



AGENDA

TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM
WEDNESDAY, February 7, 2024, 9:00 A.M.

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

B. ADOPTION OF AGENDA

C. RECOGNITION

1. Recognition

NEW EMPLOYEE – Public Services – Sanitation Equipment Operator Larry Bunting – Jan 8, 2024

FIVE YEARS – Public Safety - Fire Engineer/EMT Guy Crocker – Jan 22, 2019

TWENTY-FIVE YEARS – Public Safety – Fire Lieutenant Diego Dayan – Dec 29, 1998

PROCLAMATION – Annual Safety Week – March 4 – 8, 2024

Documents:

[2 C RECOGNITION SUMMARY.PDF](#)

[2 C RECOGNITION SAFETY WEEK PROC.PDF](#)

D. PUBLIC COMMENT

E. CONSENT AGENDA

1. Consideration Of Budget Amendment #8 To FY 23/24 Budget

Documents:

[2 E1 BUDGET AMEND TO FY 23-24 SUMMARY.PDF](#)

[2 E1 BUDGET AMENDMENTS 8 WORKSHEETS.PDF](#)

2. Consideration Of Tax Adjustment Report

Documents:

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

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

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

3. Request To Advertise Delinquent Taxes

Documents:

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

[2 E3 TAX DELINQ TAXES MEMO.PDF](#)

4. Consideration Of Personnel Policy Change
- Holiday Schedule amendment

Documents:

[2 E5 PP AMEND HOLIDAY POLICY SUMMARY.PDF](#)
[2 E5 PP AMEND HOLIDAY POLICY.PDF](#)

5. Consideration Of Amendment To The Beach Nourishment Maintenance Capital Project Ordinance

Documents:

[2 E6 BN CAP PROJ AMEND 10 SUMMARY.PDF](#)
[2 E6 BN CAP PROJ AMEND 10 ORD.PDF](#)

6. Consideration Of Resolution To Accept The American Rescue Plan Grant offer for SOOIR Stormwater Infrastructure Improvements

Documents:

[2 E7 ARP STORM PROJ GRANT SUMMARY.PDF](#)
[2 E7 ARP STORM PROJ STATE LTR.PDF](#)
[2 E7 ARP STORM PROJ CONDITIONS.PDF](#)
[2 E7 ARP STORM PROJ COSTS.PDF](#)
[2 E7 ARP STORM PROJ ENCLOSURES.PDF](#)
[2 E7 ARP STORM PROJ RES.PDF](#)

7. Request For Public Hearing To Consider
text amendments to the Unified Development Ordinance re: prohibiting drive-through restaurants

Documents:

[2 E8 RPH DRIVE-THRU REST SUMMARY.PDF](#)

F. PUBLIC HEARINGS

1. Public Hearing To Consider Special Use/Site Plan
review submitted by Quible & Associates, P.C. and Beacon Architecture and Design PLLC,
for the construction of a Trade Center. The property is zoned C-3, Commercial Services and
is located on Lot 2a of the Charles L. Sineath Subdivision (PIN# 989317113533),
vacant lot
directly behind TW's Bait and Tackle

Documents:

[2 F1 PH TRADE CENTER SUMMARY.PDF](#)
[2 F1 PH TRADE CENTER PN.PDF](#)

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

1. Update From Planning Director

Documents:

[2 G1 PLANNING DIRECTOR SUMMARY.PDF](#)
[2 G1 PLANNING DIR REPORT.PDF](#)

H. OLD BUSINESS TABLED FROM PREVIOUS MEETINGS

1. From Jan 3rd Board Meeting
 - Final acceptance/approval of the Emergency Operations Plan

Documents:

[2 H1 EOP APPROVAL SUMMARY.PDF](#)
[2 H1 EOP PROMUL LETTER.PDF](#)

I. NEW BUSINESS

1. Presentation From Beach Nourishment Project Consultant – Time Specific 11:00 A.m.

Documents:

[2 I2 BN PROJ CONSULT PRES SUMMARY.PDF](#)

2. Committee Reports

Documents:

[2 I3 COMMITTEE REPORTS SUMMARY.PDF](#)

3. Consideration Of Board/Committee Appointments
 - Planning Board

Documents:

[2 I4 BOARDS-COMMITTEES SUMMARY.PDF](#)
[2 I4 CURRENT - PLNG BD.PDF](#)
[2 I4 CANDIDATE - PLNG BD.PDF](#)

4. Overview Of Ocean Rescue – 2023 Season/Lifeguard Pay/New Flag System
 - 2023 Season/Lifeguard pay/New Flag System

Documents:

[2 I5 OR OVERVIEW SUMMARY.PDF](#)
[2 I5 OR PAY MEMO.PDF](#)
[2 I5 OR RED FLAG MEMO.PDF](#)
[2 I5 OR POWERPOINT.PDF](#)

5. Presentation Of Strategic Plan
 - from Nov 2023 Board Retreat

Documents:

[2 I6 STRATEGIC PLAN SUMMARY.PDF](#)
[2 I6 DRAFTSTRATEGICPLAN.PDF](#)

J. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

K. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

1. Update On Public Services Facility

Documents:

[2 K1 TM PUBLIC SVCS FAC UPDATE SUMMARY.PDF](#)

2. Update On Dare County Housing Task Force Meeting

Documents:

[2 K2 TM DC HOUSE TASK FORCE SUMMARY.PDF](#)

L. BOARD OF COMMISSIONERS AGENDA

M. MAYOR'S AGENDA

N. CLOSED SESSIONS

1. Request For Closed Session
to discuss possible acquisition of real property in accordance with GS 143-318.11(a)
(5)

Documents:

[2 N1 CS TM SUMMARY.PDF](#)

O. OTHER BUSINESS

P. ADJOURNMENT

1. Adjournment/ RECESS TO PUBLIC SERVICES FACILITY TOUR

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

Agenda Item Summary Sheet



Item No: C
Meeting Date: **February 7, 2024**

Item Title: Recognition

Item Summary:

Recognition at the February 7th Board of Commissioners meeting includes the following:

NEW EMPLOYEE – Public Services – Sanitation Equipment Operator Larry Bunting – Jan 8, 2024

FIVE YEARS – Public Safety - Fire Engineer/EMT Guy Crocker – Jan 22, 2019

TWENTY-FIVE YEARS – Public Safety – Fire Lieutenant Diego Dayan – Dec 29, 1998

PROCLAMATION – Annual Safety Week – March 4 – 8, 2024
- Please see attached proposed proclamation.

Number of Attachments: 1

Specific Action Requested:

Provided for Board recognition.

Submitted By: Administration

Date: January 31, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

Congratulations!

Signature: Andy Garman

Date: January 31, 2024



**PROCLAMATION
SAFETY WEEK**

WHEREAS, the Town of Nags Head Board of Commissioners, employees and citizens are committed to the maintenance of a safe and healthful workplace; AND

WHEREAS, the Town has assumed an active role in the promotion of a safe and healthful work environment by a program of regular occupational worksite evaluations and employee safety education; AND

WHEREAS, the Town strives to stimulate and maintain an interest in loss control and accident prevention and recognizes past and future services to the employees and citizens of Nags Head; AND

WHEREAS, the Town seeks to guide and encourage the adoption and institution of safe work practices by all employers and employees in Nags Head.

NOW, THEREFORE, the Town of Nags Head Board of Commissioners does hereby proclaim

**March 4 - 8, 2024 as
SAFETY WEEK**

in the Town of Nags Head, and commends this observance to our citizens.

FURTHERMORE, in recognition of this proclamation, I invite all Nags Head employees to attend the annual Nags Head Safety Luncheon/Chili Cook-Off on Thursday, March 7, 2024 from 12:00 Noon to 2:00 p.m. at the Douglas A. Remaley Fire Station #16.

This the 7th day of February 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **E-1**
Meeting Date: **February 7, 2024**

Item Title: Consideration of Budget Amendment #8 to FY 23/24 Budget

Item Summary:

Attached please find Budget Amendment #8 to the FY 23/24 Budget which is provided for Board review and approval at the February 7th Board of Commissioners meeting. Budget Amendment #8 is in accordance with the FY 23/24 Budget Ordinance, adopted at the June 21, 2023 meeting.

Number of Attachments: 1

Specific Action Requested:

Request Board approval of attached Budget Amendment #8.

Submitted By: Administrative Services

Date: January 31, 2024

Finance Officer Comment:

Request Board approval of attached Budget Amendment #8.

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: January 31, 2024



**BUDGET AMENDMENT REQUEST
FY 2023-2024**

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

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
11-499000	Capital Investment Fund Revenues Appropriated Fund Balance	5,000.00		911-590081	Capital Investment Fund Expenditures Transfers to General Fund	5,000.00
10-492111	General Fund Revenues Transfers from Capital Investment Fund	5,000.00		490-577400	General Fund Planning Expenditures Capital Outlay Equipment	5,000.00
TOTAL CHARGES		\$ 5,000.00		TOTAL CREDITS		\$ 5,000.00

JUSTIFICATION

Use CIF funds for budget shortfall - EV charging station at Town Hall.

ADMINISTRATIVE SERVICES 2/1/2024
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



**BUDGET AMENDMENT REQUEST
FY 2023-2024**

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

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
410-544500	General Fund Board of Commissioners Expenditures Contracted Services	5,000.00		410-577400	General Fund Board of Commissioners Expenditures Capital Outlay Equipment	10,250.00
900-599900	General Fund Manager's Contingency	5,250.00				
TOTAL CHARGES		\$ 10,250.00		TOTAL CREDITS		\$ 10,250.00

JUSTIFICATION

Move budgeted funds from contracted services towards digital audio processor, ceiling microphones, and installation/programming (BOC room). This is part of the GovEd LPDI grant. We received \$5,000 but need additional \$5,250 for microphones, installation, and programming. This \$5,250 shortfall will come from Manager's Contingency.

ADMINISTRATIVE SERVICES 2/1/2024
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



**BUDGET AMENDMENT REQUEST
FY 2023-2024**

**BUDGET AMENDMENT NO. 8
Amendment 8.3**
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-473015	General Fund Revenues Adopt-A-Bench	3,600.00		530-566300	General Fund Expenditures Adopt-A-Bench Dowdy Park	3,600.00
TOTAL CHARGES		\$ 3,600.00		TOTAL CREDITS		\$ 3,600.00

JUSTIFICATION

Two Dowdy Park bench donations received.

ADMINISTRATIVE SERVICES _____ 2/1/2024
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



Agenda Item Summary Sheet

Item No: **E-2**
Meeting Date: **February 7, 2024**

Item Title: Consideration of Tax Adjustment Reports

Item Summary:

Attached please find the list of adjustments to the 2023 Tax Levy (per information received from Dare County) for the monthly Property and MSD valuations.

These reports are submitted for your approval at the February 7th 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 31, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Andy Garman

Date: January 31, 2024

Town of Nags Head, North Carolina
Schedule of Ad Valorem 2023-2024 Taxes Receivable
2023 Tax Levy As of January 31, 2024 for the February 7, 2024 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 2023 Dist 1 Rate	578,093,598	0.00143	826,674.06	826,674.06	
MSD Beach Nourishment at current 2023 Dist 2 Rate	473,945,007	0.00143	677,741.67	677,741.67	
MSD Beach Nourishment at Current 2023 Dist 3 Rate	1,053,729,707	0.00005	52,687.93	52,687.93	
MSD Beach Nourishment at Current 2023 Dist 4 Rate	665,352,580	0.00010	66,535.07	66,535.07	
MSD Beach Nourishment at Current 2023 Dist 6 Rate	374,308,126	0.00005	18,716.25	18,716.25	
Registered Motor Vehicles at Current 2023 Dist 1 Rate	430,275	0.00143	615.30		615.30
Registered Motor Vehicles at Current 2023 Dist 2 Rate	762,336	0.00143	1,090.14		1,090.14
Registered Motor Vehicles at Current 2023 Dist 3 Rate	2,456,069	0.00005	122.80		122.80
Registered Motor Vehicles at Current 2023 Dist 4 Rate	1,868,646	0.00010	186.88		186.88
Registered Motor Vehicles at Current 2023 Dist 5 Rate	185,845	0.00000	0.00		0.00
Registered Motor Vehicles at Current 2023 Dist 6 Rate	1,545,391	0.00005	74.18		74.18
Registered Motor Vehicles at 2022 Dist 1 Rate	272,667	0.00143	389.90		389.90
Registered Motor Vehicles at 2022 Dist 2 Rate	340,787	0.00143	487.34		487.34
Registered Motor Vehicles at 2022 Dist 3 Rate	1,281,022	0.00005	64.08		64.08
Registered Motor Vehicles at 2022 Dist 4 Rate	885,425	0.00010	88.59		88.59
Registered Motor Vehicles at 2022 Dist 5 Rate	59,870	0.00000	0.00		0.00
Registered Motor Vehicles at 2022 Dist 6 Rate	1,145,479	0.00005	57.32		57.32
Registered Motor Vehicles at 2021 rate	22,000	0.00143	5.28		5.28
Penalties			0.00		
Total	3,156,684,830		1,645,536.79	1,642,354.98	3,181.81
Discoveries & Adjustments:					
Current year discoveries & adjustments	8,221		7.64	7.64	
Total	8,221		7.64	7.64	
Releases & Adjustments:					
DMV Current year valuation adjustments	0		0.00	0.00	0.00
DMV Current year tax releases	0		(0.12)	0.00	(0.12)
Real/Personal Current year releases & adjustments and circuit breakers	127,576		(6.42)	(6.42)	
Total	127,576		(6.54)	(6.42)	(0.12)
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total MSD Valuation	3,156,820,627				
Net levy		1,645,537.89		1,642,356.20	3,181.69
TOTAL UNCOLLECTED MSD AS OF 01/31/24:		(32,606.73)		(32,606.73)	0.00
CURRENT YEAR MSD COLLECTED:		1,612,931.16		1,609,749.47	3,181.69
CURRENT MSD COLLECTION PERCENTAGE:		98.018%		98.015%	100.000%

Dist.3&6

Town of Nags Head, North Carolina
Schedule of Ad Valorem 2023-2024 Taxes Receivable
2023 Tax Levy As of January 31, 2024 for the February 7, 2024 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 2023 rate	3,057,530,927	0.003300	10,089,869.38	10,089,869.38	
Registered Motor Vehicles at current 2023 rate	18,924,860	0.003300	62,434.61		62,434.61
Registered Motor Vehicles at 2022 year's rate	12,769,992	0.002875	36,713.73		36,713.73
Registered Motor Vehicles at 2021 year's rate	102,612	0.002875	295.01		295.01
Penalties	0		7,355.82	7,355.82	
Total	<u>3,089,328,391</u>		<u>10,196,668.55</u>	<u>10,097,225.20</u>	<u>99,443.35</u>
Discoveries & Adjustments:					
Current year discoveries & adjustments tax	1,837,704		5,032.44	5,032.44	
Town wide beach nourishment tax			463.16	463.16	
Corporate Utilities discoveries & tax	22,654,828		69,097.22	69,097.22	
Corporate Utilities town wide beach nourishment			5,663.71	5,663.71	
Penalty Discoveries			1,746.31	1,746.31	
Total	<u>24,492,532.00</u>		<u>82,002.84</u>	<u>82,002.84</u>	
Releases & Adjustments:					
Current year releases/adjustments/circuit breaker	(955,727)		(4,164.46)	(3,738.47)	(425.99)
Town wide beach nourishment/circuit breaker			(306.53)	(306.53)	
Penalty Releases			(226.63)	(226.63)	
Total	<u>(955,727)</u>		<u>(4,697.62)</u>	<u>(4,271.63)</u>	<u>(425.99)</u>
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total Property Valuation	<u>3,112,865,196</u>				
Net levy		10,273,973.77		10,174,956.41	99,017.36
Uncollected Taxes & Penalties		(169,578.24)		(169,578.24)	0.00
Uncollected Town Wide Beach Nourishment		(13,789.77)		(13,789.77)	0.00
TOTAL UNCOLLECTED TAXES AS OF 01/31/24:		<u>(183,368.01)</u>		<u>(183,368.01)</u>	<u>0.00</u>
CURRENT YEAR TAXES COLLECTED:		10,090,605.76		9,991,588.40	99,017.36
CURRENT LEVY COLLECTION PERCENTAGE:		<u>98.215%</u>		<u>98.198%</u>	<u>100.000%</u>



Agenda Item Summary Sheet

Item No: **E-3**
Meeting Date: **February 7, 2024**

Item Title: Consideration of request to advertise delinquent taxes

Item Summary:

At the February 7th Board of Commissioners meeting, Board approval is requested to advertise tax liens in the newspaper on Wednesday, March 20, 2024 in accordance with NCGS 105-369.

In addition, authorization is requested to begin the Foreclosure process on 2023 taxes where necessary, no earlier than 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 2023 taxes as appropriate.

Submitted By: Linda Bittner, Tax Collector

Date: January 30, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: January 30, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 30, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: January 30, 2024



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 7, 2024

RE: Request for Order of Advertisement and Request to Begin Foreclosures on 2023 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 3... 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; costs – each parcel of real property advertised pursuant to this section shall be assessed an advertising fee to cover the actual cost of the advertisement...."

With your approval, staff intends to advertise the liens in the newspaper on March 20, 2024 in accordance with NCGS 105-369 for all amounts outstanding as of end of business on March 15, 2024.

Request for Authorization to Begin Foreclosures on 2023 Taxes:

In accordance with NCGS 105-374, "Foreclosure of tax lien by action in nature of action to foreclose a mortgage..." 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 2023 delinquent taxes thirty days after advertising.



Agenda Item Summary Sheet

Item No: **E-5**
Meeting Date: **February 7, 2024**

Item Title: Consideration of Personnel Policy Change – Holiday Policy

Item Summary:

Staff recommends changing the Holiday Policy. Currently, the Town follows the NC State holiday calendar. When Christmas falls on a Wednesday, the NC State holiday schedule observes December 24th (Tuesday), December 25th (Wednesday), and December 26th (Thursday) as holidays, for a total of 3 days. Staff proposes that when Christmas falls on a Wednesday, the Town observes December 23rd (Monday), December 24th (Tuesday), and December 25th (Wednesday), for a total of 3 days.

Number of Attachments: 1

Specific Action Requested:

Approval of Holiday Policy Change

Submitted By: Administrative Services

Date: January 26, 2024

Finance Officer Comment:

No fiscal impact.

Signature: Amy Miller

Date: January 26, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 26, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: January 26, 2024

Section 1. Holidays

The following days are Town observed holidays.

Holiday*
New Year's Day**
Martin Luther King Jr. Day
Good Friday
Memorial Day
Independence Day**
Labor Day
Veterans Day**
Thanksgiving (2 days)
Christmas (3 days)**

*The Town of Nags Head will follow the NC State holiday calendar for all holidays except when Christmas Day falls on a Wednesday. When Christmas Day falls on a Wednesday, the Town will observe December 23rd (Monday), December 24th (Tuesday), and December 25th (Wednesday) as holidays.

**Employees that work in the Fire and Police departments will observe the following Holidays: New Year's Day on January 1st, Independence Day on July 4th, Veterans Day on November 11th and Christmas on December 24th, 25th and 26th.



Agenda Item Summary Sheet

Item No: **E-6**
Meeting Date: **January 4, 2023**

Item Title: Consideration of amendment to the Beach Nourishment Maintenance Capital Project Ordinance

Item Summary:

Amendment #10 records grant revenue and associated costs per the State Coastal Storm Damage Mitigation (CSDM) grant - Town of Nags Head Dune Planting. Dare County will provide \$48,000 towards the local match, which is already budgeted in the General Fund. The Project is to plant native dune vegetation within a ten-mile length of oceanfront.

Please find attached the capital project ordinance amendment #10 for your consideration.

Number of Attachments: 1

Specific Board Action Requested:

Request adoption of Beach Nourishment Maintenance Capital Project Ordinance Amendment #10.

Submitted By: Administration

Date: January 31, 2024

Finance Officer Comment:

Provided for Board adoption of amendment #10 to the Beach Nourishment Maintenance Capital Project Ordinance.

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Andy Garman

Date: January 31, 2024



**BEACH NOURISHMENT MAINTENANCE CAPITAL PROJECT ORDINANCE
- AMENDMENT #10**

BE IT ORDAINED by the Governing Board of the Town of Nags Head, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance as adopted December 16, 2020, amended February 3, 2021, amended September 1, 2021, amended January 5, 2022, amended August 3, 2022, amended October 5, 2022, amended December 7, 2022, amended December 21, 2022, amended March 1, 2023, amended August 2, 2023, is hereby further amended as follows:

Section 1. The project authorized is a locally funded beach nourishment project to be financed by appropriation of Beach Nourishment Capital Reserve Fund Balance and grants committed by the Federal Emergency Management Agency (FEMA), the N.C. Department of Public Safety (NCDPS), and the N.C. Department of Environmental Quality (NCDEQ).

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering and construction oversight	\$ 1,002,636
Pumping Costs	6,175,419
Mobilization/Demobilization	5,023,000
Professional fees	793,000
Surveying and monitoring	472,200
Sand fencing	161,000
Capital outlay-other	670,500
Sprigging	616,750
Turtle monitoring	80,000
Contingency	<u>98,359</u>
	<u>\$ 15,092,864</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Intergovernmental Grants	\$13,319,042
Contribution from Capital Reserve Fund	<u>1,773,822</u>
	<u>\$ 15,092,864</u>

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy federal, state, and local regulations.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues in this capital project in every budget submission made to this Board.

- Section 8. Copies of this project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and Finance Director for direction in carrying out this project.
- Section 9. The Town Manager, or in his absence his designee, is hereby authorized to execute change orders or amendments to contracts in amounts up to \$50,000 appropriated from contingency when it contains sufficient funds. The Budget Officer is authorized to reallocate appropriations between contingency and the various objects of expenditures as a result. Such changes shall be reported to the Governing Body at the next regular meeting.
- Section 10. In case of emergency which threatens lives, health, and safety of public, the Town Manager may execute contractual documents and authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in the contingency account not to exceed \$125,000 and the expenditure is reported to the Board of Commissioners as soon as possible, and the appropriate budget amendments are submitted at the next regular meeting.

Amended this 7th day of February 2024.

Benjamin Cahoon, Mayor

ATTEST:

Carolyn F. Morris, Town Clerk

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

SHADI ESKAF

Director



NORTH CAROLINA
Environmental Quality

February 1, 2024

Amy Miller, Deputy Town Manager / Financial Services
Town of Nags Head
PO Box 99
Nags Head, NC 27959

SUBJECT: Funding Offer
Project No. SRP-SW-ARP-0019
South Old Oregon Inlet Road Stormwater
Infrastructure Improvements

Dear Ms. Miller:

The Town of Nags Head has been approved for funding assistance according to the subject funding offer. This offer is made subject to the Assurances and Conditions attached to this document.

Upon your acceptance, please submit the following items to Pam Whitley, via email at Pam.Whitley@deq.nc.gov, or via mail at Division of Water Infrastructure (DWI), 1633 Mail Service Center, Raleigh, North Carolina 27699-1633:

1. One (1) copy of the original Offer and Acceptance Document executed by the Authorized Representative for the project, along with the Conditions and Assurances. **Retain the other copy for your files.**
2. A resolution adopted by the governing body accepting the funding offer and making the applicable Conditions and Assurances contained therein. (Sample copy attached)
3. Federal Identification Number and Unique Entity ID Number of the Recipient (UEID required for federally funded projects)
4. Sales-Tax Certification (attached)
5. Professional Engineering Services Procurement Form (not applicable for DWSRF projects)



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

The Site Certification, a Capital Project Ordinance (or budget ordinance covering the project), and the Professional Engineering Services Procurement Form (not applicable for DWSRF projects) are due before disbursements begin.

Documentation throughout the project can be submitted to Laserfiche at the following link: <https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>. Disbursement requests should be sent to the Division of Water Infrastructure Business Office at the following email dwi.businessoffice@deq.nc.gov or uploaded to the noted Laserfiche link. A reference copy of the Disbursement Request Form (also found on the DWI website) has been enclosed for your convenience.

On behalf of the Department of Environmental Quality, I am pleased to make this funding offer. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this offer package, please contact Allen Baker at allen.baker@deq.nc.gov or 910-796-7399.

Sincerely,

Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

Enclosures: Offer and Acceptance Document (two copies)
Assurances & Conditions
Federal ID and UEID Number Request Memo
Resolution to Accept Funding Offer (suggested format)
Sales-Tax Certification Form
Disbursement Request Form
Professional Engineering Services Procurement Form (not applicable for DWSRF)
Site Certification
Capital Project Ordinance (Sample)

cc: Amy Miller, Deputy Town Manager / Financial Services
(amy.miller@nagsheadnc.gov)
Hunter Freeman, PE, McAdams, (freeman@mcadamsco.com)
Mark Hubbard (Via DocuSign)
Allen Baker (Via DocuSign)
DWI Administrative Unit (Via DocuSign)
Carrie Short (Via DocuSign)
Jennifer House (Via DocuSign)
Pam Whitley (Via Email)
FILE: ARP Project File (COM_LOX)
Agreement ID#: 2000067292

Revised 01/12/24



APPLICABLE STANDARD CONDITIONS**Project Applicant: Town of Nags Head****Project Number(s): SRP-SW-ARP-0019**

1. Acceptance of this Funding Offer does not exempt the Recipient from complying with requirements stated in the U.S. Treasury's [Final Rule](#) for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) and the [SLFRF Compliance and Reporting Guidance](#) not explicitly referred to in this document and any future requirements implemented by the U.S Treasury.
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The applicant shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification form provided by DEQ.
3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.
4. Subrecipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Subrecipients may access suspension and debarment information at: <http://www.sam.gov>. This system allows subrecipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. Projects with a total cost of \$10,000,000 or more must meet U.S. Treasury requirements for prevailing wage rates, project labor agreements, and related requirements. Recipients can either certify meeting the requirements or provide plans and reports as the [SLFRF Compliance and Reporting Guidance](#) specifies.
6. The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARPA-funded projects must also adhere to North Carolina State law, specifically NC General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying (A/E) Services. NCGS 143-64.32 cannot be used to exempt funding recipients from a qualification-based selection for A/E. The State provides applicable certification forms that must be completed prior to receiving funds for any engineering services covered under this funding offer.
7. Local government units designated as distressed must complete associated requirements of statute §159G-45(b).
8. Funds made available by the ARPA that are not disbursed to the entity accepting the funds in this document by December 31st, 2026, will no longer be available for the project. Unused Federal funds will revert from the State of North Carolina to the U.S. Treasury.

ASSURANCES**Project Applicant: Town of Nags Head****Project Number(s): SRP-SW-ARP-0019**

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division. The recipient acknowledges that in the event a milestone contained in the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Offer.
2. The Applicant is responsible for paying for the costs ineligible for ARPA funding.
3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
4. The Applicant will provide and maintain adequate engineering supervision and inspection.
5. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
6. All ARPA funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
7. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.
8. Funds must be fully spent (i.e., fully disbursed to the recipient) by December 31, 2026.
9. The applicant acknowledges that loan funds contained in this Funding Offer require approval from the North Carolina Local Government Commission before they can be disbursed.

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Town of Nags Head
PO Box 99
Nags Head, North Carolina 27959

Project Number(s): SRP-SW-ARP-0019

Assistance Listing Number: 21.027
Unique Entity ID Number: QHFXEKKA8R3

Funding Program

	<input type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	<input type="checkbox"/>			
Stormwater	<input checked="" type="checkbox"/>			
Wastewater	<input type="checkbox"/>			
State Revolving Fund-Repayable Loan	<input type="checkbox"/>			
State Revolving Fund-Principal Forgiveness	<input type="checkbox"/>			
State Reserve Loan	<input type="checkbox"/>			
State Reserve Grant	<input type="checkbox"/>			
State Reserve Earmark (S.L. 2023-134)	<input type="checkbox"/>			
American Rescue Plan Act - LASII	<input checked="" type="checkbox"/>			\$2,957,961

Project Description:

South Old Oregon Inlet Road Stormwater
Infrastructure Improvements

Total Financial Assistance Offer: **\$2,957,961**
Total Project Cost: \$3,161,461
Estimated Closing Fee*: \$0.00
For Loans
Interest Rate:
Maximum Loan Term:

**Estimated closing fee calculated based on grant and loan amount.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

..... Signature Date
--------------------	---------------

On Behalf of:

Town of Nags Head

Name of Representative in Resolution:

Title (Type or Print):

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

..... Signature Date
--------------------	---------------



**RESOLUTION ACCEPTING AMERICAN RESCUE PLAN (ARP) FUNDING FROM THE STATE
FISCAL RECOVERY FUND FOR A STORMWATER INFRASTRUCTURE GRANT**

WHEREAS, the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund was established in Session Law (S.L.) 2021-180 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs; and

WHEREAS, the North Carolina Department of Environmental Quality has offered LASII American Rescue Plan Act (ARPA) funding in the amount of \$2,957,961 to perform the work detailed in the submitted application; and

WHEREAS, the Town of Nags Head intends to perform said project in accordance with the agreed scope of work.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE
TOWN OF NAGS HEAD:**

1. That the Town of Nags Head does hereby accept the American Rescue Plan Act (ARPA) offer of \$2,957,961; and
2. That the Town of Nags Head does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Funding Offer and Acceptance (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and
3. That Andy Garman, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the 7th day of February 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **E-8**
Meeting Date: **February 7, 2024**

Item Title: Request for Public Hearing to consider text amendments to the Unified Development Ordinance re: prohibiting drive-through restaurants

Item Summary:

At their January 3rd meeting, the Board of Commissioners voted unanimously to direct staff to initiate the text amendment process to eliminate the use of "Restaurant, Drive Through" as a permissible use within the Unified Development Ordinance (UDO) to create consistency between the UDO and the 2017 Comprehensive Land Use Plan's guidance. Additionally, staff contacted the Village at Nags Head Property Owner's Association to make them aware of the requested changes and at the Village Property Owner's Association Board of Directors meeting, the VNHPOA Board supported the recommendation to remove the use of restaurant drive-through from the Village Commercial Districts.

The following text amendments to the UDO are being proposed for the Board of Commissioners' consideration:

- Section 6.6, Table of Uses and Activities to remove the use of Restaurant, Drive Through as an allowable special use.
- Section 7.29 to remove the supplemental regulations related to the use of Restaurant, Drive Through.
- Section 7.30 to remove reference to Restaurant, Drive Through as part of the use Restaurant, Neighborhood.
- Section 7.31 to remove reference to Restaurant, Drive Through as part of the use Restaurant, Sit Down.
- Section 9.36 to remove the use of Restaurant, Drive Through as an allowable special use within the Village's commercial districts.
- Section 9.375 to the supplemental regulations related to the use of Restaurant, Drive Through within the Village's commercial districts.
- Section 10.16, Table 10-2 Required Parking by Use, to remove the use of Restaurant, Drive Through from the table.

Planning Board Recommendation

At their January 16, 2024, meeting the Planning Board voted unanimously to recommend approval of the proposed text amendment.

Number of Attachments: 0

Specific Action Requested:

Request to hold a Public Hearing on the text amendments at the March 6, 2024 Board meeting.

Submitted By: Planning and Development

Date: January 31, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: January 31, 2024



Agenda Item Summary Sheet

Item No: **F-1**
Meeting Date: **February 7, 2024**

Item Title: Public Hearing to consider a Special Use/Site Plan Review submitted by Quible & Associates, P.C. and Beacon Architecture, PLLC on behalf of Mazzi, LLC. for construction of a Trade Center

Item Summary:

Special Use Permit/Site Plan Review submitted by Quible & Associates, P.C. and Beacon Architecture and Design, PLLC for the construction of an 11,200 square foot building that includes eight (8) units operating as a "Trade Center". The property is zoned C-3, Commercial Services and is located on Lot 2a-1r of the Charles L. Sineath Subdivision (PIN# 989317113533), a vacant lot directly behind TW's Bait and Tackle located at 2230 S. Croatan Highway, Nags Head. Note that the Board of Commissioners originally reviewed and approved this Special Use/Site Plan Review on November 2, 2022. Absent the issuance of a building permit for this project, the Special Use Permit/Site Plan approval expires 12-months from the date of the Board of Commissioners approval. This Special Use Permit/Site Plan Review is being requested for reconsideration as the original approval expired on November 2, 2023.

By definition, "Trade Center" means a structure containing two or more individual units, primarily devoted to service and wholesale operations and the storage of materials for off-site work.

Staff Recommendation/Planning Board Recommendation

The Planning, Fire, Police, and Public Services Departments as well as the Town Engineer have reviewed the submittal and find it to be consistent, and still in compliance with the November 2, 2022, approved submittal. There have been no changes in the applicable codes for each respective department over the past year that would affect this submittal, therefore staff recommends approval of the Special Use/Site Plan Review application as submitted.

At their December 19, 2023, meeting the Planning Board voted unanimously to recommend approval of the Special Use Permit/Site Plan Review as presented.

Number of Attachments: 2

Specific Action Requested:

Conduct the Public Hearing for the SUP/Site Plan Review.

Submitted By: Planning and Development

Date: January 30, 2024

Finance Officer Comment:

Signature: Amy Miller

Date: January 30, 2024

Town Attorney Comment:

Signature: John Leidy

Date: January 30, 2024

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Andy Garman

Date: January 30, 2024

Benjamin Cahoon
Mayor

Michael Siers
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head
Post Office Box 99
Nags Head, NC 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

Kevin Brinkley
Commissioner

Bob Sanders
Commissioner

Megan Lambert
Commissioner

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Nags Head Board of Commissioners will conduct public hearings on **Wednesday, February 7, 2024** beginning at 9:00 am in the Board Room of the Municipal Complex, 5401 S Croatan Highway, Nags Head, NC to consider and take action upon the following requests:

- 1) Public Hearing to consider Special Use/Site Plan review submitted by Quible & Associates, P.C. and Beacon Architecture and Design PLLC, for the construction of a Trade Center. The property is zoned C-3, Commercial Services and is located on Lot 2a of the Charles L. Sineath Subdivision (PIN# 989317113533), vacant lot directly behind TW's Bait and Tackle
- 2) Public Hearing to consider various text amendments to the Unified Development Ordinance (UDO) as it relates to multi-family development

A copy of the application requests will be available for public inspection at the Nags Head Planning and Development Department and the Office of the Town Clerk, Town Municipal Complex, 5401 S. Croatan Hwy, Nags Head, NC 27959, telephone (252) 441-5508 during normal business hours.

As a result of these hearings, substantial changes may be made in the proposals as advertised to reflect objections, debate and discussion at the hearings. Any person desiring to be heard on the proposals as stated above should appear at the time and place specified above.

This the 22nd day of January 2024.

Kelly Wyatt
Planning Director

*For publication in the Coastland Times on Wednesday, January 24th and on Wednesday, January 31st 2024.
Please use Nags Head logo and legal print.*



Agenda Item Summary Sheet

Item No: **G-1**
Meeting Date: **February 7, 2024**

Item Title: Update from Planning Director

Item Summary:

Please find attached a monthly update, with attachments, from Planning Director Kelly Wyatt.

Number of Attachments: 1

Specific Action Requested:

Provided for Board information and update.

Submitted By: Planning and Development

Date: January 31, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: January 31, 2024



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director

Date: January 31, 2024

Subject: Planning and Development Director's Report (G-1)

This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on February 7th, 2024.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for December 2023*. 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:

- Tuesday, January 2nd - Technical Review Committee Meeting (no items)
- Wednesday, January 3rd - Board of Commissioners Meeting
- Thursday, January 4th - CRS Users Group Meeting
- Wednesday, January 10th – Committee for Arts and Culture Meeting
- Thursday, January 11th – Board of Adjustment Meeting (Surles Appeal)
- Saturday, January 13th – Winter Market from 9am – noon
- Tuesday, January 16th – Planning Board Meeting
- Wednesday, January 17th – Board of Commissioners mid-month meeting (if needed)

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, January 16th, 2023, and included the following:

- Election of the Chair, Vice Chair, and acceptance of the 2024 Submittal Calendar.
- Consideration of text amendments that if adopted would allow the long-term rental of units within existing hotels and motels. The Planning Board and applicant continued to have a productive discussion and staff will be preparing an amendment for the Planning Board recommendation at their February 20th meeting.
- Consideration of text amendments to remove the use of "Restaurant-Drive-Through" from all zoning districts within the town. The Planning Board voted unanimously to recommend adoption of the proposed ordinance amendment at their January 16th meeting.
- Planning staff presented a draft 2024 Workplan for the Planning Department which included the following:
 - Identify and correct areas of incompatibility between the Comprehensive Land Use Plan guidance and the UDO.

-
- Develop and present an Accessory Dwelling Unit (ADU) Ordinance with a menu of regulatory options to consider.
 - Develop and prioritize strategies for implementation of the Estuarine Shoreline Management Plan.
 - Continue implementation of the of the DWMP and devise creative strategies to increase participation in the Septic Health Initiative.
 - Develop non-regulatory approaches to minimize residential lighting impacts, focus on education and outreach.
 - Continue digitization and records management efforts within the department.

The Planning Board's next meeting is scheduled for Tuesday, February 20th, 2024. Currently, the agenda is expected to include consideration of a text amendment to allow the long-term rental of units within existing hotels and motels and consideration of a proposed text amendment requiring that septic systems and all other components have a barrier around them to prevent vehicles from parking on and possibly damaging them.

Board of Adjustment – Recent and Pending Applications

At their January 11, 2024 meeting the Board of Adjustment heard an Appeal of an Administrative Decision submitted by Joseph Surlles with regard to the issuance of a building permit for the property located at 4313 W. Soundside Road, Nags Head (Martin Residence). The Board of Adjustment voted unanimously to affirm the staff's issuance of the building permit.

The Board of Adjustment will meet on Thursday, February 8, 2024 to hear an Appeal of Administrative Decision submitted by Bryan Harvey with regard to the issuance of a Notice of Violation for utilizing a detached accessory structure as an unpermitted second dwelling unit. The subject property is located at 309 W. Soundside Road, Nags Head.

Additional Updates

- **DWMP/Septic Health Advisory Committee** – The Septic Health Advisory Committee met on January 30, 2024 and newly appointed members Rob Crawford and Gary Ferguson introduced themselves to the group. The committee received updates on the installation of the ground water loggers and water quality loggers, expressing excitement over the intake of more real time data and its uses moving forward. Bob Muller noted that he would like to see more water quality loggers purchased in the future as was recommended in the DWMP. Staff updated the committee on upcoming educational opportunities within the community to get the word out on the Septic Health Initiative, including Realtorfest, Farmers Markets, and a meeting with members of OBAR as facilitated by Government Affairs Director, Donna Creef. Staff are actively preparing the draft ordinance amendments recommended by the Septic Health Advisory Committee requiring a barrier be placed around the perimeter of septic and drain field areas to prevent vehicles from driving over, parking on them and potentially damaging them. This amendment is anticipated to be presented to the Planning Board at their February 20, 2024 meeting.
- **Estuarine Shoreline Management Plan** – Following notification that the town was not awarded the National Fish and Wildlife Foundation grant, staff has initiated several meetings to discuss next steps in terms of funding opportunities, potential partnerships and site selection. Meetings with the town's grant writing consultants, Coastal Federation, and Dare County Soil and Water Conservation have led to promising conversations about potential partnerships for living shoreline opportunities along the Nags Head Causeway in the area of Catfish Farm and in collaboration with the Outer Banks Visitors Bureau as they design and construct their soundside boardwalk.

-
- **Electric Vehicle Action Plan** – If approved by the Board of Commissioners at their February 7, 2024 meeting, the requested budget amendment (Item E-1) would enable the town to move forward with securing LoWire Technologies to obtain and install the Level 2 EvoCharge equipment. Also included is a five (5) year maintenance agreement with LoWire Technologies as required by the grant. Planning and Public Services are collaborating on creating and installing the required signage and bollard protections.
 - **Sand Relocation and Dune Management Cost Share Program** – As of February 1st, \$187,000 of the \$320,000 allocated to the Dune Management Cost Share Program has been encumbered by 64 applicants. Additionally, we have received 142 Sand Relocation Applications of which 131 have been approved and issued authorization letters.
 - **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – The Town held its first Winter Market on Saturday, January 13th from 9am to noon. This market was well attended with over 100 visitors stopping by and many expressing their appreciation for the Town hosting the Winter Markets. These markets are held on the 2nd Saturday of the month through April, the next market will be held on Saturday, February 10th from 9am – noon with five vendors participating. In addition to attending the annual NC Event Planners Conference, Event Coordinator Paige Griffin has been busy getting organized for the upcoming summer markets, booking bands for the upcoming summer concert series, lining up groups and organizations for Family Fun Nights, and meeting with potential sponsors for 2024 happenings. The Committee for Art and Culture will be prepared to give the Board of Commissioners an update on the 2023 Season and their vision for the 2024 Season at their March 6, 2024 regularly scheduled meeting.

Upcoming Meetings and Other Dates

- Tuesday, February 6th - Technical Review Committee Meeting
- Wednesday, February 7th - Board of Commissioners Meeting
- Thursday, February 8th - CRS Users Group Meeting
- Thursday, February 8th – Board of Adjustment Meeting (Harvey Appeal)
- Saturday, February 10th – Winter Market from 9am - noon
- Wednesday, February 14th – Committee for Arts and Culture Meeting
- Thursday, February 15th – Townwide Staff Meeting
- Tuesday, February 20th – Planning Board Meeting
- Wednesday, February 21st – Board of Commissioners mid-month meeting (if needed)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
DECEMBER 2023**

DATE SUBMITTED: January 7, 2024

	Dec-23	Dec-22	Nov-23	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	0	1	4	8	8	0
New Single Family, 3000 sf or >	0	1	0	3	6	(3)
Duplex - New	0	0	0	1	0	1
Sub Total - New Residential	0	2	4	12	14	(2)
Miscellaneous (Total)	37	31	54	223	206	17
<i>Accessory Structure</i>	5	1	3	20	16	4
<i>Addition</i>	2	3	3	19	11	8
<i>Demolition</i>	0	0	3	3	0	3
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	10	14	15	50	66	(16)
<i>Repair</i>	20	13	30	131	113	18
Total Residential	37	33	58	235	220	15
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	1	(1)
Subtotal - New Commercial	0	0	0	0	1	(1)
Miscellaneous (Total)	7	9	9	34	34	0
<i>Accessory Structure</i>	4	1	3	15	12	3
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	0	0	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	1	5	2	10	12	(2)
<i>Repair</i>	2	3	4	9	10	(1)
Total Commercial	7	9	9	34	35	(1)
Grand Total	44	42	67	269	255	14
SUB-CONTRACTOR PERMITS						
Electrical	42	38	39	251	249	2
Gas	1	3	6	22	16	6
Mechanical	23	24	20	157	189	(32)
Plumbing	8	5	14	62	38	24
Fire Sprinkler	0	0	0	2	2	0
VALUE						
New Single Family	\$0	\$900,000	\$1,775,000	\$3,859,282	\$4,184,000	(\$324,718)
New Single Family, 3000 sf or >	\$0	\$1,038,733	\$0	\$1,135,000	\$5,998,733	(\$4,863,733)
Duplex - New	\$0	\$0	\$0	\$711,000	\$0	\$711,000
Misc (Total Residential)	\$1,400,398	\$1,556,579	\$2,561,700	\$9,150,621	\$8,218,963	\$931,658
Sub Total Residential	\$1,400,398	\$3,495,312	\$4,336,700	\$14,855,903	\$18,401,696	(\$3,545,793)
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$6,425,994	(\$6,425,994)
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Commercial)	\$401,993	\$567,273	\$962,286	\$2,526,924	\$1,570,024	\$956,900
Sub Total Commercial	\$401,993	\$567,273	\$962,286	\$2,526,924	\$7,996,018	(\$5,469,094)
Grand Total	\$1,802,391	\$4,062,585	\$5,298,986	\$17,382,827	\$26,397,714	(\$9,014,887)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
DECEMBER 2023**

DATE SUBMITTED: January 7, 2024

	Dec-23	Dec-22	Nov-23	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	47	48	70	298	234	64
Soil & Erosion	4	N/A	2	11	N/A	N/A
Stormwater Plans	2	N/A	5	18	N/A	N/A
CAMA						
CAMA LPO Permits	2	3	3	19	15	4
CAMA LPO Exemptions	1	7	3	18	18	0
Sand Relocations	41	18	47	88	34	N/A
CODE COMPLIANCE						
Cases Investigated	23	7	24	169	245	(76)
Warnings	2	0	4	19	53	(34)
NOVs Issued	21	0	20	150	64	86
Civil Citations (#)	0	0	0	1	10	(9)
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$23,150	(\$23,150)
SEPTIC HEALTH						
Tanks inspected	0	3	11	62	54	8
Tanks pumped	7	1	8	63	46	17
Water quality sites tested	1	1	2	65	118	(53)
Personnel Hours in Training/School	4	20	109	254	82	172



Kelly Wyatt, Planning Director



Agenda Item Summary Sheet

Item No: **H-1**
Meeting Date: **February 7, 2024**

Item Title: From Jan 3rd Board meeting – Final acceptance/approval of the Emergency Operations Plan

Item Summary:

At the January 3rd Board of Commissioners meeting, Shanti Smith-Copeland of IParametrics presented the updated Town Emergency Operations Plan, prepared with input from a Town core planning team comprised of members from town departments. At that time she requested that comments be provided to her by the end of January 2024.

A copy of the Emergency Operations Base Plan is attached and provides a broad overview of the Town's emergency management structure, functions, and operational picture.

Fire Chief Wells reports that suggested corrections have been made and the Plan is provided for final Board acceptance and approval on February 7th.

Number of Attachments: 1

Specific Action Requested:

Emergency Operations Plan provided for Board approval.

Submitted By: Public Safety – Fire Dept

Date: January 31, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Andy Garman

Date: January 31, 2024

Ben Cahoon
Mayor

Michael Siers
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head
Post Office Box 99
Nags Head, NC 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

Kevin Brinkley
Commissioner

Bob Sanders
Commissioner

Megan Lambert
Commissioner

Town of Nags Head Emergency Operations Plan (EOP) Letter Of Promulgation

By the powers and authority vested in, and on behalf of, the Mayor and Board of Commissioners, I hereby promulgate and issue the revised Town of Nags Head Emergency Operations Plan (EOP), dated February 7, 2024, as guidance to provide for the protection of the residents of Nags Head. The revised Town of Nags Head Emergency Operations Plan, hereafter, will be referred to as the "EOP."

The EOP outlines the coordinated actions to be taken by Municipal officials and volunteer organizations to protect lives and property in natural or manmade disasters. It identifies manpower and other resources available to prevent, minimize, and recover from injury, loss of life, and destruction of property, which tragically characterize disasters. The Town of Nags Head endorses the use of the Incident Command System (ICS) at all levels of response, as promulgated in the EOP.

This plan is an effective tool for emergency response and recovery planning and will be implemented when directed by the Town of Nags Head. The Emergency Management Coordinator (EMC) is responsible for the maintenance and update of the plan, as required by ordinance, in coordination and agreement with appropriate participating agencies and units of government.

The following agree to support the overall concept of operations of the Town of Nags Head Emergency Operations Plan and to carry out the functional responsibilities as assigned in the EOP. The EOP will be reviewed annually. If the EOP has substantial changes/revisions, the updated EOP will be taken before the Board of Commissioners for formal promulgation.

**Approved by the Town of Nags Head Board of Commissioners
February 7, 2024**

Ben Cahoon, Mayor

Andy Garman, Town Manager

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **I-2**
Meeting Date: **February 7, 2024**

Item Title: Presentation of Summer and Fall Beach Monitoring Survey – Moffat & Nichol
Time Specific 11:00 a.m.

Item Summary:

Annually, the Town subcontracts surveying and engineering services to perform an annual beach condition survey and engineering data analysis in accordance with the Town’s Beach Monitoring & Maintenance Plan. The survey scope of work includes the base project data acquisition of 126 profiles in conjunction with additional transect information data acquisition north of the project area, south of the project area and within reaches 3 and 4.

At the October 4, 2023 meeting, authorization was given by the Board to proceed with a Fall/Winter survey to monitor the beach conditions following an active fall season. The monitoring results from the summer survey and late fall surveys will be presented at the upcoming meeting.

The results of the beach surveys aid with forecasting the next beach nourishment maintenance project. Supplemental information will be presented regarding the expected time frame of the next beach nourishment maintenance project and related project construction costs. This information is being presented to assist the Board of Commissioners with financial planning for the next nourishment project.

Beth Sciaudone, Ph.D., PE and Ayse Karanci, PhD, PE from the consulting firm of Moffat & Nichol will present the findings of the condition surveys and will be available to answer questions from the Board.

This item is time-specific for 11:00 a.m.

Attachments: N/A

Number of Attachments: 0

Specific Action Requested:

Provided for Board information and discussion.

Submitted By: Town Engineer David Ryan

Date: January 31, 2024

Finance Officer Comment:

I will participate in the discussion as necessary.

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

We anticipate discussing the financial forecast for the next project and the master plan recommendations as part of the upcoming budget cycle. This information will be provided to the financial consultant to aid in preparing information for that discussion.

Signature: Andy Garman

Date: January 31, 2024



Agenda Item Summary Sheet

Item No: **I-3**
Meeting Date: **February 7, 2024**

Item Title: Committee Reports

Item Summary:

At the February 7th 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 information and update.

Submitted By: Administration

Date: January 31, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: January 31, 2024



Agenda Item Summary Sheet

Item No: **I-4**
Meeting Date: **February 7, 2024**

Item Title: Consideration of appointment/reappointment to Boards/Committees

Item Summary:

At the February 7th Board of Commissioners meeting, request Board consideration of the following appointment/reappointment:

Planning Board:

- Megan Vaughan's term expired February 3, 2024. She is interested in being reappointed.

Attached please find an updated Current Roster, as well as an updated Planning Board Candidate Chart.

Number of Attachments: 2

Specific Action Requested:

Provided for Board appointment/reappointment.

Submitted By: Administration

Date: January 12, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: January 12, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 12, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: January 12, 2024

Town of Nags Head **CURRENT** - Planning Board

Meeting Date: February 7, 2024

<i>Name of Board/Committee</i>	<i>Current members</i>	<i>Contact Info</i>	<i>Last appointed date</i>	<i>Seat expires</i>	<i>Eligible for Re-appointment</i>	<i>Notes</i>
Planning Board 3 rd Tuesday at 9:00 7 members 3-year term	Megan Vaughan Chair	Phone/email on file	2/3/21	2/3/24	Term expired	Interested in being reappointed
	Meade Gwinn Vice Chair	Phone/email on file	1/5/22	1/5/25	Term not expired	
	Kristi Wright	Phone/email on file	12/7/22	12/7/25	Term not expired	
	David Elder	Phone/email on file	6/7/23	6/7/26	Term not expired	
	Gary Ferguson	Phone/email on file	12/7/22	12/7/25	Term not expired	
	Molly Harrison	Phone/email on file	12/7/22	12/7/25	Term not expired	
	David Thompson	Phone/email on file	12/6/23	12/6/26	Term not expired	

CANDIDATES Characteristic Chart – Planning Board

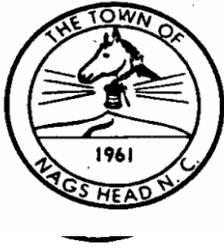
Meeting Date: February 7, 2024

Applicant Name (Application Received)	Bd/Comm Interested in Serving	Yrs of Residency	Location of Residency	Role in Community	Attributes to offer Bd/Comm	Special Interest in Bd/Comm	Currently serving on Town Bd/Comm
Jim Troutman (6/14/22)	Planning Bd	15 yrs.	Southridge	Retired Banker	Career banker w/construction experience	To assist Town & BOC w/common sense review of future development maintaining NH values	No (Was previous member of Planning Board)
Barbara Ayars (12/1/22)	BOA/Arts & Culture/ Planning Bd	11 yrs.	Gallery Row	Retired attorney	Knowledge of environmental law	Assist w/maintaining a balance between ecosystem protection and use	No
Colleen Oaksmith (3/22/23)	Planning Bd	10 yrs.	Soundside	Active in local environmental groups	Completed NC State Low Impact Devel. course	To continue father's legacy	No
Jeremy Russell (4/3/23)	Planning Bd	10 yrs.	NH Cove	Musician & entertainer		Want to help my community	Arts & Culture
Basil Belsches (7/11/23)	Planning Bd	7 yrs.	Between Highways	Active in local government groups	Strong organization/ communication skills	To provide local resident concerns and input	No
Keith Sawyer (11/27/23)	Planning Bd	16 yrs.	S Nags Head	Active in local government and environmental groups	Knowledge of soil classification, water management, storm water and erosion	To assist in providing a better and uniform community	No, (was previous member of Beach Nourishment Committee)
Paul Kueck (1/2/24)	Planning Bd.	16 yrs.	NH Acres	Active in local community group	Licensed electrical contractor, project management experience	To ensure the Town prosper and meets the need of the public	No

CANDIDATES Characteristic Chart – Planning Board

Meeting Date: February 7, 2024

Applicant Name (Application Received)	Bd/Comm Interested in Serving	Yrs of Residency	Location of Residency	Role in Community	Attributes to offer Bd/Comm	Special Interest in Bd/Comm	Currently serving on Town Bd/Comm
Robert T. Snyder (1/18/24)	Planning Bd./BOA/Arts & Culture/Dangerous Animal Appeal/PGP	14 yrs.	Dune Lantern	Condo Assoc President 23 yrs. Served on Tourism Board, Board of Tourism and Maritime Musuem Board of Governors in MD.	Previously served 12 yrs as Commissioner in St. Michaels, MD.	Would like serve community by participating in town government	No



Agenda Item Summary Sheet

Item No: **I-5**
Meeting Date: **February 7, 2024**

Item Title: Overview of Ocean Rescue – 2023 Season/ New Flag System/Ocean Rescue Pay

Item Summary:

At the February 7th Board of Commissioners meeting – Ocean Rescue staff will provide an update on the 2023 Ocean Rescue Operations. In addition, staff will request discussion re: changing the Beach Warning Flag System and Town Code, as appropriate. Staff will also discuss proposed pay rates for Ocean Rescue staff for the upcoming season.

Number of Attachments: 3

Specific Action Requested:

Provided for Board update and discussion.

Submitted By: Fire & Ocean Rescue

Date: January 31, 2024

Finance Officer Comment:

I will respond to questions as necessary.

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Andy Garman

Date: January 31, 2024



Nags Head Ocean Rescue

Captain Chad Motz
P.O. Box 99
Nags Head, NC 27959
Cell 252.489.9371



To: Andy Garman, Town Manager
From: Chad Motz, Ocean Rescue Captain
Date: January 31, 2024
Re: Proposed Pay Increases for Ocean Rescue Staff

We continue to monitor Ocean Rescue pay both locally and regionally in order to ensure we remain competitive with recruiting. We have seen a significant improvement in recruiting and retention with the increases approved last year. We have learned that one local agency is proposing a base rate of \$18.50 per hour for the upcoming season. Currently our base rate is \$18 per hour. We would ask that the Board consider a minimum of \$18.50 for the upcoming summer season. We would also ask that the Board consider a minimum of \$19 for the summer of 2025. Below is an analysis of the budgetary impact of these proposed rates:

2024 Season: \$18.50
2025 Season: \$19.00

FY 2023-24 increase: \$7,928
FY 2024-25 increase: \$25,394

For comparison purposes, if the Board were to approve a base rate increase to \$19 to start the upcoming 2024 season, the budgetary impact would be as follows:

FY 23-24 increase: \$15,856
FY 24-25 increase: \$34,933

Please keep in mind that these proposed rates are based on a calendar year season, however the budgetary impact is based on a fiscal year.

If the Board were to a pay increase at the upcoming meeting, we could begin advertising at the new rate. A revision to the pay plan and a budget amendment could be provided at the March regular meeting.



Nags Head Ocean Rescue

Captain Chad Motz
P.O. Box 99
Nags Head, NC 27959
Cell 252.489.9371



To: Andy Garman, Town Manager
From: Chad Motz, Ocean Rescue Captain
Date: January 31, 2024
Re: Updating Warning Flag System

The Ocean Rescue Division is seeking the board's approval for an updated beach warning flag system. The purpose of updating the system is to align with National and International standards established in 2004. The updated system would also mirror messaging from Dare County Emergency Management's award-winning safety campaign "Love the Beach, Respect the Ocean", where daily beach, surf and rip current conditions are posted based on the National Weather Service rip current forecast.

Our overall goal is to provide better safety education, more consistent messaging, and potentially reduce the number of "Ocean Closed" days.

Beach Warning Flags
Banderas de Advertencia en la playa

 **Water Closed to Public**
Entry into the Atlantic Ocean is unlawful.

 **High Hazard**
High Surf and/or Currents
All swimmers are discouraged from entering the water.

 **Medium Hazard**
Moderate Surf and/or Currents
Weak swimmers are discouraged from entering the water.

 For up to date information follow the link in the QR code

Absence of Flags Does Not Assure Safe Waters



Nags Head Ocean Rescue

Captain Chad Motz
P.O. Box 99
Nags Head, NC 27959
Cell 252.489.9371



In conjunction with the new flag system, we are requesting modifications to the language in our Town Code. Changes are highlighted in Yellow.

Sec. 8-2. Swimming; prohibited during dangerous conditions.

(a) It is recognized that during certain periods of time, as a result of a combination of environmental conditions, dangerous riptides and undercurrents occur in the ocean surf making ocean conditions unsafe for swimmers. The town manager **or their designee** is authorized, **when he to** make a determination that conditions are unsafe for swimmers in the Atlantic Ocean, to prohibit all swimming in the Atlantic Ocean until such time as ~~he shall determine~~ **that** the unsafe conditions have abated. During such periods in which swimming is prohibited and after **reasonable** notice is given to the public, **by announcement on the local radio station, and by to include** the posting of signs on **lifeguard stands and "Double Red Flags"** at the public accesses to the Atlantic Ocean, swimming in the Atlantic Ocean shall be unlawful. The town manager **or their designee** shall make the determination of whether or not ocean conditions are safe based upon ~~his observations~~ of the effects of winds, tides, storm conditions and other environmental conditions affecting the surf in the Atlantic Ocean. ~~He~~ **The town manager** shall also take into consideration weather reports of existing storms in the Atlantic Ocean and the proximity of those storms to the beaches of the town, and the effect thereof.

USLA POSITION STATEMENT ON BEACH WARNING FLAGS

For decades, lifeguard agencies in the U.S. and around the world have employed flags to notify swimmers of conditions, to warn of hazards, to identify safer areas for swimming, and to notify beach users about regulated areas. To help ensure global consistency, in 2004 the International Life Saving Federation developed international guidelines for warning flags.

These guidelines have been adopted, in part, by the International Standards Organization and are endorsed by the United States Lifesaving Association. By consistently following these warning flag guidelines, lifeguard agencies can help ensure a universal understanding of their meaning and thus improve their effectiveness.

These flags are only approved for use on beaches where lifeguards trained to USLA standards are on duty. Flags are not an acceptable substitute for properly trained and equipped rescuers, but rather a tool for their use.

To be fully effective, the use of warning flags to notify the public of current hazard levels should be consistent, based on objective, measurable criteria that can be logged and tracked, and then changed as conditions change. They should be accompanied by good public education efforts to explain the meaning of the flags flown.



Nags Head Ocean Rescue

Captain Chad Motz
P.O. Box 99
Nags Head, NC 27959
Cell 252.489.9371



Ocean conditions vary throughout the U.S. Conditions that may be considered relatively mild in some places may be seen as a significant safety threat in others. Therefore, in each area where warning flags are employed, the USLA recommends that specific local criteria be developed and that the public be clearly notified of those criteria.

In some areas of the U.S., green flags are flown to indicate calm or mild conditions. The International Life Saving Federation (ILS) considered this carefully and decided not to adopt the green flag. The primary reason is the fact that there is always a potential hazard present and the view that it is best to notify people when conditions are unusually challenging, rather than suggesting that they are ever completely safe.

Flag Definitions

The following are specific definitions for each of the flags.

- **Yellow** – Medium hazard. Moderate surf and/or currents are present. Weak swimmers are discouraged from entering the water. For others, enhanced care and caution should be exercised.
- **Red** – High hazard. Rough conditions such as strong surf and/or currents are present. All swimmers are discouraged from entering the water. Those entering the water should take great care.
- **Double red** – Water is closed to public use.

Nags Head Ocean Rescue

established 1975



2023 Statistics at a glance

- Lifeguard Staff 52
- Water Rescues 326
- Watercraft assisted 2
- Lost Person Search 13
- Medical Calls 93
- Educational Contacts 425, 253
- Estimated Beach Pop. 1,086,169
- Days Beach closed 31

Current Peak Level Operations

- 15 Fixed lifeguard stands
- 6 Roving lifeguards
- 4 Supervisors
- 1 Captain
 - Total = 26 per day



Season Phase up and Phase down

- April 1 to Memorial Day Wkend -> 2 staff/day
 - May 6-12 Supervisor training
 - May 12-24 lifeguard training
- Memorial Day Wkend -> 26 staff/day
- Post Memorial Day to June 20 -> 21 staff/day
- June 21 to August 15 (peak) -> 26 staff/day
- August 16 to Labor Day -> 15-19 staff
- Post Labor day to Sept 30 -> 10 staff/day
- Oct 1 to Oct 15 -> 4 staff/day
- Oct 16 to 31 -> 2 staff/day

Seeking approval for new flag system



Beach Warning Flags

Banderas de Advertencia en la playa



Water Closed to Public

Entry into the Atlantic Ocean is unlawful.



High Hazard

High Surf and/or Currents

All swimmers are discouraged from entering the water.



Medium Hazard

Moderate Surf and/or Currents

Weak swimmers are discouraged from entering the water.



For up to date
information follow
the link in the QR code

Absence of Flags Does Not Assure Safe Waters

Goals of Updated flag system

- National and International standard
- Better education, consistent messaging
- Mirror messaging from NOAA Surf/Rip-current forecasting and DCEM, “love the beach respect the ocean” campaign
- Reduce total number of days that ocean is closed

No Swimming Ordinance

- **Sec. 8-2. Swimming; prohibited during dangerous conditions.**
- (a) It is recognized that during certain periods of time, as a result of a combination of environmental conditions, dangerous riptides and undercurrents occur in the ocean surf making ocean conditions unsafe for swimmers. The town manager is authorized, when he shall make a determination that conditions are unsafe for swimmers in the Atlantic Ocean, to prohibit all swimming in the Atlantic Ocean until such time as he shall determine that the unsafe conditions have abated. During such periods in which swimming is prohibited and after notice is given to the public by announcement on the local radio station and by the posting of signs on the public accesses to the Atlantic Ocean, swimming in the Atlantic Ocean shall be unlawful. The town manager shall make the determination of whether or not ocean conditions are safe based upon his observation of the effects of winds, tides, storm conditions and other environmental conditions affecting the surf in the Atlantic Ocean. He shall also take into consideration weather reports of existing storms in the Atlantic Ocean and the proximity of those storms to the beaches of the town, and the effect thereof.

Suggested Changes/additions

(a) It is recognized that during certain periods of time, as a result of a combination of environmental conditions, dangerous riptides and undercurrents occur in the ocean surf making ocean conditions unsafe for swimmers. The town manager or their designee is authorized, when he to make a determination that conditions are unsafe for swimmers in the Atlantic Ocean, to prohibit all swimming in the Atlantic Ocean until such time ~~as he shall determine~~ that the unsafe conditions have abated. During such periods in which swimming is prohibited and after reasonable notice is given to the public, by announcement on the local radio station, and by to include the posting of signs on lifeguard stands and "Double Red Flags" at the public accesses to the Atlantic Ocean, swimming in the Atlantic Ocean shall be unlawful. The town manager or their designee shall make the determination of whether or not ocean conditions are safe based upon ~~his observation~~s of the effects of winds, tides, storm conditions and other environmental conditions affecting the surf in the Atlantic Ocean. He The town manager shall also take into consideration weather reports of existing storms in the Atlantic Ocean and the proximity of those storms to the beaches of the town, and the effect thereof.

Challenges going forward

- Recruiting and retaining enough quality staff
 - Competitive pay
 - Safe affordable housing



Pay Rate Increase Proposals

2024 Season: \$18.50

2025 Season: \$19.00

2024 & 2025 Season: \$19.00

- FY 23 – 24 Increase:
\$7,928

- FY 24 – 25 Increase:
\$25,394

- FY 23 – 24 Increase:
\$15,856

- FY 24 – 25 Increase:
\$34,933



Agenda Item Summary Sheet

Item No: **I-6**
Meeting Date: **February 7, 2024**

Item Title: Presentation of Strategic Plan from Nov 2023 Board Retreat

Item Summary:

At the February 7th Board of Commissioners meeting, staff will present the draft 2024 Strategic Plan resulting from the Board's strategic planning retreat held in November of 2023.

The strategic plan has been developed to guide our town's strategic direction and was developed collaboratively with the input from our community members and through a joint effort of our dedicated Board of Commissioners and staff. The starting point for this plan was the mission, vision, and goals from the 2021 Strategic Plan. The foundation of this plan lies in the collective wisdom of Nags Head's residents and property owners. In addition to reviewing strategic guidance from prior plans, the town actively sought the input of our community to understand their needs, concerns, and aspirations for the town's future in the [2023 Community Survey](#). The insights gathered in the survey played a pivotal role in shaping the strategic priorities outlined in this plan.

The 2024 Strategic Plan establishes a revised mission and vision statement for Nags Head. In addition, the strategic plan goes beyond routine operations and defines a set of goals, objectives, and action items that guide the Town's direction. These items are forward-thinking, innovative, and designed to address both current challenges and future opportunities. They represent a commitment to proactive, intentional efforts to enhance the well-being of all residents and visitors. Most action items will be implemented in two years or less; however, some actions will be ongoing and will be implemented as part of the Town's annual CIP and budget process. Staff looks forward to reviewing the plan with the Board and working to implement the Town's goals for the coming year and beyond.

Number of Attachments: 1

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Administration

Date: January 12, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: January 12, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 12, 2024

Town Manager Comment and/or Recommendation:

I appreciate the collaborative effort between the Board and staff to develop the 2024 Strategic Plan and look forward to implementing the Board's vision for the Town.

Signature: Andy Garman

Date: January 12, 2024

TOWN OF
NAGS HEAD, NC



Strategic Plan 2024

Draft

Board of Commissioners

Nags Head's Board of Commissioners, comprised of a mayor and four commissioners, makes policy decisions, and adopts ordinances in accordance with procedures and responsibilities set out in North Carolina law. The town manager then carries out these policies and directives.



**Mayor
Ben Cahoon**



**Mayor Pro Tem
Mike Siers**



**Commissioner
Kevin Brinkley**



**Commissioner
Megan Lambert**



**Commissioner
Bob Sanders**

2024 Town of Nags Head Strategic Plan

Introduction

Welcome to the 2024 Town of Nags Head Strategic Plan. This document serves as a comprehensive guide to our town's strategic direction and was developed collaboratively with the input from our community members and through a joint effort of our dedicated Board of Commissioners and staff. The starting point for this plan was the mission, vision, and goals from the 2021 Strategic Plan. A big thank you to everyone involved in the creation of our prior strategic planning documents.

Strategic Plan Process

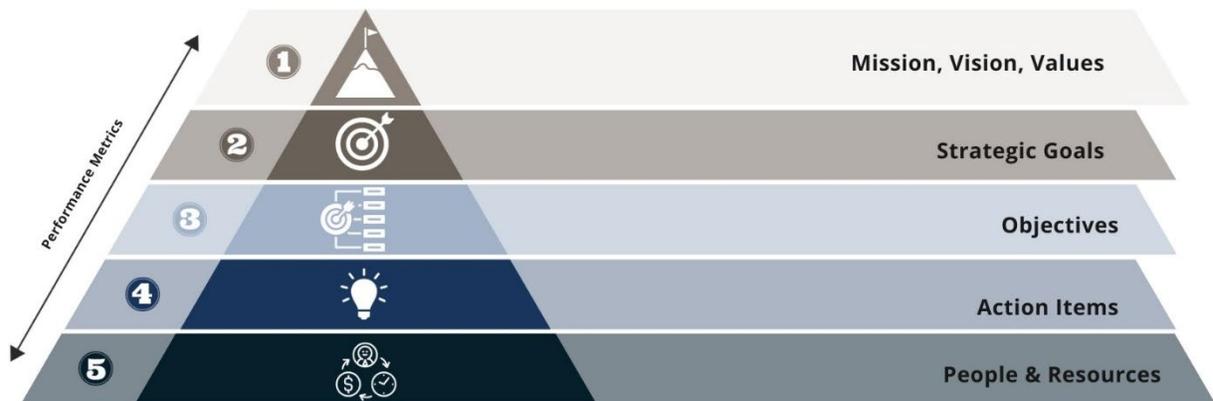
Community Involvement

The foundation of this plan lies in the collective wisdom of Nags Head's residents and property owners. In addition to reviewing strategic guidance from prior plans, we actively sought the input of our community to understand their needs, concerns, and aspirations for the town's future in the [2023 Community Survey](#). The insights gathered in the survey played a pivotal role in shaping the strategic priorities outlined in this plan.

Joint Board and Staff Retreat

To ensure alignment between community expectations and administrative resources, we held a retreat with the Board of Commissioners and Town staff November 16 – 17, 2023. The retreat allowed the Board and staff to align around the Community Survey results and other data, while sharing ideas and working collaboratively. The result is a strategic plan that reflects a shared vision of, and a commitment to, the town's future.

Included in the Plan



Goals, Objectives, and Strategic Action Items

The strategic plan goes beyond routine operations and defines a set of goals, objectives, and action items that guide the Town's direction. These items are forward-thinking, innovative, and designed to address both current challenges and future opportunities. They represent a commitment to proactive, intentional efforts to enhance the well-being of all residents and visitors.

Beyond Business as Usual

The strategic plan intentionally outlines action items that are outside the scope of "business as usual," so that we can channel resources efficiently and make a lasting impact on Nags Head's future. However, the daily operations of Town staff should be acknowledged as an integral part of our mission and vision.

Conclusion

The Town of Nags Head Strategic Plan is a dynamic roadmap that reflects the shared aspirations of our community, the dedication of our Board and staff, and a commitment to strategic action items that will shape our town's future. As we embark on this journey together, we invite all residents and property owners to actively participate and contribute to the realization of our collective vision.

Mission, Vision, and Goals

As part of the strategic planning process, the Board of Commissioners reviewed the Town’s mission and vision statements. The statements below reflect the revisions from this process. The mission statement describes our purpose, or the reason we exist. The vision statement describes the future we would like to create and/or what success looks like for our community. The goals on the following page further articulate what we must accomplish to achieve our vision.

Mission

To support the well-being of our citizens, property owners, and visitors by delivering municipal services in an open, respectful, and responsive manner.

Vision

To thoughtfully preserve our unique coastal environment, heritage, and lifestyle now and for the future.

This vision is articulated as follows:

The Town of Nags Head is a unique coastal community built upon a legacy rooted in shared values, including our most recognized common bond - a love for the Outer Banks. We recognize that the town must be a good place to live before it can be a good place to visit. We strive to preserve and protect the Nags Head character, environment, tourism-based economy, and sense of place to ensure a high quality of life for residents and a memorable family vacation experience for present and future generations.

Legacy

We uphold our legacy by protecting and promoting our small-town character that includes a sustainable local economy based on family vacation tourism, a high-quality beach experience, and small, locally owned businesses. Fundamental to our legacy and quality of life are preserving the historic architecture and culture that distinguishes our town; providing residents and visitors with excellent public services and well-maintained recreational amenities; and ensuring access to a well-protected natural coastal environment. Our legacy will be strengthened and preserved by a focused, transparent decision-making process that is comprehensive and consistent with the community’s vision.

Goals

ENVIRONMENT



To safeguard our critical natural resources and coastal ecosystem.

DEVELOPMENT



To achieve responsible, adaptive development that aligns with our community vision.

ECONOMY



To promote a sustainable economy that supports residents and visitors.

COMMUNITY SERVICES



To maintain an efficient government that provides high quality and cost-effective services.



Town of Nags Head Core Values

<p>Attitude is Key</p> <ul style="list-style-type: none"> • The right attitude is critical to our success • We recognize that positivity is a force multiplier • We treat our community and each other with kindness and respect • We are honest and transparent with each other, even when it is uncomfortable 	<p>Our People are in the Know</p> <ul style="list-style-type: none"> • We share relevant and timely information at all levels of the organization • Our community deserves to know what we are doing • We actively seek and value feedback • We communicate and follow-up; this is how we establish credibility
<p>We do What's Right, for the Right</p> <ul style="list-style-type: none"> • Accountability and integrity are principles we hold dearly • We honor our commitments and do what we say we are going to do • Each team member participates in decision making and takes ownership of the outcomes • We operate with a sense of urgency and get things done 	<p>We are Community Stewards</p> <ul style="list-style-type: none"> • Our goal is to provide top- tier community services • Our Town assets, our environment, and our people deserve our greatest effort and undivided attention • Nags Head has a legacy of strong leadership and values, and we carefully consider how this can be strengthened and upheld
<p>Our People Matter</p> <ul style="list-style-type: none"> • We recognize that the Town's workforce, our team, is the Town's greatest asset • We value different backgrounds, perspectives, and cultures • We create an environment where people can do their best work 	<p>Excellence Requires Innovation &</p> <ul style="list-style-type: none"> • Growth is accomplished by challenging the status-quo • We encourage new ideas that positively impact how we do things

Goals, Objectives, and Action Items

Environment



Goal: To safeguard our critical natural resources and coastal ecosystem.

Objective #1: Maintain the natural resources that we have	Objective #2: Mitigate the risk of natural disasters	Objective #3: Educate the public about their natural environment	Objective #4: Have a comprehensive strategy for clean water
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Action Items:

#	Action	Related Objective(s)
1.1	Create water rates that incentivize water stewardship	#1
1.2	Develop implementation priorities/strategies for the Estuarine Shoreline Management Plan	#1, #2, #4
1.3	Complete/implement Beach Nourishment Master Plan to include: <ul style="list-style-type: none"> a. Engineering plan b. Financial plan to include recommended tax rates/revenues c. Include sprigging in all future plans 	#1, #2, #4, Action #3.3
1.4	Complete Stormwater Management Plan/develop implementation plan w/ list of projects (for annual CIP)	#1, #2, #4
1.5	Complete Water System Master Plan/Develop implementation plan w/ list of projects (for annual CIP)	#1, #2, #4
1.6	Implement Decentralized Wastewater Management Plan w/ guidance from the Septic Health Advisory Committee	#1, #2, #4
1.7	Develop creative strategies to increase participation in the Septic Health Initiative	#3, #4
1.8	Create an education program to include a video series on the major threats to water quality in Nags Head (i.e. stormwater/ wastewater)	#3
1.9	Consider the impacts of sea level rise and climate change in policies/ordinances/planning studies	#1, #2, #3

Development



Goal: To achieve responsible, adaptive development that aligns with our community vision.

Objective #1: Proactively balance appropriate types of land uses	Objective #2: Ensure resilient development and infrastructure	Objective #3: Ensure public spaces are preserved and maintained equitably	Objective #4: Ensure efficient traffic movement and pedestrian safety
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Action Items:

#	Action	Related Objective(s)
2.1	Apply for a grant to place conservation easements on Town-owned properties (ensuring equitable access)	#3
2.2	Identify and correct areas of land use incompatibility within the town; correct inconsistencies between the Comprehensive Plan and the Unified Development Ordinance. (i.e. this involves eliminating land uses permitted within a zoning district but may not be compatible with existing development and/or the future development plan as described in the Comprehensive Plan). Items to consider: a. Revisit the appropriateness of the Hotel Overlay District b. Identify areas where the zoning designation and existing development patterns may not be aligned c. Examine Beach Road vs US 158 uses (Corridors Character Area) d. Examine the allowable uses within the Commercial Outdoor Recreation District	#1
2.3	Review the character areas set forth in the Comprehensive Plan and suggest strategies for implementation.	#1, #2,
2.4	Develop and present an accessory dwelling unit (ADU) ordinance with a menu of optional provisions/regulatory standards that may improve community acceptance (i.e. zoning districts allowed, minimum lot size, maximum square footage of unit, height limits, deed restrictions for certain purposes, parking requirements, etc).	#1, #2
2.5	Recommend non-regulatory approaches to minimize residential lighting impacts. Suggestions include increased education on dark	#1

#	Action	Related Objective(s)
	sky benefits, a program to provide residents with free light shields, a “keep it dark/be a good neighbor campaign”, turtle friendly lighting, and education on how to provide security lighting without creating nuisance lighting for neighbors.	
2.6	Implement the current model for streets/water/stormwater CIP projects; incorporate projects resulting from infrastructure planning studies (#2)	#2
2.7	Explore and pursue grant opportunities to leverage town resources for infrastructure planning, maintenance, and enhancements, where necessary	#2
2.8	Develop and recommend a process for handling neighborhood requests for traffic calming	#4
2.9	Discuss the existing Pedestrian Plan priorities with the Board	#4
2.10	Advocate to NCDOT for a corridor study of US 158 to improve safety while considering access, function, and efficiency	#4
2.11	Develop an initiative to improve pedestrian safety at crosswalks/reduce user conflicts on multi-use paths	#4

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Economy



Goal: To promote a sustainable economy that supports residents and visitors.

Objective #1: Provide workforce housing for the Town	Objective #2: Support and encourage small businesses	Objective #3: Maintain a free, family-friendly, non-commercial, well-maintained beach
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Action Items:

#	Action	Related Objective(s)
3.1	Define the Town's goals as a participant in Dare County's Housing Taskforce (and collaborate with the other towns)	#1
3.2	Find a model to provide housing for Town staff, focusing on Ocean Rescue and potentially other employees	#1
3.3	Facilitate the creation of a Merchants Association (or similar) to have more proactive engagement with businesses	#2
3.4	Continue to monitor and facilitate educational opportunities within the community as it pertains over-occupancy issues, including wastewater, traffic, sanitation, noise, etc. Engage local real estate agencies, the Outer Banks Association of Realtors, and local event planners with educational efforts.	#2
3.5	Update portions of the Town Code as needed to clarify that commercialization of the beach is prohibited within the town	#3

Community Services



Goal: To maintain an efficient government that provides high quality and cost-effective services.

<p>Objective #1: Maintain a work environment where people feel valued, appreciated, and respected</p>	<p>Objective #2: Provide friendly, accommodating, and responsive customer service</p>	<p>Objective #3: Provide the highest quality services possible and review the needs of the community to ensure that resources are available to meet those needs</p>	<p>Objective #4: Enhance internal and external communication that reflects the town's the goals, values, and heritage</p>	<p>Objective #5: Collaborate with other local and state agencies to align or expand services</p>
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Action Items:

#	Action	Related Objective(s)
4.1	Highlight high performing employees and accomplishments to the Board and the public throughout the year	#1
4.2	Design and implement a performance-based merit structure as part of the FY 2024-25 budget process (incorporate values)	#1, #2
4.3	Evaluate the Town's total rewards framework to ensure competitiveness	#1
4.4	Establish KPIs (performance measures) for departments	#2, #3
4.5	Create and present to the Board a "Town Campus" Master Plan	#3
4.6	Create public services announcement (PSA) videos and events (like Ash Wednesday storm video and event)	#3
4.7	Create formal mechanisms to work with other local or state agencies to align initiatives	#5

New Action Item Prioritization

We asked the Board and staff to prioritize the most important NEW action items that came out of the retreat. In other words, what are we not already working on that we need to tackle first. Those items are listed below.

- 2.2 Identify and correct areas of land use incompatibility within the town; correct inconsistencies between the Comprehensive Plan and the Unified Development Ordinance. (i.e. this involves eliminating land uses that are permitted within a zoning district but may not be compatible with existing development and/or the future development plan as described in the Comprehensive Plan). Items to consider:
 - a. Revisit the appropriateness of the Hotel Overlay District
 - b. Identify areas where the zoning designation and existing development patterns may not be aligned
 - c. Examine Beach Road vs US 158 uses (Corridors Character Area)
 - d. Examine the allowable uses within the Commercial Outdoor Recreation District
- 2.4 Develop and present an accessory dwelling unit (ADU) ordinance with a menu of optional provisions/regulatory standards that may improve community acceptance (i.e. zoning districts allowed, minimum lot size, maximum square footage of unit, height limits, deed restrictions for certain purposes, parking requirements, etc).
- 3.1 Define the Town's goals as a participant in Dare County's Housing Taskforce (and collaborate with the other towns)
- 4.2 Design and implement performance-based merit structure as part of the FY 2024/25 budget process
- 4.3 Evaluate total rewards framework to ensure competitiveness
- 3.2 Find a model to provide housing for Town staff, focusing on Ocean Rescue and potentially other employees
- 1.7 Develop creative strategies to increase participation in the Septic Health Initiative
- 2.5 Recommend non-regulatory approaches to minimize residential lighting impacts. Suggestions include increased education on dark sky benefits, a program to provide residents with free light shields, a "keep it dark/be a good neighbor campaign", turtle friendly lighting, and education on how to provide security lighting without creating nuisance lighting for neighbors.

Plan Implementation

As part of the implementation process, staff will develop timelines and champions who will be responsible for overseeing the action items. Most action items will be implemented in two years or less; however, some actions will be ongoing and will be implemented as part of the Town's annual CIP and budget process.

Staff will also develop mechanisms to track implementation progress of actions. Formal updates on the progress of implementation will be provided to the Board of Commissioners twice a year. The strategic plan will be updated on an annual basis, typically in the fall, to allow for action items to be considered in the budget cycle which begins in February/March of each year.





Agenda Item Summary Sheet

Item No: **K-1**
Meeting Date: **February 7, 2024**

Item Title: Town Manager Garman – Update on Public Services Facility

Item Summary:

Town Manager Andy Garman, along with Town Engineer David Ryan, will present an update on the construction progress of the new Public Services Facility at the February 7th Board of Commissioners meeting.

Number of Attachments: 0

Specific Action Requested:

Provided for Board information and update.

Submitted By: Administration

Date: January 31, 2024

Finance Officer Comment:

I will respond to questions as necessary.

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

Update provided for Board information.

Signature: Andy Garman

Date: January 31, 2024



Agenda Item Summary Sheet

Item No: **K-2**
Meeting Date: **February 7, 2024**

Item Title: Town Manager Garman – Update on Dare County Housing Task Force meeting

Item Summary:

At the February 7th Board of Commissioners meeting, Town Manager Andy Garman will provide an update on the first Dare County Housing Task Force meeting held on Thursday, January 18, 2024.

Number of Attachments: 0

Specific Action Requested:

Provided for Board information and update.

Submitted By: Administration

Date: January 31, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

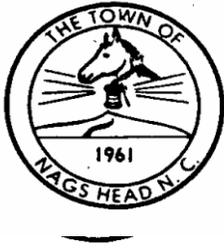
Date: January 31, 2024

Town Manager Comment and/or Recommendation:

Update provided for Board information.

Signature: Andy Garman

Date: January 31, 2024



Agenda Item Summary Sheet

Item No: **N-1**
Meeting Date: **February 7, 2024**

Item Title: Town Manager Garman - Request for Closed Session

Item Summary:

At the February 7th Board meeting, Town Manager Garman will request a Closed Session to discuss the possible acquisition of real property in accordance with GS 143-318.11(a)(5).

Number of Attachments: 0

Specific Action Requested:

Request for Closed Session.

Submitted By: Administration

Date: January 31, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: January 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: January 31, 2024

Town Manager Comment and/or Recommendation:

Request for Closed Session.

Signature: Andy Garman

Date: January 31, 2024