, credit unions, and title insurance companies – concern that the legislation was too broad. Mayor Oakes said that the bill was pulled but that it is still alive for the short session. The various groups will come together to try to resolve the issues of concern. own Manager Ogburn noted that the bill passed the House with a unanimous positive vote.

13. Comr. Sadler - Comr. Sadler said that she appreciated being able to attend today's meeting on Little Bridge safety; she feels that NCDOT representative Malcolm Fearing is on top of this issue and that the Board will see some resolution.

14. Closed Session – The Board entered Closed Session at 8:30 p.m. to discuss pending Beach Nourishment Project condemnation actions, the BOA Dairy Queen signage case recently heard in Superior Court, and to confer with the Town Attorney to preserve attorney/client privilege.

15. Open Session - The Board re-entered Open Session at 8:51 p.m. Attorney Leidy reported that the Board discussed the items it listed when it went into Closed Session and that no action was taken.

16. Adjournment – The Board adjourned at 8:52 p.m. The next Board of Commissioners meeting is Wednesday, August 7th at 9:00 a.m.