



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. Approval Of Minutes

Documents:

2 E4 MINUTES SUMMARY.PDF
2 E4 MINUTES NOV 16-17 2023 RETREAT MINS.PDF
2 E4 MINUTES JAN 3 2024 MINS.PDF

5. Consideration Of Personnel Policy Change
- Holiday Schedule amendment

Documents:

2 E5 PP AMEND HOLIDAY POLICY SUMMARY.PDF
2 E5 PP AMEND HOLIDAY POLICY.PDF

6. 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

7. 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

8. 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

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	<u>Capital Investment Fund Revenues</u> Appropriated Fund Balance	5,000.00		911-590081	<u>Capital Investment Fund Expenditures</u> Transfers to General Fund	5,000.00
10-492111	<u>General Fund Revenues</u> Transfers from Capital Investment Fund	5,000.00		490-577400	<u>General Fund Planning Expenditures</u> 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
RECOMMENDED BY _____ DATE 2/1/2024

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	3,089,328,391		10,196,668.55	10,097,225.20	99,443.35
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	24,492,532.00		82,002.84	82,002.84	
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	(955,727)		(4,697.62)	(4,271.63)	(425.99)
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total Property Valuation	3,112,865,196				
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:		(183,368.01)		(183,368.01)	0.00
CURRENT YEAR TAXES COLLECTED:		10,090,605.76		9,991,588.40	99,017.36
CURRENT LEVY COLLECTION PERCENTAGE:		98.215%		98.198%	100.000%



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-4**
Meeting Date: **February 7, 2024**

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

Item Summary:

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

November 16-17, 2024 Board of Commissioners Retreat minutes

January 3, 2024 Regular Board of Commissioners meeting

Number of Attachments: 2

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Carolyn F. Morris, Town Clerk

Date: January 31, 2024

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

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



***DRAFT* MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS RETREAT
THURSDAY/FRIDAY, NOVEMBER 16-17, 2023**

The Nags Head Board of Commissioners met in person for a Board Retreat at 2521 S Virginia Dare Trail, Nags Head, North Carolina on Thursday/Friday, November 16-17, 2023.

Thursday, November 16, 2023

Attendees:

Board of Commissioners

Ben Cahoon, Mayor
Michael Siers, Mayor Pro Tem
Kevin Brinkley, Commissioner
Bob Sanders, Commissioner
Renée Cahoon, Commissioner
Megan Lambert, newly elected Commissioner

Staff

Andy Garman, Town Manager
Amy Miller, Deputy Town Manager
Perry Hale, Chief of Police
Nancy Carawan, Director of Public Services
David Ryan, Town Engineer
Kelly Wyatt, Director of Planning and Development
Randy Wells, Fire Chief
Jan Mielke, Director of Human Resources
Roberta Thuman, Public Information Officer
Carolyn Morris, Town Clerk
Shane Hite, Deputy Fire Chief
Chris Montgomery, Deputy Police Chief
Brooke Norris, Deputy Finance Director
Joe Costello, Deputy Planning Director
Michelle Gray, Deputy Town Clerk

CALL TO ORDER

Mayor Cahoon called the Retreat Workshop to order at 8 a.m.

Emily Groo of Zelos facilitated the Retreat:

We started with a clear purpose for the retreat: To align and connect staff and the Board through the creation of a strategic plan including mission, vision, values, goals, objectives, and action items.

An agenda was provided in advance, see **Appendix A**.

We started the day by asking staff and the Board what stood out to them or felt critical from the Community Survey feedback.

Community Survey

Don't become too commercial

What do we permit?

Values system

See how other community's regulations have played out

Keep Nags Head unique but not stagnant

"Keep Nags Head in front"

Beach nourishment, sidewalks, streets, stormwater, other infrastructure, better on equipment

Keep our regulations – Board

Dowdy Park & Farmer's Market

Emphasis on stormwater – Hurricane Matthew

We caught up and are now forward thinking

Communication gap

Housing – theme but contradiction

Need but less support for decisions from public

Housing Density

Need for long-term housing

Restaurant housing – Airbnb's

Want low density but not housing

Open to ADUs

Employees – ocean rescue

Regional discussions

Build back trust

Affordable housing vs. workforce housing

Broad solutions

Positive interactions with town staff – visible staff

Satisfied staff

Traffic and overcrowding at homes

Communicate with property managers

Overall positive

Increased tax wasn't a big concern

Visible action of taxes – beach & streets

Social media – credibility

We reviewed and updated the Town of Nags Head Mission & Vision statements.

Mission

To provide for the well-being of the citizens, property owners, and visitors by providing municipal services in a flexible, cost-effective, customer-friendly manner and to achieve this through an open, consensus-driven process that treats all with respect.

Open, respectful, and responsive

Vision

To thoughtfully preserve our unique coastal environment and character now and for the future.

We reviewed and updated the Goals

Goals

Heritage & Lifestyle: Protect our community's distinctive heritage and unique lifestyle

Environment: Safeguard our critical natural resources and coastal ecosystem

Development: Achieve responsible, adaptive development that aligns with our community vision

Economy: Promote a sustainable economy that supports residents and visitors

Community Services: Maintain an efficient government that provides high-quality and cost-effective services

We then heard short briefings from staff on topics within each goal area. We asked the rest of the participants to take notes on what they heard in terms of "what's been done", "what's the current state", and "what's next"?

Goal #1 – Heritage & Lifestyle Staff Briefing

Topics:

Keeping the character of Nags Head (both in terms of small-town charm, beach access, parks, etc.)

What's been done?

Comprehensive Plan adopted, regulate building size, regulate residential stormwater management, new zoning district adopted

Minimum lot size, etc., architect requirement, residential bus. size, stormwater requirements, C-5 rezoning, continuous work, back and forth with community involvement

Comp plan/LUP, architectural requirements, size of buildings, stormwater, flood regs, UDO corridor/character, C5 zoning district

Establish C-5 zoning district

What's the current state?

Hotel height 60' overall dist., bldg. height 42', short term rental allowed everywhere

C-1 zoning districts vs C-2

C-5 zoning districts, gas stations - no

What's next?

C-2 land use incompatibility (land use incompatibility in general)

C-1 zoning standards and uses

Dream Center? Eliminate residential from C-2?
Accessory Dwelling Units
How to limit short term rentals to encourage long-term housing
Residential lighting
How to address overoccupancy issues
Zoning land use – align with community expectations (ahead of anticipating issues)
Height for residential structures /overlay districts (hotels)
Soundside residential districts?
Residential in commercial outdoor recreation district?
Limit single family uses/new zoning districts

Goal #2 – Environment Staff Briefing

Topics:

Stormwater management

Shoreline management

What's been done?

Focus on updating master plan - ran out of funds, challenges in Hurricane Matthew, morphed into CIP Thirteen (13) project areas.

Complete: Gallery Row, NH Acres, Village @ NH, Soundside Road, S. Ridge – Deering St., Kipper Ct.

Not complete: North Ridge

13 projects, 7 projects done or maintained, working with Old Nags Head Place

Have added employees focused on stormwater maintenance

Have adopted a stormwater project plan

Have focused on obtaining grant funds to augment town funding

Have earmarked funding for stormwater projects (created separate budget)

Have analyzed projects for cost-benefit to determine priority

What is current state?

Old Nags Head Place, waiting on grant funding, finding money to pay for projects, shoreline management plan adopted

Being proactive

What's next?

Update Stormwater Master Plan, Implement PA #12-13, NEW prioritized CIP list, Infrastructure condition assessment, Watershed Restoration Plan

Stormwater work areas, #12, 9, 13, 5; Watershed plan

Stormwater Plan Update, Projects #13 & 14, #13 Fall '24, #14 '25; Watershed restoration plan; additional grant, comparison other coastal communities

Work on easement along Soundside Road for estuarine rehabilitation

Goal #3 – Development Staff Briefing

Topics:

Infrastructure

Traffic and pedestrian safety

What's been done?

Paving in coordination with waterline / stormwater improvements

Stormwater, water, streets connected plan, beach access replacement

Build connected program – streets plan

Connected Program: assessment of streets plan and integrated sewer and water works, old Nags Head community, Barnes street, East Soundside road

What is current state?

Current State Development: second round of streets plan, South memorial corridor, replacing beach accesses and (1) estuarine access, red light monitoring

Controlled mayhem

Back on track with current 20-year plan, grant info coming Dec

2nd round of streets package (next)

What's next?

Hargrove Bathhouse, Albatross, water main replace many streets, Golden leaf grant to support, update applications

Pipe upsizing, need to hit benchmarks to go forward

Current state, new zoning district

Goal #4 – Economy Staff Briefing

Topics:

Housing (keeping low-density housing and finding ways to get workforce housing)

What's been done?

Lots of conversations about housing

Height? Density/ADUs, Duplexes

What is current state?

No "affordable housing", lack of EE (including LG [lifeguard]) housing

Need more housing, ambiguity of public opinion

What's next?

Further discuss lifeguard housing

Investigate financial legality of deed restrictions/incentives, look at CDC building, ADU discussion – density vs housing survey contradictions

Research methods for sustainable housing

Goal #5 – Community Services Staff Briefing

Topics:

Employee Total Rewards

Service delivery/Values

What's been done?

Longevity % to \$, medical 75/25 to 60/40

Base model: comp, dev, benefits, recognition

COLA increase, 401k increase, recognition, career progression

FSA

Longevity changed from % to static #

Career progression to all depts, town wellness events (spring & fall), 401k to 5%

Gives cost of living, increased 401k, host annual Christmas party, gives 12 weeks paid maternity leave without taking vacation or sick

Monthly newsletter to keep employees informed

Offers \$ to quit smoking and lose weight, manager attends individual dept. crew meeting, offers four hours to attend child school events

What is current state?

1. Career progression, 2. Better events for wellness, 3. Communication, 4. Being consistent

Progression communications, targeted approaches towards specific areas of improvement based on engagement survey results -> moving the needle!!

What's next?

Possible lifestyle spending credit, possible performance-based incentive, possible increase to 75%

Improve public safety and infrastructure

Lifestyle spending account for wellness-related purchases

Add holiday?

Consider longevity pay (1% - 5%)

Performance-based incentives

Reconsider the medical premium, build on total rewards program, review of other government plans, implement wellness program

Employee benefit review

Funding CIP

Employee retention

RECESS

Mayor Cahoon recessed the Board Retreat to Friday, November 17th, at 9 a.m. in the same location. The time was 4:50 p.m.

Friday, November 17, 2023

We brainstormed Objectives and Action Items for each Goal.

The Draft Plan document includes mission, vision, values, goals, objectives, and action items.

We reviewed the Core Values and asked "how are the core values currently being used?" We decided to keep the Core Values as they are.

How Core Values are currently being used

Included in internal newsletter

Shoutouts reflect values

Town Manager message reflects values

Manager coaching

Most conversations about are attitude and accountability

Plans to redo-internal evaluation to connect

Employee of the year

We then prioritized the most important action items that are not already in progress.

Action Item Prioritization

Assess the zoning districts including the ADU discussion

Define the Town's position on the housing taskforce

Implementing merit and insurance for staff

Find a model for housing staff

Educate residents on septic health

Purchase light shades

Find non-regulatory approaches to lighting issues

We reviewed next steps so that staff and the Board are clear about what happens next.

Next Steps

- Staff will finalize the draft at the December 13th meeting with Zelos
- Present draft back to Board and share with public, connect back to community survey results
- Goal – to finalize Strategic Plan by February 2024, and present at the town-wide staff meeting with employee engagement results

ADJOURNMENT

The Board adjourned the Board Retreat at 12:10 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon

Appendix A: Retreat Agenda

Day 1—November 16

Time	Agenda activities
8:00 am – 8:30 am	Welcome and agenda review Introductions and opening activity
8:30 am – 9:15 am	Learn from community survey results to guide the strategic plan discussion
9:15 am – 9:25 am	Break
9:25 am – 11:30 am	Using Zelos strategic planning model, definitions, and means for evaluation: Review existing mission & vision and make any desired updates Review and update existing goals & goal statements <i>Breaks as needed. We can move to the next section sooner, if needed.</i>
11:30 am – 12:00 pm	Lunch
12:00 pm – 4:30 pm	Draft objectives and action items to align with the goals Review goal and goal statement For each updated goal area, together, we will: Hear staff topic briefings on topics that align with the goal areas What's been done? What is the current state? What's next? Write objectives Identify the immediate action(s) to meet objectives and achieve goals <i>*Breaks and energizers, as needed</i>
4:30 pm – 5:00 pm	Review & next steps Closing activity

Day 2—November 17

Time	Agenda activities
8:00 am – 8:30 am	Welcome and agenda review Opening activity – values
8:30 am – 9:30 am	Continue work on strategic plan as described in Day 1
9:30 am – 9:35 am	Break
9:35 am – 10:50 am	Continue work on strategic plan as described in Day 1
10:50 am – 10:55 am	Break
10:55 am – 11:30 am	Review strategic plan as drafted, and prioritize action items
11:30 am – 12:00 pm	Wrap-up, next steps, and closing



***DRAFT* MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, JANUARY 3, 2024**

The Nags Head Board of Commissioners met in person at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, January 3, 2024 at 9:00 a.m. for a Regular Meeting.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Kevin Brinkley; Comr. Bob Sanders; and Comr. Megan Lambert

Board members Absent: None

Others present: Town Manager Andy Garman; Attorney John Leidy; Kelly Wyatt; Amy Miller; David Ryan; Perry Hale; Randy Wells; Gray; Roberta Thuman; Bob Muller; Anna Sadler; John Ratzenberger; Renée Cahoon; Charlene Heroux; Robert Heroux; Carolyn McCormick; Duke Geraghty; Dorothy Hester; Molly Harrison; Megan Vaughan; Valerie Netsch; Gayle Felton; Webb Fuller; Meade Gwinn; Crouse Gray; Emily Mills; Shanti Smith-Copeland; Michelle Gray; and Town Clerk Carolyn F. Morris

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9 a.m. He recognized the following in attendance: former Mayor Bob Muller, former Comr. Anna Sadler, former Town Manager Webb Fuller, and former Dep Town Clerk Michelle Gray.

ADOPTION OF AGENDA

MOTION: Comr. Brinkley made a motion to approve the January 3rd meeting agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

RECOGNITION

NEW EMPLOYEE – Finance Officer Amy Miller introduced new Water Billing Specialist Shannon Beatty who was welcomed by the Board to Town employment.

RECOGNITION OF FORMER COMR. RENÉE CAHOON

Mayor Cahoon introduced former Comr. Renée Cahoon who was present with her family and friends for Board recognition. Mayor Cahoon spoke the following:

"Today, as we begin a new year, we are pushing pause on the normal course of town business for a brief while, to honor a dedicated and long-time public servant, M. Renée Cahoon.

'In July 2023, Renée chose not to run for reelection to Nags Head's Board of Commissioners. Except for four years when she sat on the Dare County Board of Commissioners, Renée has served on Nags Head's Board since 1991, including several terms as its mayor. Renée continues to serve as Chair of the North Carolina Coastal Resources Commission.

'Renée's passionate, tireless public service has left a lasting imprint not only on Nags Head, but also on the other coastal areas of our state. Because of Renée, Nags Head is still, at its heart, the community that it was over 60 years ago when her family took over the store and cottages at Whalebone."

Ms. Cahoon introduced those that were with her and she thanked them and others for coming to support her at today's meeting.

A video prepared by the Town was shown of Ms. Cahoon with various officials that worked with her over the years being interviewed highlighting their experiences serving with her. The video included former Town Attorney Tom White, former Mayor Bob Muller, former Commissioner Wayne Gray, former Commissioner Anna Sadler, and former Town Manager/Commissioner Webb Fuller.

Mayor Cahoon thanked Town Public Information Officer Roberta Thuman and other staff for preparation of the video.

Mayor Cahoon read the remarks from Braxton Davis, Director of the NC Division of Coastal Management and Director of NC Division of Marine Fisheries:

"Renee, I am very sorry to miss today's event - I unfortunately had a conflict, but I still wish to offer a few brief comments to those assembled there today.

'As director of the NC coastal program, I've worked with Renee for a little over 12 years now. As you all know, she wears many hats, but most of our work together has involved the NC Coastal Resources Commission, where she has served as Chair since 2017 and as a commissioner since being appointed by Governor Easley in 2002.

'Working on the state coastal commission is all about balance. While developing rules and policies for development, and making decisions on complex coastal projects, the Commission is always seeking the appropriate balance between economic growth, environmental protection, property rights, and competing uses, all with a focus on protecting our coast for future generations to enjoy.

'I wanted to commend Renee today for being an exceptional coastal commissioner and strong representative of Nags Head's and Dare County' interests over the years. Having grown up on the Outer Banks and served the public in so many ways, Renee has developed vast knowledge, experiences and connections with coastal NC, and those experiences have resulted in valuable perspectives that she brings to the Commission's work every day.

'We appreciate Renee for her balanced, solution-oriented approach to complex coastal challenges. She has a passion for doing the right thing for the coast - and doing it well, I might add. And she has represented the Town and Dare County very well over the years.

'So, on behalf of the NC Division of Coastal Management, congratulations and we look forward to continuing to work with you in the years ahead!'

Others spoke concerning their time with Ms. Cahoon:

Former Mayor Bob Muller said that he remembers being at the Skylark Restaurant in 1991 when hearing that Renée Cahoon and Wayne Gray had just been elected as commissioners; on behalf of everyone he thanked Ms. Cahoon for all that she has done for the Town over the years.

Former Town Manager and commissioner Webb Fuller thanked Renée for doing so much for the Town; people don't realize that a family atmosphere was a strong motivating factor for her and her supportive family was always indicative of her family values.

Duke Geraghty, Outer Banks Homebuilders representative; on behalf of the Outer Banks Homebuilders Association, he congratulated Renée and wished her well and stated that the homebuilders have always been treated with respect by Ms. Cahoon even though they didn't always agree.

Dorothy Hester, Dare County Public Information Director, she worked with Ms. Cahoon years ago when she was on the Dare County Board of Commissioners and remembered how good she was about paying close attention to the details. Ms. Hester also stated that Craig Harris wanted to be here today and Ms. Hester read his comments thanking Ms. Cahoon for her service on the GOV-ED Channel Committee.

Meade Gwinn of the Village at Nags Head, thanked Ms. Cahoon for being "Nags Head" and for everything that she's done for the Town; he also expressed he and his wife's appreciation for Cahoon's Market.

Board members spoke of their time with Ms. Cahoon:

Comr. Lambert thanked Ms. Cahoon for her vision, her willingness to follow thru on her vision, and her support.

Mayor Pro Tem Siers thanked Ms. Cahoon for having a true commitment and for putting in a lot of time and effort in her job.

Comr. Brinkley pointed out that everything said in the video was true; Ms. Cahoon is a true public servant.

Comr. Sanders said that he can't add much more than what others have stated; her vision for the Town has been great and he has the most respect for her – community survey indicated that most are overwhelmingly in support of where the Town is going; she is also a good friend.

Mayor Ben Cahoon thanked Ms. Cahoon for all she has done for the Town over the years.

Town Manager Garman – on behalf of the staff – thanked Ms. Cahoon for all she has done and for always working to make those less visible to the community, more visible.

Ms. Cahoon thanked those for coming out and for their support over the years; her family has been very supportive and tolerant over the years; she has loved the Town and its people over the past decades; she looks forward to the future.

Presentation of Marcia Cline painting and Governor's Long Leaf Pine Award

On behalf of the Board, Mayor Cahoon presented an original painting of a view from Cahoon's Cottages/gazebo looking out over the ocean. The original painting was done especially for Ms. Cahoon by local artist Marcia Cline.

The Governor's Order of the Long Leaf Pine, the highest award for state service granted by the Office of the Governor, was presented to Ms. Cahoon. This was followed by a brief video presentation of Governor Roy Cooper thanking Ms. Cahoon for her service and wishing her well.

RECESS/RECONVENE

The Board took a brief recess at 9:40 a.m. and reconvened at 9:50 a.m.

PUBLIC COMMENT

DUKE GERAGHTY – MULTI-FAMILY ORDINANCE

Duke Geraghty, representative of the Outer Banks Homebuilders Association; he spoke concerning the Public Hearing, scheduled for the February Board meeting, re: multi-family ordinance; he has sat through numerous Planning Board meetings during the detailing of the multi-family ordinance; he asked Board members to please look closely at the ordinance next month and to understand the comments that were made; he would like to simplify the ordinance in order to allow housing for workers/employees; he also thanked the Board for what has been done for former commissioner Renée Cahoon.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 9:54 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Budget Amendment #7 to FY 23/24 Budget

Tax Adjustment Report

Approval of minutes

Resolution to accept the American Rescue Plan Act grant offer for Stormwater Master Plan Update

Consideration of modification to Pay Plan

Consideration of annual audit contract

Request for 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

Request for Public Hearing to consider various text amendments to the Unified Development Ordinance (UDO) as it relates to multi-family development

MOTION: Comr. Brinkley made a motion to approve the Consent Agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Budget amendment #7, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

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

The resolution to accept the American Rescue Plan Act grant offer for Stormwater Master Plan Update, as adopted, read in part as follows:

"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, 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 \$400,000 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 \$400,000;
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."

The modification to the Pay Plan was approved as presented in the agenda summary sheet, which read in part as follows:

"Overview

Currently, the Fleet Maintenance Division has a staff of four which includes the following positions: Superintendent, Sr. Fleet Mechanic and two Fleet Mechanics. Staff requests to re-align the structure of the Fleet Maintenance Division to add a Crew Lead position and allow for a maximum of two headcount between the existing classifications of Fleet Mechanic and Sr. Fleet Mechanic. This does not increase headcount; however, it provides promotional opportunities for current staff and recognizes the level of expertise and responsibility of our staff (~10% pay increase over a 6-month period). This structure is similar to Facilities Maintenance and would allow better organization and distribution of work for the Fleet Maintenance team, creating enhanced support for the Nags Head vehicle and equipment fleet. The cost of this proposal for FY 2024 is ~\$7,000. Additional costs would be included in the FY 2025 budget.

'Requested Changes

1. Add a position classification for a Fleet Crew Lead at a Grade 9.
2. Maintain the current classifications of Fleet Mechanic (Grade 7) and Sr. Fleet Mechanic (Grade 8). Allow the total headcount between the two Grades not to exceed two. Currently, the headcount max at Fleet Mechanic is two, and the headcount max for Sr. Fleet Mechanic is one."

The agenda summary sheet presenting the annual audit contract read in part as follows:

"At the February 2, 2022 Board of Commissioners meeting, a contract with Potter & Company for audit services for the next five (5) years was approved with the understanding that the contract is to be submitted for Board approval each year. An approximate annual 4% inflation increase was also approved."

The contract, as approved, is on file in the Town Clerk's Office.

The Request for Public Hearing re: Trade Center, as approved for the February 2024 Board meeting, read in part as follows:

"A Special Use Permit/Site Plan Review was 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 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 Department 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."

The Request for Public Hearing re: multi-family development, as approved for the February 2024 Board meeting, read in part as follows:

"In January of 2023 the Board of Commissioners adopted an ordinance removing multi-family as a permitted use within the C-2, General Commercial zoning district. This text amendment came about when staff, the Planning Board, and the Board of Commissioners were in the process of evaluating appropriate use standards for the C-5 Historic Character Commercial zoning district and determined that multi-family was not an appropriate use in that district, and in addition became aware of several other issues and inconsistencies within the existing ordinance. The Board then requested that staff and the Planning Board work to propose adequate

corrections/clarifications as well as undertake a comprehensive review of multi-family standards. As such, planning staff began working with the Planning Board at their May 2023 meeting to complete a thorough review and identify issues and inconsistencies with the current multi-family language. Following eight (8) consecutive months/meetings of discussion, the Planning Board has prepared a comprehensive set of draft text amendments for the Board of Commissioners review and consideration. These amendments include but are not limited to:

- Allow multi-family development in the C-2, General Commercial zoning district on properties with frontage on US Hwy 158 only.
- All new multi-family development shall be deed restricted to long-term tenancy/occupancy and a portion will additionally be deed restricted for workforce housing.
- Create standards and regulations for "small" multi-family developments and "large" multi-family developments. These include minimum lot sizes, setbacks, density, maximum number of units, lot coverage, height, buffering, architectural design, etc.
- Design considerations such that large multi-family developments shall consist of townhouse style development only and small multi-family developments may consist of both townhouse and apartment style design.
- Create definitions for the following terms, "Dwelling, Multiple Family (Multi-family)", "Townhouse", "Large Multi-family", "Small Multi-family", "Long-term occupancy/tenancy", "Principal Place of Residence", "Qualified Person", and "Workforce Housing".

'Planning Board Recommendation

At their December 19, 2023, meeting the Planning Board voted unanimously to move forward the proposed text amendments for the Board of Commissioners review and consideration."

MOVE PLANNING DIRECTOR'S REPORT UP ON THE AGENDA

Board members agreed to move the Planning Director's Report to this portion of the agenda to allow more time for those interested in attending the upcoming Public Hearing to arrive.

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

Update from Planning Director

Planning Director Kelly Wyatt summarized the Planning Dept monthly report which read in part as follows:

"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 January 3rd, 2024.

'Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for November 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, December 5th – Technical Review Committee Meeting
- Wednesday, December 6th - Board of Commissioners Meeting
- Thursday, December 7th - CRS Users Group Meeting
- Wednesday, December 13th – Committee for Arts and Culture Meeting

- Wednesday, December 13th – Strategic Plan Implementation Session
- Thursday, December 14th – Board of Adjustment Meeting (no hearings scheduled)
- Thursday, December 14th – Flashlight Candy Cane Hunt
- Wednesday, December 19th – Planning Board Meeting
- Wednesday, December 20th – Board of Commissioners mid-month meeting (if needed)
- Saturday, December 2nd & 9th from 9am – noon – Dowdy Park Holiday Markets

'Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, December 19th, 2023, and included the following:

'Consideration of Special Use/Site Plan Review for construction of a Trade Center on Lot 2a of Charles Sineath Subdivision, vacant lot behind TW's Bait and Tackle. The November 2, 2022 approval had expired. The Planning Board voted unanimously to recommend approval of the SUP/Site Plan as presented.

'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 had productive discussion and staff will be returning to the January 2024 Planning Board meeting with an updated draft amendment based upon discussion.

'Consideration of various text amendments to the UDO as it pertains to multi-family development. The Planning Board completed a thorough review of the draft amendments, and requested some minor revisions that will now be provided to the Town Attorney for review. The Planning Board voted unanimously to go ahead and move the amendments forward in order to schedule the Public Hearing before the Board of Commissioners at their February 7th, 2024 meeting.

'Consideration of text amendments related to the use of Drive-Through Restaurants within Commercial Mixed-Use Developments and to discuss a conflict in the Unified Development Ordinance and Comprehensive Land Use Plan. The Planning Board discussed this item again and upheld their original recommendation for denial of the text amendment as it related to the allowance of drive-through restaurants within commercial mixed use developments including shopping centers. Additionally, the Planning Board recommended that the conflict noted between the UDO and Comprehensive Land Use Plan be rectified by eliminating the use of drive-through restaurants within the C-2, General Commercial zoning district.

'The Planning Board's next meeting is scheduled for January 16th, 2024. At this time, 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 are contained within a barrier to prevent vehicle parking. Staff will also update the Planning Board on any revisions requested by the Town Attorney on the proposed multi-family development amendments.

'Board of Adjustment – Pending Applications

There were no items for Board of Adjustment consideration in December 2023. At their January 11, 2024 meeting the Board of Adjustment is expected to hear an Appeal of an Administrative Decision submitted by Joseph Surles with regard to the issuance of a building permit for the property located at 4313 W. Soundside Road, Nags Head (Martin Residence).

'Additional Updates

'DWMP/Septic Health Advisory Committee – Over the course of two days in early December, Environmental Planner Conner Twiddy and a representative from OTT HydroMet installed 14 groundwater level loggers and 2 water quality loggers throughout the Town as recommended in the recent Decentralized Wastewater Master

Plan. The loggers will soon be calibrated and sending real-time ground water and water quality data to the town.



'Electric Vehicle Action Plan – Staff are currently working with Daniel Parsons of LoWire Technologies to finalize a quote for the acquisition, installation, and future maintenance of the EvoCharge equipment. Staff is also working to identify contractors to construct ADA accessible parking spaces and to fabricate and install signage in accordance with the DEQ grant requirements. Staff will continue to update on this item.

'Sand Relocation and Dune Management Cost Share Program – Staff will provide updated information on this item at the January 3rd, 2024, meeting.

'Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – The 2nd Annual Flashlight Candy Cane Hunt was well attended this year and many parents expressed their appreciation for the festive holiday cheer it and the Dowdy Park lighting brought. Kenneth and Kathleen Morgan were the winners of the Holiday Decorating Contest. Event Coordinator Paige Griffin has begun preparing for the upcoming Winter Markets. These markets will be held on the 2nd Saturday of January - April, from 9am – noon at Dowdy Park. These markets are open to producer/consumable vendors only.

'Upcoming Meetings and Other Dates

- 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)''

PUBLIC HEARINGS

Public Hearing to consider text amendments to the Unified Development Ordinance as it pertains to including the use of "Restaurant, Drive Through" as a permissible use within Commercial Mixed-Use Developments, as well as amending the supplemental regulations associated with this use (Public Hearing held Dec 6, 2023)

Town Attorney Leidy introduced the Public Hearing to consider text amendments to the Unified Development Ordinance as it pertains to and includes the use of "Restaurant, Drive Through" as a permissible use within Commercial Mixed-Use Developments, as well as amending the supplemental regulations associated with this use. A Public Hearing was held at the December 6, 2023 Board of Commissioners meeting. The time was 10:00 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, December 20, 2023 and on Wednesday, December 27, 2023, as required by law.

Dep Planning Director Joe Costello summarized his report which read in part as follows:

"At the Board of Commissioners meeting on December 3, 2023, the Board noted that there was conflict in the appropriateness and permitting of the Restaurant, Drive-Through use between the Comprehensive Land Use Plan and the Unified Development Ordinance. The Unified Development Ordinance allows the Restaurant, Drive-Through use as a special use within the C-2, General Commercial zoning district with supplemental regulations. However, the Comprehensive Land Use Plan excludes Restaurant, Drive-Through as an appropriate use in all of the identified character areas within the town, and notably the Corridors Character Area and Whalebone Character Area. The Board of Commissioners voted 4-1 to pass a motion to table this item and send it back to the Planning Board to resolve the apparent conflict between the Comprehensive Land Use Plan and the Unified Development Ordinance.

'At their December 19, 2023, meeting planning staff presented to the Planning Board the updated information as included below.

'It should be noted that the Comprehensive Land Use Plan is an official policy document adopted to strategically plan for and enhance the quality of life and physical character of the community. While this plan is not regulatory in nature it builds upon adopted plans and policies to provide a foundation for decision making, future regulations, and project development. The plan was created utilizing community input to illustrate the vision for the future of Nags Head and define steps to secure that future. The Comprehensive Land Use Plan was developed over the course of two years, was overseen by a Board of Commissioners appointed Advisory Committee consisting of nine members of the community. These committee members met in excess of 15 times to discuss and provide guidance on the plan development. In addition, the process of developing the plan included four community and public engagement opportunities and approximately 70 stakeholder interviews/meetings.

'Staff has reviewed the agendas, notes, and minutes of the advisory committee meetings and found two instances where drive-through restaurants were discussed. The first is from a set of notes that reads:

'Whalebone - Concern

Traffic patterns might impact walkability and safety, also just hard to maneuver a vehicle in this area.

Would be great to have a walking path on opposite side of the road - Town wide concern.

Don't want more fast food or drive thru type restaurants.

Want to distinguish between bypass and beach road between types of business

*Not appropriate for drive thru on beach road
Encourage future development like legacy.*

'The second is a formal minute's document from the advisory committee's December 8, 2016, meeting and is attached for the Board of Commissioners review.

'To resolve the conflict between the Unified Development Ordinance and the Comprehensive Land Use Plan, the Board of Commissioners may wish to consider one of the following two options:

- Consider amending the UDO as necessary to remove the use of "Restaurant, Drive Through" from the C-2, General Commercial Zoning District. This action would represent implementation of the recommendation of appropriate uses within the Corridors and Whalebone Character Areas.
- Consider amending the Comprehensive Land Use Plan to include the "Restaurant, Drive-Through" use as an appropriate use in one or more character areas.

'Timeline of Events

- April 13, 2023: Text Amendment Application submittal.
- May 16, 2023: The Planning Board considered a text amendment application and Starbucks sketch plan. The Planning Board voted unanimously to recommend denial of the text amendment.
- June 7, 2023: The Board of Commissioners approved a Request for Public Hearing to consider text amendment.
- July 18, 2023: The Planning Board considered a revised text amendment application. The Planning Board voted unanimously to recommend denial of the text amendment.
- September 11, 2023: Text Amendment Application third submittal received.
- August 2, 2023: The Board of Commissioners approved a Request for Public Hearing to consider text amendment unanimously.
- October 17, 2023: Planning Board considered a revised text amendment application. The Planning Board voted unanimously to recommend denial of the text amendment.
- December 3, 2023: Board of Commissioners requested the Planning Board resolve the apparent conflict between the Comprehensive Land Use Plan and the Unified Development Ordinance.
- December 19, 2023: Planning Board considered the text amendment application and how to resolve the conflict between the UDO and the Comprehensive Land Use Plan. The Planning Board voted unanimously to recommend denial of the text amendment.

'Updated Staff Analysis for Planning Board and Board of Commissioners Meeting - There are currently three (3) establishments that meet the definition of "Restaurant, Drive Through" within the town.

- Sonic, located at 5205 S. Croatan Highway was approved within the Village at Nags Head SPD-C ordinance allowances.
- KFC/Taco Bell, located at 7320 S. Virginia Dare Trail is currently non-conforming as Section 7.29, Supplemental Regulations for Drive-Through Restaurants states that the restaurant must front on US 158 right-of-way.
- Dunkin Donuts, located at 2424 S. Croatan Highway is currently nonconforming in that the Unified Development Ordinance does not currently allow Restaurant, Drive- Through within commercial mixed-use developments such as South Beach Plaza.

'Should the Planning Board be inclined to recommend removal of the Restaurant, Drive Through use from the C-2, General Commercial zoning district it would have a limited effect on existing drive-through development as KFC/Taco Bell and Dunkin Donuts drive-through restaurants are already non-conforming and Sonic would not be affected as it is located within the Village at Nags Head Commercial-2 Zoning District.

Amending the Comprehensive Land Use Plan to include Restaurant, Drive Through as an appropriate use in the Corridors Character Area and Whalebone Character Area, has the potential to lead to proliferation of drive-through restaurants on C2, General Commercial zoned property in the area. A total of approximately 231 acres within 250 unique parcels in the Whalebone Character Area would be directly impacted by the change to the Comprehensive Plan. Significantly more properties are zoned C-2 within the Corridors Character Area. Although the special use permit process would still require review and approval from the Planning Board and Board of Commissioners respectively, the justification would exist in the Comprehensive Plan to support future Restaurant, Drive Through development applications.

Map of C2 Zoned Property in Whalebone Character Area



'Planning Board Recommendation from December 19, 2023 Meeting

'At their December 19, 2023 meeting the Planning Board heard this request and considered the conflict between the Unified Development Ordinance and the Comprehensive Land Use Plan. The Planning Board again voted unanimously to recommend denial of the text amendment as proposed. Additionally, it was their recommendation that the conflict between the UDO and the Comprehensive Land Use Plan be rectified by amending the UDO as necessary to remove the use "Restaurant, Drive-Through" from the C-2, General Commercial zoning district.

'Should the Board of Commissioners be inclined to give staff direction to move forward with this, they may also wish to request staff initiate a discussion with the Village at Nags Head to receive guidance on whether they would recommend that the "Restaurant, Drive Through" remain within the Village at Nags Head Commercial-2 zoning designation.

'If the Board of Commissioners is inclined to adopt this proposed text amendment, please reference Appendix A for the Statement of Consistency with the Town's adopted Comprehensive Land Use Plan requirements (attached)."

Mayor Pro Tem Siers confirmed with Mr. Costello that he is referring to getting rid of "drive-through restaurants" and not "drive-throughs".

Attorney Crouse Gray, spoke representing the applicant; he wants to narrow things down – they do not want to request a change that would allow drive-throughs throughout the town – they want it only with specific requirements so that it wouldn't be opened up to everywhere else in the Town; a benefit to the Town would include cutting down on the number of septic systems in the Town by putting it into a known existing facility.

Gayle Felton of Soundside Road; her parents purchased their house in 1944; she is not in favor of Nags Head becoming another "french fry alley"; she feels that bringing in a Starbucks would create a dangerous situation and also doesn't seem to go with the vision of Nags Head.

Megan Vaughan of Soundside Road and also Chair of the Planning Board; on behalf of the Planning Board she stated that they voted unanimously four separate times against the amendments; they found no real compelling reason to change the UDO; there is no underserved area not being served in the Town; the Town-wide community survey confirmed that they want to keep Nags Head as is; she felt that both the Comprehensive Plan and the Unified Development Ordinance, as well as the recent Community Survey all speak against drive through restaurants.

Meade Gwinn, Village at Nags Head resident; he voiced his opposition to the proposed text amendment re: drive-thru restaurants as a permissible use in Nags Head; the 2019 Nags Head Report he read from pointed out that the vision indicates that the land should be compatible to the community; drive-thru restaurants do not add to the Nags Head vision; approving this amendment would not be in the public's interest.

Bob Muller, Nags Head Cove Road resident; he stated that he feels there is a conflict and that the ordinance should be brought into compliance with the vision; the Board is only being asked to add drive-thru restaurants into shopping centers; what does a mall look like – a large parking lot with people parking and then going to a fixed set of stores; but the business model of drive-thru restaurants is a different goal and would be a conflict between the pedestrians and the vehicles in the drive-thru. He also pointed out that the applicant has recognized this as they have narrowed the request to only be allowed at the one location. He asked the Board to consider this conflict when making their decision.

John Ratzenberger, Nags Head resident; he spoke in opposition to the proposed text amendments; he has reviewed the minutes where the applicant tried to make the drive-thru restaurant fit in the shopping mall. In the first diagram he saw there were 17 drive-thru lanes listed which is a conflict between the pedestrians and vehicles; it just doesn't fit and it just doesn't make sense.

Webb Fuller, Villa Dunes Drive resident; he is opposed to the proposed text amendments; a similar issue was brought up recently and the Board went with the Land Use Plan which trumps the Unified Development Ordinance; he feels that the Planning Board has it right; as a citizen he is against the proposal.

Molly Harrison; Nags Head resident; as a member of the Focus Group that worked on the Land Use Plan years ago she said that it was agreed upon how the Town was to look; she does not want the Board to go with a company coming in asking to modify our ordinances; she would like to see the ordinances modified to not allow drive through restaurants.

Renée Cahoon, Nags Head resident; there is no need for drive-through restaurants and she feels this would only be the first of many in the Town - the planning documents should take precedence; delete drive-thru restaurants and put on the list that the Town does not allow them town-wide.

Valerie Netsch, of Soundside Road; does not support the amendment because she fully supports and is in favor of the 2017 Land Use Plan; she appreciates the Town staff and Planning Board efforts on this; she asked the Board to listen to the recommendations from the Planning Board, the Land Use Plan and the residents of Nags Head who rely on the decision making of the Board.

There being no one else present who wished to speak, Attorney Leidy concluded the Public Hearing at 10:38 a.m.

MOTION: Mayor Pro Tem Siers made a motion to deny the proposed text amendments and to modify the UDO to prohibit all drive-through restaurants. The motion was seconded by Comr. Lambert.

Attorney Leidy explained that modifying the Unified Development Ordinance to prohibit all drive-through restaurants would require going through the Planning Board and the Public Hearing processes.

MOTION: Mayor Pro Tem Siers modified his motion to deny the proposed text amendment as presented today. The motion was seconded by Comr. Brinkley which passed 4 – 1 with Mayor Cahoon casting the NO vote.

Comr. Lambert thanked those for coming out today to speak at the public hearing concerning drive-through restaurants.

NEW BUSINESS

Presentation from Town Auditors – Via Zoom platform – Time Specific 10:30 a.m.

Emily Mills, a partner with Potter & Co presented the annual audit for the Town for the year ending June 30, 2023. She issued an unmodified opinion – the highest level of compliance that can be issued.

She pointed out that the two issues that the Town needs to respond to from the Local Government Commission (LGC) are based on changes made this past year and are as follows:

Two FPIC (Financial Performance Indicators of Concern) responses are required to submit to the LGC (Local Government Commission) within 60 days of the audit presentation. One is related to the newly implemented GASB 96 relating to SBITAs (Subscription-Based Information Technology Arrangements), which was resolved in fiscal year 2024 with Budget Amendment #7. One was related to a performance indicators benchmark on the LGC data input sheet.

Ms. Mills expressed her appreciation on being able to work with the Town's staff who were professional and very helpful; Finance Officer Amy Miller also expressed her appreciation on working with Ms. Mills during the audit process.

Presentation of Emergency Operations Plan – Time Specific 11:00 a.m.

Fire Chief Randy Wells summarized the agenda summary sheet and introduced Shanti Smith-Copeland of IParametrics. The agenda summary sheet read in part as follows:

"At the January 3rd Board of Commissioners meeting, representatives from IParametrics, LLC will be in attendance to present the updated Emergency Operations Plan. This item is time specific for 11:00 a.m.

'The Town of Nags Head utilized a \$75,000 FEMA Hazard Mitigation Grant (HMGP) to update its Emergency Operations Plan (EOP), and selected the consulting firm of Iparametrics to prepare the plan. Beginning on 08/22/2022, a core planning team, comprising of members from the Town Manager's office, Fire, Police, Public Services, Planning, and Finance Departments, was formed to guide the initiative.

'The EOP is a comprehensive document outlining coordinated actions before, during, and after emergencies. It encompasses a framework for town-wide operations, event-specific playbooks offering tactical guidelines, and an Emergency Operations Center Operation Guide, detailing when, how, and why to utilize the EOC based on incident severity and how it should be staffed depending on the circumstances. We believe this updated plan enhances the Town's readiness and response capabilities.

'A copy of the Emergency Operations Base Plan is attached, which provides a broad overview of the Town's emergency management structure, functions, and operational picture. Although several other documents were produced as part of this effort, including the incident/hazard specific playbooks and an EOC guide, they are primarily for internal use and are not part of this presentation. Staff would ask for the Board's approval of the attached Emergency Operations Plan."

Ms. Smith-Copeland of IParametrics presented the updated Town Emergency Operations Plan. She stated that she appreciated the amount of time staff put into preparation of input for the Plan.

Any questions or concerns can be submitted to Ms. Smith-Copeland until the end of January 2024 before Board consideration of the new Emergency Operations Plan in February.

Committee Reports

Comr. Sanders – Estuarine Shoreline Master Plan – the grant was not received for the Master Plan and Comr. Sanders indicated that he has spoken to Manager Garman about options.

Comr. Brinkley – Jennette's Pier Advisory Committee – He was unable to attend the December 11th meeting due to COVID but will forward minutes once received.

Consideration of appointment/reappointment to Boards/Committees

- Government Education Access Channel Committee
- Septic Health Advisory Committee
- Firemen's Relief Fund Board
- Board of Adjustment Alternate
- Annual appointment of BOA Chair and Vice-Chair

GOV-ED Committee

Comr. Lambert indicated that she was willing to serve on the Gov-Ed Committee on behalf of the Town.

MOTION: Mayor Pro Tem Siers made a motion to appoint Comr. Lambert to represent the Town on the Government Education Access Channel Committee. The motion was seconded by Comr. Brinkley which passed unanimously.

Septic Health Advisory Committee

MOTION: Comr. Brinkley made a motion to appoint Planning Board member Gary Ferguson to the Septic Health Advisory Committee. The motion was seconded by Comr. Lambert which passed unanimously.

Firemen's Relief

MOTION: Mayor Pro Tem Siers made a motion to reappoint Anne Farmer to another term on the Firemen's Relief Fund Board. The motion was seconded by Comr. Brinkley which passed unanimously.

Board of Adjustment

MOTION: Mayor Pro Tem Siers made a motion to reappoint Bobby Gentry to another three-year term on the Board of Adjustment. The motion was seconded by Comr. Brinkley which passed unanimously.

MOTION: Comr. Brinkley made a motion to appoint Dru Ferrence as an alternate BOA member. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

MOTION: Mayor Pro Tem Siers made a motion to reappoint Margaret Suppler and Bobby Gentry as Chair and Vice-Chair respectively of the Board of Adjustment. The motion was seconded by Comr. Brinkley which passed unanimously.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Leidy reported on the litigation filed by all municipalities against the State re: the Dare County Local Act (House Bill 592) – the State has received additional time to respond. Attorney Leidy also confirmed that the Board was aware of the resolution adopted by the Dare County Board of Commissioners yesterday where they stated they would not use House Bill 259 to exempt any workforce housing solutions from the local government zoning authority. He said further that the resolution does not modify the litigation but any effects would remain to be seen.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Garman - Update on Public Services Facility

Town Engineer David Ryan provided an update on the new Public Services Facility construction via a photo presentation; he is also planning a tour of the new site for the Board to take place after the February Board meeting, as requested.

Engineer Ryan's photos shown during his presentation are attached to and made a part of these minutes as shown in Addendum "C".

BOARD OF COMMISSIONERS AGENDA

Mayor Pro Tem Siers – Thank you to staff for Renée Cahoon's presentation

Mayor Pro Tem Siers thanked staff for putting together today's presentations on Renée Cahoon which was very much appreciated.

Mayor Pro Tem Siers – Thank you to Dare County for the resolution

Mayor Pro Tem Siers thanked Dare County for adopting the resolution yesterday which stated that they would not use House Bill 259 to exempt any workforce housing solutions from the local government zoning authority as part of any proposed solution.

Mayor Pro Tem Siers – Amend the UDO to reflect the LUP for drive-through restaurants

Mayor Pro Tem Siers said that he would like to see an amendment to the Unified Development Ordinance to reflect the Land Use Plan – not just to prohibit drive-through restaurants as discussed earlier today but for other issues of concern also.

Comr. Sanders – Thank you to staff for Dowdy Park lighting

Comr. Sanders thanked staff for the display of lights at Dowdy Park during the Christmas season.

Mayor Pro Tem Siers – Amend the UDO to reflect the LUP for drive-through restaurants (Continued)

It was Board consensus to ask the Planning Board to begin the process to amend the Unified Development Ordinance to reflect the Land Use Plan to prohibit drive-through restaurants and to also review other items of concern. Town Manager Garman stated that Planning Director Kelly Wyatt and her staff have been working on a list to bring forward.

ADJOURNMENT

MOTION: Comr. Brinkley made a motion to adjourn. The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 11:10 a.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon



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



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

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: QHFXEKKHA8R3

Funding Program

Drinking Water	☐	Additional Amount for	Previous Total	Total Offered
Stormwater	☒	Funding Increases		
Wastewater	☐			
State Revolving Fund-Repayable Loan	☐			
State Revolving Fund-Principal Forgiveness	☐			
State Reserve Loan	☐			
State Reserve Grant	☐			
State Reserve Earmark (S.L. 2023-134)	☐			
American Rescue Plan Act - LASII	☒			\$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 Surles 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: **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.





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
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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~~ 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.

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

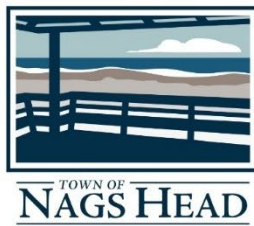
Draft

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

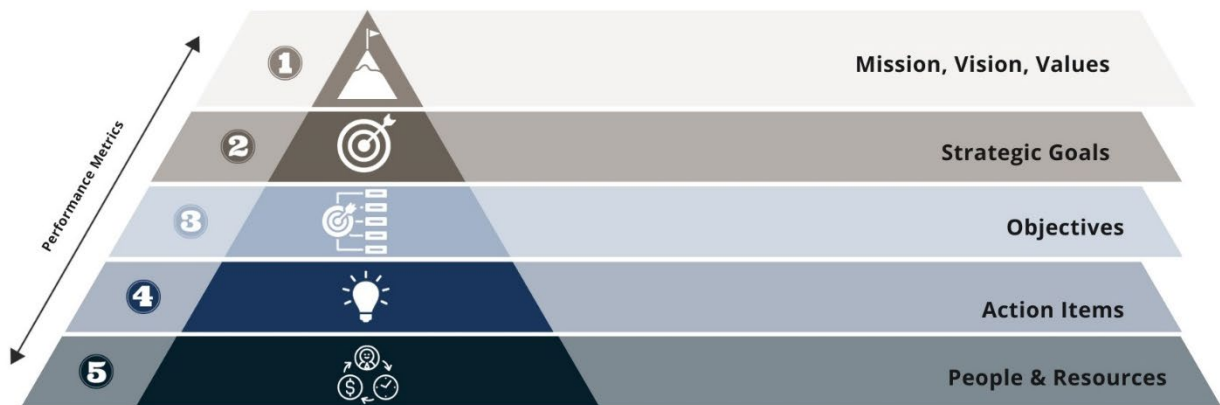
Community Involvement

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.

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Town of Nags Head Core Values

Attitude is Key • 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	Our People are in the Know • 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
We do What's Right, for the Right • 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	We are Community Stewards • 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
Our People Matter • 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	Excellence Requires Innovation & • 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:	Objective #2:	Objective #3:	Objective #4:
Maintain the natural resources that we have	Mitigate the risk of natural disasters	Educate the public about their natural environment	Have a comprehensive strategy for clean water

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

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

Economy



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

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

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.

Objective #1: Maintain a work environment where people feel valued, appreciated, and respected	Objective #2: Provide friendly, accommodating, and responsive customer service	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	Objective #4: Enhance internal and external communication that reflects the town's goals, values, and heritage	Objective #5: Collaborate with other local and state agencies to align or expand services
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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