



TOWN OF NAGS HEAD

AGENDA

TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM
WEDNESDAY, FEBRUARY 5, 2020; 9:00 A.M.

A. CALL TO ORDER / MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

B. ADOPTION OF AGENDA

C. RECOGNITION

1. RECOGNITION

NEW EMPLOYEE – Police Officer Terrance Flaughter – November 26, 2019

NEW EMPLOYEE – Facilities Maintenance Tech Nehmias Cortez – January 21, 2020

NEW EMPLOYEE – Dep Finance Officer Brooke Norris – January 27, 2020

25 YEARS – Sanitation Equipment Operator Keefe White – January 4, 1995

25 YEARS – Town Clerk Carolyn F Morris – January 23, 1995

Jennette's Pier Annual Update – Director Mike Remige

Documents:

[2 C RECOGNITION SUMMARY.PDF](#)

[2 C JENN PIER PRES.PDF](#)

D. PUBLIC COMMENT

E. CONSENT AGENDA

1. CONSIDERATION OF BUDGET ADJUSTMENT #8 TO FY 19/20 BUDGET

Documents:

[2 E1 BUDGET ADJUSTMENT SUMMARY.PDF](#)

[2 E1 BUD ADJ WORKSHEETS.PDF](#)

2. CONSIDERATION OF TAX ADJUSTMENT REPORT

Documents:

[2 E2 TAX ADJUST REPORT SUMMARY.PDF](#)

[2 E2 MSD TAX ADJ REPORT.PDF](#)

[2 E2 TOWN-WIDE TAX ADJ REPORT.PDF](#)

3. REQUEST TO ADVERTISE DELINQUENT TAXES

Documents:

[2 E3 TAX DELINQ REPORT SUMMARY.PDF](#)

2 E3 TAX DELINQ REPORT MEMO.PDF

4. APPROVAL OF MINUTES

Documents:

2 E4 MINUTES SUMMARY.PDF
2 E4 MINUTES JAN 08 2020 BOC MINS.PDF

5. CONSIDERATION OF RESOLUTION OF AUTHORIZATION

for the Town Manager to execute grant contract with DEQ for Islington Beach Access Improvements

Documents:

2 E5 ISLINGTON DEQ GRANT SUMMARY.PDF
2 E5 ISLINGTON DEQ GRANT RES.PDF
2 E5 ISLINGTON DEQ FINAL GRANT APP.PDF
2 E5 ISLINGTON DEQ GRANT AGREEMENT.PDF

6. CONSIDERATION OF AMENDMENTS TO CONSOLIDATED FEE SCHEDULE

Documents:

2 E6 CFS MOD SUMMARY.PDF
2 E6 CFS MODIFIED PAGES.PDF

7. CONSIDERATION OF RESOLUTION UPDATING TOWN OFFICIALS WITH BANKING AUTHORITY

Documents:

2 E7 BANK OFFICIALS SUMMARY.PDF
2 E7 BANK OFFICIALS RES.PDF

8. CONSIDERATION OF RESOLUTION CLARIFYING

Dare County Control Group / Town of Nags Head October 2015 Memorandum of Agreement

Documents:

2 E8 CLARIFY DARE CO MOA SUMMARY.PDF
2 E8 TOWN AND DC MOA.PDF

9. RATIFICATION OF ACTIONS

from Board of Commissioners January 23-24, 2020 Retreat

Documents:

2 E9 BOC RETREAT ACTIONS AFFIRM SUMMARY.PDF
2 E9 BOC RETREAT ACTIONS AFFIRM LIST.PDF

F. PUBLIC HEARINGS

G. REPORTS AND RECOMMENDATIONS FROM THE PLANNING BOARD AND THE PLANNING AND DEVELOPMENT DIRECTOR

1. UPDATE FROM PLANNING DIRECTOR

Documents:

[2 G1 PD UPDATE SUMMARY.PDF](#)
[2 G1 PD UPDATE REPORT.PDF](#)

2. DISCUSSION OF WORKFORCE HOUSING

Documents:

[2 G2 WORKFORCE HOUSING SUMMARY.PDF](#)
[2 G2 WORKFORCE HOUSING BACKUP.PDF](#)

H. NEW BUSINESS

1. COMMITTEE REPORTS

Documents:

[2 H1 COMMITTEE REPORTS SUMMARY.PDF](#)

2. CONSIDERATION OF AUDIT CONTRACT

Documents:

[2 H2 AUDIT CONTRACT SUMMARY.PDF](#)
[2 H2 AUDIT CONTRACT RECOMM MEMO.PDF](#)
[2 H2 AUDIT PROPOSALS RESULTS.PDF](#)

I. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

J. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

1. BEACH NOURISHMENT

- Report on proposed Municipal Service District (MSD)

Documents:

[2 J1 TM MSD PROPOSAL AGSS.PDF](#)
[2 J1 TM MSD PRESENTATION.PDF](#)

K. BOARD OF COMMISSIONERS AGENDA

L. MAYOR'S AGENDA

1. CONSIDERATION OF DATES FOR CIP/BUDGET WORKSHOPS

Documents:

[2 L1 MAYOR CIP-BUDGET WORKSHOP DATE SUMMARY.PDF](#)

2. DISCUSSION OF "ACTIONABLE" ITEMS FROM ENVISIONING EXERCISE

- Future of Nags Head from last week's Board Retreat

Documents:

[2 L2 MAYOR ACTIONABLE ITEMS FROM RETREAT SUMMARY.PDF](#)

M. OTHER BUSINESS

N. ADJOURNMENT

O. FULL AGENDA In .PDF Format With Bookmarks

**5401 S. Croatan Hwy, Nags Head, NC 27959
252-441-5508**



Agenda Item Summary Sheet

Item No: **C**
Meeting Date: **February 5, 2020**

Item Title: Recognition

Item Summary:

Recognition at the January 8th Board meeting includes the following:

NEW EMPLOYEE – Police Officer Terrance Flaughner – November 26, 2019
NEW EMPLOYEE – Facilities Maintenance Tech Nehmias Cortez – January 21, 2020
NEW EMPLOYEE – Dep Finance Officer Brooke Norris – January 27, 2020

25 YEARS – Sanitation Equipment Operator Keefe White – January 4, 1995
25 YEARS – Town Clerk Carolyn F Morris – January 23, 1995

Jennette's Pier Annual Update – Director Mike Remige

Number of Attachments: 0

Specific Action Requested:

Provided for Board recognition.

Submitted By: Administration

Date: January 29, 2020

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

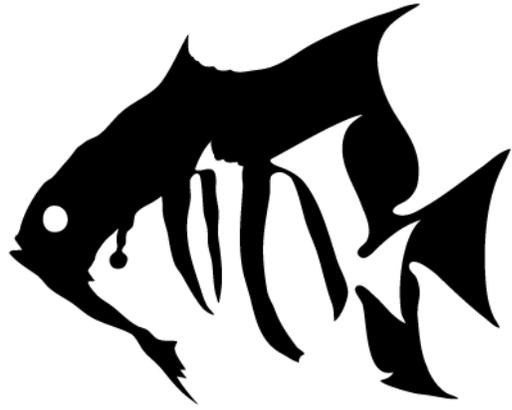
Date: January 29, 2020

Town Manager Comment and/or Recommendation:

N/A

Signature: Cliff Ogburn

Date: January 29, 2020



JENNETTE'S PIER

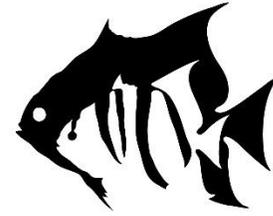


JENNETTE'S PIER – 2019 ANNUAL REVIEW

February 5, 2020

Mike Remige - Director

- Visitation
- Operations
- Projects & Exhibits
- Research & Ocean Observing
- Community Events & Activities
- Facility Rentals
- Education & Outreach
- Conservation & Sustainability
- Highlights & Notables
- 2020



JENNETTE'S PIER





JENNETTE'S PIER

Visitation

2019

- Pier visitors – 178,912
 - Fishing admissions – 28,435
 - Sightseeing admissions – 150,477
- Events and Program participants – 22,903





Pier Shop renovations



Pier Shop renovations





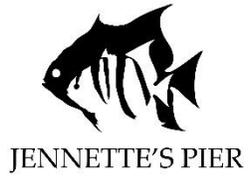
Pier Shop renovations



Pier Shop renovations

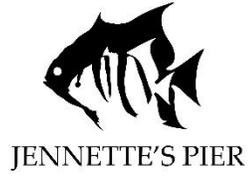


Pier Shop Gross Sales up 16%
Closed from Jan. 1, 2019 – Mar. 12, 2019



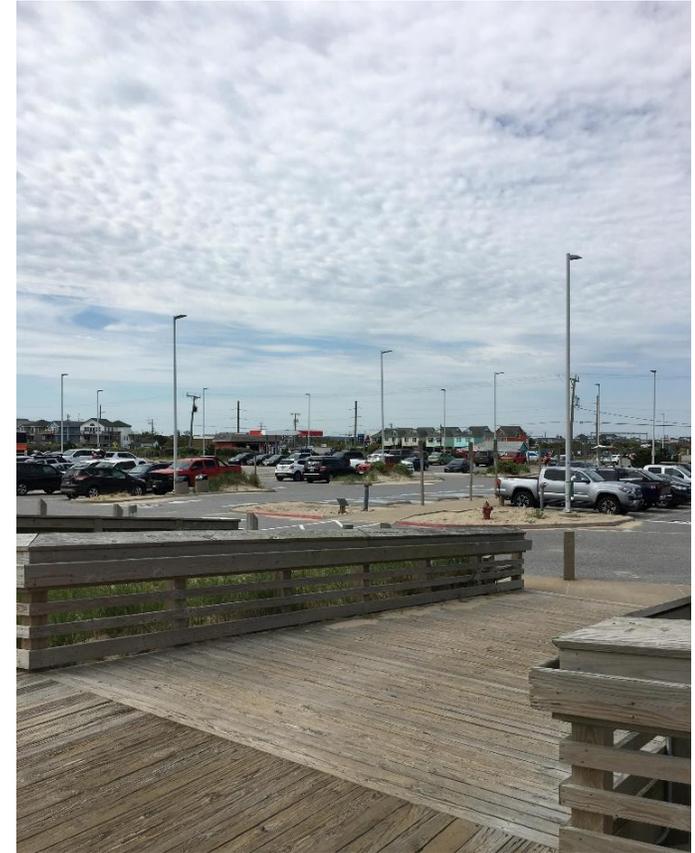
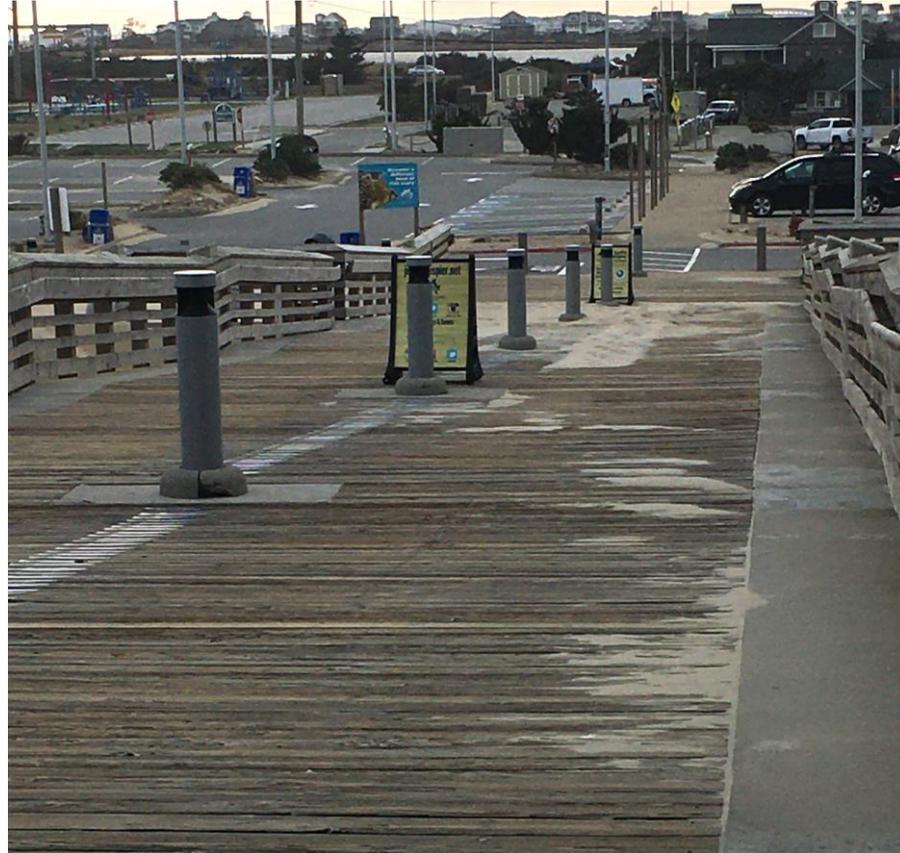
Pier Shop Conservation Efforts

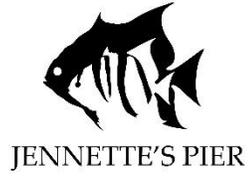




Jennette's Pier Projects

Entrance Lighting

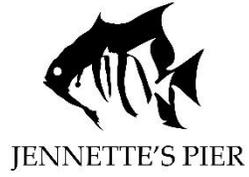




Jennette's Pier Projects

Parking Lot and Stormwater Management

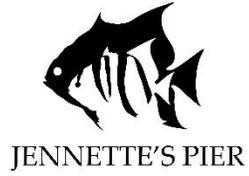




Jennette's Pier Projects

Fire Suppression System

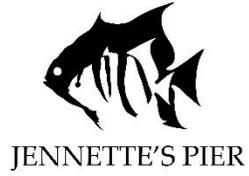




Jennette's Pier Projects

Entrance Branding

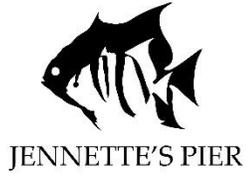




Jennette's Pier Exhibits

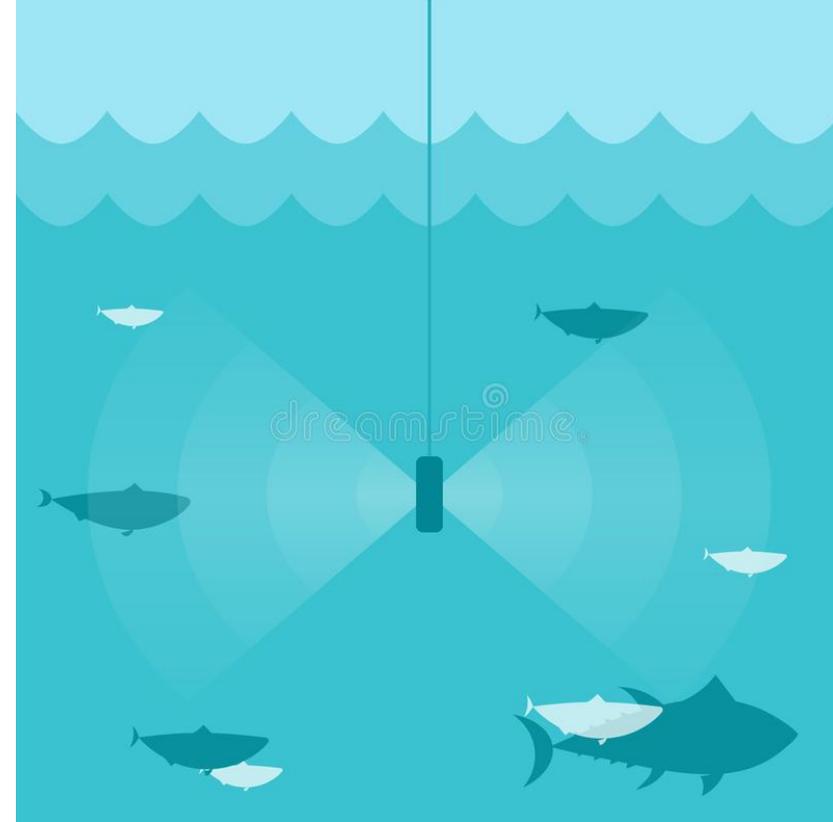
Bottlenose Dolphin Skeleton





Jennette's Pier Research & Ocean Observing

in partnership with the Coastal Studies Institute



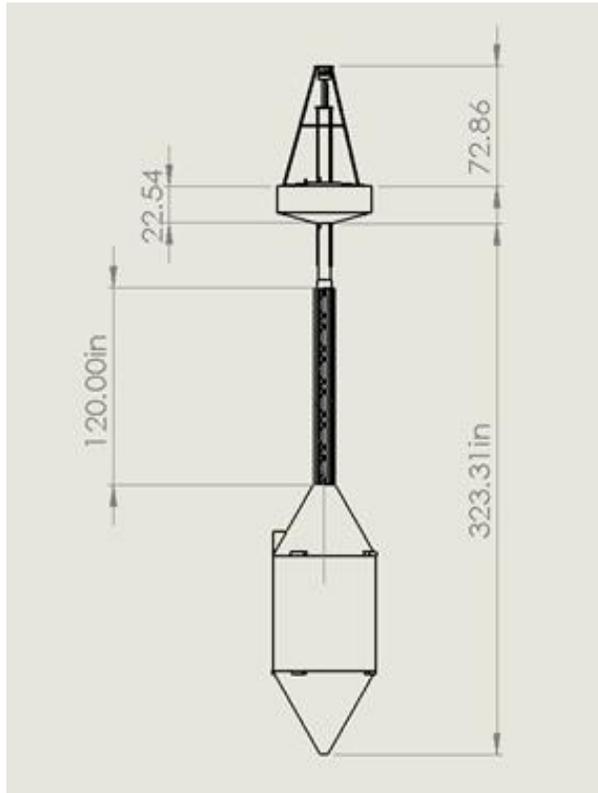
Renewable Ocean Energy Program Collaborative Grants



JENNETTE'S PIER

Jennette's Pier Research & Ocean Observing

in partnership with the Coastal Studies Institute



VA Tech



Triton Systems

Marine Hydrokinetic Equipment Tests



JENNETTE'S PIER

Jennette's Pier Research & Ocean Observing

in partnership with the USACE FRF Duck Pier



#CoastSnap

Utilizing citizen scientists to help us record our ever-changing coastline

SANDIA REPORT

SAND2015-7963
Unlimited Release
Printed September 2015

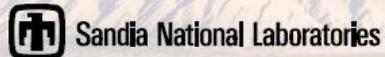
Characterization of U.S. Wave Energy Converter (WEC) Test Sites: A Catalogue of Met-Ocean Data 2nd Edition

Ann R. Dallman, Vincent S. Neary

Prepared by
Sandia National Laboratories
Albuquerque, New Mexico 87185 and Livermore, California 94550

Sandia National Laboratories is a multi-program laboratory managed and operated by Sandia Corporation, a wholly owned subsidiary of Lockheed Martin Corporation, for the U.S. Department of Energy's National Nuclear Security Administration under contract DE-AC04-94AL85000.

Approved for public release; further dissemination unlimited.



NOTE: This is Part 2 of 'Characterization of U.S. Wave Energy Converter (WEC) Test Sites: A Catalogue of Met-Ocean Data, 2nd Edition' by Ann R. Dallman and Vincent S. Neary. Please see [en.openei.org/wiki/Characterization_of_U.S._Wave_Energy_Converter_\(WEC\)_Test_Sites](http://en.openei.org/wiki/Characterization_of_U.S._Wave_Energy_Converter_(WEC)_Test_Sites) for the other parts of the report.

5. JENNETTE'S PIER WAVE ENERGY TEST CENTER

5.1. Site Description

Jennette's Pier, owned by the State of North Carolina and managed by the NC Aquarium Division, is a unique public facility that provides education and outreach including displays of experimental data and monitoring equipment. The University of North Carolina Coastal Studies Institute (UNC CSI) began a partnership with Jennette's Pier in 2004 to foster research, ocean energy device testing and monitoring, outreach, and education. Part of this partnership is the Jennette's Pier Wave Energy Test Center. The site was used for the first time in December 2011 by Resolute Marine Energy.

The Jennette's Pier Wave Energy Test Facility has two test berth locations, one approximately 80 m north of the pier structure at 6 m water depth (35.9119 N, 75.5933 W) that is called the 'nearshore berth' and one approximately 600 m east of the seaward end of the pier at 11 m depth (35.9123 N, 75.5863 W) that is called the 'offshore berth.' The seabed is sandy at both locations. Figure 33 shows the gently sloping bathymetry around the site, which consists of a wide shelf.

The wave climate at the test site varies seasonally, with calmer seas in the summer compared to more energetic seas in the winter. The wave environment at Jennette's Pier is characterized by an annual average power flux of about 6.08 kW/m at 12.6 m depth.

The nearby University of North Carolina (UNC) Coastal Studies Institute (CSI) offers a wide range of technical and testing infrastructure support services for WEC developers. Jennette's Pier has small scale, shallow water wave energy resources, and is suited for scaled devices.

Jennette's Pier Wave Energy Test Facility

Approach:

- Shallow water platform for testing marine hydrokinetic energy devices and monitoring of the impacts of devices on the surrounding environment

Benefits of Pier partnership:

- Simplified permitting (existing protocols and structure)
- Opportunities for public engagement



Permitted test berths



Jennette's Pier at Nags Head North Carolina Aquarium Division N.C. Dept. of Natural and Cultural Resources

Concrete pier structure opened in 2011

Public facility providing:

- Public access to the oceanfront and recreational fishery
- Public educational programming
- Ocean observing and research platform
- Sustainable technology demonstration (LEED platinum certification)

Located on the Atlantic Ocean in Nags Head, NC (Outer Banks)

400,000+ annual property visitors



Jennette's Pier Wave Energy Test Facility

Presentation to the Water Power Technologies Office, U.S. Dept. Energy

Michael Remige, Director at Jennette's Pier

Michael Muglia, Assistant Director for Science and Research

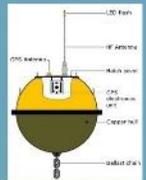
Corey Adams, Research Operations Manager

Lindsay Dubbs, Associate Director

NC Renewable Ocean Energy Program (NCROEP) - Coastal Studies Institute (CSI)

Existing observation assets

- Acoustic Wave and Current Meter (AWAC)
 - directional wave spectra, water temperature, and current profiles
 - collaboration with the US Army Corps of Engineers
- Meteorological station
 - wind velocity, temperature, and humidity
 - in collaboration with Weatherflow Inc.
- Datawell Waverider buoy
 - CDIP buoy 243
 - 26 meter isobath on a Wave Information Study (WIS) test point
 - collaboration with the US Army Corps of Engineers



Vessels

- Duffy - 42'
- Privateer - 28'
- Zodiac - 12'



Program assets

- 34 engineering and science professors from 5 North Carolina institutions
- Wave computational modeling – NCSU (Casey Dietrich and Alejandra Ortiz)
- 40 year wave hindcast dataset – CSI
- Extensive oceanographic field experience – CSI
- Technical diving program - CSI



Deployments at Jennette's Pier Wave Energy Test Facility

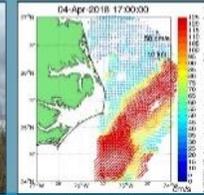
Previous Experiments:

- Resolute Marine Energy (2011) - surge WEC
- SAROS (2013) - wave-powered desalination buoy
- Nortek (2013) - scour monitor validation
- NCSU (2013) - In situ erosion evaluation probe (ISEEP)



Auxiliary observation assets

- Datawell Waverider buoy
 - Coastal Data Information Program (CDIP) buoy 192 (NDBC 44095)
 - 30 km southeast off of Oregon Inlet
- HF radar ocean surface current measurements



Opportunities for public engagement

Research and OE testing spotlighted in permanent Research Center display and temporary deployment-based displays

- Allows public exposure and engagement of Pier visitors - from 2014 to 2018, annual visitation between 172,000 and 189,538 people each year
- Allows agency interactions and exposure
- NC DEQ - interest in learning about environmental synergies and impacts from small-scale deployments
- BOEM - numerous offshore wind public meetings held at Jennette's Pier





Fri 2/8/2019 5:21 PM

Gore, Simon (FELLOW) <Simon.Gore@ee.doe.gov>

[External] DOE Workshop Invitation: Wave Energy-Powered Desalination Prize

To Remige, Michael P; 'dubbs@email.unc.edu'; 'mugliam@ecu.edu'

Cc Spence, Heather (FELLOW); Jenne, Dale (NREL); Garson, Jennifer; Geerlofs, Simon; Lemke, Alexandra (CONTR)

 Follow up. Completed on Monday, February 18, 2019.
You replied to this message on 2/15/2019 7:43 AM.

Suggested Meetings

+ Get more add-ins

Hello Michael, Lindsay, and Mike

The WPTO very much appreciated your presentation on Jeannette's Pier and the Coastal Studies Institute. It was also good for us to vet some questions even if we cannot share all of the details just yet on some of our future work. I'd like to welcome you to participate in a workshop we are planning for March 14th-15th in Golden, CO. See below for an invite message from the WPTO's director and please let me know if you have any questions:

On behalf of the U.S. Department of Energy's Water Power Technologies Office you are invited to join a workshop to help with planning for a potential new prize competition to spur innovation in wave energy-powered desalination systems. We hope to leverage your experience with desalination, marine energy, and water technology systems to inform the design of the Energy Department's first-ever prize on this subject.

Wave and tidal power technologies can provide locally-sourced and reliable energy to coastal communities and ocean industries, particularly where access to electricity is limited or prohibitively expensive. Wave energy is one of the few technologies that can produce clean water without the need to convert energy to electricity. For example, wave energy converters can pump seawater at high pressure and directly drive a reverse osmosis desalination system bypassing the largest cost driver: electricity costs.

This workshop is a unique opportunity to network with a diverse group of professionals, including experts from the Energy Department, national laboratories, and the private sector. Moreover, your valuable input will ensure the Department focuses on areas that would lead to important advances for both the marine energy and desalination industries.

The event will occur over a day and a half, and feature background on the prize, discussion of feasible overall prize structures, important potential technical metrics for competitors, possible competition locations, and most importantly, the prize rules.

We hope you can to attend the workshop at the National Renewable Energy Laboratory in **Golden, Colorado on March 14-15**. **Please confirm by February 18th** by emailing Alexandra Lemke (alexandra.lemke@ee.doe.gov) and Simon Gore (simon.gore@ee.doe.gov). A full agenda and briefing materials will be circulated closer to the event.

We sincerely hope to see you in Golden, CO.

Simon Gore, on behalf of
Alejandro Moreno
Director, Water Power Technologies Office

Simon J Gore

Environmental Science and Policy Specialist
AST Supporting - Water Power Technologies Office

Department of Energy

DOE Announces Prize Competition for Wave Energy Water Desalination

FEBRUARY 25, 2019

[Home](#) » [DOE Announces Prize Competition for Wave Energy Water Desalination](#)

Prize Builds on DOE Efforts to Spur U.S. Innovation through Competition to Accelerate Technology Development

WASHINGTON, D.C. –Today, the U.S. Department of Energy (DOE) announced a prize competition to spur innovation in wave energy-powered desalination systems. The Waves to Water Prize will draw upon U.S. innovators to accelerate technology development through a series of contests to demonstrate small, modular, cost-competitive desalination systems that use the power of the ocean to provide potable drinking water to remote coastal and island communities.

“The United States is committed to meeting the global need for a vital resource – safe, secure, and affordable water,” said Assistant Secretary Daniel Simmons, speaking at Oceanology International: Americas. “The Waves to Water Prize will accelerate the development of next generation desalination technologies through the power of competition amongst the best and brightest. We



U.S. DEPARTMENT OF ENERGY

WAVES TO WATER PRIZE



U.S. DEPARTMENT OF
ENERGY



Propose a Wave Powered System

Up to 20 Winners (\$200,000 Cash Prize Pool)

Develop Detailed Plan and Model

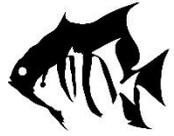
10-20 Winners (\$800,000 Cash Prize Pool)

Demonstrate Working Principles

Up to 10 Winners (\$500,000 Cash Prize Pool)

Test & Demonstrate in the Ocean

Grand Prize up to \$500,000; and
Individual Metrics Prizes up to \$500,000



JENNETTE'S PIER

Jennette's Pier Event Site

in partnership with the Town of Nags Head and the Outer Banks Visitors Bureau

COMMUNITY EVENTS & ACTIVITIES

Official event site for:

- WRV Outer Banks Pro
- Eastern Surfing Association Championships & Mid-Atlantic Regionals
- OBX Running Company "Sunrise 5k/Sunset 5k"
- NHSFC & NCBBA "Fritz Boyden Memorial Youth Fishing Tournament"
- NC Lions Club "Visually Impaired Persons Fishing Tournament"
- Jennette's Pier's "Family Fishing Tournament" & "Red Drum Tournament"
- Surfing for Autism
- Best Day Foundation
- OBX Skim Jam

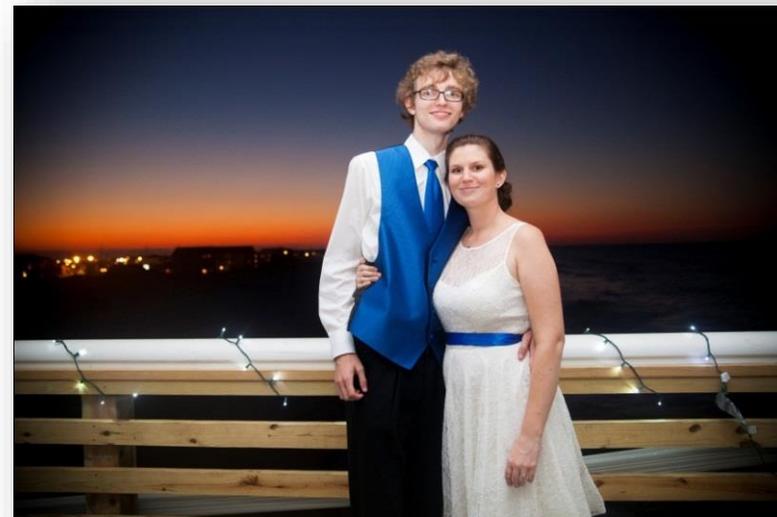


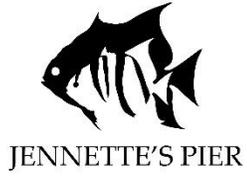


Jennette's Pier Facility Rentals

Total Events – 2020

- Weddings - 33
- Conferences/Meetings/Receptions/Socials/Dances /Concerts/Expos/Memorials - 35





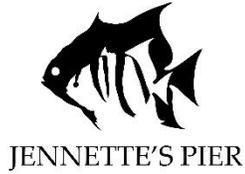
Jennette's Pier Facility Rentals

Recognition



- WeddingWire “Couples’ Choice Award”
2015, 2016, 2017, 2018, 2019, 2020
- The Knot’s “Best of Weddings” Award
2015, 2016, 2017, 2018, 2019, 2020

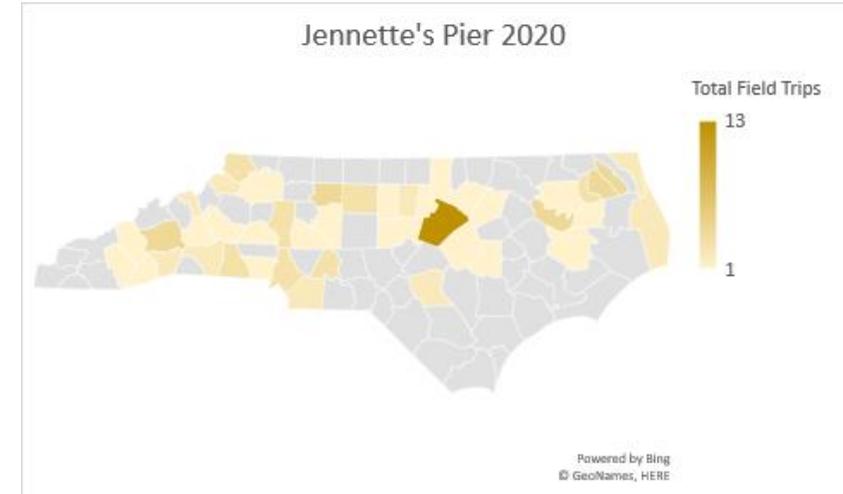


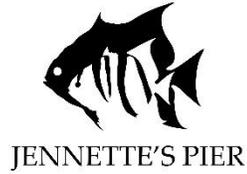


Jennette's Pier Education Department

2019

- Public programs – 80
- Public program attendance – 1,035
- NC school field trips – 118
- NC school programs – 354
- NC school student visits – 9,210 from 43 counties





Jennette's Pier Education Department

Aquarium Scholars

Aquarium Scholars is a partnership between the NC Aquariums, NC public schools and the NC Aquarium Society through which private donors help fund access to **STEM (Science, Technology, Engineering & Math)** based Aquarium education programs for low-income students across the state.

2019

16 school groups

2,034 students

5-Outreach

11-Field Trips





Summer Camps

Lilly Scholarship Fund

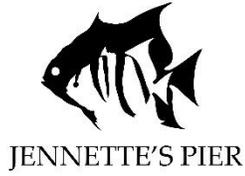
- 17 weeklong summer camps – 214 campers (23 scholarships)
- 2 Exceptional Day camps – 16 campers (16 scholarships)
- 2 overnight camps – 20 campers (20 scholarships)

**Dare County Friends of Youth Sponsor of the Year
2020**

A woman wearing a yellow beanie, sunglasses, a red jacket, and dark overalls stands on a sandy beach. Behind her lies a large, dark whale carcass, likely a humpback whale, with its characteristic ribbed skin. The ocean and a cloudy sky are visible in the background.

Marine Mammal Stranding Network

Humpback Whales – Pygmy Sperm Whales – Dwarf Sperm Whales – Bottlenose Dolphins – Risso's Dolphin – Common Dolphins –
Harbor Porpoises – Harbor Seals – Gray Seals – Harp Seals



Jennette's Pier Wildlife Conservation

OBX Marine Mammal Stranding Network
Public Outreach



Thanks to the Town of Nags Head for partnering with Jennette's Pier's outreach efforts in support of the OBX Marine Mammal Stranding Network!

Seven MMSN information signs have been placed at key beach accesses throughout the Town.

Jennette's Pier Wildlife Conservation

Tagged Sand Tiger Shark Tracking

Acoustic Telemetry

Atlantic Cooperative Telemetry Network - hundreds of researchers and 1000's of acoustic transmitters:

May – October 2019

- Atlantic tarpon
- **Atlantic Sturgeon - 1**
- Black drum
- **Blacktip shark – 1**
- Bull sharks
- **Cownose ray – “LOTS”**
- Finetooth shark
- Gray triggerfish
- Lionfish
- Red snapper
- Red drum
- **Sand Tiger Sharks – 3 Adult Females from Morehead City NC, and 1 Subadult Male from Delaware Bay**
- Speckled trout
- Spiny dogfish
- Spot fish
- Summer flounder
- Thresher shark
- Tripletail
- **Unknown Tag – 1 (not in ACT Network)**

<http://www.theactnetwork.com/>



Responsible
Pier
Initiative

Keep your BUTTS off our BEACH

Cigarette butts contain plastic, are NOT biodegradable, and can be **TOXIC** to fish, birds, and other wildlife.

Please do your part to keep them out of our oceans by always disposing of your butts in proper receptacles.

While at Jenette's Pier, look for marked CIGARETTE BUTT RECYCLING BINS to dispose of your smoking supplies.

Discarded cigarette butts alone create over **90 MILLION POUNDS** of harmful plastic litter each year.

Butts collected at the Pier are sent to TerraCycle, where their components are separated and recycled into useful materials.



Sustainability Projects

Cigarette litter reduction and terra-cycling pilot program

Funded by an NC Aquarium Society Sustainability Grant





Notable:

- Key NCAQ, NCAS & JP vacancies have been filled
 - AQ Division Director – Maylon White
 - Pine Knoll Shores Director – Liz Baird
 - Roanoke Island Director – Larry Warner
 - NCAS President – Jay Barnes
 - NCAS Development Director – Jim Mulvey
 - JP Business Manager – Lorelei Zumbrunnen
- NCAS Board changes –
 - 5 members move to Emeritus (Ray White)
 - 6 new members elected (Ronnie Sloan, Tess Judge, Clark Twiddy)

The
Outer Banks
Hospital

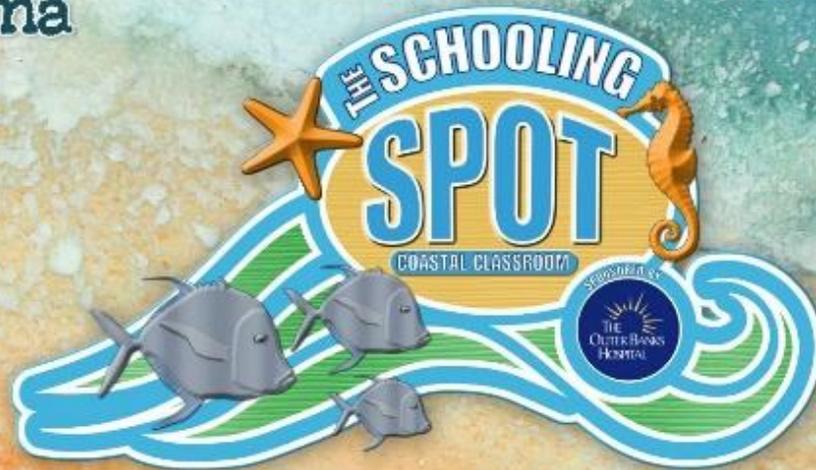
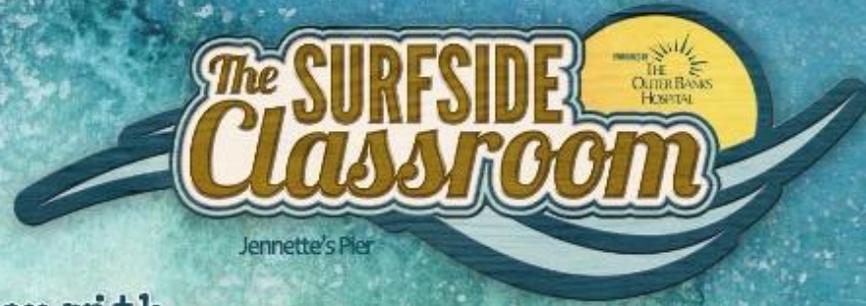
is proud to partner with

the North Carolina
Aquarium on
Roanoke Island

and

Jennette's Pier

by fostering future
ocean ambassadors.



North Carolina Aquarium
on Roanoke Island



Highlight:

The Outer Banks Hospital is partnering with the NCAS to support education efforts at both Jennette's Pier and the NC Aquarium on Roanoke Island



Notable: Hurricane Dorian

CLOSED – Sept. 4-7

Significant damage to all roof structures and wind turbines



HOOK, LINE & SCIENCE

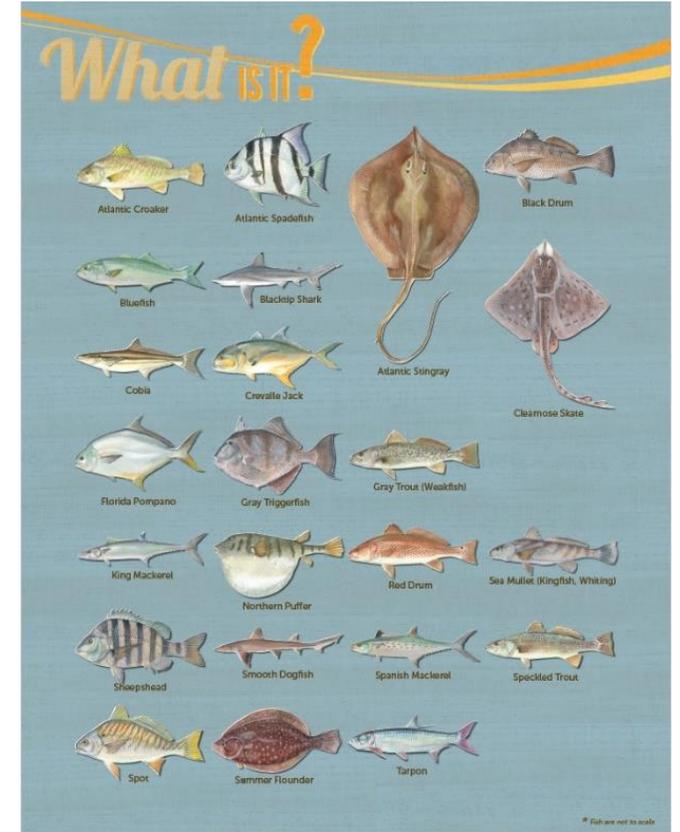
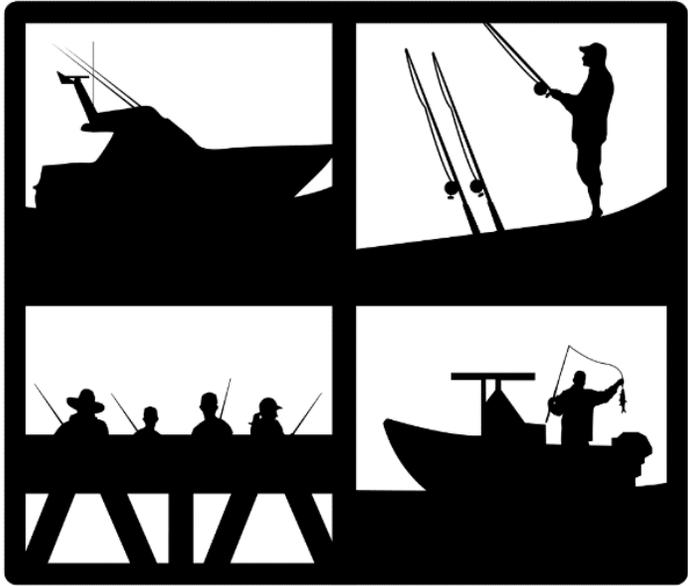


Exhibit Redesigns - 2020



Thank you!



Agenda Item Summary Sheet

Item No: **E-1**
Meeting Date: **February 5, 2020**

Item Title: Consideration of Budget Adjustment #8 to FY 19/20 Budget

Item Summary:

Budget Adjustment #8 to the FY 19/20 Budget is provided for Board review and approval at the February 5th Board of Commissioners meeting – and is in accordance with the FY 19/20 Budget Ordinance, adopted at the June 5, 2019 meeting. The worksheets associated with Budget Adjustment #8 are attached.

Number of Attachments: 2

Specific Action Requested:

Request Board approval of attached budget amendment #8.

Submitted By: Administrative Services

Date: January 29, 2020

Finance Officer Comment:

Request Board approval of attached budget amendment.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn", is written over the printed name.

Date: January 29, 2020

**BUDGET AMENDMENT REQUEST
FY 2019-2020**

**BUDGET AMENDMENT NO. 8
AMENDMENT 8.1
USE OF FUNDS**

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-430600	General Fund Revenue Wellness Grant - NC League	1,909.00		440-521300	General Fund Expenditure Admin Services Employee Wellness	1,909.00
TOTAL CHARGES		\$ 1,909.00		TOTAL CREDITS		\$ 1,909.00

JUSTIFICATION

Grant funds received from the NC League of Municipalities towards employee wellness.

ADMINISTRATIVE SERVICES 1/28/2020
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____

**BUDGET AMENDMENT REQUEST
FY 2019-2020**

**BUDGET AMENDMENT NO. 8
AMENDMENT 8.2
USE OF FUNDS**

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
	General Fund Expenditure Town Manager				General Fund Expenditure Planning	
420-510200	Salaries	13,000.00		490-510200	Salaries	13,000.00
420-520600	FICA	1,000.00		490-520600	FICA	1,000.00
420-520800	Retirement	1,000.00		490-520800	Retirement	1,000.00
TOTAL CHARGES		\$ 15,000.00		TOTAL CREDITS		\$ 15,000.00

JUSTIFICATION

Move Engineering Technician from Town Manager to Planning Department

ADMINISTRATIVE SERVICES _____ 1/28/2020
RECOMMENDED BY DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



Agenda Item Summary Sheet

Item No: **E-2**
Meeting Date: **February 5, 2020**

Item Title: Consideration of Tax Adjustment Reports

Item Summary:

Attached please find the list of adjustments to the 2019 Tax Levy (per information received from Dare County) for Property and for MSD valuations.

These reports are submitted for your approval at the February 5th Board of Commissioners meeting.

Number of Attachments: 2

Specific Action Requested:

Tax reports provided for Board review and approval.

Submitted By: Linda Bittner, Tax Collector

Date: January 29, 2020

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Cliff Ogburn

Date: January 29, 2020

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2019 MSD TAX LEVY
As of January 28, 2020 for the February 5, 2020 BOC Mtg

	BEACH NOURISHMENT DISTRICT			MSD Excluding Registered Motor Vehicles	Registered Motor Vehicles
	MSD Valuation	Rate	Total Levy		
Original MSD Levy:					
MSD Beach Nourishment at current year's rate	809,869,299	0.00175	1,417,272.90	1,417,272.90	
Registered Motor Vehicles at current year's rate	691,800.00	0.00175	1,210.69		1,210.69
Registered Motor Vehicles at 2018 year's rate	754,172.00	0.00175	1,319.80		1,319.80
Registered Motor Vehicles at 2017 year's rate	66,748.00	0.00175	116.81		116.81
Penalties			0.00	0.00	
Total	811,382,019		1,419,920.20	1,417,272.90	2,647.30
Discoveries & Adjustments:					
Current year discoveries & adjustments	0.00		0.00	0.00	
Town wide beach nourishment			0.00	0.00	
Penalty Discoveries			0.00	0.00	
Total			0.00	0.00	
Releases & Adjustments:					
Current year releases & adjustments	0.00		0.00	0.00	
Town wide beach nourishment			0.00	0.00	
Penalty Releases			0.00	0.00	
Total			0.00	0.00	
Write-offs or Adjustments:			0.00	0.00	
Total MSD Valuation	811,382,019				
Net levy		1,419,920.20		1,417,272.90	2,647.30
TOTAL UNCOLLECTED MSD AS OF 01/28/20:		(22,918.23)		(22,918.23)	0.00
CURRENT YEAR MSD COLLECTED:		1,397,001.97		1,394,354.67	2,647.30
CURRENT MSD COLLECTION PERCENTAGE:		98.386%		98.383%	100.000%

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2019 TAX LEVY
As of January 28, 2020 for the February 5, 2020 BOC Mtg

	Town-Wide Tax		Total Levy		
	Property Valuation	Rate	Total Levy	Property Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original levy:					
Property taxed at current year's rate	2,383,436,490	0.00317	7,555,496.64	7,555,496.64	
Registered Motor Vehicles at current year's rate	13,872,497.00	0.00317	43,667.79		43,667.79
Registered Motor Vehicles at 2018 year's rate	9,371,427.00	0.00307	28,770.28		28,770.28
Registered Motor Vehicles at 2017 year's rate	69,970.00	0.00297	207.81		207.81
Penalties			5,460.81	5,460.81	
Total	2,406,750,384		7,633,603.33	7,560,957.45	72,645.88
Discoveries & Adjustments:					
Current year discoveries & adjustments tax	1,686,283.00		4,309.89	4,309.89	
Town wide beach nourishment tax			455.29	455.29	
Corporate Utilities discoveries & tax	22,078,064.00		64,026.38	64,026.38	
Corporate Utilities beach nourishment tax			5,961.09	5,961.09	
Penalty Discoveries			2,075.47	2,075.47	
Total	23,764,347		76,828.12	76,828.12	
Releases & Adjustments:					
Current year releases & adjustments	(299,582.00)		(868.79)	(868.79)	
Town wide beach nourishment			(80.87)	(80.87)	
Penalty Releases			(573.99)	(573.99)	
Total	(299,582)		(1,523.65)	(1,523.65)	
Write-offs or Adjustments:			0.00	0.00	
Total Property Valuation	2,430,215,149				
Net levy		7,708,907.80		7,636,261.92	72,645.88
Uncollected Taxes		(144,460.77)		(144,460.77)	0.00
Uncollected Town Wide Beach Nourishment		(13,416.52)		(13,416.52)	0.00
TOTAL UNCOLLECTED TAXES AS OF 01/28/20:		(157,877.29)		(157,877.29)	0.00
CURRENT YEAR TAXES COLLECTED:		7,551,030.51		7,478,384.63	72,645.88
CURRENT LEVY COLLECTION PERCENTAGE:		97.952%		97.933%	100.000%



Agenda Item Summary Sheet

Item No: **E-3**
Meeting Date: **February 5, 2020**

Item Title: Consideration of request to advertise delinquent taxes

Item Summary:

At the February 5th Board of Commissioners meeting, Board approval is requested to advertise tax liens in the newspaper on March 18, 2020 in accordance with NCGS 105-369.

In addition, authorization is requested to begin the Foreclosure process on 2019 taxes where necessary, 30 days after advertising. Please see the attached memo for additional information.

Number of Attachments: 1

Specific Action Requested:

Request Board approval to advertise tax liens; request Board authorization to begin foreclosure process on 2019 taxes.

Submitted By: Linda Bittner, Tax Collector

Date: January 29, 2020

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn", written over a horizontal line.

Date: January 29, 2020



Town of Nags Head

Post Office Box 99
Nags Head, North Carolina 27959
Telephone 252-441-5508
Fax 252-441-4680
www.nagsheadnc.gov

MEMORANDUM

To: Mayor and Board of Commissioners

From: Linda Bittner, Tax Collector

Date: February 5, 2020

RE: Request for Order of Advertisement and Request to Begin Foreclosures on 2019 Taxes

Request for Approval for Advertisement:

In accordance with NCGS 105-369 advertisement of tax liens on real property for failure to pay taxes ... "The municipal tax collector shall advertise municipal tax liens by posting a notice of the liens at the city or town hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period of March 1 thru June 30... The posted notice and newspaper advertisement shall set forth the following information: The name of the record owner as of the date the taxes became delinquent for each parcel on which the taxing unit has a lien for unpaid taxes, in alphabetical order; a brief description of each parcel of land to which a lien has attached and a statement of the principal amount of the taxes constituting a lien against the parcel; a statement that the amounts advertised will be increased by interest and costs and that the omission of interest and costs from the amounts advertised will not constitute waiver of the taxing unit's claim for those items; ...a statement that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes."

With your approval, staff intends to advertise the liens in the newspaper on March 18, 2020 in accordance with NCGS 105-369 for all amounts outstanding as of end of business on March 13, 2020.

Request for Authorization to Begin Foreclosures on 2019 Taxes:

In accordance with NCGS 105-374, "foreclosure of the tax lien on real property by means of an action in the nature of a mortgage foreclosure is a civil action..." and/or NCGS 105-375, In Rem method of foreclosure "docketing certificate of taxes as judgment - in lieu of following the procedure set forth in NCGS 105-374, the governing body of any taxing unit may direct the tax collector to file with the clerk of superior court, no earlier than 30 days after the tax liens were advertised..."

With your direction, staff will begin the foreclosure process where necessary on the 2019 delinquent taxes thirty days after advertising.



Agenda Item Summary Sheet

Item No: **E-4**
Meeting Date: **February 5, 2020**

Item Title: Approval of minutes from Board of Commissioners meetings/workshops

Item Summary:

Attached for Board review and approval are the following Board of Commissioners meeting minutes:

January 8, 2020 Regular Session

Number of Attachments: 1

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Carolyn F. Morris, Town Clerk

Date: January 29, 2020

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

N/A

Signature: Cliff Ogburn

Date: January 29, 2020



DRAFT MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, JANUARY 8, 2020

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Wednesday, January 8, 2020 at 9:00 a.m.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Renée Cahoon; Comr. Webb Fuller; and Comr. Kevin Brinkley

Board members Absent: None

Others present: Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Phil Webster; Perry Hale; Randy Wells; Shane Hite; Chad Motz; Austin Fallon; Michael Zehner; Kelly Wyatt; Holly White; David Ryan; Amy Miller; Brie Floyd; Roberta Thuman; Lisa Ward; Teresa Osborne; Bobby Outten; Rob Ross; Paul Melnyk; Barbara Melnyk; Edie Fallon; Meredyth Fallon; Austin Fallon; Karen Novello; Mark Eagan; Richard Kittrell; Vickie Kittrell; Jason Baker; Rachel Baker; Steve Horst; Deborah Horst; Michelle Chimento; Jim Troutman; Christine Petzing; Marilyn Munden; Donald Underdonk; David Kravitz; Tom Cassidy; Theresa Cassidy; Carole Hoffman; and Town Clerk Carolyn Morris

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9:00 a.m. A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

MOTION: Comr. Fuller made a motion to approve the January 8th agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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 on this past summer's save by Lifeguard Austin Fallon. Director Motz reported that near Jennette's Pier this past summer Mr. Fallon's heroic actions saved a swimmer in what Director Motz stated was "not your average" rescue. Photos displayed on screen showed Mr.

Fallon's heroic actions. Board members thanked Lifeguard Fallon for his actions and he received a standing ovation from the audience.

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 of appreciation, and wished her well in retirement.

PUBLIC COMMENT

Mayor Cahoon stated that there would not be a public comment period during the Coastal Villas agenda item and now would be the time to speak concerning that item if interested. Attorney Leidy conducted the Public Comment period.

PUBLIC COMMENT – JIM TROUTMAN

Jim Troutman, Southridge resident; he has no problem with the proposed Coastal Villas subdivision but does have a problem with the planned access; as proposed the access would be for those trying to get to one of 17 houses via Deering Street to Vansciver to Ridgeway to Sea Bass Court to Mariner's Way – all via right-hand turns; he feels that this doesn't make sense for emergency vehicles, etc. as it would be easier, simpler, and safer to get to this neighborhood since it is located directly adjacent to US 158, from an access off of US 158; he also concerned about speed issues in this area; he asked the Board to take this information into consideration when making a decision on this item.

All emails received by the Town from those commenting on the Coastal Villas agenda item are attached to and made a part of these minutes as shown in Addendum "A".

PUBLIC COMMENT – THERESA CASSIDY

Theresa Cassidy, Southridge resident; she spoke against the proposed access for the Coastal Villas Subdivision through the existing subdivision and indicated that she had also forwarded an email to the Board on this issue.

PUBLIC COMMENT – DOMINIC PALIDORI

Dominic Palidori, Southridge resident; he spoke against the proposed access for the Coastal Villas Subdivision; he also mentioned the disturbance to animals such as the red wolf and asked the Board to do the right thing for the animals too.

PUBLIC COMMENT – DEBORAH HORST

Deborah Horst, Nags Head resident; her issue concerned her mentally ill stepdaughter; last year police were called to their home and said that her husband was pulling his daughter out of a vehicle – Ms. Horst said that her stepdaughter was never in a vehicle; she would like to view the police videos from the Town which she says appeared to be compromised as there was no sound; her husband ended up being arrested by Nags Head Police instead of her stepdaughter; she would like to view the complete video which she is unable to get; when the numerous police officers showed up at her house it was complete chaos; she doesn't know what to do at this point which is why she is here.

PUBLIC COMMENT – RICHARD KITTRELL

Richard Kittrell, Southridge resident; spoke against the proposed access for the Coastal Villas Subdivision; he also spoke at the December 2019 Planning Board meeting; he feels that stormwater runoff will be an issue as will the increased traffic; he would like Coastal Villas to be a standalone development so it won't have to utilize the existing subdivision streets; he is concerned about the amount of traffic at Deering Street/in that subdivision especially during the summer; Concerning stormwater runoff the Planning Director told him that the elevation of the planned development will be higher in the new development and the existing infiltration basins will be flattened; he asked the Board to consider tabling this until the residents, planners, and developer can meet to have a discussion.

PUBLIC COMMENT – DAVID KRAVITZ

David Kravitz, Southridge resident; spoke against the proposed access to Coastal Villas; he has also sent an email to the Board on this issue; he spoke of the unintended consequences which he said was seen last month when Soundside Road was closed under a rush rebuild when the under-roadway pipes collapsed; in consideration of safety he feels that there should be two accesses to the new development – off of US 158.

PUBLIC COMMENT – PAUL MELNYK

Paul Melnyk, Southridge resident; he spoke against the proposed access to Coastal Villas; he has forwarded an email to Board members on this issue; he is concerned that Coastal Villas will be two feet higher than surrounding properties; he asked the Board to make sure that the stormwater drainage does not flow into the Sea Bass development.

PUBLIC COMMENT – RACHEL BAKER

Rachel Baker, Southridge resident; she spoke against the proposed access to Coastal Villas; she feels the new subdivision will mostly be for summer rentals which would increase the traffic and be a safety issue; she asked the Board to consider what will be the impacts to the year-round residents.

PUBLIC COMMENT – TOM CASSIDY

Tom Cassidy, Southridge resident; he spoke against the proposed access to Coastal Villas; a turning lane off of US 158 would be more feasible – Deering Street is similar to a "raceway" during the summer; he knows the houses are going to be constructed but asked the Board to do it the right way.

PUBLIC COMMENT - MARK EAGAN

Mark Eagan, Southridge resident; he spoke against the proposed access to Coastal Villas; he forwarded an email to the Board on this issue; he chose Southridge for the quiet neighborhood and is concerned about the change to their streets with the additional traffic; he also expressed concern about stormwater runoff; he asked the Board to review all the materials; it is a good plan but wants the Board to consider the current neighborhood.

PUBLIC COMMENT – KAREN NOVELLO

Karen Novello; Southridge resident; she spoke against the proposed access to Coastal Villas; she forwarded an email to the Board which she read.

PUBLIC COMMENT – JOE MAIONE

Joe Maione, Southridge resident; he spoke against the proposed Coastal Villas access via Deering Street; he forwarded an email to the Board on this issue; he requested that the Board provide access to the new subdivision off of US 158.

PUBLIC COMMENT – MICHELLE CHIMENTO

Michelle Chimento, Soundside Road resident; she spoke against the proposed Coastal Villas access and of the adverse impact of its development; she expressed concern that Southridge residents may utilize Soundside Road; her concern is the additional traffic on Soundside Road and the dangerous conditions it would cause that neighborhood; she also spoke about the stormwater runoff from the new development.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 10:06 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

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 Policy - repair/replacement loan program

Request for Public Hearing - to consider Vested Right Site Plan for the Outer Banks Hospital, 4923 & 4927 S. Croatan Highway, 4922, 4926 & 4928 Passage Way, submitted by Quible and Associates P.C. on behalf of Outer Banks Hospital; the application involves the demolition of the Urgent Care Facility and construction of a 10,400 square foot addition (Infusion Facility) to the existing Radiation Therapy building

MOTION: Comr. Fuller made a motion to approve the Consent Agenda as presented. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

Budget Adjustment #7 to the FY 19/20 Budget, as approved, is attached to and made a part of these minutes as shown in Addendum "B".

The Tax Adjustment Report, as approved, is attached to and made a part of these minutes as shown in Addendum "C".

Modification to Town Code Chapter 44 Utilities re: water billing – the summary sheet, as approved, read in part as follows:

"Attached for Board review and adoption is a proposed ordinance amending Town Code Chapter 44 Utilities re: water billing.

"The amendment provides additional clarification for property owners to know when water bills are due and under what circumstances service will be cut off."

The ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "D".

Revised Todd D. Krafft Septic Health Initiative Program Policy summary sheet, as approved, read in part as follows:

"Attached for Board review and approval is a revised repair/replacement loan program portion of the Todd D. Krafft Septic Health Initiative Program Policy. The revised policy adds the requirement that loans are only to be provided to homeowners who have no delinquent debts to the Town."

The policy, as approved, is attached to and made a part of these minutes as shown in Addendum "E".

The Outer Banks Hospital Cancer Center Request for Public Hearing summary sheet, as approved, read in part as follows:

"A Vested Right Site Plan, Conditional Use Permit, and Rezoning for the Outer Banks Hospital Cancer Center; the scope of the application includes the following:

- Demolition of the existing Urgent Care Facility and construction of a 10,400-sf addition to the existing Radiation Therapy building, along with parking, stormwater, and related improvements.
- A rezoning request for three (3) lots along S. Passage Way from SPD-C/SF-4 to SPD-C/Hotel.
- Consideration of reduced loading zone berth dimensions and reduction of required parking based upon Medical Office use

'Staff Recommendation/Planning Board Recommendation: Regarding the Rezoning request, staff finds the request is supported by the 2017 Comprehensive Plan as this area is located within the Village Municipal Service Character Area where "medical facilities" are considered an appropriate use; additionally, this area was originally zoned SPD-C/Hotel, but was rezoned for the purposes of developing the Moongate Subdivision. Regarding the Conditional Use/Vested Right/Site Plan Application, staff finds that the proposal is consistent with applicable use and development standards, as well as relevant land use policies; additionally, Staff finds that the reduction in parking is sufficiently supported based upon submitted technical evidence. Therefore, staff recommends approval of the proposal as presented, with conditions.

'At their December 17, 2019 meeting the Planning Board voted unanimously to recommend approval of both the Rezoning Request and Conditional Use/Vested Right/Site Plan Amendment application, with conditions, as presented."

PRESENTATIONS

Report from Auditor – Annual Report – Teresa Osborne, CPA

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. She noted that staff goes above the requirements by preparing a Comprehensive Annual Financial Report (CAFR) and pointed out that the Town has been awarded a Certificate of Achievement for the past three years from the Financial Officers Association. Audit approval was received on January 5, 2020 and she presented some highlights:

- The General Fund is the largest fund comprising most governmental funds – the Town’s very strong Fund Balance was \$6,981,462 at the end of the fiscal year.
- Water fund – biggest expense was the South Nags Head Water Tower refurbishing project which a cost of \$250,000; also has some positive financial indicators; strong ratio of bills being paid/collected
- Town implemented one new accounting standard this year – GASB 88 – which fine-tuned disclosures for debt placement
- Ms. Osborne also mentioned the high caliber of work being done by the Town’s financial dept – converting to Munis was a big undertaking but will benefit the Town for years to come
- In response to a question from Comr. Renée Cahoon, Ms. Osborne stated that the actuarial functions investment return, noted on page 47, is for the State Retirement System.

The Board thanked Ms. Osborne for her work on the audit and thanked Town staff as well. Comr. Renée Cahoon wished Ms. Osborne well as she leaves the audit field.

Beach Nourishment Funding Update - Dare County Mgr/Attorney Bobby Outten

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; the 50/50 split with Nags Head and Dare County is done by balancing needs and what the Town could afford; during the Mayor lunches there are discussions on how to fund Beach Nourishment projects moving forward; also money is held for each project’s maintenance; each town is treated the same way as money is allocated from the fund – net result is towns get the same based on the value of their tax base; Funds are projected for future maintenance – they do models for the next 10 years.

He explained that the County is different than Carteret County which has a finite number of beaches which makes their planning a little easier; they do not take from the fund to pay for a project that is not ready – the County is now on Funding Model #24. He summarized that it will be a challenge down the road finding funding for new projects. Mr. Outten complimented Nags Head and spoke positively about working with the towns.

Mayor Cahoon recognized Dare County Comr. Rob Ross in the audience who is also a Town resident.

Mr. Outten said that the Fund generates about \$10 million each year; Mayor Pro Tem Siers asked about raising occupancy tax to obtain more funds; Mr. Outten said that has been tried but never approved; It was a fight to get the 2% out of the occupancy tax approved.

Comr. Renée Cahoon thanked Mr. Outten for the informative presentation; she spoke of upcoming projects south of Nags Head; Mr. Outten said that the County Board is adamant that any locality receiving funds needs to contribute to the fund. She asked Mr. Outten to let the Town know if support is needed for support in pushing forward any legislation.

Comr. Fuller expressed his appreciation for the cooperation between the County and the towns.

Mayor Cahoon thanked Mr. Outten for attending the meeting and presenting his report on the process for the County’s Beach Nourishment Fund.

PUBLIC HEARINGS

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

Planning Director Michael Zehner presented on screen the proposed ordinance pertaining to off-street parking requirements associated with alternative and reduced parking with several minor typographical errors corrected. He then summarized his staff report which read in part as follows:

“OVERVIEW

At the Board of Commissioners’ Retreat on September 12, 2019, the Board and Staff discussed perspectives with regard to the reduction of required parking. The discussion focused on the reduction of parking based on the provision of bicycle parking, as well as the reduction of parking by Conditional Use Permit; also discussed was whether, in certain circumstances, bicycle parking should be a requirement. Following the discussion, the Board directed Staff to work with the Planning Board to consider amendments to the Unified Development Ordinance (“UDO”) that 1) made the reduction of parking based on the provision of bicycle parking a Conditional Use Permit and took into consideration whether sites had access to bike-friendly routes, 2) standardized findings for all parking-related Conditional Use Permits, and 3) established minimum standards for required bicycle parking.

‘The Planning Board discussed this matter and considered amendments at their meetings on October 15, 2019 and November 19, 2019. At least with respect to items 1 and 2, Section 10.15, *Alternative and Reduced Commercial Parking Requirements*, provides the applicable provisions. As it pertains to item 1, currently Section 10.15.5, *Reduction of Required Parking for Commercial Uses with the Use of Bicycle Racks*, does not require a Conditional Use Permit. Given this, it could be viewed as a performance-based standard, where a reduction is entitled if the standards are met; however, the reduction is qualified in that “the Board of Commissioners may allow” the total parking requirement to be reduced.

‘With regard to item 2, while there are four (4) types of parking-related Conditional Use Permits under Section 10.15, only one, Section 10.15.6., *Modification of Parking Requirements by Conditional Use Permit*, provides specific findings that must be met in addition to those standards for all Conditional Use Permits; these additional findings are as follows:

10.15.6.3.1. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;

10.15.6.3.2. Will not create parking impacts for adjacent properties or within Town rights-of-way.

10.15.6.3.3. Will not be contrary to the objectives specified in the Comprehensive Plan;

10.15.6.3.4. Is necessary to permit the reasonable use of the subject property; and

10.15.6.3.5. Will not adversely impact adjacent property or the surrounding area.

‘Finally, with respect to item 3, as noted above there is currently no minimum requirement for bicycle parking.

‘Staff prepared amendments for consideration by the Planning Board. Ultimately, the Planning Board, at their November 19 meeting, voted 5-0 to recommend UDO amendments to the Board of

Commissioners that addressed the following (a draft ordinance and markup of affected UDO sections are attached):

- Article 10, Part II., Off-Street Parking and Loading Requirements, is proposed to be amended to allow a reduction of parking based on bicycle parking without a conditional use permit (i.e. by-right), but only where the property has frontage along NC12/S. Virginia Dare Trail or NC1243/S. Old Oregon Inlet Road.
- Article 10, Part II., Off-Street Parking and Loading Requirements, is proposed to be amended to allow a reduction of parking based on bicycle parking with a conditional use permit, but only where the property has frontage along a two-lane roadway, or a sidewalk or similar path crosses the property or is located along the frontage of the property. A reduction for bike parking is not otherwise allowed with a conditional use permit.
- Article 10, Part II., Off-Street Parking and Loading Requirements, is proposed to be amended to standardize conditional use permit findings for the five parking reduction or modified standard methods.
- Section 10.92.15., Pedestrian Access/Facilities, of Article 10. Part VI., Commercial Design Standards, Division III., Site Design, Section 10.92., Street Access, Parking Lot Design, and Pavement Standards, is proposed to be amended by retitling the Section accordingly and to require "a bike rack...on all properties in non-residential use with parking lots having ten (10) or more vehicle parking spaces, when such properties are located on the east side of US 158 and have frontage on a two-lane roadway; such bike racks shall support at least five (5) bicycles and be accessible to the public."
- Updated references to Section 10.15.6. in Section 5.4.4. (to Section 10.15.2.6.), update the title of Section 10.15 as included in Section 7.35.2., and update the reference to Section 10.15.5 in Section 8.6.6.7.4. (to Section 10.15.1.2.).

'BACKGROUND

As noted above, the proposed amendments are the result of discussions at the Board of Commissioners' Retreat on September 12, 2019 where the Board discussed perspectives with regard to the reduction of required parking, and ultimately directed Staff to develop amendments in response to the issues discussed.

'With regard to the current provisions allowing for a parking reduction for bike racks, this allowance was adopted in 2010 (the provisions were slightly amended by the amendments adopted in 2015 and discussed below); a copy of the ordinance, as well as the minutes from the January 6, 2010 and January 20, 2010 Board of Commissioners meetings where the amendment was considered, are attached. As noted in the minutes, the intent of the provision was to "promote the use of bicycles as an alternative means of transportation within the Town while allowing for a reduction in required parking spaces for commercial business that incorporate bike racks into their site and parking design."

'With respect to the current form of off-street parking ordinance, this was the result of amendments that were adopted in 2015 based on the efforts of the Planning Board Parking Subcommittee from 2013 to 2014. While the parking reduction for bike parking and shared parking reductions existed, the amendments did establish the broader provision allowing a conditional use permit to modify parking requirements. A copy of the 2015 ordinance is attached for the Board's review.

'POLICY CONSIDERATIONS

The most direct policies in the Comprehensive Plan pertaining to parking, including accommodations for bicycles, are contained in the Land Use Element, within 3.2.4., Site Development Characteristics, F. Parking, below, and policy LU-23 and related actions, as follows:

'F. Parking - A comprehensive revision to the town's parking standards was completed in 2015. The goal of this revision was to identify parking standards in the town's ordinance that were leading to excess parking on development sites. Prior to this, the town had recently completed a new stormwater ordinance and excess parking was identified as a major contributing factor to stormwater runoff. The town is largely dependent on automobile transportation, and off street parking will continue to be a necessary component of the town's land use requirements. The town should continue to require adequate parking for all land uses while it continues to work towards its other goals for increasing nonmotorized transportation and reducing automobile dependency. Incentives have and should continue to be considered for sites that provide facilities for bicycles and that are also served by pedestrian facilities. As future ordinance revisions occur, the town should maintain consistency between permitted land uses and its parking tables and evaluate changes as necessary to correlate parking standards with actual parking demand based on best available data and information.

'LU-23 - Require sufficient parking for commercial businesses with parking area design regulations that limit impacts on neighbors and surrounding land uses.

'LU-23a: Explore incentives or regulations that encourage bike and pedestrian infrastructure to be incorporated into site design.

'LU-23b: Monitor the use of parking and utilize this information to evaluate changes in parking standards.

'LU-23c: Explore maximum limits on the number of parking spaces for each land use.

'PLANNING BOARD RECOMMENDATION

As noted above, the Planning Board, at their November 19 meeting, voted 5-0 to recommend amendments to UDO as summarized, and contained in the attached draft ordinance. In making their recommendation, the Planning Board noted their opinion that the proposed amendments were consistent with the relevant policies contained in the Comprehensive Plan.

'STAFF RECOMMENDATION

Staff recommends adoption of the amendments as proposed. Staff is of the opinion that the amendments pertaining to bicycle parking are consistent with relevant policies contained in the Comprehensive Plan as they both support the incorporation of bike infrastructure into site design and provide for reasonable allowances to reduce required parking where bike parking is provided and supporting infrastructure exists. Further, the amendments serve to standardize findings for all parking-related conditional use permits, allowing the boards to consider impacts specific to parking.

'Please note, the UDO provides expanded and more explicit provisions regarding text amendments and action by the Board of Commissioners under Article 3, *Legislative/Quasi-Judicial Procedures*, Part II, *Legislative Procedures*, Section 3.5, *UDO Text Amendment/Zoning Map Amendment*, as follows. Staff would encourage that particular attention be given to Section 3.5.4.5. and the requirement that the Board adopt a statement prior to adopting or rejecting any text amendment.

3.5.4. Action by the Board of Commissioners.

Action upon an UDO text amendment or zoning map amendment, including the scheduling of a public hearing, will be at the discretion of the Board of Commissioners.

3.5.4.1. *Before an item is placed on the consent agenda to schedule a public hearing, the Planning Board's recommendation on each proposed amendment must be received by the Board of Commissioners. If no recommendation is received from the Planning Board within 30 days from the date when submitted to the Planning Board, the petitioner may take the proposal to the Board of Commissioners without a recommendation from the Planning Board. However, the Planning Board may request the Board of Commissioners to delay final action on the amendment until such time as the Planning Board can present its recommendations. No such limitations shall apply to applications or requests submitted by Town staff or any Town Board.*

3.5.4.2. *After receiving a recommendation from the Planning Board on a proposed amendment, the Board of Commissioners may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.*

3.5.4.3. *The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time. Final action on an UDO text amendment or zoning map amendment submitted by third parties will be taken within a reasonable time. Final action taken within 90 days of the public hearing before the Board of Commissioners shall be presumptively reasonable.*

3.5.4.4. *No member of the Board of Commissioners shall vote on any zoning map amendment or UDO text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact.*

3.5.4.5. *Prior to adopting or rejecting any UDO text and/or map amendment, the Board of Commissioners shall adopt one of the following statements which shall not be subject to judicial review.*

3.5.4.5.1. *A statement approving the amendment and describing its consistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.*

3.5.4.5.2. *A statement rejecting the amendment and describing its inconsistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.*

3.5.4.5.3. *A statement approving the amendment and containing at least all of the following:*

3.5.4.5.3.1. *A declaration that the approval is also deemed an amendment to the Comprehensive Plan. The Board of Commissioners shall not require any additional request or application for amendment to the Comprehensive Plan.*

3.5.4.5.3.2. *An explanation of the change in conditions the Board of Commissioners took into account in amending the UDO to meet the development needs of the community.*

3.5.4.5.3.3. *Why the action was reasonable and in the public interest.*

3.5.4.6. *In deciding whether to adopt a proposed amendment to this UDO, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety, or welfare. When considering proposed map amendments:*

3.5.4.6.1. *The Board of Commissioners shall consider the entire range of permitted uses in the requested classification.*

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, December 25, 2019 and on Sunday, December 29, 2019, as required by law.

Attorney Leidy opened the Public Hearing at 11:13 a.m. There being no one present who wished to speak, the Public Hearing was concluded at 11:13 a.m.

MOTION: Comr. Fuller made a motion to adopt the ordinance re: off-street parking requirements associated with alternative and reduced parking, as presented, with the appropriate corrections made. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

The ordinance concerning the off-street parking requirements, as adopted, is attached to and made a part of these minutes as shown in Addendum "F".

REPORTS AND RECOMMENDATIONS FROM THE PLANNING BOARD AND THE PLANNING AND DEVELOPMENT DIRECTOR

Update on Short-Term Rental (STR) registrations

Planning Director Michael Zehner summarized his report on short-term rental registrations which read in part as follows:

"As requested at the November 6, 2019 Board of Commissioners meeting, Staff is providing the Board with a review and status of the Short-Term Rental ("STR's") registration program.

'Completed Actions and Current Status

- On April 3, 2019, the Board of Commissioners adopted amendments to the Town Code and Zoning Ordinance defining STR's and establishing a registration requirement for STR's. A copy of the adopted Ordinance is attached.
- Between adoption of the Ordinance amendments and the end of May 2019, Staff and the Board of Commissioners considered whether to engage an outside vendor to assist in administration of the registration program. Ultimately, this option was not pursued.
- On August 26-27, 2019, the STR registration program became active with the release of a Registration Form (attached and [HERE](#)) and Guidance & FAQ's document (attached and [HERE](#); later updated 12/4/2019).
- The first STR was registered with the Town on August 29, 2019; from August 29, 2019 until December 5, 2019, 28 STR units were registered.
- On November 13, 2019, the Outer Banks Visitors Bureau provided Staff with an analysis prepared by AIRDNA indicating 1,450 STR units to have been offered for rent on the Airbnb and HomeAway platforms in Nags Head in July 2019, the greatest number of units in any one month based on an analysis from October 2014 through August 2019.
- At the beginning of December 2019, the Town received a list of rental units in the Town from the Dare County Tax Collector. For most properties, this list identifies whether properties are managed and/or taxes remitted by the property owner, traditional management companies, or a STR platform such as Airbnb or HomeAway. Based upon a review of this list, approximately 600 of the 2,200 units

could be eligible for registration under the Town's program.

- On December 6, 2019, a press release was issued reminding owners/operators to register their STR's (attached); between December 6, 2019 and December 31, 2019, an additional 41 STR's were registered.
- As of December 31, 2019, a total of 69 STR units have been registered. Of these, 60 have been whole house STR's and 9 have been partial house STR's.
- STR's registered on or prior to December 31, 2019 may continue to be offered for rent within 2020 without needing to register again until September 1, 2020. As of January 1, 2020, offering an STR for rent that had not been registered in the prior year, or for which registration had not yet been obtained in 2020, would constitute a violation if not registered within 30 days of being offered for rent. The penalty for failing to register would be an initial \$100 fine, with an additional fine of \$50 per day that a property is offered for rent without being registered.

Considerations and Future Actions

- Within the first month of 2020, Staff intends to contact the owners/operators of those STR units registered on or before December 31, 2019, thanking them for their registration and acknowledging that they may continue to offer the units for rent within 2020 without further registration until September 1, 2020.
- Generally, Staff has found the previously referenced list provided by the Dare County Tax Collector to be reliable with respect to identifying those units subject to and exempt from the registration requirement. While Staff will continue to proactively identify and investigate STR units requiring registration, within the first two months of 2020 Staff intends to send a mailer to the owners of the approximately 600 units likely eligible for registration, but not yet registered, providing notification of the registration requirement.
- To ensure that property owners or representatives can be appropriately contacted in case of an emergency, Staff intends to make the list of registered STR's available to appropriated Police and Fire Department staff.
- To ensure that Occupancy Taxes are appropriately remitted, Staff intends to periodically provide the Dare County Tax Collector with an up-to-date list of registered STR's."

Board members thanked staff for the requested information.

Comr. Fuller said that, from his standpoint, the next step would be to consider a new platform which is concierge services which are those that do not meet the State standard of property management and they rent for others.

Comr. Brinkley confirmed that staff did have the breakdown of whole and partial rentals.

Comr. Renée Cahoon pointed out that there is more to do in order to get those 600 not yet registered to register.

Consideration of a 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 (applicant), located on the west side of US 158, approximately 300 feet south of the intersection of W. Soundside Road and US 158 (Parcel# 006749004; PIN# 989108886987); the Preliminary Plat proposes to create 17 lots, along with an associated street and other required improvements

Planning Director Michael Zehner summarized his staff report on the Coastal Villas Subdivision which read in part as follows:

"OVERVIEW

The subject application is a Preliminary Plat for a Major Subdivision of an approximately 9.86-acre property located on the west side of US 158, approximately 300 feet south of the intersection of W. Soundside Road and US 158 ("the Proposed Subdivision"). The Proposed Subdivision would create seventeen (17) lots, located along a new street (Coastal Breeze Way), to connect through to an existing street, Sea Bass Court, with the improvement of an existing public paper/unimproved right-of-way, Mariners Way. No waivers from the subdivision requirements are being sought. As noted, the property is zoned R-2, Medium Density Residential; all proposed lots are conforming, meeting the minimum required lot size of 20,000 square feet and demonstrating compliance with required minimum yard depths (i.e. setbacks; Front: 30 feet, Side: 10 feet, Rear: 20% of lot depth, not to exceed 30).

The Planning Board reviewed the Preliminary Plat at their meeting on December 17, 2019. The Board voted 5-0 to recommend approval of the Plat to the Board of Commissioners, with conditions. The Board's recommendation is detailed below under *Planning Board Recommendation*.

'PROCEDURAL REQUIREMENTS/CONSIDERATIONS

The procedural requirements applicable to subdivisions are provided in Article 4, *Development Review Process*, Part IV, *Subdivision Procedures*, of the UDO; requirements or considerations of note are as follows:

- Pursuant to Section 4.22, *Initial Conference; Preliminary Sketch*, the applicant was first required to submit a preliminary sketch of the proposed subdivision and confer with the UDO Administrator. These requirements were completed, with authorization granted to the subdivider on October 3, 2019 to prepare a preliminary plat to be submitted to the Planning Board (a copy of an email from Michael Zehner to Cathleen Saunders, project engineer, is attached). Please note, the preliminary sketch plan for the subdivision provided for a street connection to US 158, with no connection through to Sea Bass Court; the applicant elected to redesign this aspect of the subdivision as part of the preliminary plat submission.
- The following subsections, or parts thereof, to Section 4.24, *Review Procedure for Major Subdivisions*, 4.24.1, *Preliminary Plat*, are applicable to the Proposed Subdivision:
 - 4.24.1.2., in part, "...the UDO Administrator who shall evaluate the plan to determine whether or not it meets the requirements of this Ordinance. The UDO Administrator will solicit and receive comments from other persons or agencies before making final recommendations. If the application is complete, the UDO Administrator will submit it to the Planning Board..."

In general, it was determined by the UDO Administrator that the plan for the Proposed Development meets the requirements of the UDO, to be discussed further below under **REGULATORY & DESIGN REQUIREMENTS/CONSIDERATIONS**. Additionally, comments were solicited and received from Town

Staff; the attached letter from Cathleen Saunders, P.E., Quible & Associates, P.C., dated December 10, 2019, is an accurate representation of these comments.

○ 4.24.1.3., in part, "The Planning Board shall forward its recommendation to the Board of Commissioners within thirty (30) days after first consideration by the Planning Board. If the Planning Board fails to act within the 30-day period, the subdivision will be placed on the next available Board of Commissioners agenda. The Board of Commissioners shall consider the preliminary plat and approve, approve with conditions acceptable to the applicant, or disapprove the plan."

○ 4.24.1.4., in part, "The Planning Board shall determine whether the preliminary plat meets the policy, purposes, and standards established by this Part and shall study its practicability, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands, construction plans, erosion control plans, and the requirements of the master plan and the official map, if such exist, the zoning requirements and this UDO. The Planning Board shall submit its findings and recommendations to the Board of Commissioners at their next regularly scheduled meeting. The Board of Commissioners may approve, reject or grant conditional approval of the preliminary plat. The Planning Board or the Board of Commissioners, in its discretion, if it deems that health and sanitary conditions in the area, the subdivision plans and planned population density warrant, may require percolation tests of the soil by the subdivider and the installation of appropriate sanitary and waste disposal facilities as a condition of approval."

○ 4.24.1.5., Conditional Approval, "When recommending conditional approval of a preliminary plat, the Planning Board shall state in writing the conditions of such approval, if any, with respect to:

4.24.1.5.1. The specific changes which it will require in the preliminary plat;

4.24.1.5.2. The character and extent of these required changes; and

4.24.1.5.3. The amount of all bonds which will be required as a prerequisite to the approval of the preliminary plat.

Conditional approval of a preliminary plat shall not constitute approval of the final subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval by the UDO Administrator, and for recording upon fulfillment of the requirements of this Part and the conditions of the conditional approval, if any. The Planning Board or the Board of Commissioners may require additional changes as a result of further study of the subdivision plans or as a result of new information obtained subsequent to the time of conditional approval. The fulfillment of these conditions and the incorporation of these conditions into the preliminary plat shall be determined by the UDO Administrator in accordance with the instructions of the Board of Commissioners. At such time, the Board of Commissioners' approval shall become final, as to the preliminary plat, and the UDO Administrator shall so signify on the plat."

'REGULATORY & DESIGN REQUIREMENTS/CONSIDERATIONS

The regulatory and design requirements applicable to subdivisions are provided in Article 10, *Performance Standards, Part V., Subdivision Regulations, Division II., Approval and Platting Requirements*, and Division III., *Improvements*, of the UDO; requirements or considerations of note are as follows:

- Section 10.51.4., *Covenants and Deed Restrictions*, requires the submission of "proposed covenants, deed restrictions and a hold harmless agreement, in duplicate, which are intended to cover all or part of the tract...For any proposed subdivision amenities including, but not limited to, tennis courts, swimming pools, streets, and vehicular and pedestrian accessways for the benefit of the property owners, the developer shall

establish a property owners association having the responsibility and authority for the upkeep, maintenance, repair, and reconstruction of such amenities and the authority to assess and collect dues and fees from the property owners within the subdivision for this purpose." The applicant has submitted a draft Declaration of Restrictive Covenants for review, with a final version required to be approved in conjunction with approval of the Final Plat.

- Section 10.62, *Required Improvements Enumerated*, indicates the improvements required to be provided by the subdivider, as follows:

- Street rights-of-way and paved streets;
- Water lines, mains, fire hydrants and services;
- Electric and telephone lines and conduit;
- Streetlights and supports and related electric wires and conduit;
- Easements of right-of-way for utilities, where such are not within the street right-of-way;

- Section 10.63, *Dedications*, indicates the improvements and easements required to be offered to the Town or utility authorities for dedication:

- Streets and street rights-of-way;
- Water lines, mains, fire hydrants and services;
- Easements of right-of-way for construction, operation and maintenance of utilities and cable television lines;
- Streetlights and supports and related electric wiring and conduit;

- Section 10.66, *Streets*, establishes the standards for required streets, and specifically *local access streets*, as the proposed street is classified. Design standards for streets are contained in Chapter 36, *Streets, Sidewalks and Other Public Places*, of the Town Code.

- Section 10.68, *Lots*, reiterates zoning requirements for frontage and lot area, but also provides that for "lots fronting on a cul-de-sac or street curve, the frontage may be reduced to not less than thirty (30) feet upon approval of the Planning Board." This reduced frontage applied to lots 1, 2, 10, and 11 in the Proposed Subdivision. The Planning Board's recommended approval of the Proposed Subdivision as presented.

- Section 10.72, *Stormwater Runoff, Storm Drains, and Sewer Lines and Mains*, indicates that "stormwater runoff from lots shall be managed in accordance with Article 11 of this UDO pertaining to Stormwater Management (Part I) and Soil Erosion and Sedimentation Control (Part II)." However, development of the Proposed Subdivision will trigger and require North Carolina Department of Environmental Quality stormwater permitting.

'POLICY CONSIDERATIONS

Policy specific to subdivisions is established in Article 10, *Performance Standards*, Part V., *Subdivision Regulations*, Division I., In General, Section 10.41, Jurisdiction; Policy, Section 10.41.2., of the UDO, as follows:

'10.41.2. It is declared to be the policy of the Board of Commissioners and the Planning Board of the Town to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood erosion or other menace; that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient

system conforming to the official map, if such exists and shall be properly related to the proposals shown on the master plan, if such exists and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings, and to conform with existing or planned streets and with other public facilities; that a dedication of streets and rights-of-way or easements for pedestrian and utility purposes shall be made; that proper provisions shall be made for the distribution of population and traffic which shall avoid congestion and overcrowding and which shall create conditions essential to public health, safety and general welfare; and that proper provisions shall be made for open spaces for parks, playgrounds and public beaches.

'With regard to the area of the Proposed Subdivision and applicable policies of the *Comprehensive Plan*, this is considered to be within the *Neighborhoods Character Area*, described as "areas of primarily low-density single-family development that have limited to no commercial influence," and further, "The majority of the development in these areas is single-family residential. Lot sizes range from 6,000 square feet to greater than 25,000 square feet. Most newer subdivisions (post 1982) include lots that are 15,000 square feet or greater. It is the town's desire to keep these areas intact and protect them from incompatible land uses."

'Additionally, given the location of the Proposed Subdivision and the extension of the multi-use path along US 158, policies and recommendations contained in the Town's *Pedestrian Plan* are applicable; consistent with those policies and recommendations, the applicant has proposed to provide an extension of the multi-use path through the Proposed Subdivision, to connect to the to-be-constructed path along US 158.

'PLANNING BOARD RECOMMENDATION

At their meeting on December 17, 2019, the Planning Board voted 5-0 to recommend approval of the Preliminary Plat to the Board of Commissions, with conditions, as follows; in their recommendation, the Planning Board acknowledged that the Preliminary Plat satisfied the determinations contained in Section 4.24.1.4. of the UDO concerning applicable policies, purposes, and standards:

1. Prior to the commencement of land disturbance activities and/or construction of improvements, the applicant/developer shall submit construction drawings/plans for all improvements within the subdivision for approval by the UDO Administrator, who may seek input and comments from Town Staff in the review and approval of the construction drawings. In addition to providing details for all improvements, these drawings/plans shall also provide, and not be limited to, information on erosion and sedimentation control, culvert designs, and take into account any intended or required phasing/sequence of construction for the subdivision.
2. The clearing and grading of any lot or portions thereof shall be prohibited prior to the issuance of a building permit for any such lot, except as determined by the UDO Administrator to be necessary for the installation of stormwater measures. The developer/applicant is encouraged to address any necessary phasing and limits of disturbance on submitted construction drawings/plans.
3. Prior to or in conjunction with approval of the Final Plat for the subdivision, drainage easements, to be the responsibility of the applicant/developer and/or their successors (i.e. Property Owners Association), shall be properly conveyed by recordation with the Dare County Register of Deeds; such easements shall be reviewed and approved by the UDO Administrator prior to recordation, and the UDO Administrator may refer the easements to the Town Attorney for review and comment.

'STAFF RECOMMENDATION

Staff is of the opinion that the submitted Preliminary Plat complies with all applicable requirements and that the applicant has addressed all issued comments. Additionally, Staff is of the opinion that the Proposed Subdivision is consistent with applicable policy considerations. Therefore, Staff recommends

approval of the Preliminary Plat, with conditions. Staff supports those conditions recommended by the Planning Board; however, it is important to note that following the Planning Board meeting the applicant requested consideration of a change to condition #2, as follows:

2. The clearing and grading of any lot or portions thereof shall be prohibited prior to the issuance of a building permit for any such lot, except as determined by the UDO Administrator **(a)** to be necessary for the installation of stormwater measures **or (b) to accommodate the stockpiling of soil from lots within the subdivision which are subject to an issued building permit.** The developer/applicant is encouraged to address any necessary phasing and limits of disturbance on submitted construction drawings/plans.

'Staff does not object to the requested change and believes it provides a reasonable accommodation while limiting the amount of clearing on lots not subject to immediate development. It is also important to note that pursuant to Section 4.24.1.3. of the UDO, action to approve with conditions is qualified that "conditions [be] acceptable to the applicant.'"

Comr. Renée Cahoon asked if the stormwater basins as designated would be included on the deeds; Mr. Zehner stated that they would. He also stated that Lot 21 swale would be owned by the Town, if accepted.

Mayor Cahoon asked about enforcement of filling in a stormwater basin; Director Zehner said that there are multiple options of recourse to include Town enforcement; he also noted individual development of these lots would be subject to the Town's residential stormwater ordinance.

Mayor Pro Tem Siers confirmed with staff that the overflow of stormwater would go into the natural channels and these channels flow into the basins with no direct charge to the sound. Asked about flowing stormwater into other privately owned property, Director Zehner said that the applicant is required to ensure that water leaving the site doesn't increase another site standards.

Mayor Cahoon asked about the safety aspect of a US 158 access. Director Zehner said that the plan provided by the engineer was submitted to NCDOT and it is up to NCDOT if full movement out of that access would be allowed.

Mayor Cahoon confirmed with Attorney Leidy that the extent that this Board determines US 158 access is in accordance with the Town's ordinance.

Comr. Brinkley questioned, since there is no Southridge Property Owners Association, how the stormwater basins would be maintained. Director Zehner feels there may be some consideration for the developer to have seed money in an account available to the property owners for future maintenance.

Comr. Fuller pointed out that this property was originally residential; Director Zehner agreed and said that it was always zoned R-2 but mixed use was added and then removed – it is now only residential.

Comr. Fuller also confirmed with Director Zehner that Mariner's Way was approved as part of the plan with the intent of serving the new subdivision. Director Zehner said that it was established as part of section 4 with the expectation of access.

In response to a question from Comr. Fuller, Fire Chief Wells said that there are six turns to get to the subdivision; the state requires 20' roadways as well as water supply, but nothing in writing would require them to make it a shorter distance; both he and Dep Fire Chief Hite expressed that it would be a better situation to have access off of US 158.

Comr. Fuller asked about swale maintenance in Southridge; Public Works Director Barile said that it is done if there is a need – such as to re-establish a swale.

MOTION: Comr. Renée Cahoon made 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 for access – as a better solution for access. The motion was seconded by Mayor Pro Tem Siers.

Comr. Fuller asked Comr. Renée Cahoon if her motion includes having the developer provide approval to agree to this now? She responded that her motion asks for a reasonable solution but does not include obtaining the developer's approval right now. Comr. Fuller also confirmed with Attorney Leidy that the motion to table is a legal one.

CONTINUATION OF MOTION: The motion passed unanimously.

RECESS FOR/RECONVENE FROM LUNCH

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

Consideration of a Major Site Plan for the Christmas Mouse, 2401 S. Croatan Highway, 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. The property is zoned C-2, General Commercial

Deputy Planning Director Kelly Wyatt summarized her staff memo concerning the major site plan for the Christmas Mouse which read in part as follows:

"GENERAL INFORMATION

'Applicant: House Engineering, P.C. on behalf of Robeca Nags Head, LLC.

'Application Type: Major Site Plan Review

'Purpose/Request: Reconstruction, following a fire, of retail structure with a gross floor area of 8,682 square feet. Parking and site conditions, with minor changes, are intended to remain as currently exist.

'Property Location: 2401 S. Croatan Highway, Nags Head.

'Existing Land Use: Retail structure lost to fire and cell tower facility.

'Zoning Classification of Property: C-2, General Commercial Zoning District.

'Zoning Classification of Surrounding Properties: Properties to the north and south are zoned C-2, General Commercial (vacant and Outer Banks Dermatology). Property to the west, directly across U.S. Highway 158, is zoned C-2, General Commercial (former Kelly's Restaurant). Property to the east, directly across S. Wrightsville Avenue, is zoned C-4, Arts and Culture District and is developed commercially (vacant, former Nags Head Florist).

'Flood Hazard Zone of Property: The western portion of the property is located within an AE 9 Flood Zone; the eastern portion of the property is located within an AE 10 Flood Zone. The four-corners of the proposed structure are shown at elevation 8.5 ft. msl and the applicant intends to flood-proof the commercial structure.

'POLICY AND PLAN CONSIDERATIONS

'Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as General Commercial and it is additionally located within the General Commercial Activity Node. Descriptions of these classifications are below:

'General Commercial: General Commercial designation is located throughout the town paralleling US 158 and US 64. The General Commercial designation is intended to foster a thriving commercial business community with a variety of uses, activities, and scales. Form is as important as use within this designation and there should be a high degree of design quality for the building facade. Planned, mixed use developments are encouraged. Best practices for all types of corridors include: driveway consolidation, bicycle/pedestrian accommodations, traffic calming, and buffering/landscaping.

'General Commercial Activity Node: General Commercial Activity Nodes are focal points of activity and higher intensity development in the town. These are areas that are anticipated to have future concentrations of uses that serve as destinations or hubs of activity for the town and are appropriate for shopping centers or larger footprint retail stores. General Commercial Activity Nodes are envisioned to be planned commercial development with a range of uses including retail, office, restaurant, banking, personal service establishments, gymnasium, indoor entertainment, gallery/museum, hotel (boutique/small scale), institutional uses, and multi-family. Future development is characterized by compact development patterns, walkability, and a higher standard of architectural and site design. Multiple, smaller structures are preferred over large strip development. Future development should accommodate pedestrian access from existing pedestrian infrastructure to storefronts. Further, adequate pedestrian infrastructure should be provided to safely traverse and interconnect commercial sites.

'When determining if the proposal is consistent with the Land Use designation, staff considered the following excerpts and policies as being relevant:

- Page 3-14, LU-5 reads, "Promote contiguous and cohesive nodes of commercial development of appropriate size and massing for the surrounding area".
- Page 3-25, LU-15 reads, "Promote architectural standards for commercial development in keeping with the Nags Head style architecture".
- Page 3-32, LU-25 reads, "Support continued use and improvement of non-conforming properties".
- Page 3-126, EC-10 reads, "Promote the growth of existing businesses and the recruitment of new business that are compatible with the town's vision which add full-time, year-round jobs that work to stabilize the employment market".

'Staff finds the reconstruction of this commercial structure to be consistent with land use classification and stated Land Use Policies.

'SPECIFIC INFORMATION

Applicable Zoning Regulations:

- Use Regulations: Section 6.6, Table of Uses and Activities lists "General Retail" as a Permitted Use within the C-2, General Commercial District, no supplemental standards are provided.
- Lot Coverage: Total allowable lot coverage for this site is 55%. Proposed lot coverage is 54.53% and is therefore compliant.
- Height: The maximum allowable building height within the Town is 35 feet; however, pursuant to Section 8.2.1, Dimensional requirements, total height may be increased to 42 feet with the use of an 8:12 roof pitch or greater. The applicant has proposed a structure with an overall height of 35.5 feet with the use of an 8:12 roof pitch therefore height is compliant.
- Architecture Design Standards: Section 10.82, Applicability, of the UDO, states that Commercial Design Standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review. Therefore, reconstruction of the fire damaged commercial structure must adhere to the Commercial Design Standards set forth within Part VI of the UDO. Section 10.83, Design Standards, of the UDO, states that projects adding a total habitable building area of 10,000 square feet or less may elect to comply with the building design requirements by achieving 150 points based on the criteria outlined in the Town of Nags Head Residential Design Guidelines. Projects that elect to comply in this manner shall, in addition to the 150 architectural design points, incorporate specific standards into the design (attached). The proposed architectural design satisfies the minimum standards required by Section 10.83 and additionally achieves 152 architectural design points with the use of a first-floor porch, dormers, 8:12 pitched roof, simulated wood shingles and other miscellaneous architectural details.
- Parking: Pursuant to Article 10, Table 10-2, Required Parking by Use, General Retail shall provide parking at least one (1) parking space for each 250 square feet of gross floor area, plus one (1) parking space for each employee, but no less than two (2) employee parking spaces for each retail unit or establishment. The proposed structure contains 8,682 square feet of gross floor area, requiring 35 parking spaces. Four employees are proposed, necessitating four additional parking spaces. A total of 39 parking spaces are required; 47 spaces are provided and therefore parking is compliant. Please note, the parking lot layout and design is unchanged except for the conversion of 11 asphalt parking spaces into turfstone parking spaces. This conversion not only results in a decrease in impervious area but allows for stormwater infiltration.
- Buffering/Landscaping: Christmas Mouse was originally approved by the Board of Commissioners on March 5, 1987. The code that was in effect at that time did not require buffering or landscaping on this site. Part VI, Performance Standards, Section 10.82, Applicability, states that the design standards contained within this Section shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review. Section 10.93, Landscaping, Buffering and Vegetation Preservation, requires that the applicant provide buffering as part of the new construction. Section 10.93.3.1.1 Parking Lot Buffers, requires a buffer strip of at least ten (10) feet in width be provided between the parking lot and the street right-of-way line. In this instance, due to the orientation of the driveway and the need to preserve the sight triangle, the applicant will need to provide a minimal number of shrubs and ornamental grasses/herbaceous plants in those areas where the existing parking lot abuts U.S. Highway 158 to the west and Wrightsville Avenue to the east. The applicant has made notation on the site plan of the required landscape buffer area and will work with planning staff to identify the proper plantings prior to the Board of Commissioners review.

Section 10.93.3.7 of the UDO outlines the requirements for providing interior parking lot landscaping. The parking lot, aside from the conversion of asphalt parking into turfstone parking, is to remain unchanged. Staff would note that this is an existing site nonconformity, the proposed scope of work would not increase the degree of nonconformity and therefore it can remain as is.

Section 10.93.3.8 of the UDO outlines the Vegetation Preservation/Planting Requirements. Again, staff would note that this is an existing site nonconformity that is not being increased and therefore can remain as is.

- Lighting: No additional lighting is proposed at this time; existing parking lot lighting remains unchanged. Should additional lighting be desired in the future the required photometrics and fixture information will be required for review and approval prior to permit issuance.
- Signage: No additional signage is being proposed at this time.

Water and Sewage Disposal: The Dare County Health Department has reviewed and approved the proposal as presented (DCHD Approval Attached).

Traffic Circulation: See memorandum from Town Engineer dated December 13, 2019 (Attached).

Stormwater Management: See memorandum from Town Engineer dated December 13, 2019 (Attached).

Fire: The project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance.

Public Works: The Public Works Director has reviewed and approved the proposed site plan.

ANALYSIS

Staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant land use policies.

STAFF RECOMMENDATION

Staff recommends approval of the Major Site Plan request as presented.

PLANNING BOARD RECOMMENDATION

At their December 17, 2019 meeting the Planning Board voted unanimously to recommend approval of the Major Site Plan Review as presented.”

Mayor Pro Tem Siers questioned flood proofing. Ms. Wyatt stated that there are certain acceptable practices placed around a structure; Mayor Cahoon explained that a membrane runs along the slab and at any door openings – referred to as removable door dams.

Comr. Brinkley confirmed with staff that the site was nonconforming because of the landscaping.

Board members spoke in favor of the site plan for the Christmas Mouse and were pleased it was being redeveloped.

MOTION: Comr. Renée Cahoon made a motion to approve the Christmas Mouse Major Site Plan as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

Update from the Planning Director

Planning Director Michael Zehner presented his Planning Department update. Town Manager Ogburn asked the Board to consider a joint workshop with the Planning Board to discuss the Flood Damage Prevention Ordinance. The February 18th Planning Board date was mentioned.

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 that as much information as possible be provided ahead of time. He asked what other communities are doing in this regard. Director Zehner stated that the draft ordinance is expected to be ready by the end of January 2020 which will then be provided to Board members.

NEW BUSINESS

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 to the Town for review/approval after that time.

Board/Committee appointments

The summary sheet presented to the Board read in part as follows:

'1 – Consideration of appointment to represent the Town on the Jennette's Pier Advisory Committee - to replace former Mayor Pro Tem Walters.

'2 – Consideration of appointment of Board of Adjustment Chair and Vice-Chair - in accordance with Town Code Sec. 48-592. Attached please find a tracking chart of the current Board of Adjustment members.

'3 – Consideration of staggered terms for Arts & Culture Committee
- Staggered terms so all terms don't expire at the same time to allow for continuity on the committee.

'Attached please find Arts & Culture Committee tracking chart with revised expiration dates for consideration. The tracking chart proposes that three member terms expire 6/6/21 and three member terms expire 12/4/22.

'4 - Consideration of appointments to the Planning Board
- To fill three (3) expiring terms; Two of the three whose terms are expiring are not interested in being reappointed.

'Attached please find the list of candidates interested in serving on the Planning Board and the tracking chart with the current members.'

Consideration of appointment to Jennette's Pier Advisory Committee

Town Manager Ogburn stated that this committee is mostly information gathering and provides updates on changes in rules/revenue, any State actions that impact the pier, and is also an advocate for Jennette's Pier.

MOTION: Comr. Renée Cahoon made a motion to appoint Comr. Brinkley to represent the Town on the Jennette's Pier Advisory Committee. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Consideration of appointment of BOA Chair and Vice-Chair

MOTION: Comr. Renée Cahoon made a motion to reappoint Jack Cooper as Board of Adjustment Chair and Margaret Suppler as Board of Adjustment Vice-Chair. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Consideration of staggered terms for Arts & Culture Committee

The proposed staggered terms for the Arts & Culture Committee provides for three member terms to expire in 2021 and three member terms to expire in 2022.

MOTION: Comr. Brinkley made a motion to approve the staggered terms for the Arts & Culture Committee as presented [three terms expire in 2021 and three terms expire in 2022]. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Consideration of appointments to Planning Board

MOTION: Comr. Fuller made a motion to reappoint Kristi Wright to another three-year term on the Planning Board. The motion was seconded by Comr. Brinkley which passed unanimously.

MOTION: Comr. Renée Cahoon made a motion to appoint Molly Harrison to a three-year term on the Planning Board. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

MOTION: Comr. Fuller made a motion to appoint Gary Ferguson to a three-year term on the Planning Board. The motion was seconded by Comr. Brinkley which passed unanimously.

Comr. Fuller asked that age and gender data not be included with Board-provided information (for Board consideration of Town Board/Committee appointments).

MOTION: Mayor Cahoon made a motion to strike gender and age data from future information provided to Board members for consideration of appointments to Town Boards/Committees. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Town Attorney Leidy asked the Board to consider all oceanfront beach nourishment condemnation cases and not just the Richardson case when entering 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.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Ogburn - Discussion of Dominion Energy Nags Head/Manteo Causeway Plan

Town Manager briefly discussed the letter received from Dominion Energy; the summary sheet read in part as follows:

"Attached please find a letter from Dominion Energy dated December 4, 2019 requesting that the Town initiate action to obtain the necessary easements on the Nags Head/Manteo Causeway so that they can perform work on a project that will reduce future storm/hurricane impacts to this area – prior to the 2020 hurricane season.

"The attached letter from Dominion Energy provides additional details on what is being requested and on the work to be done."

MOTION: Comr. Renée Cahoon made 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. The motion was seconded by Comr. Brinkley which passed unanimously.

BOARD OF COMMISSIONERS AGENDA

Comr. Renée Cahoon – Red-light cameras

Comr. Renée Cahoon asked Mayor Cahoon to ask the Board of Education to discuss red light cameras at traffic signals. She has noticed more drivers running red lights and would like to increase enforcement. She would also like to see the money obtained from the red light cameras to 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. Attorney Leidy is to check with the City of Greenville and their ordinance on red-light cameras and report back.

Comr. Brinkley - Essentials of Municipal Government Class

Comr. Brinkley attended the recent Essentials of Municipal Government Class which he said was very informative.

Comr. Brinkley – Sign up for 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. Information about signing up for these alerts can be provided via the email broadcasts. Town Manager Ogburn pointed out that the Town's email broadcasts are issued on a regular/scheduled basis.

Mayor Cahoon also noted that since not everyone utilizes websites that using the Town's billing for water/tax bills, etc. to inform people they can sign up to receive email updates may also be useful.

Comr. Fuller – Annual Audit Presentation

Comr. Fuller pointed out that the Audit document contains some non-factual information re: top Town employers in the Town – which leads him to believe that there are other errors in the document. He emphasized the importance of the Town not sending out anything with obvious factual errors.

Town Manager Ogburn explained where the information was obtained – from a more regional database – but that this information will be adjusted to fit only Nags Head in the future.

MAYOR’S AGENDA

Mayor Cahoon - Review of Jan 23-24, 2020 Board Retreat Agenda

Mayor Cahoon reviewed the proposed Board Retreat Agenda with Board members; it was Board consensus to make no changes to the proposed agenda as follows:

- Meeting with Planning Board Chair and Vice-Chair
- Pavement Condition and Drainage Infrastructure
- Residential Stormwater Ordinance
- Dare County Control Group MOU
- Recycling (Includes cart rollback Franchise discussion)
- Town’s Carbon Footprint
- Beach Nourishment Municipal Service Districts

CLOSED SESSION

MOTION: Comr. Renée Cahoon made a motion to enter Closed Session to discuss a personnel matter, the Richardson Beach Nourishment Project easement condemnation litigation as well as all the other Beach Nourishment Project condemnation cases, and to consider the July – December 2019 Closed Session minutes - in accordance with GS 143-318.11(a)(6), (3), and (1). The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 2:05 p.m.

OPEN SESSION

The Board re-entered Open Session at 3:57 p.m. Attorney Leidy reported that the Board did take action to approve Closed Session minutes and their disposition for the July – December 2019 time period; the Board also gave direction to the Town Attorney re: pending litigation – but no other action was taken.

ADJOURNMENT

MOTION: Comr. Renée Cahoon made a motion to recess to the Board of Commissioners Retreat on January 23, 2020 at 9 am at the Villas Clubhouse on Villa Dunes Drive. The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 3:58 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon



Agenda Item Summary Sheet

Item No: **E-5**
Meeting Date: **February 5, 2020**

Item Title: Authorization to Enter into a Contract with NC Dept of Environmental Quality (DEQ) Division of Coastal Management for a Public Access Grant for the Islington Street Beach Access

Item Summary:

Attached please find a proposed resolution that authorizes the Town Manager to enter into a contract on behalf of the Town with the Division Environmental Quality (DEQ) Division of Coastal Management for the Islington Street Beach Access grant award. Also attached is the associated Contract. The total grant award amount is \$82,909.55 and the Town's matching amount is \$35,677.40. The next steps for this project include design and permitting of the proposed improvements.

Request Board adoption of attached resolution authorizing the execution of the Public Beach & Coastal Waterfront Access Grant Contract for the Islington Street Beach Access Project and the associated contract.

Number of Attachments: 3

Specific Action Requested:

Provided for Board authorization of contract and resolution adoption.

Submitted By: Administration

Date: January 29, 2020

Finance Officer Comment:

The budget for this project is currently reflected as outlined by this resolution and contract.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn", is written over a horizontal line.

Date: January 29, 2020



**Resolution Authorizing Execution of
Public Beach and Coastal Waterfront Access Program Grant Contract**

WHEREAS: The Town of Nags Head (the "Town") was advised that a proposed contract between the Town and the North Carolina Division of Coastal Management (DCM) for Public Beach and Coastal Waterfront Access grant funds was presented for the project known as Islington Street Public Access and discussed; that, under the terms of the said contract, the Town will pay a total local cash contribution of \$31,488.40 and local in-kind contribution of \$4,189.00 as its local share of the total project costs.

BE IT THEREFORE RESOLVED, as follows:

1. That a contract between the Town and the North Carolina Department of Environmental Quality be and the same is hereby approved.
2. That the Manager is hereby authorized to sign and execute the said contract for and on behalf of the Town and forward the same to the North Carolina Department of Environmental Quality.
3. That upon final execution, a copy of said contract be filed with the minutes.

ADOPTED this the 5th day of February 2020.

Ben Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



NORTH CAROLINA PUBLIC BEACH AND COASTAL WATERFRONT ACCESS

PROGRAM FINAL APPLICATION 2019-2020 CYCLE

Please complete a separate application for each proposed project and submit two (2) printed copies and one (1) USB Flash drive with digital files to your DCM District Planner.

Application Deadline: September 7, 2019

Project Name:			
Provide a brief description of the proposed project:			
Is this an ongoing project (Phase II of a previously funded project, or improvements to an existing project)?			Yes No
Government Name:	Fed ID#:	Type of project:	Land Acquisition Site Improvement
Lead Elected Official:	Title:	Demand for Access:	High Medium Low
Address:		Site Control:	
Project Administrator		Land acquisitions with this application	
Name:	Title:	Ownership	
Address:		Lease (25 years of more)	
City/State/Zip:		Easement (25 years of more)	
Telephone:		Joint Use Agreement	
E-mail:			
Previous DCM Access Grant Recipient:	Yes No	If yes, When?	
Budget Totals and Financial Assistance Requested:		Additional Project Costs/Funding Sources NOT included in the proposal (if applicable):	
DCM funds requested:		Source:	Cost:
Total Local Contribution:		Source:	Cost:
Local Cash:		Source:	Cost:
Local Cash (Grant):			
Funding Source:			
Local Cash (Grant):			
Funding Source:			
Local In-Kind:			
TOTAL PROJECT COST:			

Signature: _____

Name (print): _____

Date: _____

Provide the following ATTACHMENTS and NARRATIVE:

- A. **Project location maps:** Provide a regional location map and a detailed vicinity map (street map) showing the project location. (*Suitable for copying and insertion into grant contract*)

See Attached Maps

- B. **Parcel Information:** Provide the following information for each parcel:

- 1) Name and address of owner

Town of Nags Head

- 2) Project site address

The parcel of land in which the project is proposed is a street that was previously referenced as Islington Street that is also located on South Old Oregon Inlet Road. There is no physical address for the property at this time.

- 3) Lot dimensions

51.10', adjacent to Highway 12 x 465.63', southern property boundary x 51.10', adjacent to the Atlantic Ocean x 467.48', northern property line

- 4) Applicable setbacks (zoning, CAMA, DOT, other) and local zoning and Future Land Use Map designation(s)

- *Zoning Setbacks*
 - *15' front yard*
 - *5' side yard*
- *CAMA*
 - *75' small structure setback (2.9 ft/year erosion rate)*

- 5) Deed number, book, page and date

Islington Street (formerly known as Seventh Street)

Hollywood Beach, Section Four, Map Book 1, Page 26 and as shown on a map or plat of Hollywood Beach, Section Three, recorded in Map Book 1, Page 42, Dare County Registry

- 6) Assessed value- (*Only necessary for land or easement acquisition*)

NA

- 7) An evaluation of its appropriateness for public access

Islington Street has been utilized for public access since accepted by the town. A sand, foot path currently carries people approximately 263 feet across to an existing, wooden dune crossover.

Islington Street Public Access is located in south Nags Head. South Nags Head is approximately 5 miles in length and primary all residential type development with little commercial influence. With limited commercial, the main focus of entertainment in this portion of the town is enjoying the beach and all associated beach activities. The Comprehensive Plan envisions South Nags Head, "to remain primarily as a single-family residential area with similar height and density development as

exists today.” The Comprehensive Plan further identifies in the South Nags Head Character Area

Section that, “All development and redevelopment should connect to both existing and planned recreational improvements such as multi use paths, beach accesses, and parks”. Access to the beach is central to character of South Nags Head.

The proposed improvement of a parking area, wooden walkway extension, shower, bike rack, lighting, signage, and stormwater improvements are critical to providing on-going access to visitors and citizens alike in this densely developed residential area. While this access is already being utilized as an access point, the access does not accommodate vehicles or have any amenities. The investment in infrastructure up front is minimal in comparison of the return an improved public beach access that will allow people of all abilities and ages to gain access to public beach. As referenced in the amended 2013 CAMA Land Use Plan, “The Town recognizes that the ocean beaches are our single greatest asset.” This core value of the town is achieved through the availability of public access to the beach. The vision in the 2013 CAMA Land Use Plan recognizes that the town is working to build a community with an economy based in family vacation tourism. The foundation of that economy is a high-quality beach experience. This is achieved by, “A healthy, well-maintained oceanfront beach that is accessible, safe and usable; not blocked or made unsafe by large structures, sandbags and/or septic systems which negatively impact the recreational value and aesthetics of the beach and which create public health and safety hazards.”

- 8) Title opinion including Attorney’s NC Bar number

See attached Title Opinion from Robert Hobbs, NC State Bar No. 13543

- 9) Easement agreement, if applicable

NA

- 10) List of required permits or certifications or permits issued (CAMA, zoning, etc.).

- *CAMA permit*
- *Building permit*
- *Zoning permit*
- *Floodplain development permit*
- *Land disturbance permit*
- *Stormwater (town issued) permit*

- C. **Site description:** Provide a description of the site, including natural features and existing improvements. Also include NC Division of Water Resources Surface Water Classification(s).

The Islington Street Beach Access is currently a largely undeveloped site with a small shelter, natural “footpath”, and dune walkover without ADA access. The site can be characterized as a natural area with vegetated dunes. The surface water classification of the Atlantic Ocean is “SB”. Class SB is defined as, “Tidal salt waters protected for all SC uses in addition to primary recreation. Primary recreational activities include swimming, skin diving, water skiing, and similar uses involving human body contact with water where such activities take place in an organized manner or on a frequent basis.”

- D. **National Flood Insurance Program Floodways & Non-encroachment areas:** Indicate if the project site or improvements are located in Floodway or Non-encroachment area per 40 C.F.R. § 60.3(d)(3). If the project or improvements are located in one of these areas, additional engineering studies may be needed.

The Islington Street Beach Access property is located in an AE and VE flood zone with a Base Flood Elevations (BFE) of 10' (AE) and 11' (VE).

- E. **For Land Acquisition:** Provide a boundary survey indicating land area, along with a preliminary appraisal and a letter of intent to sell from the property owner. Provide a "Plan for Future Development" to include: a description of how the public will be able to use the site until improved access facilities are in place; a conceptual site plan showing proposed future development; and a timeline for developing the site.

NA

- F. **Project description:** Provide a description of the project, including information on features, materials, and proximity to closest/other access sites.

The Town proposes to construct an improved beach access in South Nags Head in an existing fifty (50) foot wide right-of-way on the east side of S. Old Oregon Inlet Road/SR 1243, improvements to include a parking area, platform and walk extension to an existing dune cross over, shower, bike rack, lighting, signage, and stormwater management.

Permeable pavers will be utilized to construct approximately thirteen (13) parking spaces for the parking area. Additionally, asphalt or concrete will be utilized to construct the drive isle. Handicap parking spaces will be designed and installed to meet ADA requirements. The total parking and drive isle area is approximately 42' x 150'. Landscaping will be installed to provide a buffer between the parking area and adjacent residential development. Native, salt tolerant plantings will be utilized.

A small platform will be located adjacent to the parking area and boardwalk. Within this deck area will be the bike rack, trash can, and user area for the shower. A water tap will be installed, per town specifications, for the shower. Additionally, low-level solar lighting will be provided in this area for the safety of users.

The 6' wide and 20' long ADA-compliant concrete pathway will connect the drive aisle and amenity area to the dune crossover.

The project site is undeveloped with sparse natural grasses and large dune to the east side of the property. There are other beach accesses both to the north and to the south, both approximately one-sixth of a mile from the project site. The immediate beach access to the north at Isabella Street does not provide public facilities for ADA accessibility or showering, and the immediate beach access to the south at Indigo Street does not provide showering facilities.

- G. **Project site plan:** Provide a to-scale site plan showing property lines, proposed construction, significant natural features, and existing uses on adjacent lots. Include a north arrow and graphic scale and dimensions for site improvements. *Improvements shown as an overlay on aerial photos also may be submitted as a supplement to but not in lieu of a site plan.* Provide to-scale building elevations and floor plans as applicable.

H. **Pre-project tasks:** Identify tasks that must be completed prior to starting the project.

All necessary permits will need to be obtained prior to start of the project.

I. **Local Government Approval:** Each grant application must be reviewed and approved by the local governing board at a duly advertised public hearing or meeting. Provide a memorandum resolution, or copy of the minutes indicating the board’s action on the application.

See attached agenda and minutes.

J. **Is all or a portion of this project under consideration by other programs for funding?**

YES NO

If so, indicate which program(s) and which fiscal year(s). Does the funding requested from another program duplicate or complement the funding requested from the Access Program? How viable is the project if complementary funding from another program is not secured?

K. **Is this project identified as high local priority in your certified Future Land Use Plan or local Access Plan?**

YES NO

If so, attach a brief description of the plan and a statement of the extent to which the project implements the policies of the plan.

The Town of Nags Head Land Use Plan (2010) identifies our beaches as our single greatest asset. The plan further addresses the need to maintain a viable beach in order to provide public access. The vision states that, “recreational amenities and attractions” and “a healthy, well-maintained oceanfront beach” are paramount in realizing the town’s desire to be a good place to live and visit. Further, the plan contains a policy that states, “The Town recognizes that the ocean beaches are our single greatest asset. Fundamental elements important to the Town include, clean beaches, ample recreational access opportunities, no commercialization, reasonable beach driving regulations and the prompt resolution of user conflicts as they arise.”

L. **Is this project reflected in other policy documents or ordinances?**

YES NO

If so, attach a brief description of the document or ordinance and a statement of the extent to which the project implements goals of the document or ordinance.

Town of Nags Head Comprehensive Plan (adopted in July 2017)

The Town of Nags Head Comprehensive Plan adopted in 2017 and was developed with community input. The vision recognizes that, “a high quality beach experience is fundamental to protecting and promoting our small town character”. Further, “ensuring access to a well-protected natural coastal environment” is a fundamental part of our legacy and quality of life.

South Nags Head is a designated Character Area as outlined in Section 2 Character Areas. An essential action of the South Nags Head Character Area is for, “all development and redevelopment to connect to both existing and planned recreational improvements such as multi use paths, beach accesses, and parks.” Beach accesses are a vital component of the community fabric and quality of life of this character

As part of the community engagement process, residents were asked to indicate the most positive changes in the community in the last five years. Participants indicated that beach accesses as one of the most positive changes in the community.

In addition, the plan contains the following policies that speak to the importance of access to the beach in Nags Head.

- *PR-3 Expand and develop public access to ocean and estuarine shorelines that accommodate different user types, age groups, and needs.*
- *NR-19 Provide substantial opportunity for the public to access the beach. This includes beach accesses with adequate parking at regular intervals for the length of the town with accessible facilities.*

Town of Nags Head Capital Improvement Plan (CIP)- *The adopted CIP for fiscal year 2019-2020 identifies and prioritizes and funds the construction of a public beach access at Islington Street. Construction of this beach access would complete the goal of CIP.*

The Town of Nags Head Parks and Recreation Plan Core Values (Live, Visit, Play, Thrive) *all share a common thread of access and protection of the Town’s abundant natural resources, including the beach. Public access to the beaches for residents and visitors promotes a healthier lifestyle and connects people with each other and the environment improving the overall quality of life. Many of the residential lots in the Town do not have beach front access and without public access points would not have a way to access the beach.*

The goals, objectives, and actions of this plan were developed from community input through a series of surveys and community meetings. One of the top responses through that citizen input for recreational facilities desired by citizens was access to the beach and enhancement of existing beach accesses with restrooms, showers, and other amenities. The Town is committed to maintaining beach access for both residents and visitors.

M. Proposed Local Match and Cost Assumptions: *Provide narrative indicating the source of cash match and availability of funds. Provide narrative explaining the relevance of proposed in-kind match to the project. If other state and/or federal funds are to be used as local match, indicate the amount, the funding source, when the funding source will be awarded/available, and the specific project elements that will qualify for joint funding.*

This project will be funded through the Town’s General Fund. This project is identified in the 2019-2020 CIP for funding in the Recommended Manager’s budget for fiscal year 2019-2020. The Town will bear the cost of any permits, water tap fee, and water tap for this project as a local match.

N. List the types and sources of utilities proposed; and identify associated costs. *Note above ground utilities must be identified.*

Utility Needed	Cost
<i>Electrical for security lighting</i>	<i>\$3,750</i>
TOTAL	\$3,750

PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM

N.C. Division of Coastal Management

FINAL APPLICATION

2019-20 Cycle

O. **Proposed Summary Budget:** The form below must be completed and included with your application.

	Grant Assistance Requested	Local Cash Contribution	Local In-Kind Contribution	TOTAL
Land Acquisition Costs:	NA	NA	NA	NA
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00
Permit and Design Fees:				
CAMA/Zoning/Flood/Land Disturbance/Stormwater/Building Permits	\$0.00	\$0.00	\$715.00	\$715.00
Design	\$0.00	\$0.00	\$3,474.00	\$3,474.00
Survey (existing features/stakeout)	\$4,650.00	\$3,100.00	\$0.00	\$7,750.00
Subtotal	\$4,650.00	\$3,100.00	\$4,189.00	\$11,939.00
Site Improvement Costs:				
Materials				
Site Preparation: grading, drainage, & erosion control	\$ 1,145.36	\$ 763.57	\$ 0.00	\$ 1,908.93
Infiltration	\$ 68.40	\$45.90	\$ 0.00	\$ 114.75
Parking Area	\$ 18,429.90	\$ 12,286.60	\$ 0.00	\$ 30,716.50
Path	\$ 205.71	\$ 137.14	\$ 0.00	\$ 342.85
Site Amenities: lighting, shower, trash can, bike rack, & signage	\$ 5,767.55	\$ 3,845.04	\$ 0.00	\$ 9,612.59
Subtotal	\$ 25,616.92	\$ 17,078.25	\$ 0.00	\$ 42,695.17
Site Improvement Costs: Labor				
Site Prep: grading, drainage/infiltration, erosion control	\$4,075.99	\$2,717.33	\$ 0.00	6,793.32
Parking Area	\$ 10,698.90	\$ 7,132.60	\$ 0.00	\$ 17,831.50
Path	\$ 211.89	\$ 141.26	\$ 0.00	\$ 353.15
Site Amenities: lighting, shower, trash can, bike rack, & signage	\$ 1,978.45	\$ 1,318.96	\$ 0.00	\$ 3,297.41
Subtotal	\$ 16,965.23	\$ 11,310.15	\$ 0.00	\$ 28,275.38
Local Administrative costs: In Kind				
Subtotal	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL BUDGET	\$47,232.15.00	\$ 31,488.40	\$4,189.00	\$82,909.55

Additional Project Tasks NOT Included in this Proposal

Additional Project Cost

TOTAL ADDITIONAL COST

\$ NA

P. Proposed Budget: If available, attach a detailed breakdown of the cost assumptions upon which the Summary Budget is based. Proposals that include this information increase their likelihood of funding.

NA

Q. Project Timeline: The purpose of the timeline is to establish benchmarks during the project period to ensure timely completion. Progress monitoring is to occur at 6-month intervals for the duration of an 18-month contract. We recognize that unexpected events may require adjustments to the timeline. The schedule is meant to be an aid for measuring the progress of the project and a guide to making adequate contract adjustments when necessary.

Task \ Month	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Return Contract				X														
Land Acquisition																		
Permitting Process	X	X	X															
Land Preparation					X													
Construction						X	X	X										
Landscaping									X									
Final Inspection										X								
Close-Out											X							

R. Project Reporting Periods: The form below only illustrates grant and local cash match totals. Local funds must be spent before grant funds. Non-cash match is not illustrated or represented in the table; however it must still be reported.

Grant: \$47,232.15 Cash Match: \$31,488.40 Total: \$ 82,909.55

Non-cash Match: \$4,189.00

PROJECT SCHEDULE AND ACTIVITIES CHART

<p>% of total work to be completed <u>33%</u> Grant funds to be spent \$15,586.61 Local funds to be spent \$11,773.54</p>	<p>Period 1 – Permitting – Contract Administration – Land Preparation – Initial Construction</p>
<p>% of total work to be completed <u>57%</u> Grant funds to be spent \$26,922.33 Local funds to be spent \$17,948.39</p>	<p>Period 2 – Construction – Landscaping – Final Inspection</p>
<p>% of total work to be completed <u>10%</u> Grant funds to be spent \$4,723.22 Local funds to be spent \$3,148.84</p>	<p>Period 3 – Close Out</p>

* The final reporting period shall include a holdback of 10% of the total grant award, which is retained until a closeout packet is received by the District Planner/Contract Administrator.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

GRANTEE'S FEDERAL
IDENTIFICATION
NUMBER: **-***4273

North Carolina Department of Environmental Quality Financial Assistance Agreement

This financial assistance agreement is hereby made and entered into this **1st day of February, 2020**, by and between the **NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY** (the "Department") and the **TOWN OF NAGS HEAD** (the "Grantee").

- 1. Audit and Other Reporting Requirements of the Local Government Commission.** If subject to the audit and other reporting requirements of the Local Government Commission pursuant to Article 3 of Chapter 159 of the North Carolina General Statutes (Local Government Budget and Fiscal Control Act), the Grantee understands and agrees that the terms, conditions, restrictions and requirements hereinafter set forth shall only apply to the extent not inconsistent with, or superseded by, the audit and other reporting requirements of the Local Government Commission.
 - 2. Contract Documents.** The agreement between the parties consists of this document (the "Contract Cover") and its attachments, which are identified by name as follows:
 - a. State's General Terms and Conditions (Attachment A)
 - b. Department's Request for Proposal ("RFP") (Attachment B)
 - c. Grantee's Response to RFP, including scope of work, line item budget, budget narrative and, *if applicable*, indirect cost documentation (hereinafter referred to generally as the "Award Proposal") (Attachment C)
 - d. Notice of Certain Reporting and Audit Requirements (Attachment D)
- Together, these documents (the "Contract Documents") constitute the entire agreement between the parties (the "Agreement"), superseding all prior oral or written statements or agreements. Modifications to this Contract Cover or to any other Contract Document may only be made through written amendments processed by the Department's Financial Services Division. Any such written amendment must be duly executed by an authorized representative of each party.
- 3. Precedence Among Contract Documents.** In the event of a conflict or inconsistency between or among the Contract Documents, the document with the highest relative precedence shall prevail. This Contract Cover shall have the highest precedence. The order of precedence thereafter shall be determined by the order of documents listed in § 2 above, with the first-listed document having the second-highest precedence and the last-listed document having the lowest precedence. If there are multiple contract amendments, the most recent amendment has the highest precedence and the oldest amendment has the lowest precedence.
 - 4. Contract Period.** This Agreement shall be effective from **February 1, 2020** to **July 31, 2021**, inclusive of those dates.
 - 5. Grantee's Duties.** As a condition of the grant award, the Grantee agrees to:
 - a. Undertake and deliver the grant award project, plan or services as described in the Award Proposal (Attachment C), adhering to all budgetary provisions set out therein throughout the course of performance.
 - b. Ensure that all award funds are expended in a manner consistent with the purposes for which they were awarded, as described more fully in the attached Contract Documents.

¹ The contract documents attached hereto may at times use alternative terms to describe the Grantee. Such terms might include, but are not necessarily limited to, the following (in common or proper form): "recipient," "applicant," or "participant."

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TOWN OF NAGS HEAD Islington Street Beach Access 2019 - 2020

- c. Comply with the requirements of 09 NCAC 03M .0101, *et seq.* (Uniform Administration of State Awards of Financial Assistance), including, but not limited to, those provisions relating to audit oversight, access to records, and availability of audit work papers in the possession of any auditor of any recipient of State funding.
- d. Comply with the applicable provisions of Attachment D, Notice of Certain Reporting and Audit Requirements.
- e. Maintain all records related to this Agreement (i) for a period of six (6) years following the date on which this Agreement expires or terminates, or (ii) until all audit exceptions have been resolved, whichever is longer.
- f. Comply with all laws, ordinances, codes, rules, regulations, and licensing requirements applicable to its performance hereunder and/or the conduct of its business generally, including those of Federal, State, and local agencies having jurisdiction and/or authority.
- g. Obtain written approval from the Department's Contract Administrator (see § 14 below) prior to making any subaward or subgrant not already described in the Award Proposal.
- h. Ensure that the terms, conditions, restrictions and requirements of this Contract Cover, including those incorporated by reference to other Contract Documents and/or applicable law, are made applicable to, and binding upon, any subgrantee who receives as a subaward or subgrant any portion of the award funds made available to the Grantee hereunder.
- i. Take reasonable measures to ensure that any subgrantee (i) complies with the terms, conditions, restrictions and requirements set forth in this Contract Cover, including those incorporated by reference to other Contract Documents and/or applicable law, and (ii) provides such information in its possession as may be necessary for the Grantee to comply with such terms, conditions, restrictions and requirements.

6. Historically Underutilized Businesses. Historically Underutilized Businesses (HUBs) consist of minority, women and disabled business firms that are at least fifty-one percent owned and operated by an individual(s) of the categories. Also included in this category are disabled business enterprises and non-profit work centers for the blind and severely disabled.

Pursuant to G.S. 143B-1361(a), 143-48 and 143-128.4, the Department invites and encourages participation in this procurement process by businesses owned by minorities, women, disabled, disabled business enterprises and non-profit work centers for the blind and severely disabled. This includes utilizing subcontractors to perform the required functions in this contract. Any questions concerning NC HUB certification, contact the [North Carolina Office of Historically Underutilized Businesses](#) at (919) 807-2330.

7. Department's Duties. The Department shall pay the Grantee in the manner and amounts specified below and in accordance with the approved budget set forth in the Award Proposal.

8. Total Award Amount. The total amount of award funds paid by the Department to the Grantee under this Agreement shall not exceed **FORTY-SEVEN THOUSAND TWO HUNDRED THIRTY-TWO DOLLARS (\$47,232.00)** (the "Total Award Amount"). This amount consists of:

Funding:

Type of Funds	Funding Source	CFDA No.
Receipts	CAMA-PARTF	N/A

Account Coding Information:

Dollars	GL Company	GL Account	GL Center
\$47,232.00	1612	536993	25005F02

Grantee Matching Information:

- a. There are no matching requirements from the Grantee.
- b. There are no matching requirements from the Grantee; however, the Grantee has committed the following match to this project:

	In-Kind	\$
	Cash	\$
	Cash and In-Kind	\$
	Other / Specify:	\$

- c. The Grantee's matching requirement is **\$35,677.00**, which shall consist of:

	In-Kind	\$
	Cash	\$
X	Cash and In-Kind (Cash - \$31,488.00 and In-Kind - \$4,189.00)	\$
	Other / Specify:	\$

- d. The Grantee is committing to an additional **\$0** to complete the project or services described in the Award Proposal.

Based on the figures above, the total contract amount is **\$82,909.00**.

- 9. Invoice and Payment.** The award funds shall be disbursed to the Grantee in accordance with the following provisions:
- a. The Grantee shall submit invoices to the Department's Contract Administrator at least quarterly. The final invoice must be received by the Department within thirty (30) days following the date on which termination or expiration of this Agreement becomes effective. Amended or corrected invoices must be received by the Department's Financial Services Division within six (6) months of such date. Any invoice received thereafter shall be returned without action.
 - b. The Department shall reimburse the Grantee for actual allowable expenditures, with the Department retaining a minimum of ten percent (10%) of the Total Award Amount until all grant-related activities are completed and all reports/deliverables are received and accepted by the Department. As used herein, "allowable expenditures" are expenditures associated with work conducted to meet performance obligations under this Agreement, provided such work is carried out in a manner consistent with the Award Proposal. The Department may withhold payment on invoices when performance goals and expectations have not been met or when the manner of performance is inconsistent with Attachment C.
- 10. Grantee's Fiscal Year.** The Grantee represents that its fiscal year is from July 1 to June 30.
- 11. Availability of Funds.** The Grantee understands and agrees that payment of the sums specified herein shall be subject to, and contingent upon, the allocation and appropriation of funds to the Department for the purposes described in this Agreement.
- 12. Reversion of Unexpended Funds.** The Grantee understands and agrees that any unexpended grant funds shall revert to the Department upon termination of this Agreement.
- 13. Supplantation of Expenditure of Public Funds.** The Grantee understands and agrees that funds received pursuant to this Agreement shall be used only to supplement, not to supplant, the total amount of Federal, State and local public funding that the Grantee would otherwise expend to carry out the project or services described in the Award Proposal.
- 14. Contract Administrators.** Each party shall submit notices, questions and correspondence related to this Agreement to the other party's Contract Administrator. The contact information for each party's Contract Administrator is set out below.

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Either party may change its Contract Administrator and/or the associated contact information by giving timely written notice to the other party.

Grantee Contract Administrator	Department's Contract Administrator
Holly White, Principal Planner Town of Nags Head Post Office Box 99 Nags Head NC 27959 Telephone: (252) 449-6041 Email: holly.white@nagsheadnc.gov	Charlan Owens North Carolina Department of Environmental Quality Division of Coastal Management 1367 U. S. 17 South Elizabeth City NC 27909 Telephone: (252) 264-3901 Email: charlan.owens@ncdenr.gov

- 15. Assignment.** The Grantee may not assign its obligations or its rights to receive payment hereunder.
- 16. Procurement.** The Grantee understands and agrees that all procurement activities undertaken in connection with this Agreement shall be subject to the following provisions:
- a. None of the work or services to be performed under this Agreement involving the specialized skill or expertise of the Grantee shall be contracted without prior written approval from the Department.
 - b. In the event the Grantee or any subrecipient of the Grantee contracts for any of the work to be performed hereunder, the Grantee shall not be relieved of any duties or responsibilities herein set forth.
 - c. The Grantee shall not contract with any vendor who is restricted from contracting with the State of North Carolina pursuant to N.C.G.S. §§ 143-133.3, 143-59.1, 143-59.2 or 147.86.60.
- 17. Subawards.** The Grantee understands and agrees that any subaward or subgrant of any portion of the financial assistance provided hereunder shall not relieve the Grantee of any duties or responsibilities herein set forth.
- 18. Title VI and Other Nondiscrimination Requirements.** Throughout the course of its performance hereunder, the Grantee shall comply with all applicable State and Federal laws, regulations, executive orders and policies relating to nondiscrimination, including, but not limited to:
- Title VI of the Civil Rights Act of 1964, as amended;
 - Civil Rights Restoration Act of 1987, as amended;
 - Section 504 of the Rehabilitation Act of 1973, as amended;
 - Age Discrimination Act of 1975, as amended;
 - Titles II and III of the Americans with Disabilities Act of 1990, as amended;
 - Title IX of the Education Amendments of 1972, as amended;
 - Part III of Executive Order No. 11246 (September 24, 1965), as amended; and
 - Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

In accordance with the above laws and their implementing regulations, the Grantee agrees to ensure that no person in the United States is, on the basis of race, color, national origin, sex, age or disability, excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity for which the Grantee receives Federal

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assistance. For purposes of this provision, "program or activity" shall have the meaning ascribed to that term under Federal law (see 42 U.S.C.S. § 2000d-4a).

The Grantee understands and acknowledges that, in addition to itself, any lower-tier recipient of the financial assistance provided hereunder must also comply with the requirements of this section. Accordingly, the Grantee agrees to include a similar provision in any financial assistance agreement made with any lower-tier recipient of such assistance.

- 19. **E-Verify.** To the extent applicable, the Grantee represents that it and each of its subgrantees, contractors and/or subcontractors performing work pursuant to, or in association with, this Agreement are in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes, including, in particular, the requirement that certain employers verify the work authorization of newly hired employees using the Federal E-Verify system.
- 20. **Termination by Mutual Consent.** This Agreement may be terminated by mutual consent of the parties, provided the consent is documented in writing and duly executed by an authorized representative of each party.
- 21. **Survival.** Any provision contained in this or any other Contract Document that contemplates performance or observance subsequent to the termination or expiration of this Agreement shall survive the termination or expiration hereof and continue in full force and effect.
- 22. **Signature Warranty.** The undersigned represent and warrant that they are authorized to bind their principals to the terms and conditions of this Contract Cover and the Agreement generally, including those incorporated by reference to applicable law.

IN WITNESS WHEREOF, each party has caused this Agreement to be executed by the duly authorized representative in duplicate originals, one of which is retained by each of the Parties.

TOWN OF NAGS HEAD

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

By _____
Grantee's Signature

By _____
Signature of Department Head or Authorized Agent

Printed Name and Title

Tommy Kirby, Purchasing Director
Printed Name and Title

Organization

Financial Services Division, Purchasing and Contracts Section
Division/Section

ORIGINAL

General Terms and Conditions Governmental Entities

DEFINITIONS

Unless indicated otherwise from the context, the following terms shall have the following meanings in this Contract. All definitions are from 9 NCAC 3M.0102 unless otherwise noted. If the rule or statute that is the source of the definition is changed by the adopting authority, the change shall be incorporated herein.

- (1) "Agency" (as used in the context of the definitions below) means and includes every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political sub-agency of government. For other purposes in this Contract, "Agency" means the entity identified as one of the parties hereto.
- (2) "Audit" means an examination of records or financial accounts to verify their accuracy.
- (3) "Certification of Compliance" means a report provided by the Agency to the Office of the State Auditor that states that the Grantee has met the reporting requirements established by this Subchapter and included a statement of certification by the Agency and copies of the submitted grantee reporting package.
- (4) "Compliance Supplement" refers to the North Carolina State Compliance Supplement, maintained by the State and Local Government Finance Agency within the North Carolina Department of State Treasurer that has been developed in cooperation with agencies to assist the local auditor in identifying program compliance requirements and audit procedures for testing those requirements.
- (5) "Contract" means a legal instrument that is used to reflect a relationship between the agency, grantee, and sub-grantee.
- (6) "Fiscal Year" means the annual operating year of the non-State entity.
- (7) "Financial Assistance" means assistance that non-State entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance. Financial assistance does not include amounts received as reimbursement for services rendered to individuals for Medicare and Medicaid patient services.
- (8) "Financial Statement" means a report providing financial statistics relative to a given part of an organization's operations or status.
- (9) "Grant" means financial assistance provided by an agency, grantee, or sub-grantee to carry out activities whereby the grantor anticipates no programmatic involvement with the grantee or sub-grantee during the performance of the grant.
- (10) "Grantee" has the meaning in G.S. 143C-6-23(a)(2): a non-State entity that receives a grant of State funds

from a State agency, department, or institution but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. For other purposes in this Contract, "Grantee" shall mean the entity identified as one of the parties hereto. For purposes of this contract, Grantee also includes other State agencies such as universities.

- (11) "Grantor" means an entity that provides resources, generally financial, to another entity in order to achieve a specified goal or objective.
- (12) "Non-State Entity" has the meaning in N.C.G.S. 143C-1-1(d)(18): A firm, corporation, partnership, association, county, unit of local government, public authority, or any other person, organization, group, or governmental entity that is not a State agency, department, or institution.
- (13) "Public Authority" has the meaning in N.C.G.S. 159-7(10): A municipal corporation that is not a unit of local government or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation, (ii) is not subject of the State Budget Act, and (iii) operates on an area, regional, or multiunit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.
- (14) "Single Audit" means an audit that includes an examination of an organization's financial statements, internal controls, and compliance with the requirements of Federal or State awards.
- (15) "Special Appropriation" means a legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.
- (16) "State Funds" means any funds appropriated by the North Carolina General Assembly or collected by the State of North Carolina. State funds include federal financial assistance received by the State and transferred or disbursed to non-State entities. Both Federal and State funds maintain their identity as they are sub-granted to other organizations. Pursuant to N.C.G.S. 143C-6-23(a)(1), the terms "State grant funds" and "State grants" do not include any payment made by the Medicaid program, the Teachers' and State Employees' Comprehensive Major Medical Plan, or other similar medical programs.
- (17) "Sub-grantee" has the meaning in G.S. 143C-6-23(a)(4): a non-State entity that receives a grant of State funds from a grantee or from another sub-grantee but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.

(18) "Unit of Local Government has the meaning in G.S. 159-7(b)(15): A municipal corporation that has the power to levy taxes, including a consolidated city-county as defined by G.S. 160B-2(1), and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations.

Relationships of the Parties

Independent Contractor: The Grantee is and shall be deemed to be an independent contractor in the performance of this Contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Grantee represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with, the Agency.

Subcontracting: To subcontract work to be performed under this contract which involves the specialized skill or expertise of the Grantee or his employees, the Grantee first obtains prior approval of the Agency Contract Administrator. In the event the Grantee subcontracts for any or all of the services or activities covered by this contract: (a) the Grantee is not relieved of any of the duties and responsibilities provided in this contract; (b) the subcontractor agrees to abide by the standards contained herein or to provide such information as to allow the Grantee to comply with these standards, and; (c) the subcontractor agrees to allow state and federal authorized representatives access to any records pertinent to its role as a subcontractor.

Sub-grantees: The Grantee has the responsibility to ensure that all sub-grantees, if any, provide all information necessary to permit the Grantee to comply with the standards set forth in this Contract.

Assignment: The Grantee may not assign the Grantee's obligations or the Grantee's right to receive payment hereunder. However, upon Grantee's written request approved by the issuing purchasing authority, the Agency may:

- (a) Forward the Grantee's payment check(s) directly to any person or entity designated by the Grantee, or
- (b) Include any person or entity designated by Grantee as a joint payee on the Grantee's payment check(s).

Such approval and action does not obligate the State to anyone other than the Grantee and the Grantee remains responsible for fulfillment of all contract obligations.

Beneficiaries: Except as herein specifically provided otherwise, this Contract inures to the benefit of and is binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this Contract, and all rights of action relating to such enforcement, are strictly reserved to the Agency and the named Grantee. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Agency and Grantee that any

third person receiving services or benefits under this Contract is an incidental beneficiary only.

Indemnity

Indemnification: In the event of a claim against either party by a third party arising out of this contract, the party whose actions gave rise to the claim is responsible for the defense of the claim and any resulting liability, provided that a party may not waive the other party's sovereign immunity or similar defenses. The parties agree to consult with each other over the appropriate handling of a claim and, in the event they cannot agree, to consult with the Office of the Attorney General.

Insurance: During the term of the contract, the Grantee at its sole cost and expense provides commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the Grantee provides and maintains the following coverage and limits:

- (a) **Worker's Compensation:** The Grantee provides and maintains Worker's Compensation insurance as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$500,000.00, covering all of Grantee's employees who are engaged in any work under this contract. If any work is sublet, the Grantee requires the subgrantee to provide the same coverage for any of his employees engaged in any work under this contract.
- (b) **Commercial General Liability:** General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability.)
- (c) **Automobile:** Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles used in performance of the contract. The minimum combined single limit is \$500,000.00 bodily injury and property damage; \$500,000.00 uninsured/under insured motorist; and \$25,000.00 medical payment.

Providing and maintaining adequate insurance coverage is a material obligation of the Grantee and is of the essence of this contract. The Grantee may meet its requirements of maintaining specified coverage and limits by demonstrating to the Agency that there is in force insurance with equivalent coverage and limits that will offer at least the same protection to the Agency. Grantee obtains insurance that meets all laws of the State of North Carolina. Grantee obtains coverage from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The Grantee complies at

all times with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this contract. The limits of coverage under each insurance policy maintained by the Grantee do not limit the Grantee's liability and obligations under the contract.

Default and Termination

Termination by Mutual Consent: Either party may terminate this agreement upon sixty (60) days notice in writing from the other party. In that event, all finished or unfinished documents and other materials, at the option of the Agency, be submitted to the Agency. If the contract is terminated as provided herein, the Grantee is paid in an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this agreement; for costs of work performed by subcontractors for the Grantee provided that such subcontracts have been approved as provided herein; or for each full day of services performed where compensation is based on each full day of services performed, less payment of compensation previously made. The Grantee repays to the Agency any compensation the Grantee has received which is in excess of the payment to which he is entitled herein.

Termination for Cause: If, through any cause, the Grantee fails to fulfill in timely and proper manner the obligations under this agreement, the Agency thereupon has the right to terminate this contract by giving written notice to the Grantee of such termination and specifying the reason thereof and the effective date thereof. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by the Grantee, at the option of the Agency, be submitted to the Agency, and the Grantee is entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials. The Grantee is not relieved of liability to the Agency for damages sustained by the Agency by virtue of any breach of this agreement, and the Agency may withhold payment to the Grantee for the purpose of set off until such time as the exact amount of damages due the Agency from such breach can be determined.

Waiver of Default: Waiver by the Agency of any default or breach in compliance with the terms of this Contract by the Grantee is not a waiver of any subsequent default or breach and is not a modification of the terms of this Contract unless stated to be such in writing, signed by an authorized representative of the Agency and the Grantee and attached to the contract.

Availability of Funds: The parties to this Contract agree and understand that the payment of the sums specified in this Contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the Agency.

Force Majeure: Neither party is in default of its obligations hereunder if it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.

Intellectual Property Rights

Copyrights and Ownership of Deliverables: Any and all copyrights resulting from work under this agreement shall belong to the Grantee. The Grantee hereby grants to the North Carolina Department of Environmental Quality a royalty-free, non-exclusive, paid-up license to use, publish and distribute results of work under this agreement for North Carolina State Government purposes only.

Compliance with Applicable Laws

Compliance with Laws: The Grantee understands and agrees that it is subject to compliance with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Equal Employment Opportunity: The Grantee understands and agrees that it is subject to compliance with all Federal and State laws relating to equal employment opportunity.

Confidentiality

Confidentiality: As authorized by law, the Grantee keeps confidential any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Grantee under this agreement and does not divulge or make them available to any individual or organization without the prior written approval of the Agency. The Grantee acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this Contract or without the prior written approval of the Agency.

Oversight

Access to Persons and Records: The State Auditor and the using agency's internal auditors shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7 and Session Law 2010-194, Section 21 (i.e., the State Auditors and internal auditors may audit the records of the contractor during the term of the contract to verify accounts and data affecting fees or performance). The Contractor shall retain all records for a period of six (6) years

following completion of the contract or until any audits begun during this period are completed and findings resolved, whichever is later.

Record Retention: The Grantee may not destroy, purge or dispose of records without the express written consent of the Agency. State basic records retention policy requires all grant records to be retained for a minimum of six (6) years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to Federal policy and regulations, record retention may be longer than six (6) years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has started before expiration of the six (6) year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular six (6) year period described above, whichever is later.

Time Records: The GRANTEE will maintain records of the time and effort of each employee receiving compensation from this contract, in accordance with the appropriate OMB circular.

Miscellaneous

Choice of Law: The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties to this Contract, are governed by the laws of North Carolina. The Grantee, by signing this Contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this Contract and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This Contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Agency and the Grantee.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this Contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this Contract shall remain in full force and effect.

Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this Contract.

Care of Property: The Grantee agrees that it is responsible for the proper custody and care of any State owned property furnished him for use in connection with the performance of his contract and will reimburse the State for its loss or damage.

Ownership of equipment purchased under this contract rests with the Grantee. Upon approval of the Agency Contract Administrator, such equipment may be retained by the Grantee for the time the Grantee continues to provide services begun under this contract.

Travel Expenses: All travel, lodging, and subsistence costs are included in the contract total and no additional payments will be made in excess of the contract amount indicated in above. Contractor must adhere to the travel, lodging and subsistence rates established in the Budget Manual for the State of North Carolina.

Sales/Use Tax Refunds: If eligible, the Grantee and all sub-grantees shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Contract, pursuant to G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Grantee may not use the award of this Contract as a part of any news release or commercial advertising.

Recycled Paper: The Grantee ensures that all publications produced as a result of this contract are printed double-sided on recycled paper.

Sovereign Immunity: The Agency does not waive its sovereign immunity by entering into this contract and fully retains all immunities and defenses provided by law with respect to any action based on this contract.

Gratuities, Kickbacks or Contingency Fee(s): The parties certify and warrant that no gratuities, kickbacks or contingency fee(s) are paid in connection with this contract, nor are any fees, commissions, gifts or other considerations made contingent upon the award of this contract.

Lobbying: The Grantee certifies that it (a) has neither used nor will use any appropriated funds for payments to lobbyist; (b) will disclose the name, address, payment details, and purpose of any agreement with lobbyists whom the Grantee or its sub-tier contractor(s) or sub-grantee(s) will pay with profits or non-appropriated funds on or after December 22, 1989; and (c) will file quarterly updates about the use of lobbyists if material changes occur in their use.

By Executive Order 24, issued by Governor Perdue, and N.C.

G.S. § 133-32: It is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Natural and Cultural Resources, Environmental Quality, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (1) have a contract with a governmental agency; or
- (2) have performed under such a contract within the past year; or
- (3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24.”

The following documents along with the **Governor's grant award letter**, are on file and available for review at North Carolina Division of Coastal Management's (DCM) main office in Morehead City, located at 400 Commerce Avenue. The contact phone number is 252-808-2808.

1. North Carolina Public Beach and Coastal Waterfront Access Fund 2019-20 Cycle Grant Pre-application RFP packet – February 21, 2019.
2. Town of Nags Head 2019-20 Pre-application submission: Islington Street Public Access – April 22, 2019.
3. North Carolina Public Beach and Coastal Waterfront Access Fund 2019-20 Cycle Grant Final Application RFP packet – June 24, 2019.
4. Division of Coastal Management emailed notification of extended deadline to submit final application due to Hurricane Dorian – September 3, 2019.
5. Town of Nags Head 2019-20 Final Application submission: Islington Street Public Access – October 3, 2019.



PUBLIC BEACH AND
COASTAL WATERFRONT
ACCESS PROGRAM

NC COASTAL MANAGEMENT PROGRAM

TOWN OF NAGS HEAD Islington Street Beach Access 2019 - 2020

North Carolina Public Beach and Coastal Waterfront Access Program

Site Location/ Address: Right-of-way on the east side of S. Old Oregon Inlet Road (SR 1243), north of 9001 S. Old Oregon Inlet Road

Local Government: Town of Nags Head

Federal ID #: [REDACTED] 4273

Local Administrator of this Project:

Holly White, Principal Planner

P. O. Box 99

Nags Head, NC 27959

252-449-6041 (phone)

holly.white@nagsheadnc.gov (email)

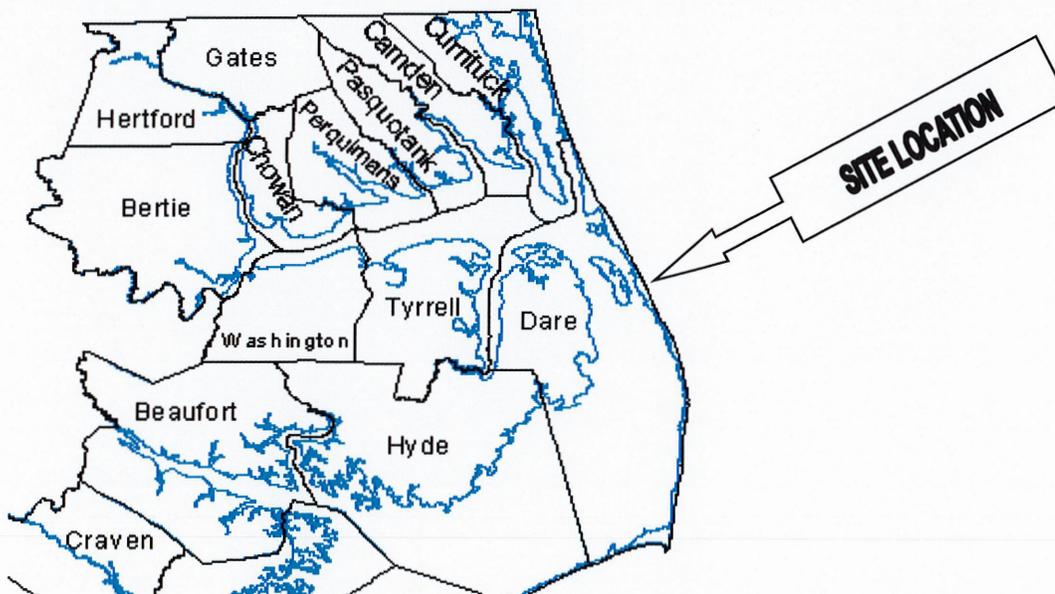
Project Description:

Design, permitting and construction/installation of an ADA accessible beach access with improvements to include approximately 13 parking spaces, platform and walkway extension to an existing dune crossover, shower, lighting, bike rack, trash can, stormwater management, landscaping and signage.

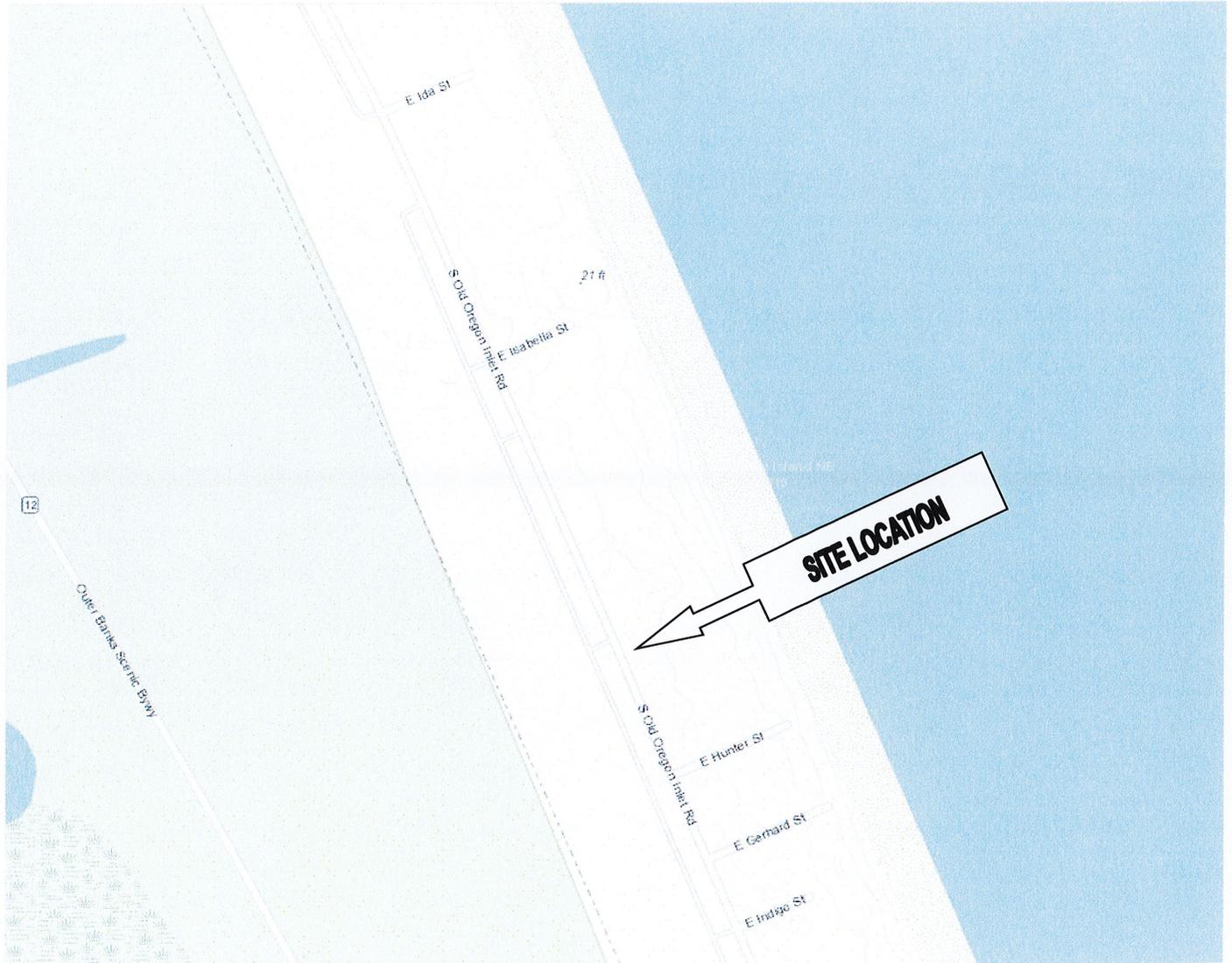
Site Description:

A 50 foot wide by approximately 470 foot long oceanfront right-of-way with a dune crossover for public beach access.

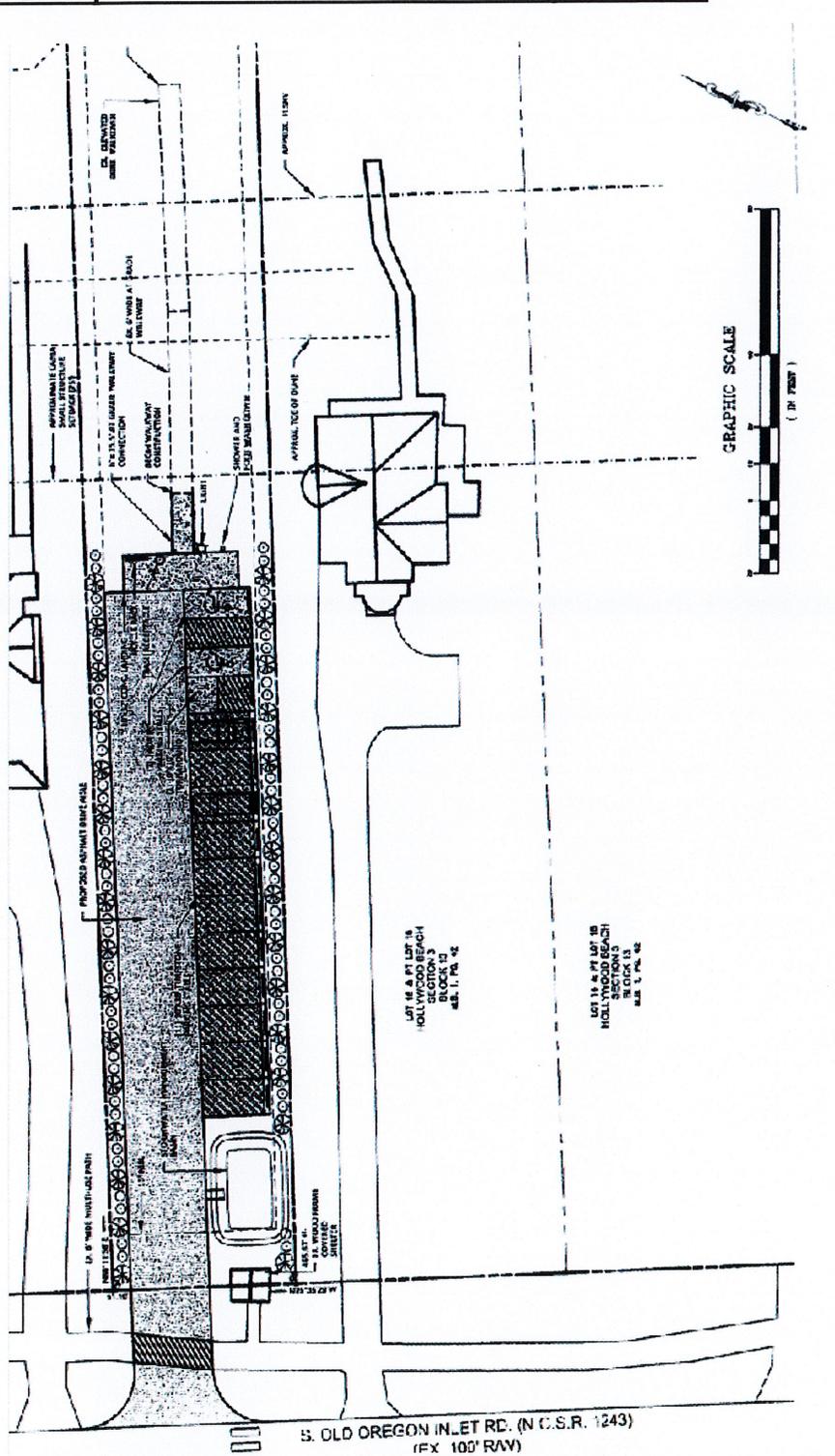
A. REGIONAL LOCATION MAP



B. VICINITY MAP



C. **PROJECT SITE PLAN:** Below is the Project Site Plan submitted by the local community. The site plan is provided for reference only. Only those improvements specifically mentioned in the Project Description will be considered under the grant award.



D. OTHER REQUIREMENTS, GUIDANCE AND CONDITIONS:

1. Costs ineligible for grant award reimbursement or local match, unless specifically included in project description:
 - a. Environmental Assessments other than preliminary work associated with site planning and wetland delineation.
 - b. Remediation Plans associated with contaminated sites. However, some costs of actual remediation or clean up may be eligible for non-cash in-kind match.
2. Other state and federal requirements:
 - a. All utility lines funded with a grant award must be placed underground unless otherwise agreed to within the contract.
 - b. All facilities funded with a grant award must comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Prior to closing out a project and receiving final payment of grant funds, the local building official will be required to provide a letter certifying compliance.
3. Project signage, retention of use, and operation and maintenance:
 - a. The community is required to install CAMA public access signs at the project site(s). The State will provide these signs at no cost to the community.
 - b. Any future improvements, modifications, or changes to the project site are required to be subject to full review and approval by DEQ/DCM. This can include any changes that require permits or any modifications (reductions or additions) to recreational amenities. Unapproved changes to the project site may be or can be the cause for DEQ to seek repayment of previously granted funds for site acquisition and improvements.
 - c. The community is required to allow the inspection of property and facilities acquired or in development pursuant to the grant award by DEQ/DCM to ensure work progress is in accordance with the grant award, including a final inspection upon project completion.
 - d. Development plans and specifications are required to be available for review by DEQ/DCM upon request. All significant deviations from the project proposal outlined in the grant award will be required to be submitted to DEQ/DCM for prior approval.
 - e. The acquisition cost or fair market value of real property, including interest in donated lands, is required to be based upon the appraisal of a licensed appraiser. The reports are required to be provided for review and acceptance by DEQ/DCM. Grant funds dispersed for acquisition cannot exceed the fair market value of the real property associated with the award.
 - f. Any tract or parcel of, or interest in, real property subject to being purchased under the provisions of the grant award that is determined by DEQ/DCM for any reason not to be suitable can be the basis for all obligations of the State to cease with regard to the property associated with the award.
 - g. Retention of Use: Any property acquired or developed with grant assistance is required to be retained and used for public access. The community is required to agree to transfer title to any real property acquired with the grant funds to DEQ if the local government uses the property for a purpose other than public access; or the local government shall reimburse the State with an equal percentage of access grant funds, at current market value.
 - h. Operation and Maintenance: The community is required to agree to operate and maintain solely at its own expense, insofar as it is legally empowered to do so, for as long as they exist, the facilities and areas covered by the grant award contract. Acquired or developed property is required to be operated and maintained as follows:

1. The property must be maintained in such a manner that DEQ/DCM finds it to appear attractive and inviting to the public.
 2. Sanitation must be kept at reasonable standards for public use. Fire protection and other similar services must be maintained in accordance with applicable state and local public health standards.
 3. Properties must be kept reasonably safe for public use. The community will determine the level of maintenance and supervision necessary to maintain the facility in a safe condition.
 4. Buildings, roads, and other structures and improvements must be kept in reasonable repair throughout their estimated lifetime, so as to prevent undue deterioration and not to discourage public use.
 5. Buildings, roads, and other structures and improvements must be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.
 6. Reasonable user fees may be assessed, as long as those fees are used exclusively for the operation and maintenance of the access facility and/or other public access facilities within the local jurisdiction. Local governments shall provide biannual accounting reports for fees generated by CAMA-funded access sites. Accounting reports may be included in Biannual LUP Implementation Status Reports required under 15A NCAC 7L.0511.
- i. Reasonable Use Limitations: The use of property acquired or developed with grant assistance may not be changed from that proposed and approved in the grant award, unless approval is obtained from DEQ/DCM. The community may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with grant assistance when such a limitation is necessary for maintenance or preservation. All limitations will be required to be in accord with the applicable grant contract.
 - j. Use of Proceeds of Sales of assisted areas and facilities: The proceeds of sale of assisted areas and facilities will be required to be held by DEQ/DCM or community and be disposed of only in accordance with a plan approved by DEQ/DCM.
4. Notice of Limitations of Use and Restrictions: The community and/or owner of the real property acquired or improved with grant funds awarded is required to file in the office of the local Register of Deeds a Notice of Limitation of Use and Restrictions that sets forth the land-use restrictions outlined in the grant award contract and to provide a copy to DEQ/DCM.

Local Government: Town of Nags Head

Project: Islington Street Beach Access

E. BUDGET SUMMARY

	Grant Assistance Requested	Local Cash Contribution	Local In-Kind Contribution	TOTAL
Permit and Design Fees:				
<i>Permit Fees</i>			\$715	\$715
<i>Design Fees</i>			\$3,474	\$3,474
<i>Survey and Stakeout</i>		\$7,750		\$7,750
Subtotal	\$0	\$7,750	\$4,189	\$11,939
Site Improvement Costs: Materials				
<i>Site preparation and stormwater management</i>		\$2,023		\$2,023
<i>Parking area</i>	\$15,795	\$14,922		\$30,717
<i>Platform and walkway extension</i>	\$343			\$343
<i>Shower, lighting, bike rack, trash can, landscaping and signage</i>	\$9,613			\$9,613
Subtotal	\$25,751	\$16,945	\$0	\$42,696
Site Improvement Costs: Labor				
<i>Site preparation and stormwater management</i>		\$6,793		\$6,793
<i>Install parking area</i>	\$17,831			\$17,831
<i>Install platform and walkway extension</i>	\$353			\$353
<i>Install shower, lighting, bike rack, trash can, landscaping and signage</i>	\$3,297			\$3,297
Subtotal	\$21,481	\$6,793	\$0	\$28,274
Local Administrative Costs: In-kind				
Subtotal	\$0	\$0	\$0	\$0
TOTAL BUDGET	\$47,232	\$31,488	\$4,189	\$82,909
Cost ratios	60%	30%	10%	100%

Below is the Project Timeline for improvements under the grant award. Progress monitoring will occur at 6-month intervals for the duration of the 18-month contract. Adjustments to the timeline will require approval by the Contract Administrator.

F. PROJECT SCHEDULE & ACTIVITIES CHART

This chart illustrates grant and local cash match amounts tied to deliverables per project period. Local funds must be spent before drawing down grant funds. Non-cash match is not illustrated or represented in this chart. However, non-cash match documentation must still be reported at the time of project closeout.

PROJECT SCHEDULE & ACTIVITIES CHART

Grant: \$ 47,232

Cash Match: \$ 31,488

Total Cost: \$ 78,720

Non-cash Match: \$ 4,189

Total Project Cost: \$ 82,909

<p>% of total work to be completed <p style="text-align: center;">25%</p> <p>Grant funds to be spent: \$ 0</p> <p>Local funds to be spent: \$ 19,680</p> </p>	<p>Project Period 1</p> <ul style="list-style-type: none"> • Contract preparation • Complete detailed design and specifications • Complete survey and stakeout • Obtain permits • Select contractor • Complete site preparation and stormwater management • Begin installation of parking area, platform and walkway extension
<p>% of total work to be completed <p style="text-align: center;">60%</p> <p>Grant funds to be spent: \$ 35,424</p> <p>Local funds to be spent: \$ 11,808</p> </p>	<p>Project Period 2</p> <ul style="list-style-type: none"> • Complete installation of parking area, platform and walkway extension • Begin installation of shower, lighting, bike rack, trash can, landscaping and signage
<p>% of total work to be completed <p style="text-align: center;">15%*</p> <p>Grant funds to be spent: \$ 11,808</p> <p>Local funds to be spent: \$ 0</p> </p>	<p>Project Period 3</p> <ul style="list-style-type: none"> • Complete installation of shower, lighting, bike rack, trash can, landscaping and signage • Final inspection • Project closeout

*The final project period includes a holdback of 10% of the grant award, which is retained until a closeout packet is received and approved by the District Planner/Contract Administrator.

G. PROJECT/CONSTRUCTION/PROCESSES/REPORTING BY THE APPLICANT

1. The project will be required to be completed consistent with 15A NCAC 7M SECTION .0303 as are all deliverables outlined in the "Project Schedule and Activities Chart".
2. The DEQ/DCM will withhold the initial payment of grant funds until the community has documented expenditure of the local cash match sum. The in-kind services match is to be documented by the community and delivered to DCM with contract closeout materials.
3. Consistent with the "Project Schedule & Activities Chart", the community will be required to submit reports as to the status and progress of the project. The local District Planner (Contract Administrator) will provide the periodic and final closeout report form templates.
4. Grant funds will not be disbursed until a Final Title Opinion for the site has been submitted to and approved by the local District Planner/Contract Administrator.
5. No construction credited towards the grant is to occur prior to the receipt of all required local, state, and federal permits. Coordination with permitting agency personnel will be required to assure the least amount of impact on coastal resources.
6. If the community subcontracts with a company engaged in another project(s) for the locality, all accounting and reporting specific to the project associated with the grant award will be required to be wholly separate from that of the other project(s).

Reimbursement of project cost:

7. Actual payments of the award will be based on the local District Planner/Contract Administrator's approval of a monitoring report. Final requisitions and invoices for payment will be required to be received by DCM within 30 days after the end of the grant contract period. Upon approval of the closeout packet, the State will release the final 10% as provided for in the contract.
8. The community is required to maintain and make available to DEQ/DCM upon request all bid documents and accurate records of all expenditures for costs applicable to the grant award, and to submit properly certified billings for such costs on forms as may be prescribed by DEQ/DCM. The community will need to keep complete accounting records, including original invoices, payrolls, contracts, or other documents clearly showing the nature and property of all costs incurred under the grant award for a period of six years following project completion, or until an audit has been completed, whichever is later. All accounting records and supporting documents must clearly display the project's contract number assigned by the State.
9. Community will be required to agree to refund to DEQ/DCM, subsequent to an audit of the project financial records by DEQ/DCM, any funds not expended in compliance with the grant contract.
10. Cash and Non-Cash In-kind Contributions (General): Cash and in-kind contributions may be claimed as part of the local government's match when such contributions meet all of the following criteria:

- a. Are provided for in the project budget approved by DCM;
- b. Are verifiable from the local government's records;
- c. Are necessary and reasonable for proper and efficient completion of the project;
- d. Are not included as contributions for matching any other state or federally assisted projects or program, except where authorized by state or federal statute;
- e. Use of other state or federal funds for local cash match must be identified to ensure that double matching does not occur;
- f. Do not include N.C. state sales tax; and
- g. Conform to other provisions of these guidelines, as applicable.

In general, in-kind contributions are derived from resources already on hand or from donations, whereas, cash contributions will be utilized to purchase new services or equipment necessary for proper completion of the access project.

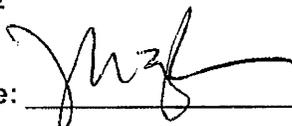
11. Cash Contributions: Local cash contributions may be claimed for the following accountable items: planning and project design fees, permit fees, land acquisition (including survey and appraisal), labor (other than local government salaried employees), materials, construction equipment rental, amenities, and infrastructure. These costs must be incurred during the contract period.
12. Site Amenities: The cost of other amenities purchased by the local government during the contract period may be included as part of the cash contribution if it is an integral part of the access facility or its construction. Examples include park benches, bike racks, water fountains, trashcans and lights.
13. Rental of Construction Equipment: If the local government must rent construction equipment to complete the proposed project, such as front loaders, graders or dump trucks, rental costs may be included as cash contribution. The purchase of tools, maintenance equipment, office equipment and indoor furniture are not eligible for reimbursement with grant funds. (Also see 17b below)
14. State and Federal Funds: State and federal funds may be counted as cash match, provided the funds are not being used as a match for other programs. Such funds must be identified within the project budget chart. Local government employee salaries do not qualify as cash match, but may be counted toward non-cash in-kind match.
15. In-kind Contributions: Local in-kind non-cash contributions may be claimed for the following accountable items: project design fees, permit fees, land acquisition (including survey and appraisal), labor (including local government salaried employees), materials, construction equipment rental, amenities, and infrastructure. These costs must be incurred during the contract period, except as specifically indicated below.
 - a. Site Assessments: Title opinions, property appraisals, boundary surveys, and wetland delineations associated with land acquisitions and site improvements may be counted toward in-kind match, provided the costs are incurred within three (3) years of the grant award date. Please note the District Planner/Contract Administrator can require a more current appraisal.
 - b. Donations of Property and Services: Land/Structures - If the local government has land that has recently been donated or that will be donated, or structures for an access facility, and the donation is allowed by DCM to be counted as local contribution, the value of the donation for purposes of in-kind contributions shall be established by an independent licensed appraiser. The donor of the land must be a private or non-profit organization, or individual. The community must provide a five-year history of conveyance for the property. Land that is

transferred to the community due to a statute or rule is not considered a donation. If a landowner is proposing to sell land to the community for less than the appraised value, the amount of the donation is the difference between the appraised value and the amount paid by the applicant. Donation to, or acquisition of, the property/structure by the local government must have occurred within five (5) years of the grant award. A long-term easement (more than 25 years from the date of the grant award) of land may also be considered under this guideline.

- c. Property Lease: Lease arrangements must be for the life of the project (generally 25 years). When property is leased to the local government for an annual fee, the first year's lease payment may be considered as in-kind contribution.
 - d. Professional Fees: If the usual fees of a licensed professional, such as architects and engineers, are waived or donated to the local government for work associated with the access project, the fees may be claimed as in-kind contributions. Rates shall be consistent with local pay scales. Partial contribution of a fee (for example, the balance of a discount rate) will not be considered as in-kind match. All volunteer services must be documented by invoice showing the billing rate for the service and the number of hours, and that the charges are forgiven.
 - e. Construction Equipment: The use of privately-owned construction equipment (graders, loaders, dump trucks, etc.) donated for construction of the access facility may be claimed as in-kind contribution. The use value of the rented equipment shall not exceed its fair rental value.
 - f. Building Materials, Site Amenities and Landscaping Materials: Building materials (lumber, hardware, marl, etc.), site amenities (benches, bike racks, water fountains, etc.) and landscaping materials (plants, soil, timbers) donated to the project may be claimed as in-kind contribution. The value of any of these goods shall not exceed fair market value at the time of donation. To be eligible as in-kind contributions, the building material, amenities or landscape materials must be an integral part of the original access project as presented in the Final Application submitted to DCM and specified in the contract.
16. FEMA Buyout Properties: Property that was part of a FEMA buyout or other similar mitigation program is eligible for this grant program, provided the original conditions for the buyout are not in conflict with the proposed improvements. Use of recent buyout property's value as non-cash in-kind match may be considered similarly as previously purchased or donated property.
17. Volunteer Services: The eligibility of volunteer services as in-kind contribution is limited to professional engineering and architectural services when those services are not found in the local government. Paid fringe benefits that are reasonable, allowable and allocable may be included in the valuation, if approved by DCM. When an employer other than the local government furnishes the services of an employee, or when an individual contractor volunteers, these services shall be valued at the employee's regular rate of pay (plus an amount of fringe benefits, as described above), provided these services employ the same technical skill for which the employee is normally paid. All volunteer services must be documented by signed invoice showing the billing rate for the service, number of hours, and a statement that the charges are forgiven.
- a. Excluded from volunteer services are prison labor, court-required community service and other work programs, and volunteer civic groups.
 - b. In those instances in which the required skills are not found in the local government, or for other activities specifically approved by DCM, rates shall be consistent with those paid for similar work in the labor market in which the local government competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.

18. Site Control: The applicant must own or have at least a 25-year lease or easement on the property where improvements or renovated facilities would be located. The community must submit copies of the deed or of the signed lease or easement, as well as the opinion by the community's attorney, regarding site control as part of the Final Application submittal. *Proposals that include the leasing or acquisition of easements as part of the total project cost must include them in both the project description and budget chart.* Leases and easements shall be recorded in a similar manner as Section D., Condition 4.
19. Joint-Use Agreement: Where property is owned or controlled by another governmental entity or agency, a joint-use agreement may suffice, subject to approval of DEQ. (Also see Section G., Condition 18)
20. When to Take Title to Land/Leases/Easements: All communities must sign a contract with the State *before* accepting title/lease/easement to land that will be accomplished using grant funds, unless otherwise approved by DCM. This also applies to property that is donated to the local government. The exception is when the intent is to use it toward non-cash match.

H. SIGNATURE

Signature:  _____

Title: DIRECTOR OF PLANNING AND DEVELOPMENT

Date: 1/2/2020

Notice of Certain Reporting and Audit Requirements

A recipient or subrecipient shall comply with the all rules and reporting requirements established by statute or administrative rules found in 09 NCAC Subchapter 3M. For convenience, the requirements of 09 NCAC Subchapter 3M.0205 are set forth in this Attachment.

Reporting Thresholds.

There are three reporting thresholds established for recipients and subrecipients receiving State awards of financial assistance. The reporting thresholds are:

- (1) Less than \$25,000 – A recipient or subrecipient that receives, hold, uses, or expends State financial assistance in an amount less than twenty-five thousand dollars (\$25,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification that State financial assistance received or held was used for the purposes for which it was awarded; and
 - (B) An accounting of all State financial assistance received, held, used, or expended.
- (2) \$25,000 up to \$500,000 -A recipient or subrecipient that receives, holds uses, or expends State financial assistance in an amount of at least twenty-five thousand (\$25,000) but less than five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification that State financial assistance received or held was used for the purposes for which it was awarded; and
 - (B) An accounting of all State financial assistance received, held, used, or expended.
 - (C) A description of activities and accomplishments undertaken by the recipient, including reporting on any performance measures established in the contract.
- (3) Greater than \$500,000 – A recipient or subrecipient that receives, holds, uses, or expends State financial assistance in the amount equal to or greater than five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification that State financial assistance received or held was used for the purposes for which it was awarded; and
 - (B) An accounting of all State financial assistance received, held, used, or expended.
 - (C) A description of activities and accomplishments undertaken by the recipient, including reporting on any performance measures established in the contract.
 - (D) A single or program-specific audit prepared and completed in accordance with Generally Accepted Government Auditing Standards, also known as the Yellow Book.

Other Provisions:

1. All reports shall be filed with the disbursing agency in the format and method specified by the agency no later than three (3) months after the end of the recipient's fiscal year, unless the same information is already required through more frequent reporting. Audits must be provided to the funding agency no later than nine (9) months after the end of the recipient's fiscal year.
2. Unless prohibited by law, the costs of audits made in accordance with the provisions of 09 NCAC 03M .0205 shall be allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in the Code of Federal Regulations, 2CFR Part 200. The cost of any audit not conducted in accordance with this Subchapter shall not be charged to State awards.
3. Notwithstanding the provisions of 09 NCAC 03M .0205, a recipient may satisfy the reporting requirements of Part (3)(D) of this Rule by submitting a copy of the report required under the federal law with respect to the same funds.
4. Agency-established reporting requirements to meet the standards set forth in this Subchapter shall be specified in each recipient's contract.



Agenda Item Summary Sheet

Item No: **E-6**
Meeting Date: **February 5, 2020**

Item Title: Consideration of modifications to the Consolidated Fee Schedule

Item Summary:

The following modifications/housekeeping changes to the Consolidated Fee Schedule are requested for Board consideration at the February 5th Board of Commissioners meeting:

- Addition of late fee/penalty charges for Delinquent Taxes, Business License/Registration, and Water Rate billing if payment is not received by due date.
- Move *Short-term Rental Registration* from Administrative Services to Planning Miscellaneous Permit Fees

The affected pages to the Fee Schedule - with changes highlighted in red - are attached for your review.

Number of Attachments: 1

Specific Action Requested:

Request Board consideration of attached modifications to the Consolidated Fee Schedule.

Submitted By: Administrative Services

Date: January 29, 2020

Finance Officer Comment:

No new charges are imposed. The CFS mirrors the Town ordinance. This is helpful to staff and customers to have fee information in one consolidated and concise place for reference.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Cliff Ogburn

Date: January 29, 2020

Administrative Services

Tax Rate	\$0.317 per \$100 value
Tax Rate - municipal service districts - additional tax	\$0.175 per \$100 value
Return Check Fee (Excl. Tax Payment)	\$25
Return Check Fee (Tax Payment)	\$25/check or 10% of check, whichever is greater

Delinquent Taxes – Per G.S. 105-360 (a):

Interest accrues on taxes paid on or after January 6 as follows:

- (1) For the period January 6 to February 1, interest accrues at the rate of two percent (2%).
- (2) For the period February 1 until the principal amount of the taxes, the accrued interest, and any penalties are paid, interest accrues at the rate of three-fourths of one percent (3/4%) a month or fraction thereof.

Cable Franchise	Initial	\$2,500
Cable Franchise	Renewal	\$10,000

Permits

Beach driving permit		\$25
Beach driving permit	Duplicate decal	\$2
Bonafide fishing tournament permit	NH Surf Fishing Tournament OB Association of Realtor Fraternal Order of Eagles	N/C
Beach Equipment Vendor	Annual	\$75

Applications

Massage Therapist (business)	Application includes fingerprint fee	\$150
Operator license	w/verification of State License	N/C

Vehicle for Hire (business)

Taxicab or Limousine	Application	\$50
Driver permit	Application includes fingerprint fee	\$65
	Driver permit annual renewal	\$7.50

Administrative Services (cont.)

Farmers Market

Membership Fee	Annual	\$125
Drop-In Fee	Per market date	\$25

Fees for Business License/Registration and Privilege License

Per G.S. 105-113.77:

Privilege License Tax

City Beer On and Off Premises	per location	\$15
City Beer Off Premises only	per location	\$5
City Wine On and Off Premises	per location	\$15
City Wine Off Premises only	per location	\$10
Beer Wholesaler	per location	\$37.50
Wine Wholesaler	per location	\$37.50

Per G.S. 20-97(d):

Privilege License Tax

Taxicabs	per vehicle	\$15
Limousines	per vehicle	\$15
Vehicle for Hire	Application fee only	-

~~Other~~ Business Registration:

Business Registration	per location	\$25
Massage Therapist	with State license	-
Massage Business	Application fee only	-
Short term Rental Registration (Move to Planning Miscellaneous Permit Fees)	Annual	\$25

Licenses/Registrations not renewed by September 1st shall be considered delinquent.

- Business Registrations are subject to a civil penalty of \$50.

- Business Licenses are subject to a penalty of 5%.

Penalties will be assessed on September 2nd.

Planning & Development (cont.)

Multi-family	\$300/unit	min \$1,000
Commercial (per sq. ft.)	\$1.00	min \$1,000
<i>Move Outside AEC</i>		
Single family		\$500/building
Duplex		\$600/building
Hotel	\$75/unit	min \$1000
Multi-family	\$75 unit	min \$1000
Commercial (per sq. ft.)	0.50	min \$1000

Miscellaneous Permit Fees

Bulkhead, dock, pier	See Alteration, Additions, Remodeling section	
Commercial towers/new tower	\$1.00 Lin. Ft. + \$100 for subs	
Electrical inspection	assoc. w/large tent or event	\$50
Fuel pumps	\$25 per pump	min \$50
Fuel storage tank	Per tank	\$200
Hood/duct		\$100
Short-term Rental Registration	Annual	\$25

Water Rates (cont.)

Water Tap Connection

¾" tap	\$590 + meter dep
1" tap	\$605 + meter dep
1 ½ " tap	\$3255 + meter dep
2" tap	\$3635 + meter dep
Over 2" tap	Cost of materials + 20% + meter dep
Cut-off Tag Fee	\$50

Water Rates/Usage

Year Round Rate

Minimum 0 - 3,000 gallons	\$37.90 (¾" meter)
3,001 - 15,000 gallons	\$6.60/thousand gallons
15,001 - 40,000 gallons	\$7.40/thousand gallons
40,001 – 75,000 gallons	\$7.90/thousand gallons
75,001 - 200,000 gallons	\$8.70/thousand gallons
200,001 + gallons	\$9.10/thousand gallons

Penalty

Late fee applied after due date	10% of balance
---------------------------------	----------------

Meter Size

Minimum

¾ " meter	\$37.90
1" meter	\$56.80
1 ½ " meter	\$109.10
2" meter	\$207.70
2 ½ " meter	\$300.30
3" meter	\$394.30
4" meter	\$643.10
6" meter	\$1603.10



Agenda Item Summary Sheet

Item No: **E-7**
Meeting Date: **February 5, 2020**

Item Title: Consideration of resolution updating Town officials with banking authority

Item Summary:

Attached for Board review and adoption is a resolution updating Town signatures for checks, notes, etc. with the Town's financial institution – Southern Bank. The attached resolution includes newly hired Dep Finance Officer Brooke Norris as an authorized signature.

Number of Attachments: 1

Specific Action Requested:

Request Board adoption of attached resolution updating the signatures for Town financial documents.

Submitted By: Amy Miller, Finance Officer

Date: January 29, 2020

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn", written over a horizontal line.

Date: January 29, 2020



**RESOLUTION AND AGREEMENT
FOR DEPOSIT ACCOUNT AND BANK SERVICE
WITH SOUTHERN BANK**

BE IT RESOLVED by the Town of Nags Head Board of Commissioners that Southern Bank be, and hereby is, designated as a depository institution for the Town of Nags Head and that funds so deposited may be withdrawn upon a check, draft, note or order of the Town of Nags Head, AND

BE IT FURTHER RESOLVED that all checks, drafts, notes or orders drawn against said account be signed by any one of the following:

- AMY MILLER, FINANCE DIRECTOR; and countersigned by any one of the following:
- BROOKE NORRIS, DEPUTY FINANCE OFFICER;
- BENJAMIN CAHOON, MAYOR;
- CLIFF OGBURN, TOWN MANAGER;
- CAROLYN F MORRIS, TOWN CLERK;

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed, AND

BE IT FURTHER RESOLVED that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn whether such checks, drafts, notes or orders be payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the certificate of the Finance Officer or Town Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

Adopted this the 5th day of February 2020.

Benjamin Cahoon, Mayor

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **E-8**
Meeting Date: **February 5, 2020**

Item Title: Consideration of resolution clarifying Dare County Control Group/Town of Nags Head October 2015 Memorandum of Agreement

Item Summary:

Attached for Board review and adoption is a resolution that would ratify the Memorandum of Agreement between Dare County and the Town, dated October 19, 2015, that was never considered/approved by the entire Board of Commissioners. The MOA, also attached, recognizes the collaboration and cooperation between each municipality and the Dare County Control Group in an emergency situation.

Number of Attachments: 2

Specific Action Requested:

Request Board adoption of attached resolution to ratify the 2015 MOA with the county.

Submitted By: Administration

Date: January 29, 2020

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

Attorney Leidy has provided input on this issue.

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I concur with the resolution and encourage its adoption.

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn", written over a horizontal line.

Date: January 29, 2020

**MEMORANDUM OF AGREEMENT BETWEEN
DARE COUNTY MUNICIPALITIES AND THE COUNTY OF DARE
CONCERNING EMERGENCY COORDINATION**

Dare County and all county Municipalities have a shared responsibility to prevent, prepare for, respond to, and recover from a natural or man-made emergency. This responsibility is found in the North Carolina Emergency Management Act (Chapter 166A). The Act was implemented as "Chapter 92: Emergency Management" in the Dare County Code of Ordinances. In addition, all municipalities have ordinances to address Emergency Management or Civil Emergencies. While all municipalities have the authority to declare and manage an emergency independently; centralized county-wide emergency management is needed when one or more of the following situations is or may occur; an imminent threat to the public safety/health; extensive multi-agency/jurisdiction response and coordination is or may be needed, local resources are or may be overwhelmed and unable to resolve the emergency, and the emergency has or may cross more than one political jurisdiction. When these conditions occur, emergency management efforts within the county will be coordinated by the county, including activities of the municipalities within the county as outlined in Chapter 92.04.

This agreement is designed to bring unity of effort across all Municipalities, Dare County and the State of North Carolina before, during, and after any emergency. Unity of effort brings efficiency and harmony during an emergency particularly when planning and coordination is needed across multiple jurisdictions and/or agencies. The Dare County Emergency Management Plan (DCEMP) prescribed in Chapter 92.08 directs establishment of the Dare County Control Group (DCCG). The DCCG is a collaborative body that convenes to facilitate decision making leading to the setting of objectives and priorities, approving resource sharing as well as policies, strategies and public messaging developed to achieve unity of effort using Incident Command System processes across jurisdictions. The following individuals or their designee comprise the DCCG; the Chairman of the Dare County Board of Commissioner, the six municipal mayors, the Cape Hatteras National Seashore Superintendent, and the Dare County Sheriff.

I. THE MUNICIPALITIES IN DARE COUNTY AGREE:

- a) The Mayor or a designee will serve on the DCCG and be actively engaged, either by a physical or virtual presence in the Emergency Operations Center (EOC) when the DCEMP is activated.
- b) To determine the availability of town personnel and resources to support emergency response and recovery operations that lead to unity of effort and seamless communications across all jurisdictions.

II. DARE COUNTY AGREES:

- a) The Chairmen or a designee will serve on the DCCG and be actively engaged, either by a physical or virtual presence in the EOC when the DCEMP is activated.
- b) To activate the DCEMP when needed and provide EOC assistance to any or all municipalities to prevent, prepare for, respond to, or recover from any emergency.
- c) To determine the availability of County personnel and resources to support emergency response and recovery operations that lead to unity of effort and seamless communications across all jurisdictions.

DURATION: This Agreement will stay enforce until changes are deemed necessary by any Municipal Mayor or the Chairman of the Dare County Board of Commissioners.

DARE COUNTY MUNICIPALITIES AND THE COUNTY OF DARE execute this agreement by signature and date on pages 2-7 with a separate page for each municipality.

**MEMORANDUM OF AGREEMENT BETWEEN
DARE COUNTY MUNICIPALITIES AND THE COUNTY OF DARE
CONCERNING EMERGENCY COORDINATION**

This agreement is entered into this the 19th day of October, 2015.

(X) 

MAYOR, TOWN OF MANTEO

(X) 

CHAIRMAN, DARE COUNTY BOARD OF COMMISSIONERS

**MEMORANDUM OF AGREEMENT BETWEEN
DARE COUNTY MUNICIPALITIES AND THE COUNTY OF DARE
CONCERNING EMERGENCY COORDINATION**

This agreement is entered into this the 19~~th~~ day of October, 2015.

(X) Robert C. Edwards

MAYOR, TOWN OF NAGS HEAD



(X) Keith S. Woodard

CHAIRMAN, DARE COUNTY BOARD OF COMMISSIONERS

**MEMORANDUM OF AGREEMENT BETWEEN
DARE COUNTY MUNICIPALITIES AND THE COUNTY OF DARE
CONCERNING EMERGENCY COORDINATION**

This agreement is entered into this the 19th day of October, 2015.

Sherry F. Davis

(X)

MAYOR, TOWN OF KILL DEVIL HILLS



(X)

Paul H. Woodard

CHAIRMAN, DARE COUNTY BOARD OF COMMISSIONERS

**MEMORANDUM OF AGREEMENT BETWEEN
DARE COUNTY MUNICIPALITIES AND THE COUNTY OF DARE
CONCERNING EMERGENCY COORDINATION**

This agreement is entered into this the 19th day of October, 2015.

(X) Henry L. Perry
MAYOR, TOWN OF KITTY HAWK (11-2-15)

(X) Paul H. Wood
CHAIRMAN, DARE COUNTY BOARD OF COMMISSIONERS

**MEMORANDUM OF AGREEMENT BETWEEN
DARE COUNTY MUNICIPALITIES AND THE COUNTY OF DARE
CONCERNING EMERGENCY COORDINATION**

This agreement is entered into this the 19th day of October, 2015.

(X) Shannon M. Bennett

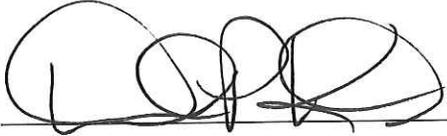
MAYOR, TOWN OF SOUTHERN SHORES

(X) Keith Wood

CHAIRMAN, DARE COUNTY BOARD OF COMMISSIONERS

**MEMORANDUM OF AGREEMENT BETWEEN
DARE COUNTY MUNICIPALITIES AND THE COUNTY OF DARE
CONCERNING EMERGENCY COORDINATION**

This agreement is entered into this the 19th day of October, 2015.

(X)  _____

MAYOR, TOWN OF DUCK



(X)  _____

CHAIRMAN, DARE COUNTY BOARD OF COMMISSIONERS



Agenda Item Summary Sheet

Item No: **E-9**
Meeting Date: **February 5, 2020**

Item Title: Affirmation of January 23-24, 2020 Board Retreat actions

Item Summary:

The actions resulting from the January 23 - 24, 2020 Board of Commissioners Retreat are attached and are provided for Board review and approval at the February 5th Board of Commissioners meeting.

Number of Attachments: 1

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Administration Date: January 29, 2020

Finance Officer Comment:

Insufficient information to determine precise fiscal impact.

Signature: Amy Miller Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I will participate in any discussion as necessary.

Signature: Cliff Ogburn  Date: January 29, 2020



ACTIONS
TOWN OF NAGS HEAD
BOARD RETREAT WORKSHOP
JANUARY 23 - 24, 2020

1. Dare County Control Group MOU – It was Board consensus to prepare a resolution to clarify/ratify the Dare County Control Group MOA - after conversation with Dare County – for consideration at the Feb 5th Board meeting.
2. Working with Planning Board – Planning Board is to bring intended impacts/issues to BOC attention, BOC and Planning Board are to maintain lines of communication such as with lunch or phone calls on a regular basis.
3. Cart Rollback – Rescind the ordinance requiring cart rollback – for consideration at the Feb 5th Board meeting; Inform all homeowner associations of this change.
4. Recycling – It was Board consensus to modify the trash/recycling pickup schedule during the off season (Oct through Apr) for the west side of US 158 to: one day/week trash/recycle pickup using one truck.
5. Reduce carbon footprint – The Town is to reduce its carbon footprint starting by reducing fuel/power/plastic consumption - Utilize the Town committee to come up with ideas on doing this; A town-wide compost was also mentioned.
6. Pavement Condition – In Year 00, the Pavement Condition Plan will be submitted for bid with work to take place in the off season – neighborhood by neighborhood – for less disruption to each community.
7. Stormwater Ordinance - Provide list of items re: stormwater drainage to Planning Board now for their recommendations; Board to ratify below list at the Feb 5th Board meeting:
 - Can our rules acknowledge that there are different conditions – a system with flexibility
 - Retain form of landscape/minimize impact to landscape
 - Look for common sense solutions
 - Don't place unjust burden on property owner
 - Can we offer a "carrot" to go with a stick
 - Do we as a Board need to define flooding – separate between "Nuisance" and "Problem Stormwater" issues
 - Should not create additional problems
 - Should define problem we are trying to solve
8. Future Revenue for Beach Nourishment Projects - MSD creation discussion to take place at the Feb 5th Board meeting along with the MSD Schedule - with the goal of a Board vote to take place at the Jun 2020 meeting.
9. Beach Nourishment Funding - Upcoming Legislative Breakfast would be a good time to speak with Sen. Steinburg re: State funds for Beach Nourishment; Mayor Cahoon said that he will get the ball rolling with other towns east of I-95 as they may want to join in with this effort; An additional step may be to speak to restaurant/lodging associations to help get more funds to this area.
10. Envisioning exercise – Envisioning our legacy for the Town – Mayor Cahoon will present paper on Feb 5th.
11. Determine accountability for project implementation and maintenance - such as for Dowdy Park?



Agenda Item Summary Sheet

Item No: G-1
Meeting Date: February 5, 2020

Item Title: Update from Planning Director

Item Summary:

Attached please find a monthly update from Planning Director Michael Zehner.

Number of Attachments: 4

Specific Action Requested:

Provided for Board information and update.

Submitted By: Planning and Development

Date: January 30, 2019

Finance Officer Comment:

Signature: Amy Miller

Date: January 30, 2019

Town Attorney Comment:

Signature: John Leidy

Date: January 30, 2019

Town Manager Comment and/or Recommendation:

The report provided by the Planning and Development Director is intended to update the Board and public on items that you have prioritized, such as building permit review and turnaround time. Staff's intent is to provide you with the attached report as well as an opportunity for Board members to ask any questions or for clarifications on any of the items in the report. A verbal presentation is not planned to accompany the attached report. Ordinarily, unless there is a specific item to be heard under this agenda item, nothing takes place.

Staff would like to know if the Board would like to use this time on the agenda to ask any questions or for any clarifications on items usually found in the monthly report.

I will participate in the discussion as necessary.

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn", is written over a horizontal line.

Date: January 30, 2019



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Michael Zehner, Director of Planning & Development

Date: January 30, 2020

Subject: Planning and Development Director's Report

This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. Should the Board wish, Staff will be prepared to discuss any of this information in detail at the meeting on February 5, 2020.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for December 2019*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- December 4 - Board of Commissioners Meeting
- December 4 - OBX Field School Capstone Project Review
- December 5 - Dare County Updated Flood Maps Meeting
- December 12 - OBX Field School Capstone Presentation
- December 16 - NC State College of Design Coastal Resilient Design Project Presentation
- December 17 - Planning Board Meeting

Updated Flood Map; Update of Flood Damage Prevention Ordinance

As previously discussed, the Board of Commissioners and Planning Board will meet jointly at the Planning Board's meeting on February 18, 2020 to review and discuss an initial draft of the updated Flood Damage Prevention Ordinance (and updated fill provisions contained in the Stormwater, Fill, and Runoff Management Ordinance), to be considered in concert with the updated FEMA Flood Insurance Rate Map (F.I.R.M.) covering the Town. Staff anticipates distributing materials for this meeting to the boards on or before February 5, 2020.

Dowdy Park Programming

As previously noted, Staff anticipates making a presentation to the Board of Commissioners at the March 4, 2020 meeting to review the 2019 Dowdy Park Season and plans for the 2020 Season.

Regulation of Large Occupancy/Event Homes

As previously noted, the Planning Board at their January 21, 2020 meeting, discussed the regulation of large occupancy homes and/or homes regularly used for events. Please find attached a memo to the Board of Commissioners concerning the Planning Board's interest in further regulating events held at single-family homes.

Report on Planning and Development Department Permitting Processes

Please find attached an updated report for the 2nd Quarter of FY19-20 (October 2019 - December 2019). The priority task at this time is the rollout of Citizen Self Service for online trade permits, which is expected within the first week of March 2020.

Legacy Establishments/Structures

Given recent expressed interest in the future of the Blue Heron Motel at 6811 S. Virginia Dare Trail and the limitations imposed by Town Code requirements on the evolution of the current hotel use of the property, Staff intends to begin considering Code amendments that advance Comprehensive Plan policies valuing the preservation of legacy business, establishments, and structures. Staff anticipates at least an initial discussion of options at the Planning Board meeting on February 18, 2020.

Pending Applications and Discussions

As previously noted, there are three (3) recently submitted text amendments pending review by the Planning Board; the Planning Board initially reviewed these at the meeting on January 21, 2020 and will further consider the amendments and their recommendation to the Board of Commissioners at their meeting on February 18, 2020. These amendments are:

- Text amendments to the Unified Development Ordinance to allow outdoor kiosks in conjunction with/accessory to Retail Shopping Centers within the C-2, General Commercial Zoning District. Based upon discussion, the amendment will likely propose to allow reservations or ticket sales to be sold from an outdoor stand.
- Text amendments to the Unified Development Ordinance to allow temporary outdoor stand/farmers market in conjunction with/accessory to general retail uses. Based upon discussion, the amendment may propose or clarify allowances for outdoor sales in conjunction with general retail uses.
- Text amendments to the Unified Development Ordinance Amendment to allow beer and wine sales by the glass as a use in conjunction with/accessory to general retail uses.

In addition to these text amendments, the joint meeting with the Board of Commissioners and potential discussion of options pertaining to legacy establishments/structures, at the February meeting the Planning Board will consider a Major Site Plan to construct a dock at Oceans East Bait & Tackle (7405 S. Virginia Dare Trail) and discuss potential alternatives and improvements to the residential stormwater

regulations, a FY20-21 work plan for planning-related initiatives, and be presented with a housekeeping text amendment to clean up identified errors in the UDO.

Additional Updates

- Town Workforce Housing Study & Plan - Phase 1 Report presented to the Board of Commissioners for the February 5, 2020 meeting.
- Septic Health - Staff intends to prepare and present a draft project scope for the update of the Decentralized Wastewater Plan to the Commissioners within the next few months.
- Hazard Mitigation Plan - Final multi-jurisdictional Committee Meeting for the Plan was held on January 8, 2020, and final public meetings for Dare County held January 8, 2020 at the Fessenden Center in Buxton, and on January 9, 2020 at Jockey's Ridge State Park. The draft plan has been available for review and comment until January 30, 2020. Once final, the Plan will be forwarded to the State for review and approval, and then to FEMA for final review and approval, before returning to the County and towns for adoption.
- Grants - A request is pending under the Hazard Mitigation Grant Program (Tropical Storm Michael) to update the Town's Emergency Operations Plan. Staff is considering the submission of a Letter of Interest under the Hazard Mitigation Grant Program related to Hurricane Dorian, due January 31, 2020. Additionally, Staff is reviewing a grant opportunity from Wells Fargo and the National Fish & Wildlife Fund under their Resilient Communities program.
- UDO - Staff continues to develop Reference Manual materials. Publishing on the Municode platform is pending; Staff has received a response to previously issued comments. Staff assessing budget for printing hardcopies of UDO.
- Permitting - Staff has contacted representatives of the Outer Banks Home Builders Association to coordinate a schedule for a workshop/forum for the building community.

Upcoming Meetings and Other Dates

- Wednesday, February 5, 2020 - Board of Commissioners Meeting
- Thursday, February 6, 2020 - Munis MapLink Training
- Thursday, February 6, 2020 - Meeting with representatives of Coastal Villages and Fourth Street properties
- Wednesday, February 12, 2020 - 2020 Census Dare County Complete Count Committee Meeting
- Thursday, February 13, 2020 - Board of Adjustment Meeting
- Tuesday, February 18, 2020 - Planning Board Meeting
- Wednesday, February 26, 2020 - ECU Forum on Community Flooding

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
DECEMBER 2019**

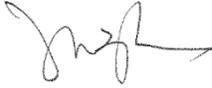
DATE SUBMITTED: January 7, 2020

	Dec-19	Dec-18	Nov-19	2019-2020 FISCAL YTD	2018-2019 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	0	1	1	3	12	(9)
New Single Family, 3000 sf or >	0	0	0	4	6	(2)
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	0	1	1	7	18	(11)
Miscellaneous (Total)	31	31	36	172	180	(8)
<i>Accessory Structure</i>	2	3	4	21	19	2
<i>Addition</i>	5	3	2	10	8	2
<i>Demolition</i>	0	0	2	2	2	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	8	8	9	41	44	(3)
<i>Repair</i>	16	17	19	98	107	(9)
Total Residential	31	32	37	179	198	(19)
BUILDING PERMITS ISSUED - COMMERCIAL						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	0	0	0	2	(2)
Subtotal - New Commercial	0	0	0	0	2	(2)
Miscellaneous (Total)	7	6	5	39	48	(9)
<i>Accessory Structure</i>	1	1	1	7	13	(6)
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	1	1	0	3	1	2
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	1	3	4	13	16	(3)
<i>Repair</i>	4	1	0	16	18	(2)
Total Commercial	7	6	5	39	50	(11)
Grand Total	38	38	42	218	248	(30)
SUB-CONTRACTOR PERMITS						
Electrical	33	31	28	222	236	(14)
Gas	2	4	0	11	14	(3)
Mechanical	18	24	24	162	171	(9)
Plumbing	13	13	5	41	48	(7)
Sprinkler	1	1	0	1	2	(1)
VALUE						
New Single Family	\$0	\$225,000	\$200,000	\$525,000	\$2,593,000	(\$2,068,000)
New Single Family, 3000 sf or >	\$0	\$0	\$0	\$3,082,561	\$3,950,460	(\$867,899)
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$875,075	\$818,338	\$1,122,444	\$4,618,747	\$4,094,233	\$524,514
Sub Total Residential	\$875,075	\$1,043,338	\$1,322,444	\$8,226,308	\$10,637,693	(\$2,411,385)
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$0	\$0
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$1,846,975	(\$1,846,975)
Misc (Total Commercial)	\$82,500	\$544,715	\$388,860	\$1,429,404	\$2,504,989	(\$1,075,585)
Sub Total Commercial	\$82,500	\$544,715	\$388,860	\$1,429,404	\$4,351,964	(\$2,922,560)
Grand Total	\$957,575	\$1,588,053	\$1,711,304	\$9,655,712	\$14,989,657	(\$5,333,945)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
DECEMBER 2019**

DATE SUBMITTED: January 7, 2020

	Dec-19	Dec-18	Nov-19	2019-2020 FISCAL YTD	2018-2019 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	23	29	30	143	152	(9)
CAMA						
CAMA LPO Permits	5	3	3	17	15	2
CAMA LPO Exemptions	5	11	8	35	36	(1)
CODE COMPLIANCE						
CCO Inspections	36	32	45	489	511	(22)
Cases Investigated	15	15	19	238	275	(37)
Warnings	9	6	4	42	58	(16)
NOVs Issued	10	8	14	198	197	1
Civil Citations (#)	0	0	1	1	0	1
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$0	\$0
SEPTIC HEALTH						
Tanks inspected	0	15	7	96	132	(36)
Tanks pumped	2	6	3	10	42	(32)
Water quality sites tested	0	0	0	112	115	(3)
Personnel Hours in Training/School	7	4	30	84	208	(124)



Michael D. Zehner, Director of Planning & Development

COMMENTS:



STAFF REPORT

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
From: Kelly Wyatt, Deputy Director of Planning & Development, on behalf of the Planning Board
Date: January 28, 2020
Subject: Discussion of Event Home Regulations

At their December 17, 2019 meeting the Planning Board had a brief discussion about the use of single-family dwellings as “event homes,” noting that of particular concern is the ability for emergency responders to access these types of structures in the event of an emergency. Staff committed to providing additional information to the Board at their January 2020 meeting.

Attached is the report given to the Planning Board at their January meeting. Following discussion, the Planning Board was interested in perhaps pursuing a type of free registration process for weddings and similar private events within the Town, similar to the Town of Duck. Before proceeding with the development of regulations, the Planning Board wanted to receive direction and feedback from the Board of Commissioners on this issue.

Planning Staff will be available for questions and to continue the discussion of potential event home regulations at the Boards pleasure.



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board
From: Kelly Wyatt, Deputy Director of Planning & Development
Michael Zehner, Director of Planning & Development
Date: January 17, 2020
Subject: Discussion of Large Occupancy/Event Home Regulations

At the Planning Board's December 17, 2019 meeting, it was brought to the Board's attention by Planning Board member David Elder that the Town of Kill Devil Hills had requested that the North Carolina Code Officials look at State Building codes and review the definition of "Single-Family Dwellings" vs. large "Event" Homes/"mini hotels". Mr. Elder noted that of particular concern is the ability for emergency responders to access these types of structures. Staff noted they would continue to review the subject and provide information to the Board at their January 2020 meeting.

Within the Town of Nags Head "Large Residential Dwellings" are defined as a single-family dwelling or two-family dwelling (duplex) that has 3,500 or more square feet of enclosed habitable living space. The following regulations apply to "Large Residential Dwellings":

- Homes with greater than 3,500 square feet of enclosed habitable living space can only be constructed on lots 16,000 square feet or greater in area, with the exception of within the SPD-C, Village at Nags Head District.
- The maximum enclosed habitable living space for a large residential dwelling is 5,000 square feet, with the exception of dwellings located within the SED-80 District.
- Large residential dwellings shall meet a side yard setback of fourteen (14) feet. This side yard setback may be reduced to the required side setback for the district in which the home is located should the owner voluntarily elect to comply with the Nags Head Residential Design Guidelines, requiring a minimum amount of architectural design points be obtained.
- Large residential dwellings shall either preserve a minimum of 10% of the lots total area with existing natural vegetation – OR – plant a minimum of 15% of the lots total area. A minimum of 50% of the plantings must be locally adaptive evergreen trees species. Height and caliper specifications are required for both tree and shrub species.
- The maximum permitted wastewater capacity for large residential dwellings shall not exceed 1,080 gallons per day.
- Height of large residential dwellings is the same as the town standard of 35 feet with the ability to increase height to 42 feet with the use of a minimum 8:12 roof pitch.

In January 2019 the Town of Duck adopted an ordinance to establish standards for the scale of residential development. This amendment was in response to the North Carolina General Assembly's passage of Session Law 2015-86 in June 2015 which revoked the authority of local governments to limit the number and types of rooms in a residence. In contrast to our ordinance, the Town of Duck does permit homes larger than 5,000 of enclosed living space, however, the permissible area is tied to the area of the lot. A chart of maximum residence sizes for the Town of Duck is provided below.

Lot Size (sf)	Maximum home size (standard)	Maximum home size (large)
9,999 or less	3,500 sf	3,500 sf
10,000 – 14,999	4,000 sf	4,000 sf
15,000 – 19,999	5,000 sf	5,000 sf
20,000 – 24,999	5,500 sf	7,000 sf
25,000 – 29,999	6,500 sf	8,000 sf
30,000 or greater	7,000 sf	9,000 sf

Keep in mind that the Town of Nags Head prohibits homes with enclosed habitable space above 5,000 sf regardless of lot size (except in the SED-80 District). Additionally, the Town of Duck has increased setbacks based upon the total size of the lot, landscape preservation or planting requirements, as well as architectural requirements for large residential dwellings.

The Town of Duck does have a “Wedding Event Registration Policy”. You can review this information at the following link: <https://www.townofduck.com/getting-married-in-duck/> . In short, this registration is for wedding-related gatherings with 50 or more attendees in a private residence in the Town of Duck. These events must be registered with the Town of Duck Department of Community Development at least thirty (30) days prior to the event date. The registration will provide information for notification of property owners, neighborhood associations, and public safety personnel and will also provide contact information for the responsible parties who could be contacted during the event if necessary.

The Town of Southern Shores defines a “Large Home Dwelling” as any residential structure exceeding the maximum size, maximum transient occupancy capacity or maximum septic capacity for such structures in the zoning district in which it is located. Large home dwellings are not a permitted use in any zoning district. Within the individual zoning districts, RS-1, RS-10 and R-1 Detached single-family dwelling and vacation cottages are a permitted use provided that such residential structure shall not be: (i) advertised to accommodate, designed for, constructed for or actually occupied by more than 14 overnight occupants when used as a vacation cottage; or (ii) have a maximum septic capacity sufficient to serve more than 14 overnight occupants. In addition, each zoning district restricts the maximum size of any single-family dwelling to 6,000 square feet of enclosed living space.

Of note, the Town of Southern Shores recently considered a zoning ordinance amendment which would impose regulations on the use of single-family dwellings for special events. A copy of the draft ordinance is included in this package; however, this ordinance was not adopted. It is noted that the purpose of the drafted revisions was to ensure that special events take into account and are managed such that the public health, safety or welfare of the citizens and visitors to the Town who attend those events or live in the vicinity of the events are taken into account. The draft ordinance required that a free of charge permit be sought for any event expected to have more seventy-five (75) attendees. Events held at authorized event facilities, events held at commercial facilities, events held or managed by the Town, and events within established institutional uses were exempt from the requirement to obtain a permit.

Some key takeaways of the proposed ordinance are below:

Limited Special Event (75 – 125 attendees)

- For a Limited Special Event (75 – 125 attendees) an application must be received 14 days in advance of the event.
- The applicant must provide the date, time and location of the event as well as the contact information for the person in control of the event.
- A certification by the applicant that they are aware of and intend for the event to comply with all requirements of the Town's Code of Ordinances with regard to zoning, nuisance, noise, lights and other relevant provisions.
- Sketch plan of the property and structures showing the expected location of attendees, points of ingress and egress to any structures and location of any hazardous materials such as fuel or gas.
- A certification that sufficient parking for the event has been provided via onsite parking or special offsite parking agreements.
- A certification that the contact person will at all times have on their person (i) the phone associated with the contact information; (ii) a copy of the special events permit issued; and (iii) a list of attendees that can be used to determine whether anyone is unaccounted for in an emergency.
- If the event is to be held on a property adjacent to NC 12 during the period between Memorial Day and Labor Day, the applicant must provide a traffic management plan showing how traffic to the site will be managed in such a way to avoid unreasonable additional congestion upon NC 12.
- For any special event at which food or drink will be served or that will occur over a more than four-hour period, a certification by the applicant that at least one temporary wastewater facility or portable toilet will be onsite.

Large Special Events (greater than 125 expected attendees)

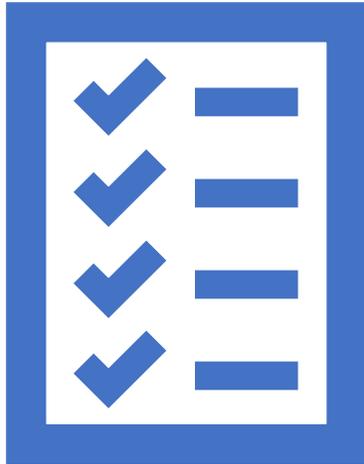
- For Large Special Events (greater than 125 expected attendees) an application must be received 30 days in advance of the event. In addition to the requirements for a Limited Special Event, the applicant for Large Special Event must certify that any exterior decks being used by attendees are structurally sound to support the potential use users of the deck or, must allow the Town's building inspector to inspect the decks to determine whether an engineer's certification is required.

- In is the discretion of the police chief or the fire chief or their designee, the applicant shall allow for an inspection of the exterior grounds of the property to determine potentially dangerous conditions on the property and to determine how best to access the property and structures in case of fire or emergency during the special event.
- A traffic management plan showing how traffic will be managed to avoid unreasonable congestion on any adjacent roadways.
- A certification that sufficient parking for the event has been provided onsite and/or offsite with the appropriate agreement in place and narrative and site plan showing all proposed parking supporting the event.
- A certification that the designated person to contact under the application will have access to first-aid supplies on-site in sufficient quantities to address minor injuries to at least 10% of the expected attendees.

At any special event, if alcohol is to be served or sold, the applicant shall obtain any necessary approvals from the Alcoholic Beverage Control Commission and must make such documentation available upon request and must certify on their application that the approvals, if any were required, have been obtained and will be complied with during the event. Additionally, if tents are to be used for any special event requiring a permit, the applicant shall obtain any necessary approvals required under the North Carolina Fire Code and must make such documentation available upon request on certify that it will be complied with during the event.

In summary, reviewing the allowances of other nearby towns, the Town of Nags Head currently has the most restrictive regulations on permissible living area for large residential dwellings, however, there may be some merit to discussing certain aspects of regulating special events within the Town. While the ordinance drafted by the Town of Southern Shores was very extensive, it may provide some discussion points for the Planning Board in moving forward with regulations if so desired.

Planning staff will be available at the January 21, 2020 Planning Board to discuss this item further.



Report on Planning and Development Department Permitting Processes

FY19-20 - 2nd Quarter

October 2019 - December 2019

February 5, 2019

Board of Commissioners Meeting

Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

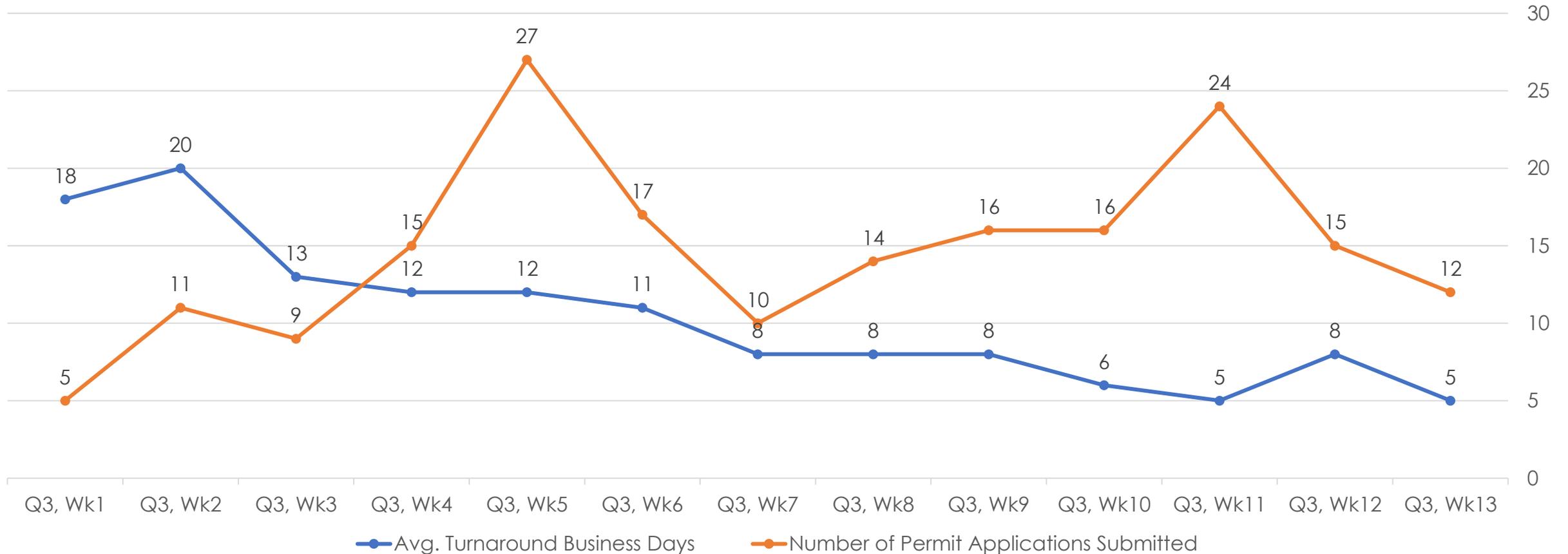
- Completed/Instituted – Since January 2019; items in **green** are new since December 2019
 - Bi-weekly Permit Tracking benchmarks reduced
 - Focus on internal and external communication improvements
 - Monthly Permitting, Inspections, and Enforcement Team Meeting
 - Fees increased consistent with adjacent communities and to offset cost of services
 - Coordination of zoning, E&S, and stormwater pre- and post-construction inspections
 - Require final zoning and stormwater inspections prior to final building inspections
 - Code Enforcement Officer received probationary building inspection certificate
 - Additional Munis Training for Staff - Nov. 7 & 8, 2019; addressed general use, inspection scheduling, report and form generation, and updating property owner information
 - Customer kiosk with computer installed in lobby
 - Publicly-accessible permits & inspections search portal added to Citizen Self Service: <https://selfservice.nagsheadnc.gov/MSS/citizens/PermitsInspections/Default.aspx>
 - Permitting staff met with Bill News, Chief Building Code Official for Currituck County, to review use of Munis, and specially online permitting modules.

Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

- Next Steps/Moving Forward
 - Document and improve permitting workflows
 - Create separate review processes for less complicated permits/work
 - Prepare Development Manual as part of UDO adoption
 - Plan workshops for Home Builders, Real Estate Association, residents, etc.
 - Rollout Citizen Self Service for online trade permits
 - Rollout Citizen Self Service for all building permits.
 - Facilitate and encourage use of customer kiosk
 - Establish single permit record database

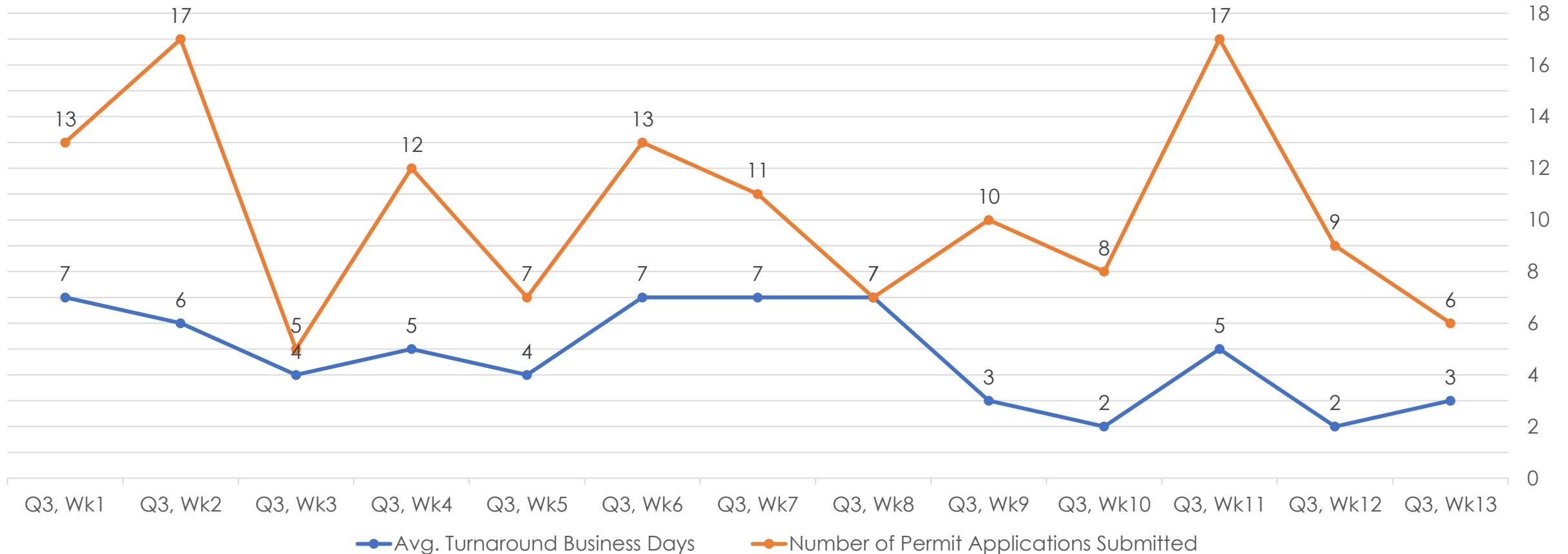
Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

FY18-19, 3rd Quarter - Permits Applied & Turnaround
191 Permit Applications Submitted; 8.89 Days Avg. Turnaround



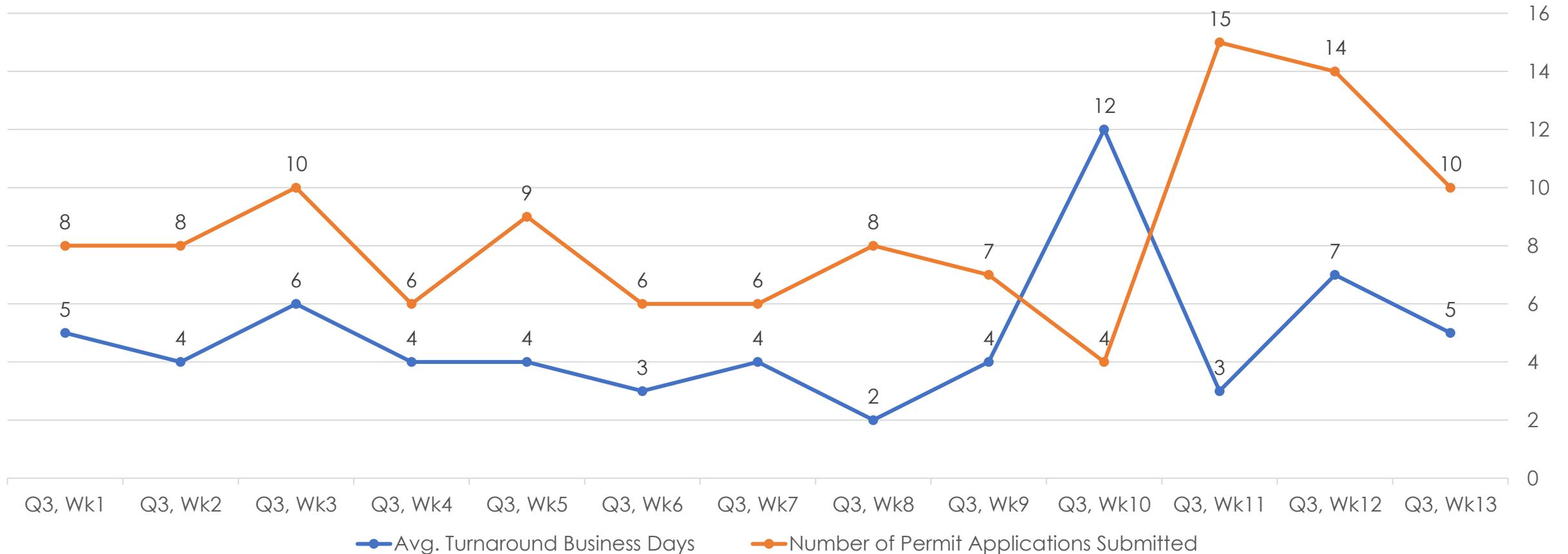
Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

FY18-19, 4th Quarter - Permits Applied & Turnaround
136 Permit Applications Submitted; 5.11 Days Avg. Turnaround



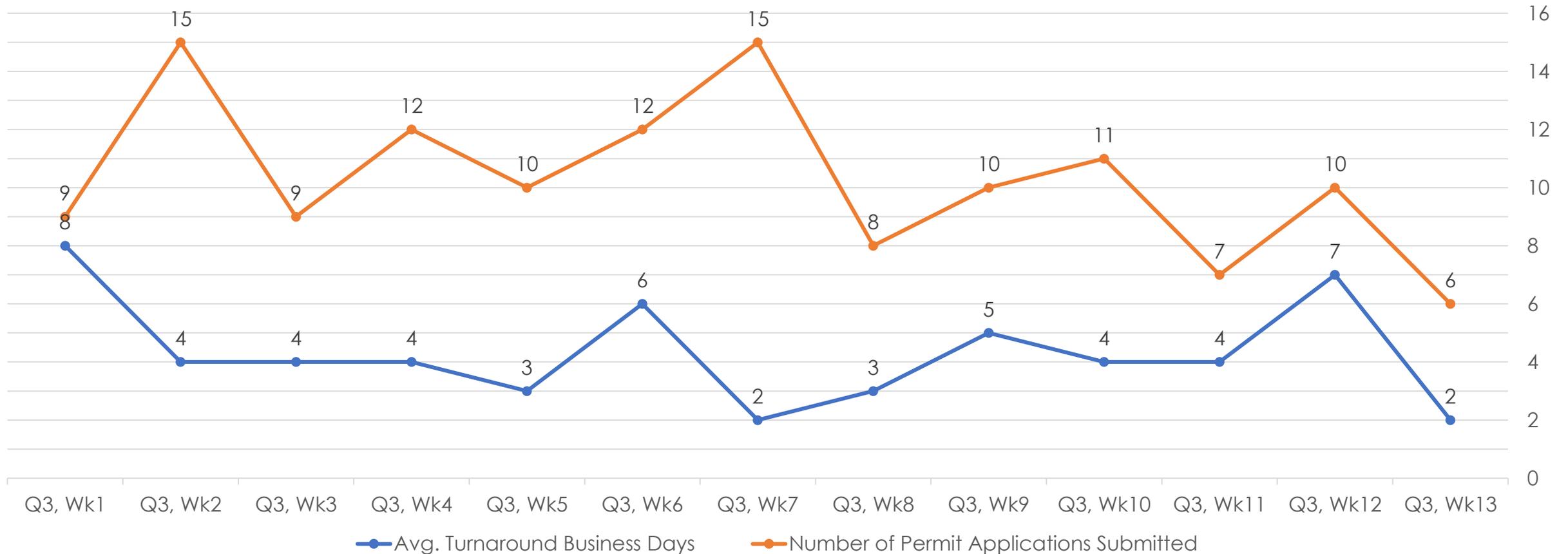
Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

FY19-20, 1st Quarter - Permits Applied & Turnaround
111 Permit Applications Submitted; 4.72 Days Avg. Turnaround



Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

FY19-20, 2nd Quarter - Permits Applied & Turnaround
134 Permit Applications Submitted; 4.23 Days Avg. Turnaround



Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

	FY18-19 3 rd Quarter	FY18-19 4 th Quarter	FY19-20 1 st Quarter	FY19-20 2 nd Quarter
Total Number of Permits	191	136	111	134
Avg. Turnaround	8.89 days	5.11 days	4.72 days	4.23 days
Residential Projects				
Total Number of Permits	164	102	91	116
Avg. Turnaround	8.68 days	4.97 days	4.21 days	4.16 days
Commercial Projects				
Total Number of Permits	27	34	20	18
Avg. Turnaround	10.25 days	5.38 days	6.90 days	3.83 days



Agenda Item Summary Sheet

Item No: **G-2**
Meeting Date: **February 5, 2020**

Item Title: Discussion of Workforce Housing

Item Summary:

Attached is a Report on Phase 1 - Inventory & Assessment; Establish Goals for the Town Workforce Housing Study & Plan. The Report presents the findings associated with the completed tasks under Phase 1.

Staff Recommendation

Staff recommends that the Board review and discuss the Report and findings. As noted in the Report, Staff encourages discussion on several questions, based upon the findings presented, that will inform the Board's decision to proceed to Phase 2.

Number of Attachments: 2

Specific Action Requested:

Consider findings and direction with respect to Phase 2 of the project.

Submitted By: Planning and Development

Date: January 29, 2020

Finance Officer Comment:

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn".

Date: January 29, 2020



Town of Nags Head Planning & Development Department

Town Workforce Housing Study & Plan Report - Phase 1 - Inventory & Assessment; Establish Goals

Overview

The intent of this project is to identify and address the housing needs of the Town's seasonal employees, specifically Ocean Rescue staff. Annually, beginning in May and ending in August, Ocean Rescue has approximately 45 seasonal employees; approximately 75% of these employees are not local residents, and therefore require housing. The primary goals of this project are to 1) identify housing needs for the Town's seasonal workforce, 2) reduce the complications associated with staffing this essential service, and 3) determine the opportunities and feasibility of providing housing to meet the needs of the Town's seasonal workforce.

This Report is intended to present the findings associated with the completion of Phase 1 Tasks for the Town Workforce Housing Study & Plan. As noted in the previously reviewed and approved Project Scope, Phase 1 tasks included the following:

- Inventory Town-owned properties available or potentially available for development or reuse;
- Identification of and interviews with stakeholders;
- Determine current and projected housing needs and preferences;
- Perform preliminary *windshield* assessment of Town-owned properties for suitability and identify existing regulatory controls affecting use and development;
- Identify applicable policies, goals, and plans;
- Coordinate public input with regard to suitable sites; and
- Present findings to Board of Commissioners for acceptance/agreement before proceeding to Phase 2.

Tasks were completed by assigned Town Staff, as well as staff of DJG, Inc., the Town's on-call architectural consultant ("the Consultant").

Task Findings

Task: Inventory Town-owned properties available or potentially available for development or reuse

- Town Staff developed an inventory of Town-owned properties with information on current use, property area, the presence of buildings, and the zoning of the properties. This inventory identified 96 properties owned by the Town, or for which the Town has some ownership interest (i.e. the skate park at the YMCA and the Soundside Event Site).
- Based upon this inventory, Town Staff performed a preliminary assessment of site suitability for housing, assigning a score of 3 to sites deemed suitable, 2 to sites deemed marginal, and 1 to site deemed

unsuitable. Two properties received a 3, six properties received a 2, and the remaining 88 properties received a 1.

- Based upon this scoring, and review by Town Staff and the Consultant, the following properties were selected for further consideration, with scores noted:
 - Outer Banks Medical Center, 425 Health Center Drive - 3
 - Satterfield Playing Fields, 227 Satterfield Landing Road - 3
 - Town Hall, 5401 Croatan Highway - 2
 - Bonnett Street Beach Access, 2919 South Virginia Dare Trail - 2
 - Fire Station #16, 5314 Croatan Highway - 2
 - Epstein Beach Access, 5701 South Virginia Dare Trail - 2
 - Nags Head Ocean Rescue Station, 3719 Croatan Highway - 1

- The majority of properties owned by the Town were determined to be unsuitable based on their size (66 properties are less than 0.5 acres/21,780 sq. ft. in area) and/or existing use or conditions limiting development (parks, Public Works facilities, conservation land, and marsh conditions).

- Two properties that received a 2 were ultimately not selected for further consideration. These were the skate park property, given that the Town only has an interest in the property controlled by the YMCA, and the Public Works Debris Yard on Lark Avenue, given the use of the property.

- While only receiving a 1, the Nags Head Ocean Rescue Station was selected for further consideration given previously known interest by the Board of Commissioners.

Task: Identification of and interviews with stakeholders; and

Task: Determine current and projected housing needs and preferences

- The following individuals were identified as stakeholders and interviewed by the Consultant as part of Phase 1:
 - Cliff Ogburn, Town of Nags Head, Town Manager
 - Andy Garman, Town of Nags Head, Deputy Town Manager
 - Chad Motz, Town of Nags Head, Ocean Rescue Captain
 - Ken Savage, Town of Nags Head, Ocean Rescue Supervisor
 - Mike Norris, Town of Nags Head, Facilities Maintenance Superintendent
 - Four (4) former Town of Nags Head Ocean Rescue staff persons

- The interviewees were asked the following questions, with responses summarized:
 - Is there a minimum or maximum number of employees that you would want to occupy a location?

- All +/- 25 employees can be located on the same property if there is enough separation and living spaces are only shared amongst 3-6 people.
- Ideally, all employees would be housed in one location.
- Can a portion of the building be used for the program, or is a completely unoccupied facility required? Do you prefer one location or several for the work force housing?
 - Smaller groups of employees are preferred, so the option to have several different locations for housing isn't out of the question. Location and cost are important considerations. One location makes ride sharing easier.
 - An unoccupied facility preferred.
- Will the properties need access to public transportation, or are students/residents self-sufficient for mobility? Do you need access to amenities within walking distance? Is a group minibus or van available?
 - Some students do not have vehicles. Northern Nags Head is preferred since it is closer to the stores and work. Proximity to public transportation is not as important as proximity to the stores and to work.
 - Transportation has not been an issue in the past. Employees often car pool.
- What is an acceptable distance for an employee to walk from their vehicle to their residence?
 - On-site parking is preferred, but parking should be located no further than 1/4 of a mile from the premises. If parking is far away, employees would have to walk to their car and bring the car back to their residence to pick up the items they need to bring to work.
 - 1/4 mile maximum.
- Are there any general areas or blocks of Nags Head that you deem unsuitable? Are there areas that are preferred?
 - Housing should be as close to the beach and as close to the north part of Nags Head as possible.
 - Residential neighborhoods are not suitable for work force housing unless adequately dispersed. North Nags Head is preferred.

- Is a public “dormitory” style of facility preferred over a private “apartment” style?
 - Dormitory style facilities could work for some employees, but the more desirable option is small groups of people living together and sharing a living space.
 - Either could work, but we want to be sure that the staff are receiving an option equal or better than what they would find elsewhere. It is important that there is some privacy available in whatever option is selected.

- Should sleeping spaces accommodate all residents of one gender, or will occupancy be limited to 1-2 residents per room?
 - Individual rooms of 1-2 people are strongly preferred.
 - The goal would be to provide individual rooms of 1-2 people.

- Will residents need private kitchens, restrooms, showers and washer/dryers, or can those be shared facilities?
 - Facilities can be shared, but the number of people sharing them should be limited.

- Will you need any specialized rooms for research, physical training, large gatherings, large item storage, or other specialized areas?
 - A large gathering space would be very beneficial. Work-out facilities and storage spaces for equipment and bicycles would be ideal.
 - A multi-use gathering space, maintenance room, and outdoor storage would all be beneficial.

- Are instructors’ or supervisors’ quarters required?
 - Supervisors quarters are not required but might be beneficial.

- Are there any amenities that are preferred or discouraged, such as outside spaces, grill areas, etc.?
 - An outdoor gathering space and grill would be nice to have.
 - Outdoor storage, outdoor shower, and an outdoor gathering space are recommended. Grills, fire pits, and car washing in parking lot are discouraged.

- Are there any special accommodations needed for WFH employees that would be atypical of your average tenant?
 - Storage areas, outdoor shower, and study areas.

- No special accommodations will be required.
- Are there specific utility requirements that may be needed for tenants? Will wi-fi and closed-circuit tv's tied to other campuses be required?
 - Wi-fi and television are desired. Closed circuit TV is not required.
- Are all employees on the same general work schedule?
 - The life guards work 8:00 AM - 6:00 PM but they have different days off.
- What are the general habits of WFH? Are they loud, quiet, stay up late, get up early, etc.? Will sound-attenuated study facilities be required?
 - Everyone is different and every night is different so it would be ideal if people have options based on their preference.
 - They are generally up early and up late, with some variation.
- What are your lessons learned from living in other residences that we can apply to the prospective program?
 - Cost and location/proximity to work are very important. The ability to be close to other employees but still have separate private spaces is strongly preferred. Trash accumulates quickly.
 - Everything should be accessible, including pipes and drains. Laminate does not last. Carpet & wood flooring should be minimal. Hard surfaces are preferred. Outdoor seating would be useful.
- Primary takeaways from the interviews are as follows:
 - The work force housing employees are most concerned with the housing location, cost, and privacy. The ideal workforce housing scenario would incorporate all employees in the same location, but would also allow for some separation and privacy.
 - The selected property will ideally be located in northern Nags Head, close to the beach, and separated from residential neighborhoods.
 - A living arrangement that allows people to congregate but have their own private spaces is strongly preferred. A cottage-style living arrangement has been successful in the past.
 - The work force housing employees have a need or strong desire for outdoor showers, gathering spaces, study areas (if the living arrangement is not private), and storage areas. The selected property would ideally be able to accommodate an outdoor shower,

outdoor storage, an outdoor gathering space, an indoor multi-use gathering space, and a maintenance room.

- The number of people sharing facilities such as kitchens and bathrooms should be limited to 3-5 in order for upkeep to be manageable.
- It is important that we are presenting the staff with a housing option that is equal to or better than what they would find elsewhere. This includes cost, location, and living arrangement considerations.

Task: Perform preliminary windshield assessment of Town-owned properties for suitability and identify existing regulatory controls affecting use and development

- The Consultant conducted preliminary assessments of the seven (7) properties selected for further consideration; these assessments are attached, providing physical information on the properties, as well as perceived positives and negatives.
- Generally, the expectation is that only the Outer Banks Medical Center and Satterfield Playing Fields sites could accommodate development providing housing for all staff. However, in both cases building would be necessary, and at least with respect to the Satterfield Playing Fields, existing use and/or agreements may preclude such development.
- The size and use of the remaining sites (Town Hall, Bonnett Street Beach Access, Fire Station #16, Epstein Beach Access, and Nags Head Ocean Rescue Station) would preclude the housing of all workforce and/or the development of additional building area.
- Existing zoning precludes the development of multi-family, cottage court, or dormitory uses from all but two sites, the Bonnett Street Beach Access and Nags Head Ocean Rescue Station.

Task: Identify applicable policies, goals, and plans

- Generally, beyond the expressed goals of this project, existing policies, goals, and plans do not provide guidance with respect to the provision of housing for the Town's workforce. However, the Town certainly recognizes the importance of the Ocean Rescue Division and seasonal lifeguard staff, points that are echoed in the Comprehensive Plan, and the provision of housing may enhance the continued viability of the program.
- With respect to the seven (7) sites, policies within the Comprehensive Plan pertaining to the preservation of single-family neighborhoods and the defining attributes of certain Character Areas should inform decisions regarding the suitability of one or more of the sites given development potential. For example, while the Outer Banks Medical Center and Satterfield Playing Fields sites may have the most development potential based on area, any project at these locations should take into account the proximity of existing single-family neighborhoods.

Remaining Tasks and Next Steps

At this time, based on the findings developed to-date, Staff determined to delay any public input with regard to site suitability until further discussion with the Board of Commissioners. Given the sites considered, Staff felt that input and feedback from the Board was necessary before soliciting public input on these particular sites, primarily because the Board may perceive that one or more of the sites were not an option. Should the Board believe that this input is necessary before proceeding to Phase 2, Staff could coordinate public input prior to and report back at the Board's meeting on March.

Regardless, the remaining Task within Phase 1 involved presenting these findings to the Board of Commissioners for acceptance/agreement before proceeding to Phase 2. As a reminder Phase 2 involves Concept Development and Feasibility, and presumes that the Board would select up to two sites for which the feasibility for preferred housing would be investigated and preliminary fit tests developed, and further, that opportunities for partnerships in the development and/or use of housing would be identified and investigated. In considering how to proceed to Phase 2 and/or whether to proceed, Staff would suggest that the Board consider the following questions:

1. Have all Town-owned properties been sufficiently considered? Are there
2. Does the Board believe that at least one or two of the properties considered warrant further consideration?
3. Does the Board believe that one or more of the properties considered are not options and should not be considered?
4. Does the Board believe that development of housing on a singular property is possible or ideal, or should housing accommodated over multiple properties be a consideration?
5. Is the ideal property for workforce housing currently in the Town's inventory?
6. Do the considered sites present opportunities for additional uses that may increase viability or potentially offset costs to the Town?

Town of Nags Head Work Force Housing Study

Potential Housing Locations

Outer Banks Medical Center



Site Statistics:

Address:	425 Health Center Drive
Zoning:	SED-80 (Special Environmental)
Lot Area:	3.38 Acres
Building Area:	4898 SF
Permitted Uses:	Dwelling, Large Residential (w/ Supplemental Regs) Dwelling, Single-Family (detached)
Conditional Uses:	Dormitory (w/ Supplemental Regulations)
Minimum Front Yard:	30'
Minimum Side Yard:	20'
Minimum Rear Yard:	20'
Approx. Buildable Area:	2.60 Acres
Existing Parking:	37 Spaces

Site Positives:

- Site is not in a residential area
- Site has adequate parking
- Site has an existing building for use

Site Negatives:

- Existing building will not house entire workforce
- Major building renovation required
- ADA upgrades required
- Rezoning required
- Property is in a special environmental zone intended to protect habitat
- Site is fairly remote from beach



Site Photograph

**Town of Nags Head
Work Force Housing Study**

Potential Housing Locations



Satterfield Playing Fields

Site Statistics:

Address:	227 Satterfield Landing Road
Zoning:	R-2 Medium Density Residential
Lot Area:	13.26 Acres
Building Area:	None (Restroom/Ancillary Only)
Permitted Uses:	Cluster Housing (w/ Supplemental Regs) Dwelling, Large Residential (w/ Supplemental Regs) Dwelling, Single-Family (detached) Dwelling, Two-family (duplex)
Conditional Uses:	None Applicable to Housing
Minimum Front Yard:	30'
Minimum Side Yard:	10'
Minimum Rear Yard:	20% lot depth, not to exceed 30'
Approx. Buildable Area:	10.00 Acres
Existing Parking:	126 Spaces

Site Positives:

- Site can be adequately buffered from residential area
- Site has adequate parking
- Site has substantial open space & can accommodate 100% of WFH employees
- Cluster housing permitted
- Site is in close proximity to beach and is located in the northern area of Nags Head

Site Negatives:

- Playing Fields have an ongoing lease attached that is subject to grant funds
- No existing buildings available for use
- Stormwater management is required
- Loss of public amenity



Site Photograph

Town of Nags Head Work Force Housing Study

Potential Housing Locations



Town Hall

Site Statistics:

Address:	5401 Croatan Highway
Zoning:	R-3 High Density Residential & SPD-C-I (Special Institutional)
Lot Area:	4.53 Acres
Building Area:	19,076 SF (main building) 23,460 SF (all buildings)
Permitted Uses (R-3):	Dwelling, Large Residential (w/ Supplemental Regs) Dwelling, Single-Family (detached) Dwelling, Two-family (duplex)
Permitted Use (SPD-C-I):	No residential permitted
Conditional Uses:	None applicable to Housing
Yard Requirements:	NA (Lot is developed)
Approx. Buildable Area:	NA (Lot is developed)
Existing Parking:	82 Spaces

Site Positives:

- Site is located in a highly visible area to regulate ongoing activities
- Site is in close proximity to beach

Site Negatives:

- Site zoning does not permit multifamily housing
- Site would not accommodate all work force housing employees
- Site is in the southern portion of Nags Head
- Site has very little available space
- Site parking appears fully utilized w/ little room available for additional parking
- Buildings on site have designated uses



Site Photograph

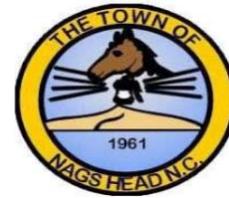


Location Map



Property Map

**Town of Nags Head
Work Force Housing Study
Potential Housing Locations**



Bonnett Street Beach Access

Site Statistics:

Address:	2919 South Virginia Dare Trail
Zoning:	CR (Commercial Residential)
Lot Area:	1.58 Acres (Bath House Parcel Only)
Building Area:	1,476 SF
Permitted Uses (R-3):	Dwelling, Large Residential (w/ Supplemental Regs) Dwelling, Single-Family (detached) Dwelling, Two-family (duplex)
Conditional Uses:	Cottage Courts (w/ Supplemental Regulations) Dwelling, Multi-family (w/ Supplemental Regulations)
Minimum Front Yard:	30'
Minimum Side Yard:	8'
Minimum Rear Yard:	25' or 20% lot depth, not to exceed 30'
Approx. Buildable Area:	1.28 Acres (Bath House parcel only)
Existing Parking:	70 Spaces

Site Positives:

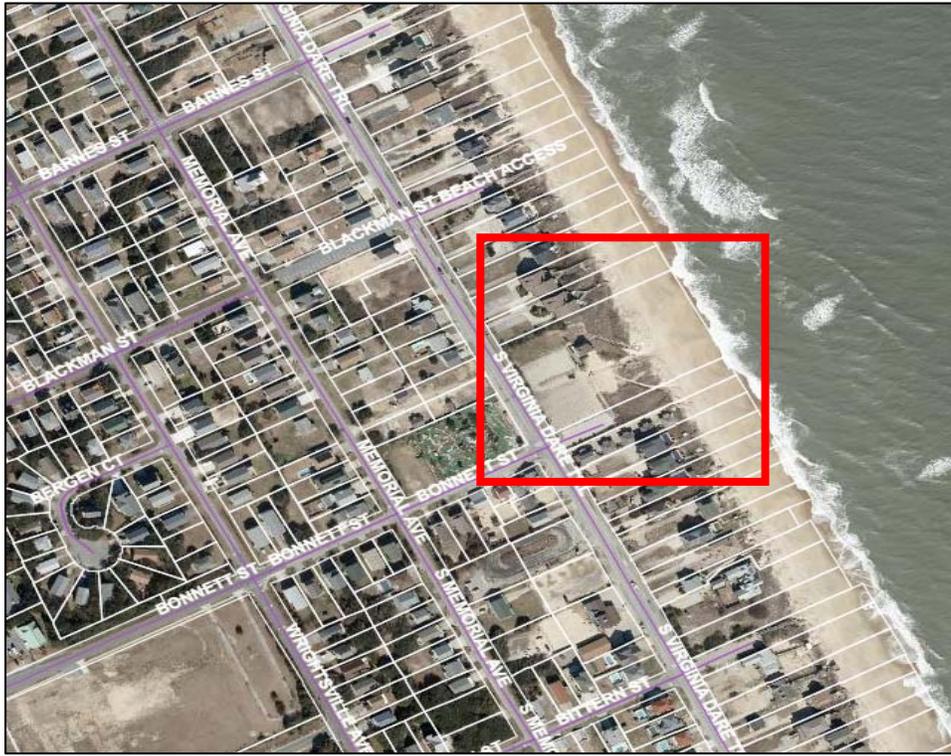
- Site is located in a highly visible area to regulate ongoing activities
- Site is in close proximity to beach and northern Nags Head
- Site has some available space for new construction
- Site may have some available parking

Site Negatives:

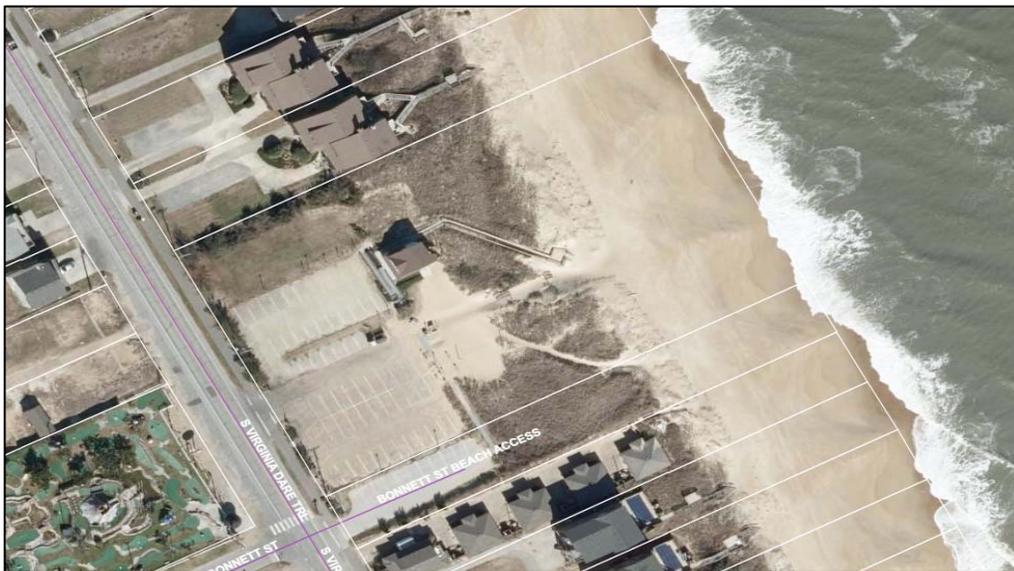
- Conditional Use Permit required for multi-family
- Site would likely not accommodate all work force housing employees
- Existing and future use limits suitability
- No existing buildings available for use.
- Site is frequented by the public



Site Photograph

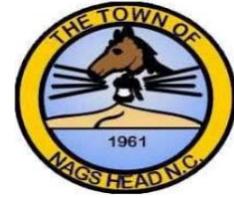


Location Map



Property Map

**Town of Nags Head
Work Force Housing Study
Potential Housing Locations**



Fire Station #16

Site Statistics:

Address:	5314 Croatan Highway
Zoning:	SPD-C / Comm 1 (Special Planned Dev. Commercial 1)
Lot Area:	1.50 Acres
Building Area:	13,170 SF
Permitted Uses:	No residential permitted
Conditional Uses:	None applicable to Housing
Yard Requirements:	NA (Lot is developed)
Approx. Buildable Area:	NA (Lot is developed)
Existing Parking:	25 Spaces

Site Positives:

- Site is located in a highly visible area to regulate ongoing activities
- Site is in close proximity to beach

Site Negatives:

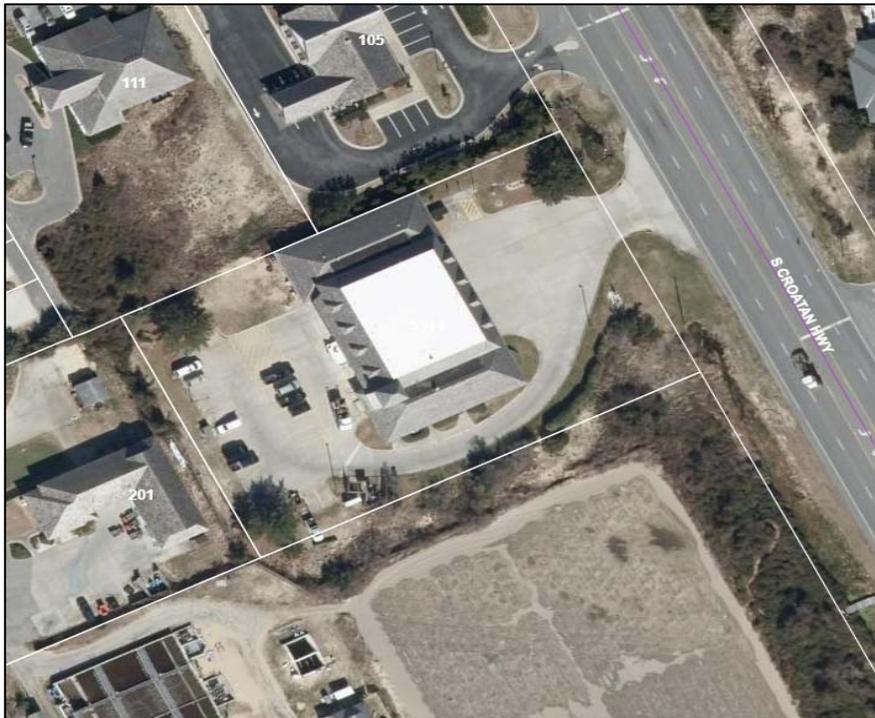
- Site zoning does not permit multifamily housing
- Site would not accommodate all work force housing employees
- Site is in the southern portion of Nags Head
- Site has very little available space
- There may be a conflict among user groups
- Buildings on site have designated uses



Site Photograph



Location Map



Property Map

Town of Nags Head
Work Force Housing Study
Potential Housing Locations



Epstein Beach Access

Site Statistics:

Address:	5701 South Virginia Dare Trail
Zoning:	SPD-C / Recreation (Special Planned Development Rec)
Lot Area:	0.84 Acres
Building Area:	None (Restroom/Ancillary Only)
Permitted Use (SPD-C-I):	No residential permitted
Conditional Uses:	None applicable to Housing
Yard Requirements:	No standard / Property - dependent
Approx. Buildable Area:	No standard / Property - dependent
Existing Parking:	44 Spaces

Site Positives:

- Site is in close proximity to beach
- Site may have some available space for new construction
- Site may have some available parking

Site Negatives:

- Site zoning does not permit multifamily housing
- Site would accommodate only a few work force housing employees
- No existing buildings available for use.
- Site is frequented by the public
- Property is only 125' wide, limiting developable area
- Site is located in the southern portion of Nags Head



Site Photograph



Location Map



Property Map

Town of Nags Head Work Force Housing Study

Potential Housing Locations



Nags Head Ocean Rescue Station

Site Statistics:

Address:	3719 Croatan Highway
Zoning:	C-2 (General Commercial)
Lot Area:	0.15 Acres
Building Area:	1,885 SF
Permitted Uses:	Dwelling, Large Residential (w/ Supplemental Regs) Dwelling, Single-Family (detached) Dwelling, Two-family (duplex)
Conditional Uses:	Cottage Courts (w/ Supplemental Regulations) Dwelling, Multi-family (w/ Supplemental Regulations) Townhouse (w/ Supplemental Regulations) Dormitory (w/ Supplemental Regulations)
Minimum Front Yard:	30'
Minimum Side Yard:	8'
Minimum Rear Yard:	25' or 20% lot depth, not to exceed 30'
Approx. Buildable Area:	NA (Lot is developed w/ setback waivers)
Existing Parking:	3 Spaces

Site Positives:

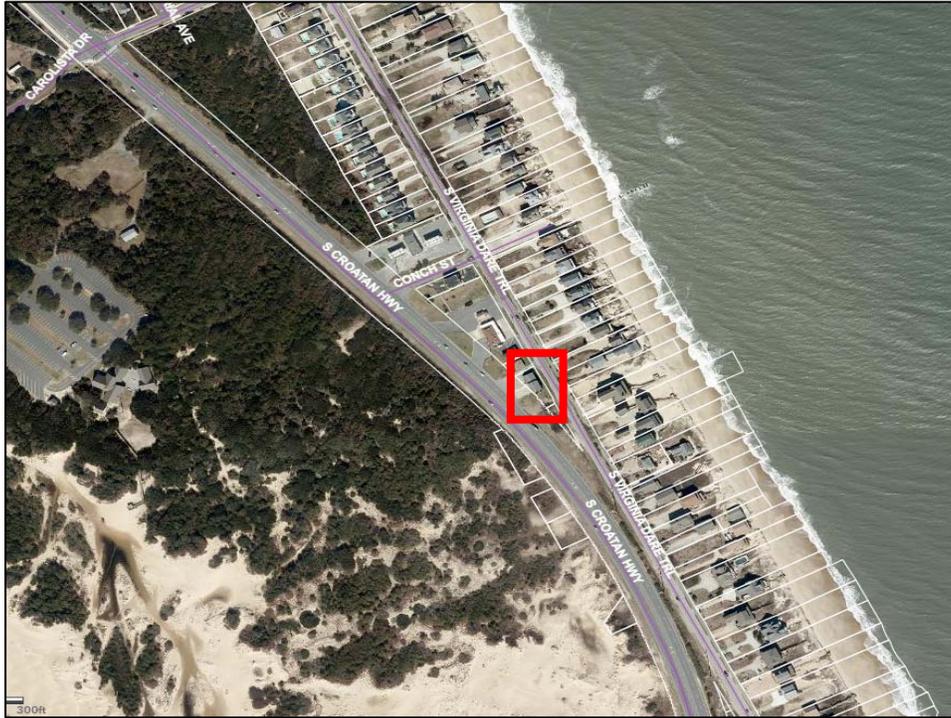
- Site is located in a highly visible area to regulate ongoing activities
- Site is in close proximity to beach and northern Nags Head
- Existing use is appropriate for WFH staff

Site Negatives:

- Site has no available space for new construction
- Site has no space for parking
- Conditional Use Permit required for multi-family
- Site accommodate very few work force housing employees
- Site configuration and size is restricting
- Existing building would require a structural assessment



Site Photograph



Location Map



Property Map



Agenda Item Summary Sheet

Item No: **H-1**
Meeting Date: **February 5, 2020**

Item Title: Committee Reports

Item Summary:

At the February 5th Board of Commissioners meeting, Board members will provide reports from meetings they have attended on behalf of the Town.

Number of Attachments: 0

Specific Action Requested:

Provided for Board update.

Submitted By: Administration

Date: January 29, 2020

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

N/A

Signature: Cliff Ogburn

Date: January 29, 2020



Agenda Item Summary Sheet

Item No: **H-2**
Meeting Date: **February 5, 2020**

Item Title: Consideration of Audit Contract

Item Summary:

At the February 5th Board of Commissioners meeting, staff is requesting Board approval of recommended auditor for the FY 2020 audit for a minimum of three years with up to three additional years as a renewal option. Staff is recommending that Potter & Company from Mooresville, NC be obtained – additional details may be found in Finance Director Amy Miller's memo which is attached. Also attached is a spreadsheet of the proposals received in response to the Town's advertisement.

Number of Attachments: 2

Specific Action Requested:

Request Board review and consideration of Town Auditor.

Submitted By: Amy Miller, Finance Director

Date: January 29, 2020

Finance Officer Comment:

Recommendation to utilize Potter & Company from Mooresville, NC as the Town's auditor.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I concur with staff's recommendation.

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn", written over a horizontal line.

Date: January 29, 2020



Administrative Services
Finance

Town of Nags Head

Post Office Box 99
Nags Head, North Carolina 27959
Telephone 252-441-5508
Fax 252-441-4680
www.nagsheadnc.gov

Amy Miller
Finance Director

MEMORANDUM

To: Cliff Ogburn, Town Manager

From: Amy Miller, Finance Director

RE: June 30, 2020 audit contract

Staff is recommending Potter & Company out of Mooresville, NC, to perform the annual fiscal year end 2020 audit for the Town for a minimum of three years, with up to three additional years as a renewal option. The partner assigned to this audit, Bob Taylor, has earned the *Certificate of Educational Achievement in Governmental Accounting and Auditing*. Bob will keep us informed on new regulations and will be available throughout the year to provide assistance as needed. Bob is also an instructor for the Local Government Commission. Potter & Company has committed to providing a successful and timely audit of the Town's CAFR, internal controls, and grants as required by the federal and state Single Audit Acts.

In selecting an accounting firm, it is important to select the firm which will provide the very highest level of service. Potter & Company will utilize all their resources necessary to assure prompt and professional service. Their staffing permits allocation of necessary time and resources to ensure the Town of Nags Head will be a highly valued client to their firm. Their firm policy is to assign staff members who have previous experience on the engagement each year. The professionals assigned are expected to be on-site 85-95% of the time. Normally there will be two staff (one a manager level), in addition to the partner in charge, assigned to the audit. Their experience and familiarity with numerous governmental audits allow for a comprehensive and efficient audit with minimal distraction to staff.

One important aspect of the audit that sets Potter & Company apart is the amount of partner and manager involvement in all phases of the audit, including field work, as well as the staff and time commitment allocated to the engagement. Their position is that a large on-site commitment from the partner and manager in charge of the engagement increases the efficiency and understanding in the audit process. Potter & Company has built in 250 hours of audit time for our engagement. Of these hours, 96%, or 240 hours, will be performed by the partner and senior staff. One additional item to consider is their familiarity with the Outer Banks and challenges experienced by the local governments in this region.

Potter & Company's great degree of experience in governmental accounting allows them to understand the Town's needs and provide answers to unique situations. They audit several clients that receive the GFOA Certificate of Achievement for Excellence in Financial Reporting including Dare County (25 years), Cabarrus County (15 years), City of Monroe (22 years), and Town of Mooresville (18 years), to name a few. These examples demonstrate what a knowledgeable resource Potter & Company would be for the Town, as well as exemplify the value they place on long term relationships.

Town of Nags Head
FY 19/20 Audit Proposals

Company	Current			Associations	Total Hours	Sr. Staff/ Partner Hours	Sr. Staff/Partner Percent of hours	FY 19/20 Average		Hours		2020 Total Cost	2021 Total Cost	2022 Total Cost	2023 Total Cost	2024 Total Cost	2025 Total Cost
	Governmental Clients	References	Service Provided					Hourly Cost	Partner	Sr. Staff	Staff						
S Preston Douglas & Associates Lumberton, NC	City of Elizabeth City City of Lumberton	Evelyn Benton 252-337-6861	Audit Audit	None Noted	216.00	176.00	81%	\$ 129.63	88.00	88.00	40.00	\$ 28,000.00	\$ 28,500.00	\$ 28,880.00	\$ 28,920.00	\$ 28,920.00	\$ 28,950.00
Thompson, Price, Scott, Adams & Co Wilmington, NC	Johnston County City of Whiteville Hyde County	Chad McLamb, 919-989-5109	Single Audit Yellow Book Single Audit	None Noted	253.00	146.00	58%	\$ 105.73	40.00	106.00	107.00	\$ 26,750.00	\$ 26,750.00	\$ 26,750.00	\$ 26,750.00	\$ 26,750.00	\$ 26,750.00
Johnson, Mizelle, Straub & Murphy Kitty Hawk, NC	Town of Duck Dare Co. Tourism Board	Chris Layton, Town Manager 252-255-1234	Audit, GASB 34 Audit, GASB 34	None Noted	203.00	198.00	98%	\$ 145.32	63.00	135.00	5.00	\$ 29,500.00	\$ 29,500.00	\$ 30,500.00	\$ 32,000.00	\$ 33,500.00	\$ 35,000.00
Potter & Company Mooreville, NC office	Dare County Union County	David Clawson, Finance Director 252-475-5731	Financial & Compliance Audits, GASB 34, Assistance with CAFR Financial & Compliance Audits, GASB 34, Assistance with CAFR	Government Audit Quality Center Quality Center Highest Rating from United States General Accounting Office	250.00	240.00	96%	\$ 154.00	40.00	200.00	10.00	\$ 38,500.00	\$ 39,300.00	\$ 40,300.00	\$ 41,300.00	\$ 42,300.00	\$ 43,300.00
Rives & Associates Raleigh, NC	Town of Pittsboro Town of Kinston	Heather Meacham, Finance Director 919-542-4621	Single Audit, GASB 34 Single Audit, GASB 34	Government Audit Quality Center	208.00	162.00	78%	\$ 132.40	26.00	136.00	46.00	\$ 27,540.00				Not Quoted	

Agenda Item Summary Sheet



Item No: **J-1**
Meeting Date: **February 5, 2020**

Item Title: Beach Nourishment – Proposed Municipal Service District (MSD) Discussion

Item Summary:

The Town has recently completed its second beach nourishment project and is underway preparing for future shoreline management efforts. Staff is currently interviewing consultants to provide coastal engineering and surveying services to conduct annual shoreline monitoring and begin preliminary work towards the town's next project, which is anticipated in 2025. The Board of Commissioners held a workshop in November of 2019 to discuss beach nourishment, including how the town might work with Dare County and other towns to coordinate project activities and funding. Part of this discussion included anticipating the town's future costs, available revenue sources, and how the town should distribute its share of project expenses within the community. Currently, the town levies a town wide tax of 2.7 cents per \$100 of assessed value to fund a portion of its share of the project. The remainder of the funds are collected utilizing a municipal service district which includes properties east of NC 12 and SR 1243 within the previous project areas. These properties are currently taxed at 17.5 cents per \$100 of assessed value.

A municipal service district (MSD) is a defined area within a town where additional property tax is levied in order to provide projects or extra services that benefit the properties in that district. The town has established a number of benefits in conducting beach nourishment and shoreline management activities, including protection of properties on the oceanfront and directly adjacent to the ocean, protection of infrastructure such as roads, waterlines, sewage systems, electrical services, and beach accesses, and maintaining a recreational beach that is attractive and usable by the public, free of structures and debris. These benefits can be assigned to different parts of the community at different levels, with oceanfront properties having the greatest benefit. Properties adjacent to but not directly on the ocean also benefit from reduced flooding and impacts to infrastructure, as well as increased property values due to their proximity to a well-maintained recreational beach. The entire town also receives a series of benefits, but to a lesser extent than these other areas. The Board will discuss the merits of creating additional MSDs to fund future nourishment activities, which would be designed to create an equitable distribution of project costs to property owners based on the benefits they receive. Primarily what is being proposed are two additional MSDs, one north of Whalebone Junction to include all properties east of US 158, and one south of Whalebone Junction to include all properties in South Nags Head. It is conceived that these areas could be taxed at a nominal rate to pay for current planning activities, which would increase once a contract for construction is executed prior to the next project. Attached is a map showing the current and proposed MSD boundaries. Also included is a presentation describing the proposal and the process for creating an MSD. The first step would include the Board directing staff to prepare a report depicting the boundaries of the proposed MSD, a statement identifying the services to be provided, and plan for providing those services.

Number of Attachments: 1

Specific Action Requested: Discuss the proposed MSD. Direct staff to prepare the report at the Board's discretion.

Submitted By: Administration

Date: January 29, 2020

Finance Officer Comment:

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment: The attached materials reflect my comments on this matter.

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation: I will participate in the discussion as necessary.

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn".

Date: January 29, 2020

BEACH NOURISHMENT PROPOSED MSD DISCUSSION

Town of Nags Head Board of Commissioners

February 2020

PROPOSED MSD DISCUSSION

Considerations:

- **The town is in the process of obtaining perpetual easements from 2/3 of oceanfront properties.**
- **The Town is in the process of hiring an engineer and surveyor to assist with future planning. These costs could be paid for either partially or wholly by new MSDs. Tax rates would likely be nominal initially based on anticipated project planning and design costs.**
- **New MSDs may be created at any time for future purposes provided contracts are let within a year. These may overlap with existing MSDs.**
- **Creating a new MSD west of NC 12 and SR 1243 would offset rising costs for future projects and better align tax rates with project benefits. This would require that oceanfront properties also be within the west MSD.**

PROPOSED MSD DISCUSSION

Review of process for creating/amending municipal service districts

What is an MSD? – A defined area within a city, town or village in which the unit's governing body levies an additional property tax in order to provide projects or extra services that benefit the properties in that district N.C.G.S. Ch. 160A, Article 23.

PROPOSED MSD DISCUSSION

Review of process for creating/amending municipal service districts

The town adopts new MSDs by ordinance.

A public hearing is required.

Prior to the public hearing, the town must prepare a report to include:

- A map of the district(s) and the proposed boundaries
- A statement identifying the services needed in the district. The statement must detail why the services needed in that district are greater than those needed in other parts of the town.
- A plan for providing services in the district.

PROPOSED MSD DISCUSSION

Review of process for creating/amending municipal service districts

- Notice of hearing is required stating the date, hour and place of the hearing and its subject. The notice shall include a map of the district and a statement that the report required for the public hearing is available for public review in the office of the town clerk.
- Published notice once at least one week prior to the hearing.
- Notice is also mailed at least four weeks before the date of the hearing to all owners of property in the proposed district.
- Owners may request exclusion from the district by submitting a written request to the Board no later than five days after the public hearing. Board may exclude the property after making a finding that it is not in need of the service.

PROPOSED MSD DISCUSSION

Review of process for creating/amending municipal service districts

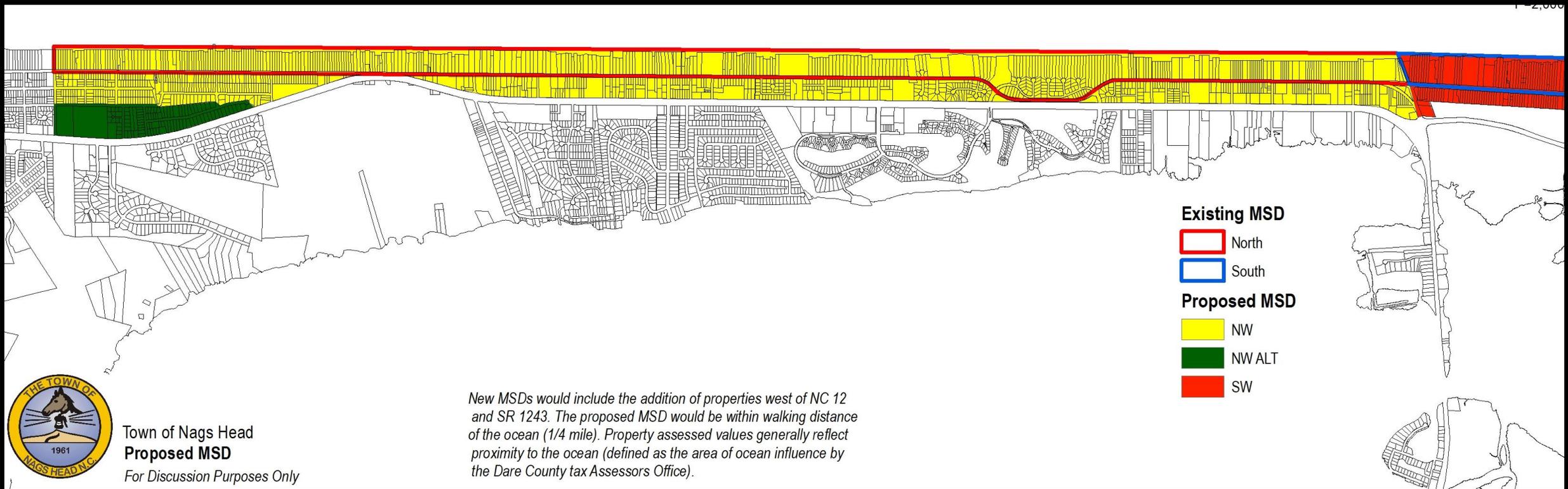
- Generally, the ordinance defining an MSD takes effect at the beginning of the next fiscal year after passage.
- Ordinance must be adopted by a majority vote of the board at two separate meetings.

PROPOSED MSD DISCUSSION

Review of process for creating/amending municipal service districts

Timeline

- Wed, Feb 5, 2020 BOC mtg – Board directs staff to prepare Report (map, statement, plan)
- Wed, Mar 4, 2020 BOC mtg – Report to the Board (map, statement, plan); made available for public inspection; Four (4) weeks before PH
- Notice of PH mailed to all prop owners in proposed district four (4) weeks before PH; notice of PH published at least one (1) week before PH
- Wed, May 6, 2020 BOC mtg – PH held – Adopt ordinance creating MSD at two meetings by majority vote
- Wed, Jun 3, 2020 BOC mtg – Adopt ordinance creating MSD – second reading



Existing MSD

- North
- South

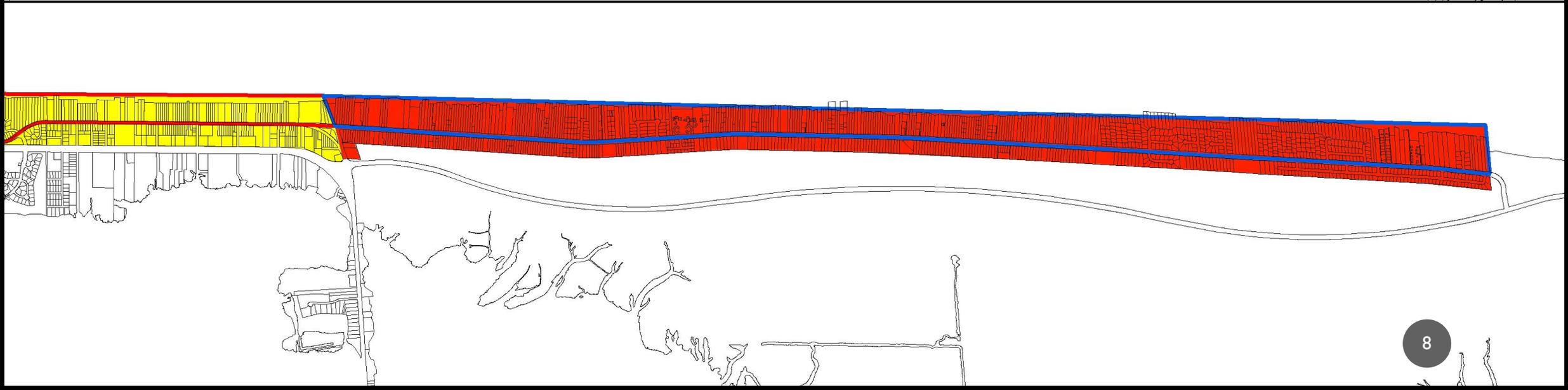
Proposed MSD

- NW
- NW ALT
- SW



Town of Nags Head
Proposed MSD
 For Discussion Purposes Only

New MSDs would include the addition of properties west of NC 12 and SR 1243. The proposed MSD would be within walking distance of the ocean (1/4 mile). Property assessed values generally reflect proximity to the ocean (defined as the area of ocean influence by the Dare County tax Assessors Office).





Agenda Item Summary Sheet

Item No: **L-1**
Meeting Date: **February 5, 2020**

Item Title: Mayor Ben Cahoon – Consideration of dates for CIP/Budget Workshops

Item Summary: The schedule below is being proposed for upcoming CIP/Budget Workshops – for Board consideration at the February 5th Board of Commissioners meeting:

FY 2020-2021 CIP and Budget Workshops

Capital Improvement Program Workshop - If continuation is needed	Wed, March 25, 2020; 9 am Wed, April 8, 2020; 9 am
Presentation of Managers Recommended Budget	Wed, May 6, 2020; 9 am
Budget Workshop - If continuation is needed	Wed, May 13, 2020; 9 am Wed, May 27, 2020; 9 am
Public Hearing	Wed, June 3, 2020; 9 am
Budget Workshop - Will incorporate comments from Public Hearing	Wed, June 10, 2020; 9 am
Adoption of Budget (mid-month meeting)	Wed, June 17, 2020; 7 pm

Number of Attachments: 0

Specific Action Requested:

Provided for Board discussion.

Submitted By: Administration

Date: January 29, 2020

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Cliff Ogburn

Date: January 29, 2020



Agenda Item Summary Sheet

Item No: **L-2**
Meeting Date: **February 5, 2020**

Item Title: Mayor Ben Cahoon – Discussion of “actionable” items from Envisioning Exercise – Future of Nags Head - from the Jan 23-24, 2020 Board Retreat

Item Summary:

One of the topics of discussion at last week’s Board of Commissioners Retreat concerned envisioning the future of Nags Head.

At the February 5th Board of Commissioners meeting, Mayor Cahoon will present a list of “actionable” items for discussion.

Number of Attachments: 0

Specific Action Requested:

Provided for Board discussion.

Submitted By: Administration

Date: January 29, 2020

Finance Officer Comment:

Insufficient information to determine fiscal impact.

Signature: Amy Miller

Date: January 29, 2020

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 29, 2020

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Cliff Ogburn

Date: January 29, 2020