



AGENDA

TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM
WEDNESDAY, March 6, 2024 9:00 A.M.

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

B. ADOPTION OF AGENDA

C. RECOGNITION

D. PUBLIC COMMENT

E. CONSENT AGENDA

1. Consideration Of Budget Amendment #9 To FY 23/24 Budget

Documents:

[3 E1 BUD AMEND TO FY 23-24 SUMMARY.PDF](#)
[3 E1 BUD AMEND TO FY 23-24 WORKSHEETS.PDF](#)

2. Consideration Of Tax Adjustment Report

Documents:

[3 E2 TAX ADJ REPORT SUMMARY.PDF](#)
[3 E2 TAX ADJ TOWN MSD REPORT.PDF](#)
[3 E2 TAX ADJ TOWN-WIDE REPORT.PDF](#)

3. Report Of Tax Delinquent List

Documents:

[3 E3 DELINQUENT TAX LIST SUMMARY.PDF](#)
[3 E3 DELINQUENT TAX LISTING.PDF](#)

4. Consideration Of Revised Ocean Rescue Lifeguard Pay Plan (From Feb 7th Board Meeting)

Documents:

[3 E5 OR PAY SCALE CHANGE SUMMARY.PDF](#)
[3 E5 OR PAY SCALE CHANGE.PDF](#)

5. Consideration Of Text Amendments To Town Code Chapter 6 Animals - Definitions (Dangerous Animal Appeal Board)

Documents:

3 E6 MODIFY CHP 6 ANIMALS SUMMARY.PDF
3 E6 MODIFY CHP 6 ANIMALS ORD.PDF

6. Consideration Of Amendment To Traffic Control Map
re: *No Parking Here to Corner* on Vansciver Drive

Documents:

3 E7 TCM VANSCIVER PARKING SUMMARY.PDF
3 E7 TCM VANSCIVER PARKING MEMO.PDF
3 E7 TCM VANSCIVER PARKING MAP.PDF
3 E7 TCM VANSCIVER PARKING ORD.PDF

7. Consideration Of Cart Rollback Contract For May – Oct 2024

Documents:

3 E8 CART ROLLBACK CONTRACT SUMMARY.PDF
3 E8 CART ROLLBACK CONTRACT.PDF
3 E8 CART ROLLBACK PROPOSAL MAY-JUN.PDF
3 E8 CART ROLLBACK PROPOSAL JUL-OCT.PDF

8. Request For Public Hearing To Consider Text Amendments Submitted
by Albemarle & Associates, PE on behalf of Golasa Holdings, LL to allow the long-
term rental of units
within existing hotels and motels

Documents:

3 E9 RPH HOTEL AS LONG TERM RENTAL SUMMARY.PDF

9. Request For Public Hearing To Consider Text Amendments To Prohibit
driving over and/or parking on septic systems when adjacent to driveway, drive
aisles, and parking areas

Documents:

3 E10 RPH SEPTIC AREA PROTECTION SUMMARY.PDF

F. PUBLIC HEARINGS

1. Public Hearing To Consider Text Amendments
to the Unified Development Ordinance re: prohibiting drive-through restaurants

Documents:

3 F1 PH DRIVE-THRU REST SUMMARY.PDF
3 F1 PH DRIVE-THRU REST PN.PDF
3 F1 PH DRIVE-THRU RESTAURANT MEMO.PDF

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

1. Update From Planning Director

Documents:

[3 G1 PLANNING DIRECTOR SUMMARY.PDF](#)
[3 G1 PLANNING DIRECTOR MONTHLY REPORT.PDF](#)

H. OLD BUSINESS TABLED FROM PREVIOUS MEETINGS

1. From Feb 7th Board Meeting – Public Hearing Held Feb 7th
Appointment to Multi-Family Ordinance Working Group

Documents:

[3 H1 MULTI-FAMILY ORD WORKING GROUP SUMMARY.PDF](#)

2. From Feb 7th Board Meeting – Consideration Of Text Amendments To Town Code
Chapter 8 Beaches and Waterways re: new Ocean Rescue Flag System - swimming
conditions

Documents:

[3 H2 OR NEW FLAG SYSTEM AMEND SUMMARY.PDF](#)
[3 H2 OR NEW FLAG SYSTEM AMEND ORD.PDF](#)

I. NEW BUSINESS

1. Committee Reports

Documents:

[3 I1 COMMITTEE REPORTS SUMMARY.PDF](#)

2. Consideration Of Board/Committee Appointments
 - Dangerous Animal Appeal Board
 - Albemarle Regional Planning Organization – Rural Transportation Coordination
Committee

Documents:

[3 I2 BOARDS-COMMITTEES SUMMARY.PDF](#)
[3 I2 ROSTER CURRENT DANGEROUS ANIMAL APPEAL BOARD.PDF](#)
[3 I2 ROSTER CANDIDATE DANGEROUS ANIMAL APPEAL BOARD.PDF](#)

3. Consideration Of Revised Residential Recycling Contract / Ordinance

Documents:

[3 I3 RECYCLING CONTRACT SUMMARY.PDF](#)
[3 I3 RECYCLING CONTRACT MEMO.PDF](#)
[3 I3 RECYCLING CONTRACT ORD.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:

L. BOARD OF COMMISSIONERS AGENDA

1. Comr. Megan Lambert – Consideration Of Government Access Channel FY 24/25 Budget

Documents:

[3 L1 GEAC PROPOSED BUDGET SUMMARY.PDF](#)

[3 L1 GEAC PROPOSED BUDGET NARR.PDF](#)

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:

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

O. OTHER BUSINESS

P. ADJOURNMENT

1. Adjournment TO FY 24/25 BUDGET WORKSHOP

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



Agenda Item Summary Sheet

Item No: **E-1**
Meeting Date: **March 6, 2024**

Item Title: Consideration of Budget Amendment #9 to FY 23/24 Budget

Item Summary:

Attached please find Budget Amendment #9 to the FY 23/24 Budget which is provided for Board review and approval at the March 6th Board of Commissioners meeting. Budget Amendment #9 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 #9.

Submitted By: Administrative Services

Date: February 28, 2024

Finance Officer Comment:

Request Board approval of attached Budget Amendment #9.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: February 28, 2024



**BUDGET AMENDMENT REQUEST
FY 2023-2024**

**BUDGET AMENDMENT NO. 9
Amendment 9.1**
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
900-599900	General Fund Expenditures Manager's Contingency	17,069.00		792-510300 792-520600	General Fund Expenditures - Ocean Rescue Salaries-Part-Time FICA Tax	15,856.00 1,213.00
TOTAL CHARGES		\$ 17,069.00		TOTAL CREDITS		\$ 15,856.00

JUSTIFICATION

Lifeguard pay increase to minimum \$19.00 per hour per Feb. 7, 2024 BOC approval.

ADMINISTRATIVE SERVICES _____ 2/7/2024
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS



**BUDGET AMENDMENT REQUEST
FY 2023-2024**

BUDGET AMENDMENT NO. 9
Amendment 9.2

SOURCE OF FUNDS

USE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
	General Fund				General Fund	
	Revenues				Expenditures Adopt Public Services	
10-492111	Transfer-CIF	34,690.00		500-577350	Capital Outlay Improvements	56,103.00
10-430400	Visitor's Bureau grant	21,413.00				
10-492111	Transfers from the CIF	21,413.00		900-590093	Transfers to the CIF	21,413.00
	Capital Investment Fund (CIF)				Capital Investment Fund (CIF)	
	Revenues				Expenditures	
11-499000	Appropriated Fund Balance	34,690.00		911-590081	Transfer-General Fund	34,690.00
11-492000	Transfers from the General Fund	21,413.00		911-590081	Transfers to the General Fund	21,413.00
TOTAL CHARGES		\$ 77,516.00		TOTAL CREDITS		\$ 77,516.00

JUSTIFICATION

Additional funds needed for sidewalk projects - funding source is excess fund balance in CIF to stay within policy as well as additional grants received. Funding requests includes survey work and includes \$10,000 contingency. The bids included E. Epstein St, Seachase Dr. and the Epstein St Bath House sidewalk section on SVDT from Bluewater Dr. to the satellite parking area.

ADMINISTRATIVE SERVICES 2/7/2024

RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



**BUDGET AMENDMENT REQUEST
FY 2023-2024**

**BUDGET AMENDMENT NO. 9
Amendment 9.3**
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-499000	General Fund Revenues Appropriated Fund Balance (Federal Forfeitures-restricted for Public Safety)	1,175.00		615-555800	General Fund Expenditures Police Drug Forfeitures Special Investigations	1,175.00
TOTAL CHARGES		\$ 1,175.00		TOTAL CREDITS		\$ 1,175.00

JUSTIFICATION

Additional funds needed for special investigation line item per Police Chief.

ADMINISTRATIVE SERVICES 2/7/2024
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



**BUDGET AMENDMENT REQUEST
FY 2023-2024**

BUDGET AMENDMENT NO. 9
Amendment 9.4
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-492100	General Fund Revenues Transfer-Capital Reserve Fund (Streets/Stormwater)	10,376.00		625-577407	General Fund Expenditures Streets/Stormwater Capital Outlay Infrastructure	10,376.00
49-499000	Capital Reserve Fund Revenues Appropriated Fund Balance (Streets/Stormwater)	10,376.00		949-590081	Capital Reserve Fund Expenditures Transfer-General Fund	10,376.00
TOTAL CHARGES		\$ 10,376.00		TOTAL CREDITS		\$ 10,376.00

JUSTIFICATION

Additional funds needed for Old Nags Head Cove project.

This exhausts all remaining funds in the streets and stormwater capital reserve account.

ADMINISTRATIVE SERVICES 2/7/2024
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



Agenda Item Summary Sheet

Item No: **E-2**
Meeting Date: **March 6, 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 March 6th 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: February 28, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Andy Garman

Date: February 28, 2024

Town of Nags Head, North Carolina
Schedule of Ad Valorem 2023-2024 Taxes Receivable
2023 Tax Levy As of February 29, 2024 for the March 6, 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	825,813	0.00143	1,180.93		1,180.93
Registered Motor Vehicles at Current 2023 Dist 2 Rate	930,294	0.00143	1,330.32		1,330.32
Registered Motor Vehicles at Current 2023 Dist 3 Rate	3,195,749	0.00005	159.79		159.79
Registered Motor Vehicles at Current 2023 Dist 4 Rate	2,299,046	0.00010	229.92		229.92
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	1,682,191	0.00005	81.02		81.02
Registered Motor Vehicles at 2022 Dist 1 Rate	272,667	0.00143	389.90		389.90
Registered Motor Vehicles at 2022 Dist 2 Rate	354,796	0.00143	507.37		507.37
Registered Motor Vehicles at 2022 Dist 3 Rate	1,292,152	0.00005	64.64		64.64
Registered Motor Vehicles at 2022 Dist 4 Rate	899,152	0.00010	89.99		89.99
Registered Motor Vehicles at 2022 Dist 5 Rate	59,870	0.00000	0.00		0.00
Registered Motor Vehicles at 2022 Dist 6 Rate	1,155,314	0.00005	57.81		57.81
Registered Motor Vehicles at 2021 rate	22,000	0.00143	5.28		5.28
Penalties			0.00		
Total	3,158,603,907		1,646,451.95	1,642,354.98	4,096.97
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	3,158,739,704				
Net levy		1,646,453.05		1,642,356.20	4,096.85
TOTAL UNCOLLECTED MSD AS OF 02/29/24:		(6,235.56)		(6,235.56)	0.00
CURRENT YEAR MSD COLLECTED:		1,640,217.49		1,636,120.64	4,096.85
CURRENT MSD COLLECTION PERCENTAGE:		99.621%		99.620%	100.000%

Dist.3&6

Town of Nags Head, North Carolina
Schedule of Ad Valorem 2023-2024 Taxes Receivable
2023 Tax Levy As of February 29, 2024 for the March 6, 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	24,194,093	0.003300	79,823.22		79,823.22
Registered Motor Vehicles at 2022 year's rate	12,882,907	0.002875	37,038.36		37,038.36
Registered Motor Vehicles at 2021 year's rate	102,612	0.002875	295.01		295.01
Penalties	0		7,355.82	7,355.82	
Total	<u>3,094,710,539</u>		<u>10,214,381.79</u>	<u>10,097,225.20</u>	<u>117,156.59</u>
Discoveries & Adjustments:					
Current year discoveries & adjustments tax	1,837,704		5,032.44	5,032.44	
Town wide beach nourishment tax			463.16	463.16	
Corporate Utilities discoveries & tax	22,654,828		69,097.22	69,097.22	
Corporate Utilities town wide beach nourishment			5,663.71	5,663.71	
Penalty Discoveries			1,746.31	1,746.31	
Total	<u>24,492,532.00</u>		<u>82,002.84</u>	<u>82,002.84</u>	
Releases & Adjustments:					
Current year releases/adjustments/circuit breaker	(955,727)		(4,164.46)	(3,738.47)	(425.99)
Town wide beach nourishment/circuit breaker			(306.53)	(306.53)	
Penalty Releases			(226.63)	(226.63)	
Total	<u>(955,727)</u>		<u>(4,697.62)</u>	<u>(4,271.63)</u>	<u>(425.99)</u>
Write-offs (under \$1.00) or Adjustments:			(4.13)	(4.13)	
Total Property Valuation	<u><u>3,118,247,344</u></u>				
Net levy		10,291,682.88		10,174,952.28	116,730.60
Uncollected Taxes & Penalties		(40,929.42)		(40,929.42)	0.00
Uncollected Town Wide Beach Nourishment		(3,264.60)		(3,264.60)	0.00
TOTAL UNCOLLECTED TAXES AS OF 02/29/24:		<u>(44,194.02)</u>		<u>(44,194.02)</u>	<u>0.00</u>
CURRENT YEAR TAXES COLLECTED:		10,247,488.86		10,130,758.26	116,730.60
CURRENT LEVY COLLECTION PERCENTAGE:		<u>99.571%</u>		<u>99.566%</u>	<u>100.000%</u>



Agenda Item Summary Sheet

Item No: **E-3**
Meeting Date: **March 6, 2024**

Item Title: Report of Tax Delinquent List to be advertised

Item Summary:

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

Attached please find the preliminary tax delinquent listing as of Thursday, February 29, 2024.

(Property owners have until Friday, March 15, 2024 to pay and be removed from the tax delinquent listing before the advertisement is posted.)

Number of Attachments: 1

Specific Action Requested:

Report of delinquent tax listing provided for Board information.

Submitted By: Linda Bittner, Tax Collector

Date: February 28, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Andy Garman

Date: February 28, 2024

2023 DELINQUENT REAL PROPERTY TAX LIST FOR NEWSPAPER

Total Principal Balance Due Over \$1.00 as of February 29, 2024

(This List does NOT Include Personal Property Parcels, Previous Tax Years or Interest Due)

(Property Owners Have Up to March 15, 2024 to Pay the Balance to be Removed from the List Before Ad is Posted on March 20, 2024)

Property ID	Customer Name	2nd Customer Name	Property Location	Total Due
000380009	5217VDT, LLC		5217 S VA DARE TRL 9A	\$1,738.83
000380061	5217VDT, LLC		5217 S VA DARE TRL 9A	\$1,909.13
030369000	ABEYOUNIS, GREGORY L.	ABEYOUNIS, ROBIN W	4207 W SOUTHRIDGE RD	\$352.44
006921000	BALL, HAROLD E	BALL, A CAMILLE	305 W LAKESIDE ST	\$647.80
024961465	BOHANNON, MAGGIE	BOHANNON, BLAKE	102 DUNERIDGE CT	\$1,183.45
006834000	CARTLIDGE, RICHARD L. TTEE.		117 W DANUBE ST	\$812.46
005361000	COATES, THOMAS F III	COATES, KRYSZYNA D	3006 S MEMORIAL AVE	\$1,066.99
961186001	COATES, THOMAS F III	COATES, KRYSZYNA D	3006 S MEMORIAL AVE	\$32.57
008046000	DAVIS, ANNE MARSHALL	DAVIS, ELIZABETH BREEDEN	111 E OREGON DR	\$1,667.81
006108000	EVANOSKY, CAROLYN C		300 W LOOKOUT RD	\$998.58
006194000	EVANOSKY, CAROLYN C		212 W TARPON CT	\$1,269.52
006211000	EVANOSKY, CAROLYN C		209 W AMBERJACK CT	\$1,496.88
007908000	GREENSPON, JONATHAN L	GREENSPON, MELISSA K W	8445 D E CILTVAIRA ST	\$2,419.91
007322003	JORDAN, ANTHONY	JORDAN, JENNIFER	10009 S OLD OREGON INLET R	\$7,666.99
005880000	KELLY-NUNEMAKER PARTNERSHIP		W ALBEMARLE DR	\$304.92
027266001	KNIGHT, MONTGOMERY JR TRUSTEE	OF THE VIRGINIA B CAMPBELL EST	S VA DARE TRL	\$9.24
005621004	LOESCH, LAWRENCE & MARGARET	LOESCH, MARGARET ANN	2422 S WRIGHTSVILLE AVE	\$1,721.62
007479000	MANDOZZI, JARROD	MANDOZZI, MARIA	10228 E SEA GULL DR	\$2,758.80
011379000	MCKEEL, JAMES B		500 W VILLA DUNES DR K-6	\$840.44
005879000	NUNEMAKER, CHRISTINE M		201 W ALBEMARLE DR	\$803.56
006256000	OSBORN, JONATHAN & MEGAN	OSBORN, MEGAN	112 W OLD COVE RD	\$1,226.95
007297000	PEARL & BROS ENTERPRISES, LLC		9315 B E EAGLE ST	\$1,449.89
029103082	PETTY, ROBERT D	PETTY, MICHELLE P	2617 S COMPASS LN	\$1,192.03
007061000	ROCHKOVSKY, GRETCHEN		8232 S OLD OREGON INLET RD	\$1,430.80
005839000	ROWLEN, SYLVIA	GRAY, WALTER B III	220 W LOST COLONY DR	\$870.44
006804000	SIKKA, VIVEK	SIKKA, ASHLEY	213 W SOUNDSSIDE RD	\$491.04
024961047	STEPHENSON, RONALD B		201 S MEADOW GREEN	\$1,376.44
027934022	UBER TELECOM INC		2224 S CROATAN HWY C	\$560.34
005788002	UNKNOWN OWNER		W MORNING DOVE CT	\$2.64
005948001	UNKNOWN OWNER		S OLD NAGS HEAD WOOD RD	\$4.30
008658001	UNKNOWN OWNER		S VA DARE TRL	\$5.74
029065001	UNKNOWN OWNER		S LOST COLONY DR	\$13.20
028276001	UNKNOWN OWNER (CONFLICT)	JAMES L. JACKSON JR/WILLIAM J STINSON	W SOUNDSSIDE RD	\$98.34
030490000	UNKNOWN OWNER (CONFLICT)	THE VILLAS ASSOC INC VS NORTH BNKS PROP	S CROATAN HWY	\$2.32
029104126	WARD, ALYSON	WARD, JOHN	2600 S COMPASS LN	\$1,307.80
006076000	WINN, GEORGE W III		224 W LOOKOUT RD	\$609.52
008628000	WRIGHTON, JESSIE N		109 B W DANUBE ST	\$619.74

\$40,963.47



Agenda Item Summary Sheet

Item No: **E-5**
Meeting Date: **March 6, 2024**

Item Title: Consideration of Pay Scale Change – Ocean Rescue

Item Summary:

Per the decision of the Board of Commissioners at its February regular meeting, the starting rate for Ocean Rescue Staff will increase to \$19.00 for the 2024 season to align with the presentation that Ocean Rescue Captain Chad Motz provided at the February 7, 2024 Board of Commissioners Meeting. This change will be effective for the remainder of FY 2024 and for FY 2025.

Please find attached a revised Pay Plan to include the updated pay for lifeguards.

(To include budget amendment with item E-1.)

Number of Attachments: 1

Specific Action Requested:

Ocean Rescue pay scale modification provided for Board consideration.

Submitted By: Administrative Services

Date: February 28, 2024

Finance Officer Comment:

Follows Board approval from the February 7th Board meeting.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

I appreciate the Board's continued support of competitive pay for our staff.

Signature: Andy Garman

Date: February 28, 2024

Town of Nags Head
Salary Schedule 2023-2024

Town of Nags Head Salary Schedule July 1, 2023 - June 30, 2024

GRADE	HIRING RATE	MINIMUM	MID POINT	MAXIMUM	GRADE
1	38,236	40,147	49,706	59,264	1
2	40,147	42,156	52,193	62,229	2
3	42,156	44,264	54,803	65,341	3
4	44,264	46,477	57,543	68,608	4
5	46,477	48,800	60,420	72,039	5
6	48,800	51,240	63,440	75,639	6
7	51,240	53,802	66,612	79,422	7
8	53,802	56,492	69,943	83,393	8
9	56,492	59,317	73,440	87,563	9
10	59,317	62,283	77,112	91,941	10
11	62,283	65,397	80,968	96,539	11
12	65,397	68,667	85,017	101,367	12
13	68,667	72,101	89,268	106,434	13
14	72,101	75,706	93,731	111,756	14
15	75,706	79,492	98,418	117,344	15
16	79,492	83,466	103,339	123,212	16
17	83,466	87,639	108,506	129,373	17
18	87,639	92,021	113,931	135,841	18
19	92,021	96,622	119,628	142,633	19
20	96,622	101,454	125,610	149,766	20
21	101,454	106,528	131,892	157,255	21
22	106,527	111,854	138,486	165,118	22

Nags Head Grade List
2023-2024

Town of Nags Head Grade List July 1, 2023 - June 30, 2024				
GRADE	CLASSIFICATION	HIRING RATE	MINIMUM	MAXIMUM
1		38,236	40,147	59,264
2		40,147	42,156	62,229
3	Customer Services Representative Office Assistant	42,156	44,264	65,341
4	Administrative Specialist Facilities Maintenance Technician Sanitation Equipment Operator Trainee Water Distribution Technician Water Plant Operator	44,264	46,477	68,608
5	Accounts Payable Specialist Permit Specialist Water Billing Specialist	46,477	48,800	72,039
6	Deputy Town Clerk Payroll Specialist Permitting Coordinator Sanitation Equipment Operator Senior Facilities Maintenance Technician Stormwater Technician	48,800	51,240	75,639
7	Event Planner Facility Maintenance Crew Leader Fire Fighter/EMT Fleet Mechanic Office Manager Sanitation Crew Leader Stormwater Crew Leader Water Distribution Crew Leader	51,240	53,802	79,422
8	Police Officer Fire Engineer Senior Fleet Mechanic Administrative Supervisor	53,802	56,492	83,393

Nags Head Grade List
2023-2024

Town of Nags Head Grade List July 1, 2023 - June 30, 2024				
GRADE	CLASSIFICATION	HIRING RATE	MINIMUM	MAXIMUM
9	Code Compliance Officer	56,492	59,317	87,563
	Environmental Planner			
	Fire Lieutenant			
	Fleet Crew Leader			
	Police Detective			
	Police Systems Administrator			
	Tax Collector			
10	Building Inspector I	59,317	62,283	91,941
	Planner			
11	Building Inspector II	62,283	65,397	96,539
	Facilities Maintenance Superintendent			
	Fire Captain			
	Fleet Maintenance Superintendent			
	Police Sergeant			
	Sanitation Superintendent			
	Water Distribution Superintendent			
	Water Operations Superintendent			
12	Building Inspector III	65,397	68,667	101,367
	IT Administrator			
	Ocean Rescue Supervisor/Firefighter			
	Public Information Officer			
13	Town Clerk	68,667	72,101	106,434
14	Chief Building Inspector	72,101	75,706	111,756
	Police Lieutenant			
15		75,706	79,492	117,344
16	Deputy Finance Director	79,492	83,466	123,212
	Deputy Fire Chief			
	Deputy Planning Director			
	Deputy Police Chief			
	Deputy Public Services Director			
	Human Resources Officer			
17		83,466	87,639	129,373

Nags Head Grade List
2023-2024

Town of Nags Head Grade List July 1, 2023 - June 30, 2024				
GRADE	CLASSIFICATION	HIRING RATE	MINIMUM	MAXIMUM
18		87,639	92,021	135,841
19	Town Engineer	92,021	96,622	142,633
20	Fire Chief	96,622	101,454	149,766
	Planning and Development Director			
	Police Chief			
	Public Services Director			
21		101,454	106,528	157,255
22	Deputy Town Manager/Finance Officer	106,527	111,854	165,118

Nags Head Class List
2023-2024

Town of Nags Head Class List July 1, 2023 - June 30, 2024

GRADE	CLASSIFICATION	HIRING RATE	MAXIMUM
5	Accounts Payable Specialist	46,477	72,039
4	Administrative Specialist	44,264	68,608
8	Administrative Supervisor	53,802	83,393
10	Building Inspector I	59,317	91,941
11	Building Inspector II	62,283	96,539
12	Building Inspector III	65,397	101,367
14	Chief Building Inspector	72,101	111,756
9	Code Compliance Officer	56,492	87,563
3	Customer Services Representative	42,156	65,341
16	Deputy Finance Director	79,492	123,212
16	Deputy Fire Chief	79,492	123,212
16	Deputy Planning Director	79,492	123,212
16	Deputy Police Chief	79,492	123,212
16	Deputy Public Services Director	79,492	123,212
6	Deputy Town Clerk	48,800	75,639
22	Deputy Town Manager/Finance Officer	106,527	165,118
9	Environmental Planner	56,492	87,563
7	Event Planner	51,240	79,422
7	Facilities Maintenance Crew Leader	51,240	79,422
11	Facilities Maintenance Superintendent	62,283	96,539
4	Facilities Maintenance Technician	44,264	68,608
11	Fire Captain	62,283	96,539
20	Fire Chief	96,622	149,766
8	Fire Engineer	53,802	83,393
9	Fire Lieutenant	56,492	87,563
7	Fire Fighter/EMT	51,240	79,422
9	Fleet Crew Leader	56,492	87,563
11	Fleet Maintenance Superintendent	62,283	96,539
7	Fleet Mechanic	51,240	79,422
16	Human Resources Officer	79,492	123,212
12	IT Administrator	65,397	101,367

Nags Head Class List
2023-2024

Town of Nags Head Class List July 1, 2023 - June 30, 2024

GRADE	CLASSIFICATION	HIRING RATE	MAXIMUM
12	Ocean Rescue Supervisor/Firefighter	65,397	101,367
3	Office Assistant	42,156	65,341
7	Office Manager	51,240	79,422
6	Payroll Specialist	48,800	75,639
5	Permit Specialist	46,477	72,039
6	Permitting Coordinator	48,800	75,639
10	Planner	59,317	91,941
20	Police Chief	96,622	149,766
9	Police Detective	56,492	87,563
14	Police Lieutenant	72,101	111,756
8	Police Officer	53,802	83,393
20	Planning and Development Director	96,622	149,766
11	Police Sergeant	62,283	96,539
12	Public Information Officer	65,397	101,367
20	Public Services Director	96,622	149,766
7	Sanitation Crew Leader	51,240	79,422
6	Sanitation Equipment Operator	48,800	75,639
4	Sanitation Equipment Operator Trainee	44,264	68,608
11	Sanitation Superintendent	62,283	96,539
6	Senior Facilities Maintenance Technician	48,800	75,639
8	Senior Fleet Mechanic	53,802	83,393
7	Stormwater Crew Leader	51,240	79,422
6	Stormwater Technician	48,800	75,639
9	Tax Collector	56,492	87,563
13	Town Clerk	68,667	106,434
19	Town Engineer	92,021	142,633
5	Water Billing Specialist	46,477	72,039
7	Water Distribution Crew Leader	51,240	79,422
11	Water Distribution Superintendent	62,283	96,539
4	Water Distribution Technician	44,264	68,608
4	Water Plant Operator	44,264	68,608
11	Water Operations Superintendent	62,283	96,539

Town of Nags Head Seasonal Lifeguard Pay Plan 2024 - 2025

	Lifeguard	Lifeg/EMT	Supervisor	Supv/EMT	ActingCap	AC/EMT
Base Starting Salary	\$19.00	\$20.00	\$20.25	\$21.25	\$21.50	\$22.50
1 returning year	\$19.25	\$20.25	\$20.50	\$21.50	\$21.75	\$22.75
2 returning year	\$19.50	\$20.50	\$20.75	\$21.75	\$22.00	\$23.00
3 returning year	\$19.75	\$20.75	\$21.00	\$22.00	\$22.25	\$23.25
4 returning year	\$20.00	\$21.00	\$21.25	\$22.25	\$22.50	\$23.50
5 returning year	\$20.25	\$21.25	\$21.50	\$22.50	\$22.75	\$23.75

Seasonal Bonus	
<i>Requirement: Minimum 600 hours worked during season</i>	Amount
Full-Time Non-Supervisory Positions	\$600
Part-Time Supervisors (at least 100 hours as acting supervisor)	\$750
Full-Time Supervisor (at least 500 hours as a supervisor)	\$1,000

Labor Day Incentive Pay
 for every hour worked between the dates of August 15th and Labor Day. This amount will be paid as a bonus aligning with their last paycheck, or paycheck corresponding with Labor Day, whichever is sooner. The \$2.00/hour is not used to increase the hourly rate. It is solely used to determine the bonus amount.

Returning Ocean Guards Treatment of Pay
 Ocean Guards are eligible for a \$.25 increase for each returning season, up to 5 seasons. They must have worked a minimum of 600 hours the preceding season to be eligible for the increase. The increase is maxed out at 5 returning seasons (6th season with Ocean Rescue) for a maximum increase of \$1.25/hour.



Agenda Item Summary Sheet

Item No: **E-6**
Meeting Date: **March 6, 2024**

Item Title: Modification to Town Code Chapter 6 *Animals* re: Definitions

Item Summary:

Attached for Board review and adoption is a proposed ordinance amending Town Code Chapter 6 *Animals* re: Definitions.

Staff would like to modify the Town Code, per recommendation of the existing Dangerous Animal Appeal Board, to include the Town Manager as one member of the five (5) member board along with four (4) Town residents.

In addition, staff recommends changing the term limits from two (2) years to three (3) years to be consistent with other Board appointments.

Number of Attachments: 1

Specific Action Requested:

Approval of the attached ordinance.

Submitted By: Administration

Date: February 19, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: February 19, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 19, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: February 19, 2024



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 6, *Animals*, of the Code of Ordinances shall be amended as follows:

PART I. That Town Code Sec. 6-1. *Definitions*. be amended as follows:

Dangerous animal appeal board means a board comprised of five members, the town manager and four town residents, appointed by the board of commissioners to serve ~~two~~ three-year terms and to hear appeals from the determination by the chief of police that an animal is a dangerous animal or a potentially dangerous animal. A panel of no more than three members of this board shall be necessary to hear such appeals.

PART II. Effective Date.

This ordinance amendment shall be in full force and effect from and after the **6th** day of **March 2024**.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: March 6, 2024

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS



Agenda Item Summary Sheet

Item No: **E-7**
Meeting Date: **March 6, 2024**

Item Title: Consideration of amendment to Traffic Control Map – No Parking Here To Corner on Vansciver Drive

Item Summary:

Please find attached a memo from Police Chief Perry Hale requesting to amend the Traffic Control Map to designate a portion of W Vansciver Drive north from its intersection with Deering Street as "No Parking Here to Corner". Residents have noted that issues of people parking on their properties and parking too close to the Stop Sign have increased due to the growth of this area.

Attached please find a map designating the area as well as an ordinance amending the Traffic Control Map for Board review and consideration.

Number of Attachments: 3

Specific Action Requested:

Ordinance provided for Board consideration.

Submitted By: Public Safety – Police Chief Hale

Date: February 28, 2024

Finance Officer Comment:

Minimal fiscal impact to include the cost of signage.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request and will participate in a discussion if necessary.

Signature: Andy Garman

Date: February 28, 2024



Nags Head Police Department

5401 S. Croatan Hwy.
Post Office Box 99
Nags Head, North Carolina 27959
Telephone (252) 441-6386
Fax (252) 441-7335
www.nagsheadnc.gov

Perry Hale
Chief of Police

Chris Montgomery
Deputy Chief of Police

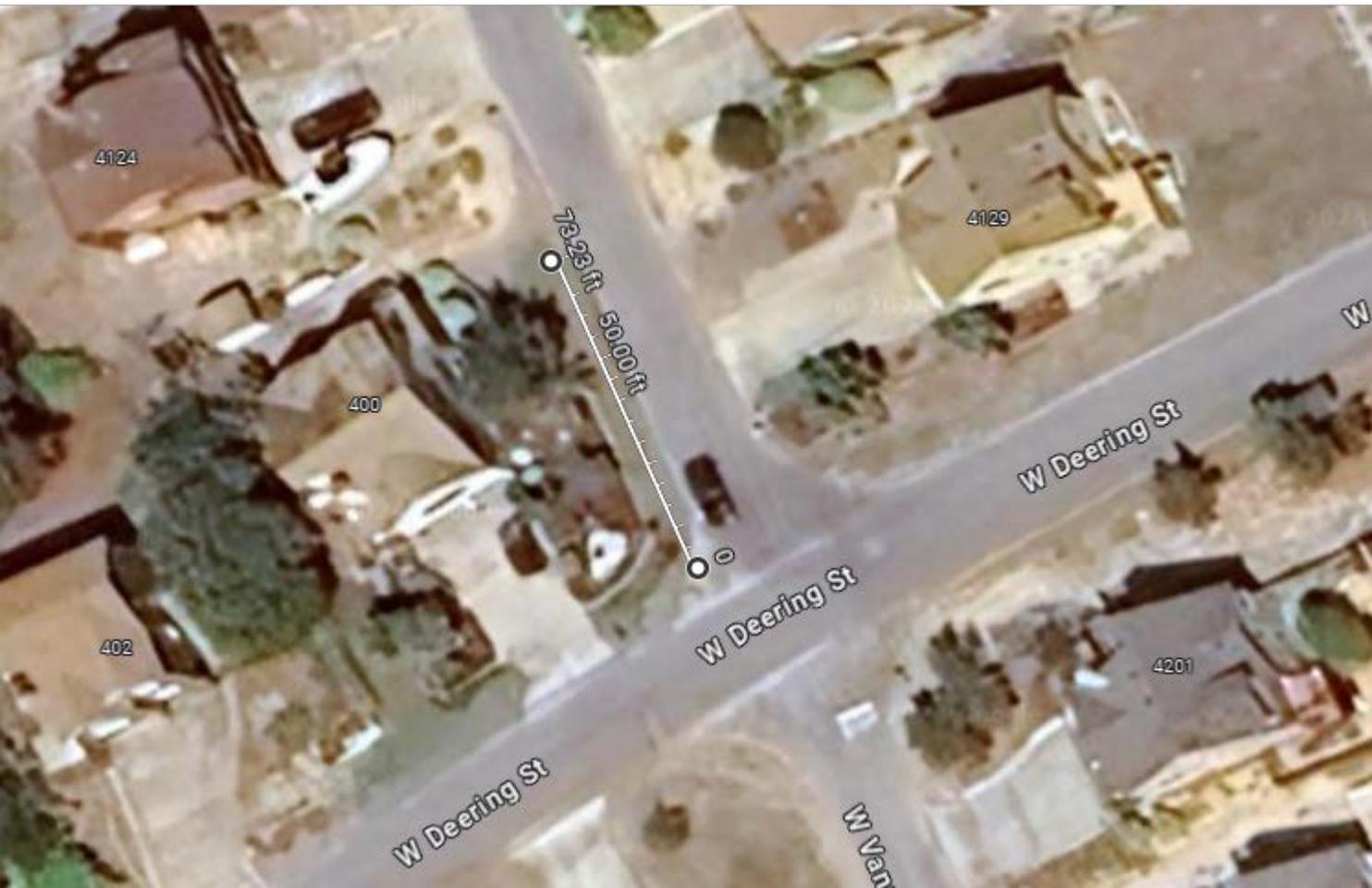
Service - Professionalism - Integrity - Strength

MEMORANDUM

TO: Andy Garman, Town Manager
FROM: P. Hale, Chief of Police
DATE: February 29, 2024
RE: Amendment to Traffic Control Map, No Parking Here to Corner

I have been contacted by residents in the South Ridge neighborhood to request “No parking” signs in the area of Vansciver Dr. This request would be for the portion of West Vansciver Dr. running 75 feet, north from the intersection of Deering St. This area has seen growth over the years with properties being built off Ridgeview and Sea Bass Ct. From speaking with the residents, vehicles pull off the roadway and park in the yards along this section, damaging their property and parking close to the Stop Sign. I am requesting an amendment to the Traffic Control Map to deem this area “No Parking, Here to Corner”.

I will be available at the Board meeting to respond to questions or comments.



4124

400

402

4129

4201

73.23 ft
50.00 ft

W Deering St

W Deering St

W Deering St

W Van



ORDINANCE AMENDING THE NAGS HEAD TRAFFIC CONTROL MAP

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Nags Head Traffic Control Map is hereby amended as follows:

- PART I.** Designation of *No Parking Here To Corner* at the following location:
- On the west side of W Vansciver Drive, 75' north from its intersection with Deering Street in the Southridge Subdivision
- PART II.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- PART III.** This ordinance shall become effective upon notation being made on the Nags Head Traffic Control Map and the erection of appropriate signage.

This the 6th day of March 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

ADOPTED **March 6, 2024**

MOTION TO ADOPT BY: _____

SECONDED BY: _____

VOTE: _____ AYES _____ NOES



Agenda Item Summary Sheet

Item No: **E-8**
Meeting Date: **March 6, 2024**

Item Title: Consideration of cart rollback contracts for May-Jun and Jul-Oct 2024

Item Summary:

Attached for Board review are two proposed contracts for cart rollback with Trash Detail, LLC for the May-June timeframe and for the July-October timeframe. Proposals from Trash Detail are also attached.

Staff would like to continue the positive cart rollback experience for the upcoming season and is requesting Board authorization to execute the contract as presented. There would be no changes to the service. The fee is increasing from \$195,000 per calendar year to \$201,600 per calendar year.

Number of Attachments: 3

Specific Action Requested:

Request authorization for Town Manager or his designee to execute contract for cart rollback services from May-June 2024 and July-October 2024 with Trash Detail, LLC.

Submitted By: Amy Miller, Dep Town Manager/Finance Officer Date: February 28, 2024

Finance Officer Comment:

Request authorization for Town Manager or his designee to execute contract for cart rollback services from May-June 2024 and July-October 2024 with Trash Detail, LLC. Because this contract crosses fiscal years, Board authorization is required. For the purposes of planning and continuity of operations staff requests that the contract be approved for the full 2024 summer season.

Signature: Amy Miller Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy Date: February 28, 2024

Town Manager Comment and/or Recommendation:

The Town has received a number of positive comments and the beach road looks significantly better with this service in place. We do not anticipate increasing fees for the service based on the amount of the proposed contracts.

Signature: Andy Garman Date: February 28, 2024

Town of Nags Head
Public Works Contract Review Cover Form

Your review and comments are needed no later than:

2-13-2024

Contract Name : Cart Rollout/Rollback Service

Contract Originator: Karen Heagy

<input checked="" type="checkbox"/> New contract <input type="checkbox"/> Change Order <input type="checkbox"/> Task Order <input checked="" type="checkbox"/> Service Contract <input type="checkbox"/> Equipment Contract <input type="checkbox"/> Engineering Contract <input type="checkbox"/> Construction Contract		
Reviewer	Approval Date	Revisions to be made
Finance Director	2-26-24 2/26/24	
Town Clerk	2/8/2024	
Town Attorney	N/A	N/A Review is not required IF THERE IS NO SIGNIFICANT CHANGE TO CONTRACT LANGUAGE.

Benjamin Cahoon
Mayor

Michael Siers
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head

Post Office Box 99
Nags Head, NC 27959
Tel. 252-441-5508
Fax 252-441-0776
nagsheadnc.gov

Kevin Brinkley
Commissioner

Bob Sanders
Commissioner

Megan Lambert
Commissioner

NORTH CAROLINA
DARE COUNTY

SERVICE CONTRACT
PURCHASE ORDER #20240373

**THIS CONTRACT IS NOT VALID WITHOUT THE REQUIRED ACCOMPANYING/
CORRESPONDING PURCHASE ORDER**

(CONTRACTOR *initials*)

THIS CONTRACT is made and entered into this the 13 day of February 2024 by and between the TOWN OF NAGS HEAD, a public body corporate of the State of North Carolina, (hereinafter referred to as "the TOWN") party of the first part and Trash Detail, LLC., 1104 W. Colonial Avenue, Elizabeth City, NC 27909, (hereinafter referred to as "CONTRACTOR"), party of the second part.

1. SERVICES TO BE PROVIDED AND AGREED CHARGES

The services and/or material to be furnished under this contract (hereinafter referred to collectively as "SERVICES") and agreed charges are as follows:

To provide Cart Rollout & Rollback service to all residential houses that take direct access to NC 12 or SR 1243 for Monday & Thursday service days for time periods May-June 2024 and July-October 2024 as per attached Quotes dated January 26, 2024 and February 7, 2024.

Total contract price is \$201,600.00 (Two Hundred One- Six Hundred dollars and zero cents.) Price is in accordance with CONTRACTOR's quotes, dated January 26, 2024 and February 7, 2024 (referenced above) plus applicable North Carolina taxes.

It is mutually agreed by and between the TOWN and CONTRACTOR that work under this will commence no later than MAY 1, 2024. The completion date shall be OCTOBER 31, 2024.

2. DESCRIPTION OF PROJECT

The CONTRACTOR shall roll trash and/or recycle carts from the home (private property) to the street (public right-of-way) on the day prior to trash/recycle collection days and position the carts so that they may be serviced with the Town's automated trash collection trucks. When the trash and/or recycle carts have been emptied, the carts will be returned from the street (public right-of-way) to the home (private property) on the day of collection.

- The CONTRACTOR shall place door tags at any property where access to the cart is obstructed on the day that the cart is to be rolled out. The CONTRACTOR will not be responsible to return to the home to service the cart, but the door tag shall serve as a reminder to the occupant to roll the carts to the street for collection.
- The CONTRACTOR shall guarantee to continuously service the property during the terms of the CONTRACT regardless of weather, holidays, etc. unless otherwise communicated by the TOWN to the CONTRACTOR.
- In the event of an impending weather event, the TOWN may request adjustments be made to positioning of the carts at the street and/or the timing of SERVICES.
- The CONTRACTOR report carts in need of repair or replacement to the TOWN so that continuous service may be provided to the home. The CONTRACTOR will not be responsible to SERVICE full trash and/or recycle carts that are not able to be rolled to the street. When possible. The CONTRACTOR will place empty, damaged carts upside down near the street for collection by the TOWN.

Location of SERVICES:

- The CONTRACTOR shall be responsible to provide SERVICES to all homes in which the driveway takes direct access to South Virginia Dare Trail (NC 12) and Old Oregon Inlet Road (SR 1243) within the municipal limits of the TOWN OF NAGS HEAD.

3. TERM OF CONTRACT

The term of this CONTRACT for SERVICES is from February 13, 2024, until the obligations of the CONTRACT are fulfilled and accepted by the TOWN pursuant to its terms or until the CONTRACT is terminated pursuant to its terms. Either party may nonetheless cancel this CONTRACT on thirty (30) days written notice to the other party by certified mail or personal delivery. This CONTRACT is subject to the availability of funds to purchase the specified SERVICES and may be terminated at any time if such funds become unavailable.

Notwithstanding provisions of this Section 3 to the contrary, the following shall survive the termination of this CONTRACT: any provision in Section 1 regarding liquidated damages; the provisions of Section 6 regarding indemnity; and the provisions of Section 10.

4. PAYMENT TO CONTRACTOR

The TOWN agrees to pay at the rates specified for SERVICES satisfactorily performed in accordance with this CONTRACT. Unless otherwise specified, the CONTRACTOR shall submit an

itemized invoice to the TOWN by the end of the month in which SERVICES are completed. Payment will be processed promptly upon receipt and approval by the TOWN of the invoice.

5. INDEPENDENT CONTRACTOR

Both the TOWN and the CONTRACTOR agree that the CONTRACTOR shall act as an independent contractor and shall not represent itself as an agent or employee of the TOWN for any purpose in the performance of the CONTRACTOR'S duties under this CONTRACT. Accordingly, the CONTRACTOR shall be responsible for payment of all Federal, State and local taxes arising out of the CONTRACTOR'S activities in accordance with this CONTRACT, including by way of illustration but not limitation, Federal and State income tax, Social Security tax, Unemployment Insurance taxes, and any other taxes or business license fees as required.

In performing the SERVICES, the CONTRACTOR is acting as an independent contractor and shall perform SERVICES in accordance with currently approved methods and practice in the CONTRACTOR'S professional capacity and in accordance with the standards of applicable professional organizations and licensing agencies.

6. INSURANCE AND INDEMNITY

The CONTRACTOR shall indemnify and save harmless the TOWN, its agents and employees from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the TOWN or which the TOWN must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from negligent performance of or failure to perform any of its obligations under the terms of this CONTRACT.

The CONTRACTOR shall be fully responsible to the TOWN for the acts and omissions of its sub-contractors and of persons either directly or indirectly employed by it, as the CONTRACTOR is for the acts and omissions of persons directly employed by it.

In addition, the CONTRACTOR shall comply with the North Carolina Worker's Compensation Act and shall provide for the payment of workers' compensation to its employees in the manner and to the extent required by such Act. In the event the CONTRACTOR is excluded from the requirements of such Act and does not voluntarily carry workers' compensation coverage, the CONTRACTOR shall carry or cause its employees to carry adequate medical/accident insurance to cover any injuries sustained by its employees or agents during the performance of SERVICES.

The CONTRACTOR agrees to furnish the TOWN proof of compliance with said Act or adequate medical/accident insurance coverage upon request.

The CONTRACTOR upon request by the TOWN shall furnish a Certificate of Insurance from an insurance company, licensed to do business in the State of North Carolina and acceptable to the TOWN verifying the existence of any insurance coverage required by the TOWN. The Certificate will provide for sixty (60) days advance notice in the event of termination or cancellation of coverage.

7. HEALTH AND SAFETY

The CONTRACTOR shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work. The CONTRACTOR shall take all necessary

precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees from the work and other persons who may be affected thereby.

8. NON-DISCRIMINATION IN EMPLOYMENT

The CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, or national origin. The CONTRACTOR shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their age, sex, race, creed, or national origin. In the event the CONTRACTOR is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state or local law or this provision, this Contract may be cancelled, terminated or suspended in whole or in part by the TOWN, and the CONTRACTOR may be declared ineligible for further contracts.

9. E-VERIFICATION OF EMPLOYEES

The CONTRACTOR represents and warrants that it has ensured and will ensure for itself and each subcontractor that it uses to perform obligations under this CONTRACT, that either:

- (1) The CONTRACTOR or subcontractor employs less than 25 employees who are employed for 9 months or more during a 12-consecutive period; or
- (2) The CONTRACTOR or subcontractor: (a) employs 25 or more employees who are employed for 9 months or more during a 12-consecutive-month period; and (b) has used the E-Verify program, which program is operated by the United States Department of Homeland Security and is defined in N.C. Gen. Stat. § 64-25 (5), to verify the work authorization of each employee.

10. GOVERNING LAW

This CONTRACT shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this CONTRACT shall be brought in the General Court of Justice of the State of North Carolina or in the Federal District Court for the Eastern District of North Carolina, and the parties hereby submit to venue in and the personal jurisdiction of the said Courts.

11. IRAN DIVESTMENT ACT CERTIFICATION

CONTRACTOR certifies that CONTRACTOR is not listed on the list of persons who engage in investment activities in Iran, which list is created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58 of the Iran Divestment Act.

12. OTHER PROVISIONS

This CONTRACT is subject to such additional provisions as are set forth in any addendum executed separately by each party and attached hereto.

13. CONTRACT DOCUMENTS/AMENDMENTS

This document together with the purchase order and any attached exhibits constitutes the entire contract between the said two parties and may only be modified by a written mutual

agreement signed by the parties and attached hereto. In the event of any conflict between this CONTRACT and any attached documents, the CONTRACT language will prevail.

14. SEVERABILITY

The provisions of this CONTRACT are separate and divisible. In the event that any provision of this CONTRACT shall be held invalid, the remaining provisions shall be construed and shall be valid as if the invalid provisions were not a part of this CONTRACT.

15. SIGNATURES

Both the TOWN and the CONTRACTOR agree to the above CONTRACT.

TOWN OF NAGS HEAD

By: _____

Printed Name: _____

Title: _____ Town Manager

Date: _____

CONTRACTOR

Corporate Seal (I/A)

By: _____

Printed Name: _____

Title: _____

Date: _____

“This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.”

Finance Officer



Trash Detail, LLC

Chris: 252-256-2139

Terrance: 252-202-5777

trashdetail@gmail.com

January 26, 2024

Summary

A locally owned business, providing curbside roll out and roll back service for trash and recycle bins in Eastern North Carolina, including Dare and Currituck counties. We work with single-family, condominium and commercial properties.

Procedure

Our crew arrives the day prior to trash/recycle days to roll out your trash and recycle bins to the curb to be emptied by the contracted trash and recycling company. After the bins have been emptied, we will return to your property on the day of pick up to return your bins to their proper storage location. Our business partners with property managers, property owners, homeowner associations and local businesses to provide solutions for your properties' needs. As a commitment to providing the highest standards in customer service, we will never leave your bins on the street for prolonged periods of time and will always strive to provide clear communication.

Specifics

(The below items are available in our contract at no additional charge and can be customized to fit your specific needs.)

- Our service includes rolling your bins out to the curb the day prior to trash/recycle service days, so they are ready for pick-up. When the bins have been emptied, we return them to their proper location, barring any obstruction, on the day of service.
- We offer the benefit of having a local team available to service the property during the contracted dates. With our business, you are guaranteed continuous coverage so that your bins are rolled out and returned to the home on time, every service day, rain, shine, or holiday.
- If requested, we will report damaged bins that need to be replaced or repaired to the appropriate party.
- Our business is fully insured and can provide proof upon request.

Qualifications

All members of our crew have lived or worked in Dare or Currituck counties for 15+ years, with many of us having worked in the hospitality, HOA, or maintenance industries. Given the weekly turnover rate in our resort location, we recognize the need for a roll out and roll back service that ensures the community roads stay clear of bins and excess garbage. We contract with individual homeowners, businesses, and associations.

Pricing/Service

- **Address/Community to Be Serviced:**

The Town of Nags Head, Entire length of multi-use path on Hwy 12 & 1243, East & West

- **Type of Service:**

May 1 -June 30, 2024; Roll Out AND Roll Back to and from house for Monday and Thursday service days

- **TOTAL Proposed Fee for May-June 2024: \$67,200**

Fee Breakdown: \$33,600/month

Thank you!

Chris Driver, President

Terrance Riddick, Vice President

Trash Detail, LLC



Trash Detail, LLC

Chris: 252-256-2139

Terrance: 252-202-5777

trashdetail@gmail.com

February 7, 2024

Summary

A locally owned business, providing curbside roll out and roll back service for trash and recycle bins in Eastern North Carolina, including Dare and Currituck counties. We work with single-family, condominium and commercial properties.

Procedure

Our crew arrives the day prior to trash/recycle days to roll out your trash and recycle bins to the curb to be emptied by the contracted trash and recycling company. After the bins have been emptied, we will return to your property on the day of pick up to return your bins to their proper storage location. Our business partners with property managers, property owners, homeowner associations and local businesses to provide solutions for your properties' needs. As a commitment to providing the highest standards in customer service, we will never leave your bins on the street for prolonged periods of time and will always strive to provide clear communication.

Specifics

(The below items are available in our contract at no additional charge and can be customized to fit your specific needs.)

- Our service includes rolling your bins out to the curb the day prior to trash/recycle service days, so they are ready for pick-up. When the bins have been emptied, we return them to their proper location, barring any obstruction, on the day of service.
- We offer the benefit of having a local team available to service the property during the contracted dates. With our business, you are guaranteed continuous coverage so that your bins are rolled out and returned to the home on time, every service day, rain, shine, or holiday.
- If requested, we will report damaged bins that need to be replaced or repaired to the appropriate party.
- Our business is fully insured and can provide proof upon request.

Qualifications

All members of our crew have lived or worked in Dare or Currituck counties for 15+ years, with many of us having worked in the hospitality, HOA, or maintenance industries. Given the weekly turnover rate in our resort location, we recognize the need for a roll out and roll back service that ensures the community roads stay clear of bins and excess garbage. We contract with individual homeowners, businesses, and associations.

Pricing/Service

- **Address/Community to Be Serviced:**

The Town of Nags Head, Entire length of multi-use path on Hwy 12 & 1243, East & West

- **Type of Service:**

July 1 -October 31, 2024; Roll Out AND Roll Back to and from house for Monday and Thursday service days

- **TOTAL Proposed Fee for July-October 2024: \$134,400**

Fee Breakdown: \$33,600/month

Thank you!

Chris Driver, President

Terrance Riddick, Vice President

Trash Detail, LLC



Agenda Item Summary Sheet

Item No: **E-9**
Meeting Date: **March 6, 2024**

Item Title: Request for Public Hearing to consider text amendments submitted by Albemarle & Associates, PE on behalf of Golasa Holdings, LLC to allow the long-term rental of units within existing hotels and motels.

Item Summary:

John Delucia of Albemarle & Associates, PE has submitted a text amendment request on behalf of Golasa Holdings, LLC, which if adopted, would amend the Unified Development Ordinance to allow the long-term rental of units within existing hotel and motel units. The Planning Board discussed the requested amendments with the applicant and planning staff at their December 19, 2023, January 16, 2024, and February 20, 2024 meetings. As a result of these meetings, an ordinance has been drafted which would allow the conversion of existing hotel units intended for transient occupancy, to be converted to long-term rental occupancy units with the following supplemental regulations:

- This would apply to hotels/motels within the C-2, General Commercial zoning designation constructed prior to November 10, 1972. When applying these parameters, eligible properties include Seahorse Inn, Owens Motor Court, Tarheel Motel, First Colony, and Nags Head Beach Inn.
- The conversion of hotel units to long-term rental would be approved via the Special Use Permit process. Reverting to hotel units may be done administratively if there has been no site or structural improvements resulting in an increase in the degree of nonconformity.
- All units within the hotel development shall be converted to long-term occupancy, a hotel structure could not have both long and short-term occupancies co-mingled.
- Long-term occupancy shall mean occupancy for a period of 90 consecutive days or more.
- A percentage of the units shall be dedicated to workforce housing.
- Interior space dimensions of each unit shall meet the minimum requirements of the NC Building Code.
- The hotel development shall meet current NC Fire Prevention code requirements.
- A minimum of two (2) parking spaces shall be required for each unit.
- Utility meters for individual units are prohibited and the hotel must operate under a single-unified management operation.
- All goods, material, equipment, etc. shall be stored in an approved location, not visible from public rights-of-way or neighboring properties.

Planning Staff and Planning Board Recommendation

While staff does have concerns that this transition of transient hotel units to long-term stay units is effectively allowing a form of multi-family development while we do not currently allow multi-family developments within the town code, staff believes that with the recommended conditions in place, this type of transition in hotel units is consistent with the land use plan and would recommend adoption of the proposed amendment.

At their February 20, 2024, meeting the Planning Board was supportive of the proposed text amendment, with a few minor revisions requested. These revisions will be presented at the Planning Board's March 19th meeting, with the understanding that the public hearing will proceed in April.

Number of Attachments: 0

Specific Action Requested:

Schedule the Public Hearing for the Board of Commissioners April 3, 2024 meeting.

Submitted By: Planning and Development

Date: February 28, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: February 28, 2024



Agenda Item Summary Sheet

Item No: **E-10**
Meeting Date: **March 6, 2024**

Item Title: Request for Public Hearing to consider text amendments to the Unified Development Ordinance to prohibit driving over and/or parking on septic systems.

Item Summary:

At their October 24th, 2023 meeting, the Septic Health Advisory Committee (SHAC) discussed the importance of prohibiting, or at a minimum discouraging, driving over and/or parking on top of active septic and drain field areas on residential properties. While providing the Planning Board with an update on the SHAC at their November 2023 meeting, it was the consensus of the Planning Board to initiate the text amendment process to provide protection of septic systems from vehicle parking and driving. Staff has drafted language which would require a that physical barrier be put in place when the septic system area is adjacent to any portion of a parking space, turnaround area, driveway, or drive aisle. Acceptable barriers include, but are not limited to, fencing, posts with rope, raised planters or landscape beds, landscape timers or other treatments as approved by the Unified Development Ordinance (UDO) Administrator. As proposed, this amendment would only apply to new construction or substantial improvement to residential properties. Staff recognizes that there will be outreach needed in advance of implementing this ordinance should it be adopted.

Recognizing the potential impact of this amendment on property owners who do not currently have issues with parking on their septic areas and noting that such parking often occurs at rental homes, staff is actively exploring alternative options to ensure septic area safety. One approach under consideration is the inclusion of language expressly prohibiting parking on septic areas. In cases where a violation is noted, a Notice of Violation would be issued, at which time the placement of a physical barrier to preclude any future violations could be required. This approach would address parking on septic on systems via a formal violation of the Unified Development Ordinance with a specified remedy, as opposed to the draft language which is more proactive but may unnecessarily impact property owners who do not currently have a problem.

Planning Staff and Planning Board Recommendation

Planning staff recommends adoption of this text amendment as proposed while continuing to draft additional/alternative language to address the concern.

At their February 20, 2024, meeting the Planning Board voted unanimously to recommend adoption of the proposed text amendment as presented. Planning Board members also noted that additional consideration should still be given to limiting the impact of this ordinance to those properties that do not have a history of parking on their septic system.

Number of Attachments: 0

Specific Action Requested:

Schedule the Public Hearing for the Board of Commissioners April 3, 2024, Meeting.

Submitted By: Planning and Development

Date: February 28, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

This ordinance would touch a large number of properties in the town. I would encourage a measured approach which focuses on the problem.

Signature: Andy Garman

Date: February 28, 2024



Agenda Item Summary Sheet

Item No: **F-1**
Meeting Date: **March 6, 2024**

Item Title: Public Hearing to consider text amendments to remove the use "Restaurant, Drive-Through" from the Unified Development Ordinance

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 Comprehensive Land Use Plan.

Staff and Planning Board Recommendation

The policies in Town's Comprehensive Plan suggest restricting the development of drive-through restaurants in the town. Drive-through restaurants are currently only permitted via the Special Use process in the C-2, General Commercial District as a standalone principal structure. The character areas, as described in the Comprehensive Land Use Plan, are the result of a multi-year community-wide effort to define what land uses are appropriate, where and what land uses contribute to the Town of Nags Head's overall character. Drive-through restaurants are explicitly excluded as appropriate in any of the character areas. Based on guidance found within the Comprehensive Land Use Plan, staff recommends approval of the proposed text amendment to remove drive-through restaurants as an allowable use within the UDO.

At the Planning Board's January 16, 2024, meeting, they voted unanimously to recommend approval of the text amendments as proposed.

Number of Attachments:2

Specific Action Requested:

Conduct the Public Hearing for the requested UDO text amendment.

Submitted By: Planning and Development

Date: February 28, 2024

Finance Officer Comment:

Signature: Amy Miller

Date:

Town Attorney Comment:

Attorney Leidy will participate in the discussion as necessary.

Date:

Signature: John Leidy

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Date:

Signature: Andy Garman

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 a public hearing on **Wednesday, March 6, 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 request:

- 1) Public Hearing to consider text amendments to the Unified Development Ordinance re: prohibiting drive-through restaurants

A copy of the application request 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 this hearing, substantial changes may be made in the proposal as advertised to reflect objections, debate and discussion at the hearing. Any person desiring to be heard on the proposal as stated above should appear at the time and place specified above.

This the 19th day of February 2024.

Kelly Wyatt
Planning Director

*For publication in the Coastland Times on Wednesday, February 21st and on Wednesday, February 28th 2024.
Please use Nags Head logo and legal print.*



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners

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

Date: February 28, 2024

Subject: Consideration of text amendments to the Unified Development Ordinance to remove the use "Restaurant, Drive-Through"

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.

Currently drive-through restaurants are only allowed in the following instances:

- Within the C-2, General Commercial Zoning District via the Special Use Permit process with supplemental regulations that are described in Section 7.29 of the Unified Development Ordinance.
- Within the Village at Nags Head Special Planned Development District, Commercial-1 and Commercial-2 Zoning District via the Special Use Permit process with supplemental regulations that are described in Section 9.37.5 of the Unified Development Ordinance.

Detailed policy considerations and analysis were provided to the Planning Board and Board of Commissioners during their ongoing review of a text amendment application submittal made by the Outlets Nags Head to expand the use of "Restaurant, Drive Through," to be included within Commercial Mixed-Use developments. The most recent staff report was provided to the Board of Commissioners at their January 3, 2024, meeting and is included as an attachment for reference. The attachment provides context as to why the Board of Commissioners initiated a text amendment process to remove the use of "Restaurant, Drive Through" from the UDO. The Village at Nags Head POA reviewed the proposed text amendment at their January meeting and was supportive of removing the use of Restaurant, Drive Through from the Village's Special Planned Development Ordinance. The timeline below details the major events leading up to the Board of Commissioners recommendation to remove the use of "Restaurant, Drive Through" as an allowable use within the Unified Development Ordinance.

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 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.
- January 3, 2024: The Board of Commissioners considered a text amendment application and how to resolve the conflict between the UDO and the Comprehensive Land Use Plan. The Board of Commissioners denied the text amendment application and made a motion that directed planning staff to initiate a text amendment process removing the use of Restaurant, Drive Through from the UDO.
- January 16, 2024: The Planning Board voted unanimously to recommend approval of the text amendments as proposed to remove the use of Restaurant, Drive Through from the UDO.

Staff believes that the proposed amendments reflect the Board of Commissioner's guidance. Please note that this amendment specifically pertains to the removal of drive-through restaurant use from the Unified Development Ordinance. Other uses commonly associated with drive-through facilities, such as banks and pharmacies, are not affected by this proposed amendment.

Planning staff will be available at the Board of Commissioners March 6, 2024, meeting for further discussion.

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).

(DRAFT)
AN ORDINANCE AMENDING THE TOWN CODE AND UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE USE “RESTAURANT, DRIVE-THROUGH”

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, The Board of Commissioners made a motion requesting consideration be given to removing the use “Restaurant, Drive-Through” from within the Unified Development Ordinance, including the supplemental regulations associated with them; and

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Section 6.6, Table of Uses and Activities**, be amended as follows

	Use Category/ Class	Use Type	R - 1	R - 2	R - 3	C R	C- 1 *	C- 2	C - 3	C- 4	C- 5	S P D- 20	SE D- 80	S P D- C *	O &S	C O	H O	SR O	Regulations
4	Food Service	Restaurant - Drive In					S R	S R			S R								Section 7.28
4	Food Service	Restaurant - Drive Through						S R											Section 7.29
4	Food Service	Restaurant - Neighborhood				P R	P R	P R		P R	P R								Section 7.30

PART II. That **Section 7.29- Restaurant, Drive-Through**, be removed as follows:

~~Restaurant, drive-through, is permitted in accordance with Section 6.6, Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:~~

~~7.29.1. In addition to the buffering requirements of Section 10.93, Landscaping, Buffering, and Vegetation Preservation, the site shall be buffered from all adjacent properties utilizing a 10-foot wide Commercial Transitional Protective Yard as prescribed in Section 10.93.~~

~~7.29.2. The drive-through restaurant must front on the US 158 right-of-way.~~

PART III. That **Section 7.30 - Restaurant, Neighborhood** be amended as follows:

7.30.3. A restaurant site may contain more than one principal restaurant building, or one principal restaurant building in combination with another principal drive-in restaurant, ~~drive through restaurant~~, or takeout restaurant building.

Part IV. That **Section 7.31- Restaurant, Sit Down** be amended as follows:

7.31.1. A restaurant site may contain more than one principal restaurant building, or one principal restaurant building in combination with another principal drive-in restaurant, ~~drive-through restaurant~~, or takeout restaurant building.

Part V. That **Section 9.36 - Table of Uses and Activities for the SPD-C District** be amended as follows:

Use Category/Class	Use Type	C1	C2	I	Hotel	SF-DET	SF-ATT	MF	TH	REC	Supplemental Regulations
4 Food Service	Restaurant, drive-through	CS	CS								Sect. 9.37.5

Part VI. That **Section 9.37.5 - Restaurant, Drive-Through**, be removed as follows:

~~Drive-through restaurants are allowed as a special use in accordance with Section 9.36, Table of Uses and Activities for the SPD-C District, provided that the boundaries of the entire site, if located within fifty (50) feet of an existing residential use or district, shall be buffered from all adjacent properties and rights-of-way utilizing a 10-foot wide Commercial Transitional Protective Yard as prescribed in Article 10, Part VI, Commercial Design Standards.~~

Part VII. That **Table 10-2: Required Parking by Use** be amended as follows:

Use Category/Class	Use Type	Required Parking
Food Service	Restaurant -- Drive-Through	A minimum of 10 additional parking spaces, plus required parking spaces for any other use including, but not limited to, restaurant customer service area or drive-in restaurant

Part VIII. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
This ordinance shall be in full force and effect from and after the ___ day of ___ 2024.

Benjamin Cahoon, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

APPENDIX A

SECTION 3.5.4. ACTION BY THE BOARD OF COMMISSIONERS

Pursuant to Section 3.5.4.2. of the UDO, the Board of Commissioners may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

Pursuant to Section 3.5.4.5. of the UDO, prior to voting to adopt or reject the proposed text amendment, the Board should adopt a statement approving the amendment and describing the amendment's consistency with the Town's adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest, a statement rejecting the amendment and describing its inconsistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest, or a statement approving the amendment and containing at least all of the following:

- A declaration that the approval is also deemed an amendment to the Comprehensive Plan. The Board of Commissioners shall not require any additional request or application for amendment to the Comprehensive Plan.
- An explanation of the change in conditions the Board of Commissioners took into account in amending the UDO to meet the development needs of the community.
- Why the action was reasonable and in the public interest.



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director

Date: December 28, 2023

Subject: Consideration of text amendments to the Unified Development Ordinance as it pertains to the use "Restaurant, Drive-Through"

Updated Staff Report for Board of Commissioners January 3rd, 2024 Meeting

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).

Previous Staff Report from Planning Board October 17, 2023 Meeting

SRE Mustang, LLC (Outlets Nags Head) submitted a text amendment application to include the use of “Restaurant, Drive Through” as a permissible use within Commercial Mixed-Use Developments and to amend the Supplemental Regulations associated with drive-through restaurants within the Town.

Currently drive-through restaurants are only allowed in the C-2, General Commercial Zoning District as a special use and with supplemental regulations that are described in Section 7.29 of the Unified Development Ordinance.

Section 7.32, General Provisions of the Unified Development Ordinance, specifies the uses that are allowed to be included within areas designated Commercial Mixed-Use. The Commercial Mixed-Use zone includes Commercial with Accessory Residential, Group Development, Mixed Use Development, Multiple Principal Uses, and Shopping Center. Presently, “Restaurant, Drive Through” defined as “an establishment where drive lane facilities are provided for the serving of prepared food, frozen desserts or beverages directly to a customer in a motor vehicle by means which eliminates the need for the customer to exit the motor vehicle” is not included as one of the allowable uses within a Commercial Mixed-Use Development.

In addition to the applicant’s request to amend Section 7.32 of the Unified Development Ordinance to list the use “Restaurant, Drive-Through” as a permissible use within Commercial Mixed-Use designations, the applicant has also proposed to amend the supplemental regulations found within Section 7.29 of the UDO. The proposed revised language is provided below:

Section 7.29 - Restaurant, Drive-Through.

Restaurant, drive-through, is permitted in accordance with [Section 6.6](#), Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

7.29.1. In addition to the buffering requirements of [Section 10.93](#), Landscaping, Buffering, and Vegetation Preservation, the site shall be buffered from all adjacent properties utilizing a 10-foot wide Commercial Transitional Protective Yard as prescribed in [Section 10.93](#).

7.29.2. The drive-through restaurant must be situated in a retail shopping center development which (a) consists of at least twenty (20) acres of land with frontage on the US 158 right-of-way, (b) has signalized access to and from US 158, and (c) the structure with a drive-through is less than 3,000 square feet. The Town Board may, in its discretion, approve an alternative site layout with the front of a drive-through restaurant located in the C-2, General Commercial District on US 158 oriented differently (i.e., front façade not facing US 158) as part of the Special Use Permit process.

7.29.3. Where the front façade of the restaurant with drive-through is not oriented toward US Hwy 158, the Town Board may approve such alternative site layout provided that the buffer yard requirements set forth in UDO Section 10.93 are satisfied.

POLICY CONSIDERATIONS

The 2017 Comprehensive Land Use Plan sets forth various character areas throughout the Town. These are districts that have their own unique characteristics. These areas provide both the vision and policy direction for the desired use, design, infrastructure, and other elements that new development must consider. Within each Character Area the plan references a general list of appropriate land uses within the Character Area. These character areas include the Gallery Row- Community Center Character Area, Historic Character Area, Village Municipal Service Character Area, South Nags Head Character Area and the Corridors Character Area. The allowable uses and appropriate scales of these uses are comprehensively described for each of the unique districts to ensure future development and redevelopment preserves the quality and uniqueness of each district. The list of generally appropriate land uses specifically spells out that “drive-thru restaurants” are not desirable (see below) in any of the character areas. In addition, the following Land Use Policies may be applicable:

- LU-1 – Ensure that the character of Nags Head is preserved as a single-family residential beach community with ties to its natural environment. This character is defined by:
 - Buildings with a residential scale and appearance with low heights and small footprints that are designed to reflect the heritage of Nags Head.
 - Commercial development that serves the needs of residents and visitors but respects the goals of the community related to design and appearance.
- LU-23 – Require sufficient parking for commercial businesses with parking area design regulations that limit impacts on neighbors and surrounding land uses. Page 3-31 states, “as future ordinance revisions occur, the town should maintain consistency between permitted land uses and its parking tables and evaluate changes as necessary to correlate parking standards with actual parking demand based on best available data and information.
- EC-6 – Support and foster small, local businesses that preserve and uphold the vision and legacy of the town.

Table 2.6.2.A: Appropriate Land Uses in the Whalebone Junction Character Area

Whalebone Core [1]	Soundside [1]
<ul style="list-style-type: none"> - Single-Family Residential (5,000 sq. ft. or less) - Hotel/Boutique Hotel - Mixed Use - Accessory residential to residential - Commercial (10,000 sq. ft. or less) - Accessory residential to commercial - Office as an accessory use - Retail - Equipment rentals - Restaurant (Walk-up, sit down, no drive-thrus) - Gallery/Museum - Institutional (Parks, School, Non-Profit) - Personal Service Establishment - Cottage Court 	<ul style="list-style-type: none"> - Multi-Family - Hotel/Boutique Hotel - Accessory residential to commercial - Mixed Use - Commercial - Office as an accessory use - Retail - Restaurant (Walk-up, sit down, no drive-thrus) - Personal Service Establishment - Indoor entertainment - Indoor/Outdoor Recreation - Water Dependent Uses (i.e. pier/boardwalk) - Accessory water dependent use to commercial use, mixed use, or hotel (i.e. pier/boardwalk) - Outdoor Events, Festivals, and Amusements

Table 2.8.2.A: Appropriate Land Uses in the Corridors Character Area [1]

US 158 / US 64	NC 12	SR 1243
<ul style="list-style-type: none"> - Commercial (40,000 sq. ft. or less for individual buildings, excluding hotels) [2] - Accessory Commercial or Residential to Commercial or Office - Mixed Use - Retail - Office - Restaurant (Walk-up, sit down, no drive-thrus) - Banking Institution - Personal Service Establishment - Gymnasium/Fitness Studio - Indoor Entertainment - Gallery/Museum 	<ul style="list-style-type: none"> - Single-Family Residential (5,000 sq. ft. or less) - Accessory Residential to Residential - Mixed Use - Commercial (10,000 sq. ft. or less) - Accessory residential to commercial - Office - Retail - Equipment rentals - Restaurant (Walk-up, sit down, no drive-thrus) - Gallery/Museum - Institutional (Parks, School, Non-Profit) - Personal Service Establishment 	<ul style="list-style-type: none"> - Single-Family Residential (5,000 sq. ft. or less) - Accessory Residential to Residential - Cottage Courts - Hotel/Motel (northern end only) - Fishing Piers with accessory restaurant

STAFF RECOMMENDATION

As referenced throughout the 2017 Comprehensive Land Use Plan, the Town of Nags Head generally has concerns with the development of drive-through restaurants to include their appropriateness within various character areas within the town, including within the US Hwy 158 corridor and in Whalebone Character Area. As such, drive-through restaurants are currently only permitted via the special use permit process in the C-2, General Commercial District as a standalone principal structure.

Based upon the staff analysis above, staff would continue to recommend denial of the proposed text amendment to allow drive-through restaurants as an acceptable use within commercial mixed-use developments, including shopping centers.

PLANNING BOARD RECOMMENDATION

The Planning Board heard this request at their October 17, 2023, meeting and voted unanimously to recommend denial of the text amendment as proposed.

(DRAFT)
**AN ORDINANCE AMENDING THE TOWN CODE AND UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE USE
“RESTAURANT, DRIVE-THROUGH”**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, a text amendment application has been submitted requesting consideration be given to allowing the use “Restaurant, Drive-Through” within Commercial Mixed-Use Developments and the supplemental regulations associated with drive-through restaurants be amended; and

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Section 7.29, Supplemental Regulations for Restaurant, Drive-Through**, be amended as follows:

Section 7.29 - Restaurant, Drive-Through.

Restaurant, drive-through, is permitted in accordance with [Section 6.6](#), Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

7.29.1. In addition to the buffering requirements of [Section 10.93](#), Landscaping, Buffering, and Vegetation Preservation, the site shall be buffered from all adjacent properties utilizing a 10-foot wide Commercial Transitional Protective Yard as prescribed in [Section 10.93](#).

7.29.2. The drive-through restaurant must be situated in a retail shopping center development which (a) consists of at least twenty (20) acres of land with frontage on the US 158 right-of-way, (b) has signalized access to and from US 158, and (c) the structure with a drive-through is less than 3,000 square feet. The Town Board may, in its discretion, approve an alternative

site layout with the front of a drive-through restaurant located in the C-2, General Commercial District on US 158 oriented differently (i.e., front façade not facing US 158) as part of the Special Use Permit process.

7.29.3. Where the front façade of the restaurant with drive-through is not oriented toward US Hwy 158, the Town Board of Commissioners may approve such alternative site layout provided that the buffer yard requirements set forth in Section 10.93 of the UDO are satisfied.

PART II. That **Section 7.32, General Provision for Commercial Mixed-Use Designations**, be amended as follows:

7.32.3. Service.

- Personal Service.
 - Group Fitness - Aerobics/Dance/Karate/Yoga.
 - Hair Salon.
 - Indoor Fitness/Gymnasium.
 - Massage Therapy Center.
 - Metaphysical Wellness Services.
 - Spa.

- Food Service
 - Coffee Shop/Juice Bar.
 - Ice Cream Shop
 - Microbreweries
 - Restaurant, Neighborhood
 - Restaurant, Sit Down
 - Restaurant, Take Out
 - Restaurant, Drive-Through

PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the ____ day of ____ 2023.

Benjamin Cahoon, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

Unified Development Ordinance (UDO) Text Amendment \$750
Zoning Map Amendment \$750 +
\$500/acre or fraction thereof

UNIFIED DEVELOPMENT ORDINANCE TEXT/
ZONING MAP AMENDMENT APPLICATION
TOWN OF NAGS HEAD, NORTH CAROLINA

Applicant SRE Mustang, LLC

Mailing address 7100 S. Croatan Highway, Ste 45, Nags Head, NC 27959

Explanation of request

Unified Development Ordinance (UDO) - Section(s) 7.29
Attach amendment in ordinance form.

Zoning Map

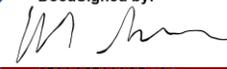
Attach copy of current Zoning Map with affected property outlined in red.
Attach names and mailing addresses of the property owners of all parcels of land
abutting the parcel in question.

Nature of request

See attached proposed text amendment to UDO Section 7.29

Reason for request

Applicant seeks an amendment to allow development of a portion of the property as a Starbucks coffee shop with a drive-through

DocuSigned by:


Applicant

9/11/2023

Date

- **Section 7.29 - Restaurant, Drive-Through.**

Restaurant, drive-through, is permitted in accordance with Section 6.6, Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

7.29.1. In addition to the buffering requirements of Section 10.93, Landscaping, Buffering, and Vegetation Preservation, the site shall be buffered from all adjacent properties utilizing a 10-foot wide Commercial Transitional Protective Yard as prescribed in Section 10.93.

7.29.2. The drive-through restaurant must be situated in a retail center which (a) consists of at least twenty (8) acres of land with frontage on the US 158 right-of-way, (b) has signalized access to and from US 158, and (c) the structure with a drive-thru is less than 3,000 square feet. The Town Board may, in its discretion, approve an alternative site layout with the front of a drive-through restaurant located in the C-2 Commercial District on US 158 oriented differently (i.e., front façade not facing US 158) as part of the special use permit process.

7.29.3. Where the front façade of the restaurant with drive-thru is not oriented toward the US 158, the Town Board may approve such alternative site layout provided that the buffer yard requirements set forth in UDO Section 10.93 are satisfied.

Section 7.32.4

7.32.4 – add “restaurant, Drive-through” as an allowable use for the “food service” category in the Commercial Mixed-Use designation.



Agenda Item Summary Sheet

Item No: **G-1**
Meeting Date: **March 6, 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: February 28, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: February 28, 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: February 29, 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 March 6th, 2024.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for January 2024*. 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, 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)

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, February 20th, 202, and included the following:

- Consideration of text amendments that if adopted would allow the long-term rental of units within existing hotels and motels. The Planning Board was unanimously supportive of this text amendment, however requested a few revisions be presented at their March 19th meeting. It was the consensus to send this item forward for the Board of Commissioners consent agenda in March and Public Hearing in April 2024.
- Consideration of text amendments to prohibit driving over and/or parking on septic systems when adjacent to driveways, drive aisles, and parking areas. The Planning Board voted unanimously to recommend adoption of the proposed text amendment as presented. Planning Board members also noted that additional consideration should still be given to limiting the impact of this ordinance to those properties that do not have a history of parking on their septic system.

-
- Nomination of Planning Board members Meade Gwinn and Molly Harrison to serve on the Multi-Family Dwelling Taskforce.
 - Presentation of a map delineating areas of protected vegetated buffers. This is a map for internal use to bring awareness to areas within the Town with protected buffers such as those installed as part of the 2003 NCDOT Enhancement Planting project and those that required as part of a subdivision plat approval and noted on the recorded plat.

The Planning Board's next meeting is scheduled for Tuesday, March 19th, 2024. Currently, the agenda is expected to include consideration of a text amendment submitted by Jernigan Oil Company to allow the use of LED digital signage, and final consideration of the draft ordinance to allow the long-term rental of existing hotel units.

Board of Adjustment – Recent and Pending Applications

At their February 8, 2024, meeting the Board of Adjustment heard 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. The Board of Adjustment voted unanimously to affirm planning staff's issuance of the Notice of Violation; however they did ask that staff, the Planning Board and Board of Commissioners consider revisions to the UDO as necessary to provide more clarity on uses such as accessory structures, accessory uses, and accessory dwelling units. Staff anticipates this to be addressed during the process of drafting potential ordinance language as it relates to Accessory Dwelling Units (ADU's) as was requested as part of the 2024 Strategic Plan.

Additional Updates

- **DWMP/Septic Health Advisory Committee** – Staff has drafted and presented to the Planning Board ordinance language that would require the placement of a physical barrier to be put in place when a dwellings septic system area is adjacent to any portion of a parking space, turnaround area, driveway, drive-aisle. This was proposed following discussions by the Septic Health Advisory Committee in an effort to prohibit people from driving over and/or parking on septic systems and potentially damaging them. At their February 20th meeting the Planning Board voted unanimously to recommend adoption of the proposed text amendment believing this was a step in a positive direction but noted that additional consideration should be given to limiting the impact of this ordinance, if possible, to those properties to seem to have the most issues with parking on septic areas.

Recognizing the potential impact of this amendment on property owners who would not/do not currently have issues with parking on their septic areas and noting that such parking often occurs due to excess or overflow parking associated with the over-occupancy of rental homes, staff is actively exploring alternative options to ensure septic area safety. One approach under consideration is the inclusion of language expressly prohibiting parking on septic areas. In cases where a violation is noted, a Notice of Violation would be issued, at which time the placement of a physical barrier to preclude any future violations could be required. This approach would address parking on septic on systems via a formal violation of the Unified Development Ordinance with a specified remedy, as opposed to the language currently drafted which is a more proactive approach but may unnecessarily impact property owners in some instances.

- **Estuarine Shoreline Management Plan** – Town staff continues to focus on applying for the necessary grants to continue the implementation of the Estuarine Shoreline Management Plan. An update on this has been provided as part of the Board of Commissioners FY 24/25 Budget Workshop being held on March 6, 2024.
- **Electric Vehicle Action Plan** – Lowire Technologies has been contracted to order and install the Level 2 EV Chargers (EvoCharge). Lowire is scheduled to begin the underground pipe work

the week of March 4th and then commence the installation of the chargers right afterwards. The EV charging units and materials have been ordered and should be arriving soon. Public Services will install safety bollards and complete the parking lot striping as appropriate. Planning has designed the necessary signage to meet the grant requirements and is prepared to have signage fabricated in the upcoming weeks.

- **Sand Relocation and Dune Management Cost Share Program** – As of March 1, 2024 262,500 of the \$320,000 allocated to the Dune Management Cost Share Program has been encumbered by 87 applicants. Additionally, we have received 187 Sand Relocation Applications of which 180 have been approved and issued authorization letters. Under this program, sand can be relocated through April 30th. Staff intend to stop accepting new applications for sand relocation on or around April 15th in order to begin inspecting the sand projects and closing them out.
- **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – The Committee for Art & Culture will be providing the Board of Commissioners with a presentation at their March 6, 2024 meeting. This presentation will include an update on the previous season and their vision for the upcoming season including markets, summer concerts and family fun nights. In addition, the next Winter Market will be held on Saturday, March 9th from 9am – noon at Dowdy Park.

Upcoming Meetings and Other Dates

- Tuesday, March 5th - Technical Review Committee Meeting
- Wednesday, March 6th - Board of Commissioners Meeting
- Saturday, March 9th – Winter Market at Dowdy Park from 9am – noon
- March 11th – 15th – Joe Costello at NFIP Training
- Wednesday, March 13th – Committee for Art and Culture Meeting
- Thursday, March 14th – Board of Adjustment Meeting (no hearings)
- Thursday, March 14th – CAMA Land Use Planning Webinar
- Tuesday, March 19th – Planning Board Meeting
- Wednesday, March 20th – Board of Commissioners mid-month meeting (if needed)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JANUARY 2024**

DATE SUBMITTED: February 7, 2024

	Jan-24	Jan-23	Dec-23	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	1	3	0	9	11	(2)
New Single Family, 3000 sf or >	0	0	0	3	6	(3)
Duplex - New	0	0	0	1	0	1
Sub Total - New Residential	1	3	0	13	17	(4)
Miscellaneous (Total)	53	61	37	276	267	9
<i>Accessory Structure</i>	4	4	5	24	20	4
<i>Addition</i>	2	4	2	21	15	6
<i>Demolition</i>	1	0	0	4	0	4
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	14	15	10	64	81	(17)
<i>Repair</i>	32	38	20	163	151	12
Total Residential	54	64	37	289	284	5
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)	13	10	7	47	44	3
<i>Accessory Structure</i>	3	2	4	18	14	4
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	1	0	0	1	0	1
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	1	5	1	11	17	(6)
<i>Repair</i>	8	3	2	17	13	4
Total Commercial	13	10	7	47	45	2
Grand Total	67	74	44	336	329	7
SUB-CONTRACTOR PERMITS						
Electrical	61	56	42	312	305	7
Gas	3	3	1	25	19	6
Mechanical	40	29	23	197	218	(21)
Plumbing	16	11	8	78	49	29
Fire Sprinkler	1	1	0	3	3	0
VALUE						
New Single Family	\$469,000	\$1,408,026	\$0	\$4,328,282	\$5,592,026	(\$1,263,744)
New Single Family, 3000 sf or >	\$0	\$0	\$0	\$1,135,000	\$5,998,733	(\$4,863,733)
Duplex - New	\$0	\$0	\$0	\$711,000	\$0	\$711,000
Misc (Total Residential)	\$1,996,094	\$1,985,535	\$1,400,398	\$11,146,715	\$10,204,498	\$942,217
Sub Total Residential	\$2,465,094	\$3,393,561	\$1,400,398	\$17,320,997	\$21,795,257	(\$4,474,260)
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	\$6,425,994	(\$6,425,994)
Misc (Total Commercial)	\$561,068	\$177,350	\$401,993	\$3,087,992	\$1,747,374	\$1,340,618
Sub Total Commercial	\$561,068	\$177,350	\$401,993	\$3,087,992	\$8,173,368	(\$5,085,376)
Grand Total	\$3,026,162	\$3,570,911	\$1,802,391	\$20,408,989	\$29,968,625	(\$9,559,636)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JANUARY 2024**

DATE SUBMITTED: February 7, 2024

	Jan-24	Jan-23	Dec-23	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	70	80	47	368	314	54
Soil & Erosion	2	N/A	4	13	N/A	N/A
Stormwater Plans	0	N/A	2	18	N/A	N/A
CAMA						
CAMA LPO Permits	5	0	2	24	15	9
CAMA LPO Exemptions	11	15	1	29	33	0
Sand Relocations	53	21	41	141	55	N/A
CODE COMPLIANCE						
Cases Investigated	26	35	23	195	280	(85)
Warnings	2	6	2	21	59	(38)
NOVs Issued	22	10	21	172	74	98
Civil Citations (#)	0	0	0	1	10	(9)
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$23,150	(\$23,150)
SEPTIC HEALTH						
Tanks inspected	8	21	0	70	75	(5)
Tanks pumped	9	5	7	72	51	21
Water quality sites tested	1	1	1	66	119	(53)
Personnel Hours in Training/School	5	10	4	259	92	167



Kelly Wyatt, Planning Director



Agenda Item Summary Sheet

Item No: **H-1**
Meeting Date: **March 6, 2024**

Item Title: From Feb 7th Board Meeting – Appointment to Multi-Family Ordinance Working Group

Item Summary: After several months of diligent work, the Planning Board has put forth an ordinance to re-establish multi-family as an allowable use within the Town and to create appropriate multi-family development standards which further town goals. As a result of the workshop held between the Board of Commissioners and the Planning Board last summer, the draft ordinance restricts multi-family development to a combination of long-term and workforce housing with the goal of preventing additional short-term rentals in the form of higher density development. The draft ordinance also creatively sets forth new standards for small multi-family projects.

At its February regular meeting, the Board held a public hearing on the draft ordinance and received comments that the draft ordinance may be too cumbersome as currently written to facilitate and encourage the development of workforce/long-term housing. It was also noted that the draft standards could be difficult for property owners to navigate. In light of these concerns, the Board requested that the Town establish a working group to review and make recommendations on the draft ordinance. The Board requested that staff provide a recommendation for the March meeting regarding the composition and charge for the group. Staff would suggest an ad hoc working group consisting of two members of the Board of Commissioners, two Planning Board members (the Planning Board nominated Vice-Chair Meade Gwinn and Member Molly Harrison), one town resident, one business owner, and two individuals representing the Dare County Homebuilders Association and/or Outer Banks Association of Realtors.

Staff would suggest the following committee charge:

- To consider the draft multi-family ordinance written by the Planning Board.
- To preserve the intent of the ordinance, to protect the character of Nags Head, and to provide new alternatives for workforce/long-term housing without increasing the stock of short-term rentals.
- To evaluate conditions/standards which would render such projects unfeasible due to financing, construction, configuration, or management.
- To suggest additional measures that would achieve the aforementioned goals.

The working group should invite and consider information provided by subject matter experts in multi-family financing and management, and on other relevant topics. Staff would suggest approximately three months for the group to report their findings (June 2024 BOC meeting).

Number of Attachments: 0

Specific Action Requested: Appoint the working group.

Submitted By: Administrative Services

Date: February 28, 2024

Finance Officer Comment: No unbudgeted fiscal impact.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment: N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation: Will await the Board's direction.

Signature: Andy Garman

Date: February 28, 2024



Agenda Item Summary Sheet

Item No: **H-2**
Meeting Date: **March 6, 2024**

Item Title: From Feb 7th Board meeting – Consideration of modifications to New Flag System for Ocean Rescue – swimming conditions ordinance

Item Summary:

At the February 7th Board of Commissioners meeting, Ocean Rescue Captain Chad Motz provided an update on the 2023 Ocean Rescue Operations. In addition, he discussed changing the Beach Warning Flag System, to align with National/International standards. Board members spoke in favor of the new flag system.

Attached please find an ordinance amending Town Code Sec. 8-2. *Swimming; prohibited during dangerous conditions* to incorporate the new flag system for Board consideration.

Number of Attachments: 1

Specific Action Requested:

Attached ordinance amending Town Code provided for Board consideration.

Submitted By: Administrative Services

Date: February 28, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

Town Attorney John Leidy has reviewed the attached ordinance and his comments have been incorporated.

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

I concur with the ordinance amendment.

Signature: Andy Garman

Date: February 28, 2024



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 8, *Beaches and Waterways* of the Code of Ordinances shall be amended as follows:

PART I. That Town Code Sec. 8-2. *Swimming; prohibited during dangerous conditions.* be amended as follows:

(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 swimming and other water-related activities. The town manager or their designee is authorized to make a determination that conditions are unsafe for swimming in the Atlantic Ocean, to prohibit all swimming in the Atlantic Ocean until such time that the unsafe conditions have abated. During such periods in which swimming is prohibited and after reasonable notice is given to the public, 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 observations of the effects of winds, tides, storm conditions and other environmental conditions affecting the surf in the Atlantic Ocean. The town manager or their designee 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.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the **6th** day of **March 2024**.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: **March 6, 2024**

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS



Agenda Item Summary Sheet

Item No: **I-1**
Meeting Date: **March 6, 2024**

Item Title: Committee Reports

Item Summary:

At the March 6th 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: February 28, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: February 28, 2024



Agenda Item Summary Sheet

Item No: **I-2**
Meeting Date: **March 6, 2024**

Item Title: Consideration of appointments/reappointments to Boards/Committees

Item Summary:

At the March 6th Board of Commissioners meeting, request Board consideration of the following appointments/reappointments to Boards/Committees:

Dangerous Animal Appeal Board:

- Consider Bobby Gentry for reappointment to regular position.
- Consider Marvin Demers for reappointment to regular position.
- Consider candidates to fill vacant positions.

Attached please find the current roster and candidate list for the Dangerous Animal Appeal Board.

Albemarle Regional Planning Organization (ARPO) – Rural Transportation Coordination Committee (RTCC):

- The current Town representative is Planning Director, Kelly Wyatt. Staff is requesting consideration for appointment of Joseph Costello, Deputy Planning Director, to replace Kelly Wyatt on this committee.

Number of Attachments: 2

Specific Action Requested:

Provided for Board appointment/reappointment.

Submitted By: Administration

Date: February 19, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: February 19, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 19, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: February 19, 2024

**Tracking Chart for Town of Nags Head CURRENT
Dangerous Animal Appeal Board**

Meeting Date: March 6, 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>
Dangerous Animal Appeal Board	Bobby Gentry	Phone/Email on File	10/5/11	10/5/13- Agreed per email 5/12/20 to continue to serve	Willing to be reappointed	
Meets as necessary	Jeffrey Ackerman	Phone/Email on File	10/5/11	10/5/13- Agreed per email 5/12/20 to continue to serve	Resigned	Current Duck Police Chief
	Marvin Demers	Phone/Email on File	02/5/14	02/5/16- Agreed per email 5/12/20 to continue to serve	Willing to be reappointed	
	Vacant					
	Vacant					



Agenda Item Summary Sheet

Item No: **I-3**
Meeting Date: **March 6, 2024**

Item Title: Consideration of revised Residential Recycling Contract / Ordinance

Item Summary:

Please see attached the memo from Town Manager Andy Garman re: the Town's residential recycling program. The Town's contract with TFC Recycling ends in May 2024. The Town solicited an RFQ (Request For Qualifications) for those interested in submitting a proposal for an exclusive franchise for a three-year curbside subscription-based recycling collection service. This includes collection at Town-owned and maintained locations.

One responsive bid was received from TFC Recycling; staff recommends awarding the contract to TFC. This would include an increase in cost; staff would like the Board's direction on maintaining or increasing the current Town subsidized portion for those participating in the program.

Please see Manager's Garman attached memo for additional details.

Number of Attachments: 2

Specific Action Requested:

Provided for Board consideration which would include approval of contract with TFC Recycling and the adoption of the attached ordinance incorporating revisions. Any change in the Town subsidy would require Board approval.

Submitted By: Administration

Date: February 28, 2024

Finance Officer Comment:

The new monthly fee with TFC Recycling would be \$19.85. Staff is requesting the Board's direction on maintaining or increasing the Town's subsidized portion. If approved, an associated budget amendment can be brought forward later in the fiscal year if necessary.

If approved, an ordinance incorporating the revisions listed is also attached for the Board's consideration.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

I recommend awarding the contract to TFC Recycling for three years with the option for renewal. I would also recommend increasing the subsidy from \$5 per month per subscriber to \$6.5 per month per subscriber.

Signature: Andy Garman

Date: February 28, 2024

Benjamin Cahoon
Mayor

Michael Siers
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head
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Telephone 252-441-5508
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www.nagsheadnc.gov

Kevin Brinkley
Commissioner

Bob Sanders
Commissioner

Megan Lambert
Commissioner

To: Board of Commissioners
From: Andy Garman, Town Manager
Date: March 1, 2024
Re: Subscription residential curbside recycling service

The Town's recycling subscription service contract with TFC ends in May. The Town recently solicited an RFQ for interested parties to submit proposals to receive an exclusive franchise for a three-year residential curbside subscription-based recycling collection service in Nags Head. This also includes collection at certain Town owned and maintained locations.

The request involved:

- Curbside collection on Mondays, beginning May 6, 2024, using carts provided by the Town of Nags Head.
- Transfer of materials to an approved processing site.
- Transport, brokering, and sale of selected recyclable materials from participating residential housing units.
- Reporting of cart service and capacity issues.
- Monthly reporting of tonnages and participation.
- Location of where recyclables are taken, and method of recycling required to be included in the bid.
- Demonstrating the ability of the bidder to effectively market, sell, broker, or otherwise beneficially dispose of recyclable materials in a manner other than landfilling and incineration.
- Excluding contamination, no more than 10% by weight of all recyclable materials are to be landfilled and/or incinerated without the express written permission of the Town Manager.

The Town would like to award the contract to the proposer that it deems to be in the best interest of the Town. The Town received one responsive bid from TFC, and staff recommends continuing awarding the contract to TFC. Based on their proposal, TFC has increased their rates, from \$15.33 to \$19.85 per month per subscriber. Staff recognizes that this is a significant increase.

The town currently subsidizes the monthly rate offered to customers at \$5 a month. TFC charges \$15.33 per month per subscriber; \$10.33 is billed to the customer, and \$5 is billed to the Town. The Board may wish to consider increasing the monthly subsidy. In order to preserve the subsidy ratio as it currently exists (the subsidy is roughly 32% of the monthly fee), the subsidy would need to increase to \$6.50 per month per subscriber. The new monthly fee is \$19.85, so increasing the subsidy to \$6.50 would result in the customer paying \$13.35 per month. For comparison purposes, recycling subscribers in Kitty Hawk currently pay \$16.20 per month. Subscribers in Colington and Kill Devil Hills pay \$13.99 per month. Increasing the subsidy to \$6.50 per month per subscriber would increase the town's current budget by \$16,200 per year. A budget amendment can be brought forward later in the fiscal year if the board would like to increase the subsidy.

Proposed ordinance changes:

Section 30-27 Additional required services.

F. The Town of Nags Head Public Services Department shall be notified each service day when recycling collection is complete.

Section 30-29 Length of franchise.

It is intended that the franchise be for a term of three years, beginning on or around May 1, 2024, and ending three years from the date of agreement execution. At the end of the initial term, the town may renew the contract for an additional period of time to be agreed upon by the parties.

Sec. 30-31. - Payment for services.

(a) As compensation for performing the services required under this Ordinance, the franchisee shall be authorized to collect from subscribers reasonable fees set by Nags Head and collected from subscribers in accordance with the Town ordinance and terms of the contract. The initial fee schedule shall be in the amount of \$19.85 for the first cart per month at each participating location, exclusive of any subsidies offered by the town. Participants may subscribe for additional carts to be serviced at a cost of \$14.90 per cart per month.

The escalation clause has not changed in TFC's proposal (they may request annual increases based on the CPI for garbage), however TFC was open to negotiations if the proposal was approved. This part of the ordinance could be brought back if TFC agreed to a change. Staff is requesting the Board to approve the proposed ordinance changes and authorize the town manager to enter into and execute a contract with TFC. Staff would also like the Board's direction on the subsidy.



**AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA
AS IT PERTAINS TO CHAPTER 30 SOLID WASTE MANAGEMENT**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 30 of the Town Code of Ordinances shall be amended.

PART I. That **Chapter 30 SOLID WASTE MANAGEMENT**, Article II Franchises be amended as follows:

Section 30-27. Additional required services.

F. The Town of Nags Head Public Services Department shall be notified each service day when recycling collection is complete.

Section 30-29. Length of franchise.

It is intended that the franchise be for a term of three years, beginning on or around May 1, 2024, and ending three years from the date of agreement execution. At the end of the initial term, the town may renew the contract for an additional period of time to be agreed upon by the parties.

Sec. 30-31. - Payment for services.

(a) As compensation for performing the services required under this Ordinance, the franchisee shall be authorized to collect from subscribers reasonable fees set by Nags Head and collected from subscribers in accordance with the Town ordinance and terms of the contract. The initial fee schedule shall be in the amount of \$19.85 for the first cart per month at each participating location, exclusive of any subsidies offered by the town. Participants may subscribe for additional carts to be serviced at a cost of \$ 14.90 per cart per month.

PART II. Effective Date.

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

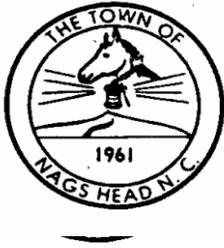
John Leidy, Town Attorney

Date adopted: March 6, 2024

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ Ayes _____ Nays



Agenda Item Summary Sheet

Item No: **K-1**
Meeting Date: **March 6, 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 March 6th Board of Commissioners meeting.

Number of Attachments: 0

Specific Action Requested:

Provided for Board information and update.

Submitted By: Administration

Date: February 28, 2024

Finance Officer Comment:

I will respond to questions as necessary.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

Update provided for Board information.

Signature: Andy Garman

Date: February 28, 2024



Agenda Item Summary Sheet

Item No: **L-1**
Meeting Date: **March 6, 2024**

Item Title: Comr. Megan Lambert – Consideration of FY 24/25 Government Education Access Channels Committee Budget

Item Summary:

At the March 6th Board of Commissioners meeting, Comr. Lambert will present the attached proposed budget for 2024/2025 for the operation of the Government Education Access Channels.

The proposed budget, which has been approved by the Government Education Access Channels Committee, must be approved by the governing board of every participating member, which includes Nags Head.

Number of Attachments: 1

Specific Action Requested:

Request Board approval of the GEAC annual budget for FY 24/25.

Submitted By: Administration

Date: February 28, 2024

Finance Officer Comment:

The proposed Government Education Access Channels Committee budget requires no additional funding from the participating entities above the current annual \$1,000 membership fee.

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

I recommend approval of the proposed budget.

Signature: Andy Garman

Date: February 28, 2024

Government Education Access Channels Committee

CURRENTtv

2024-2025 Proposed Budget

The following items are presented to for review and approval.

Board Action Requested:

Approve the proposed 2024-2025 GEAC Budget.

Budget Summary

The Government Education Access Channels (GEAC) Committee has reviewed and approved the proposed 2024-2025 budget for the operation of the Government and Education Channels. The proposed budget, which would take effect July 1, 2024 must be approved by every participating member entity of the channels, which includes the towns of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, Manteo, and Dare County, Dare County Schools, College of The Albemarle, and ECU Coastal Studies Institute.

The budget as proposed requires no additional funding from the participating entities above the current annual \$1,000 membership fee. The budget is funded primarily from the North Carolina Video Distribution proceeds, which are disbursed quarterly by the state to certified channels throughout the state. These funds must be used for the operations of the two channels and no other purpose.

Additionally, the legislation that originally established the Video Distribution funding required that the proceeds not supplant current funding. Accordingly, the annual \$1000 membership fee that was in place when the program began must remain, or the Channels would lose all Video Distribution funding from the state.

The GEAC committee recommends the attached budget, which includes, in part, the following: continued funding for two full-time staff positions and the Local Programming Development Initiative to assist members in the development of programming for the Government and Education Channels. The funding also includes contractor funding to continue to help produce two regular news magazine shows that highlight each of the participating members on the Education Channel and the Government Channel.

Proposed Government and Education Access Channel Budget for Fiscal Year 2024/2025

	Current Fiscal Year	Next Fiscal Year
INCOME	2024 Amount	2025 Amount
NC PEG Supplemental Video Disbursement [1]	247,000.00	257,518.00
Member Fees [2]	10,000.00	10,000.00
Interest Income [3]	5,000.00	8,000.00
Appropriated Fund Balance [4]	63,626.00	66,641.00
Total Revenue	325,626.00	342,159.00
EXPENDITURES		
Salaries (2 Positions) [5]	-128,422.00	-144,144.00
Merit Pay [6]	-2,568.00	-3,000.00
FICA	-9,825.00	-11,027.00
Retirement	-16,579.00	-19,661.00
401K		-4,324.00
Health Insurance [7]	-37,781.00 [1]	-24,596.00 [2]
Life Insurance	-210.00	-210.00
Retiree Health	-231.00	-252.00
Insurance & Bonds	-2,975.00	-3,361.00
Contractual Services [8]	-40,000.00	-40,000.00
Professional Services [9]	-2,000.00	-2,000.00
Equipment Repair & Purchase [10]	-5,000.00	-5,000.00
Supplies [11]	-3,500.00	-3,500.00
Music Library	-350.00	-350.00
Training	-1,000.00	-1,000.00
Travel	-1,000.00	-1,000.00
Professional Memberships	-500.00	-500.00
Channel Operations [12]		
OBX Media	-4,200.00	-4,200.00
Adobe	-600.00	-675.00
Tightrope Hardware	0.00	0.00
Cablecast Software Assurance Service	0.00	0.00
Spectrum Subscription		-324.00
Cablecast Reflect (Streaming/VOD Service)	-2,400.00	-2,500.00
Cablecast Closed Captioning Service (500 hours)	-3,700.00	0.00
Envato Elements Digital Assets Library	-385.00	-385.00
Marketing	-1,000.00	-3,000.00
Miscellaneous	-500.00	-500.00
Capital Outlay Projects	0.00	0.00
Contingency (Reserve for unexpected expenses)	-5,000.00	-10,000.00
Emergency Contingency (Storm related overtime)	-2,500.00	-2,500.00
Car Maintenance	-1,000.00	-1,000.00
Car Fuel	-2,000.00	-2,000.00
Uniforms	-400.00	-400.00

Proposed Government and Education Access Channel Budget for Fiscal Year 2024/2025

Verizon Contract for Streaming [13]	-750.00	-750.00
Total	-275,626.00	-292,159.00
LPDI		
LPDI 1- Coastal Studies Institute	-5,000.00	-5,000.00
LPDI 2- College of The Albemarle	-5,000.00	-5,000.00
LPDI 3 - Dare County Government	-5,000.00	-5,000.00
LPDI 4 - Dare County Schools	-5,000.00	-5,000.00
LPDI 5 - Duck	-5,000.00	-5,000.00
LPDI 6 - Kill Devil Hills	-5,000.00	-5,000.00
LPDI 7 - Kitty Hawk	-5,000.00	-5,000.00
LPDI 8 - Manteo	-5,000.00	-5,000.00
LPDI 9 - Nags Head	-5,000.00	-5,000.00
LPDI 10 - Southern Shores	-5,000.00	-5,000.00
Total LPDI	-50,000.00	-50,000.00
Total LPDI Grand And Operating Expenditures	-325,626.00	-342,159.00

Continue to footnotes on next page

Government and Education Access Channel Draft Budget Notes for Fiscal Year 2025

Goals and Objectives to be achieved with this budget.

To continue to fund the operation of the channel at a level that provides a professional, reliable and quality service to the citizens of Dare County. To increase awareness of CURRENTtv.

[1] NC PEG Supplemental Video Disbursement - this is revenue that is collected by the state in the form of a use tax on cable and satellite providers. The money is pooled and disbursed to qualifying PEG operations within the state. PEG stands for Public, Education, and Government Access. Dare County has 10 qualifying PEG entities, each is a member of the Government and Education Access Channel Committee. Each quarter, this money is disbursed to the entities by the state, and then the Government and Education Access Channels invoices the entities for this money. These state funds are the main source of funding for the Government and Education Access Channels.

[2] Member Fees - Each entity member pays an annual membership fee to participate in the Government and Education Channel Access. This money must remain in place in order for each entity to receive the PEG Supplement from the state. There is no change to this amount from last year, so impact on each entity's budget is unchanged.

[3] Interest Income - The unappropriated fund balance is invested and earns interest. Dare County Finance had advised that \$8,000 be included for interest income for this budget.

[4] Appropriated Fund Balance -The appropriated fund balance is the amount pulled from the unappropriated fund balance to meet the obligations of the budget. The unappropriated fund balance was \$340,119 as of 6/30/23.

[5] Salaries - This budget currently funds two full-time positions that are Dare County employees, and includes a 3.5% COLA increase as recommended by Dare County Finance for planning purposes.

[6] Merit Pay - Merit pay is awarded based on employee on performance. Dare County Finance has advised that \$3,000 be included for FY2024/2025.

[7] Health Insurance - Includes individual health insurance coverage for both employees.

[8] Contractual Services - This is for assistance in the production of Destination Dare and Dare Education Awareness, our two main programming initiatives that highlight interesting aspects of government and education in Dare County. Each entity contributes one segment to each episode. Destination Dare is produced every other month, and Dare Education Awareness is produced in the alternate months.

[9] Professional Services - To pay for costs associated with professional services such as professional voiceover work, acting, and potential production support.

[10] Equipment - Monies set aside for the purchase and repair of large item video production equipment, such as cameras, editing computers, and lighting equipment.

[11] Supplies - This supports the purchase of supplies such as batteries, gaffers tape, lighting gels, accessories, and small equipment items that do not qualify as Capital Outlay or Equipment.

[12] Channel Operations - Expenses that support the day to day operation of the channels. This includes:

- \$4,200.00 - OBX Media: for website hosting and maintenance
- \$2,500.00 - Reflect: Streaming Video/VOD for online video streaming service
- \$675.00 - Adobe: Creative Cloud subscription for professional non-linear editing tools
- \$324.00 - Spectrum subscription to monitor channels in CURRENTtv offices
- \$385.00 - Envato Elements: Digital asset and stock footage library

[13] Verizon Wireless - Line item dedicated to Verizon Wireless fee for use in mobile live broadcasting with Cradlepoint device.



Agenda Item Summary Sheet

Item No: **N-1**
Meeting Date: **March 6, 2024**

Item Title: Town Manager Garman - Request for Closed Session

Item Summary:

At the March 6th 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: February 28, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: February 28, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: February 28, 2024

Town Manager Comment and/or Recommendation:

Request for Closed Session.

Signature: Andy Garman

Date: February 28, 2024