



DRAFT AGENDA
Town of Nags Head Planning Board
Nags Head Municipal Complex Board Room
Tuesday, June 15th, 2021; 9:00 a.m.

- A. Call To Order
- B. Approval Of Agenda
- C. Public Comment/Audience Response
- D. Approval Of Minutes
May 18th, 2021 Planning Board Meeting.

Documents:

[MAY 18 2021 DRAFT MINUTES.PDF](#)

- E. Action Items

- 1. Special Use Permit/Change Of Use Application
submitted by Outer Banks Community Church to operate a Religious Complex within
Croatan Center Shopping Center, Unit 12 (former Radio Shack). The property is zoned
C-2, General Commercial and is located at 4711 S. Croatan Highway, Nags Head NC.

- F. Report On Board Of Commissioners Actions
June 2, 2021

Documents:

[JUN 2 2021 BOC ACTIONS.PDF](#)

- G. Town Updates - As Requested

- H. Discussion Items

- 1. Discuss Scope Of Electrical Vehicle Action Plan;
continued from May 18, 2021 meeting
 - 2. Preliminary Discussion On Updating And Amending Article 10, Part III,
Sign Regulations, of the Unified Development Ordinance; continued from May 18,
2021 meeting
 - 3. Preliminary Discussion On Amendments
to Allow Temporary Accommodations for Outdoor Dining.

- I. Planning Board Members' Agenda

J. Planning Board Chairman's Agenda

K. Adjournment

**Town of Nags Head
Planning Board
May 18th, 2021**

The Planning Board of the Town of Nags Head met on Tuesday May 18th, 2021 in the Board Room at the Nags Head Municipal Complex.

Planning Board Vice Chair Kristi Wright called the meeting to order at 9:00 a.m. as a quorum was present.

Members Present

Kristi Wright, David Elder, Molly Harrison, Gary Ferguson

Members Absent

Megan Vaughan, Megan Lambert, Meade Gwinn

Others Present

Michael Zehner, Kelly Wyatt, Holly White, Lily Nieberding

Approval of Agenda

Vice Chair Wright asked for a motion to approve the agenda. David Elder moved to approve, Molly Harrison seconded, and the motion passed unanimously via roll call vote.

Public Comment/Audience Response

None

Approval of Minutes

Vice Chair Wright asked for a motion to approve the minutes of the April 20, 2021 meeting. David Elder moved to approve the minutes as presented, Molly Harrison seconded, and the motion passed unanimously.

Action Items

None

Report on Board of Commissioners Actions – May 5th, 2021

Planning Director Michael Zehner gave a report on the Actions from the Board of Commissioner's May 5, 2021 Meeting. Of note: on the consent agenda, a request for public hearing regarding lot coverage for dumpster conversions; a public hearing was held, and the BOC adopted the ordinance related to electric vehicle battery charging; there was a discussion on the adoption of the LID manual and Standard Details Manual/Stormwater Reference Manual – this item was continued until the July meeting to allow for discussion with the Homebuilders Association; a public hearing was held regarding 160D and the item was continued to the June meeting to allow for more review time; Mr. Zehner presented his Director's Report, and the Board passed a motion supporting the issuance of

temporary use permits for restaurants allowing outdoor dining through November 2021; the Board further discussed and then adopted the ordinance pertaining to outdoor lighting and signage.

Town Updates

Mr. Zehner updated the Board on the hiring of the new Town Manager.

Discussion Items

Discussion of Scope for Electric Vehicle Action Plan

Mr. Zehner explained that there has been ongoing discussion of the promotion and advancement of electric vehicles and infrastructure in the Town for some time. The Planning Board initiated discussion of electric vehicle charging stations in June 2019, and Staff prepared a detailed memo the following month to initiate discussion. These initial discussions led to the inclusion of an Electric Vehicle Action Plan as part of the Planning & Development Department and Septic Health FY2020-2021 Strategic Work Plan, with the general goal being to support the increasing prevalence of electric vehicles.

Since that time, the Town has pursued several avenues to promote and advance electric vehicle infrastructure. In 2020, Staff pursued research and grant opportunities for funding of Level 2 charging stations (page 1, VW Settlement Phase 1 - Level 2 Charging Program). After discussion at the Board of Commissioners meeting on January 20, 2021, the Board directed Staff to work directly with potential vendors where the charger equipment is provided by the vendor at no up-front cost to the Town beyond installation of electrical service to the charger location. While a vendor arrangement has not been secured at this time, Staff continues to work towards the goal of securing the location of charging equipment on Town property, possibly leasing the equipment rather than buying it and having to maintain it.

Staff also determined that modifications to the UDO regulations would be necessary to accommodate charging infrastructure. The Planning Board considered these text amendments at their March 15, 2021 meeting and recommended approval, and the Board of Commissioners approved the text amendments at their May 5, 2021 meeting. The amendments allow electric vehicle charging stations as an accessory use to residential and commercial uses in all zoning districts.

While the discussion around electric vehicles and infrastructure has been ongoing, Mr. Zehner explained that an Electric Vehicle Action Plan would allow the Town to undertake a proactive and holistic approach to electric vehicles and supporting infrastructure. The Town was recently accepted into the ETIPP Program from the Department of Energy. When that news went out someone from Duke University reached out to see if there were any opportunities for one of their Master's Student to engage with a Town project. The development of the EV action plan may be a good project for that student, but Staff won't know until August or September.

Mr. Zehner noted that to initiate the plan process, Staff has developed an initial problem statement and project scope for the Board's consideration. With the numbers and use of electric vehicles increasing, is there sufficient charging and other supporting infrastructure in the community to accommodate this increase and Town, resident, business, and visitor needs? What steps can the Town take to improve any deficient or less than adequate conditions?

Staff is requesting the Board's feedback and direction on the scope and objectives of the Electric Vehicle Action Plan, as well as any related thoughts regarding stakeholder engagement and the timeline of the project.

Ms. Wright inquired about the charging stations at Jennette's Pier. Mr. Zehner explained that Principal Planner Holly White had reached out to the Pier and found that they were never put into operation due to budget issues.

Mr. Zehner noted that there are chargers at the Outlet Mall and at Harris Teeter. Mr. Zehner reminded the Board and shared the website where you can see the available chargers in the area (www.pluginnc.com).

Mr. Zehner also noted that the Board may wish to review the Electric Vehicle Action Plan for the City of Westminster, Colorado and shared that website as well.

Mr. Zehner confirmed for Ms. Wright and the Board that some charging stations are free and some charge a fee.

Mr. Zehner stated that Staff will come back to the Board as soon as they have an update.

Preliminary Discussion on Updating and Amending Article 10, Part III, Sign Regulations, of the Unified Development Ordinance

Mr. Zehner explained that as identified on the Department's Work Plan, Staff is beginning to work on the update and amendment of the Town's sign regulations, which are contained in Article 10, Part III, Sign Regulations, of the Unified Development Ordinance (the "Sign Ordinance").

Mr. Zehner noted that the last major revision to the Sign Ordinance occurred in 2016, with the focus on ensuring that the regulations were "content-neutral" consistent with the U.S. Supreme Court's 2015 decision in *Reed v. Town of Gilbert*. While Staff believes that these amendments achieved the goal of making the Sign Ordinance content-neutral, incorporation of these amendments, to some degree, have made interpretation, administration, and understanding of some aspects of the regulations difficult.

The focus of the updates and amendments will be on the general improvement of the Sign Ordinance, to add clarity to the provisions, improve internal consistency, and to make the Ordinance more "user-friendly" for Staff and the public; in short, it is hoped that the update will modernize the format of the Sign Ordinance, including providing for sign allowances in tabular form and incorporating more visual guidance for Staff and the public. Generally, amendments are not intended to focus on regulatory changes (i.e., changes to the type, number, or size of signs allowed), but in working on updates, Staff or the Board may wish to consider whether such changes may be warranted in some circumstances. Mr. Zehner gave as an example – the regulation of banners as something they may want to revisit. Mr. Zehner would also like to clarify the sign permit submittal process and what information is and isn't required.

As part of the Board packet Mr. Zehner presented the existing Sign Ordinance along with examples of ordinances from the Town of Wellesley, Massachusetts and the City of Sandy Springs, Georgia for the Board's review and comparison.

Staff is looking for initial thoughts, concerns, and feedback from the Board before proceeding with the development of a draft revised Sign Ordinance, to be brought back to the Board at a later meeting.

Ms. Harrison inquired about the Town of Wellesley's Design Review Board and Mr. Zehner discussed it in further detail.

Mr. Elder brought up the issue of flags and how they are regulated. Mr. Zehner noted that this was partially addressed in the UDO re-write but agreed that there needs to be some clarity added to the flag regulation. Mr. Elder expressed concern over large flags and the up-lighting of those flags as well as some safety concerns with regards to flag poles.

Mr. Zehner confirmed for Ms. Wright that banners and flags are not the same thing and it is something else that should be clarified.

Mr. Zehner and the Board discussed residential vs. commercial signs and flags noting that the Town cannot regulate non-commercial speech more stringently than they regulate commercial speech.

Mr. Zehner, Mr. Elder and the Board also discussed how intent plays in and what actually constitutes a sign. Some examples discussed was art, the use of light and even people as signs.

Mr. Zehner confirmed for Ms. Wright that you can have one commercial banner (up to a certain size) placed on the principal building indefinitely.

Mr. Zehner confirmed for Mr. Ferguson that while the Town does not allow billboards, off-site advertising signs are allowed. The town does not regulate/interpret content so a business owner who also has a business in another town could advertise that business on their property as long as they met the other sign regulations (size, location, etc.).

April 29th, 2021 Director's Report

Mr. Zehner presented his Director's Report to the Board. This report was shared with the Commissioners at their May 5th Meeting. The report included: update on the Dune Vegetation Cost-Share Program which runs until the end of May; final version of the P&D and Septic Health Work Plan, CAMA Land Use Plan Update; Outdoor Lighting – the Town was recently contacted by Dominion Power to convert the Town's streetlights to LED; update on the Town Workforce Housing Study; Skate Park Renovations – Staff will compile a summary report of the responses to provide as part of the next Director's Report; Art Masts; Decentralized Wastewater Plan; Dowdy Park Farmer's Market – the first one of the season will be held next Thursday, May 27th; Draft for Estuarine Shoreline Management Plan; GIS Platform RFI update; as well as an update on several grants.

Planning Board Members' Agenda

Mr. Elder inquired if there was a way to get updated population numbers. Mr. Elder noted that having a growing population will have an impact on year-round services and a better understanding on population growth & spikes might help with some other issues (i.e. transportation) that have come up. Staff showed the Board a video of one data solution that had been used for Nantucket <https://www.youtube.com/watch?v=TCpckTg7ATc>

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:26 AM.

Respectfully submitted,
Lily Campos Nieberding

DRAFT



**BOC ACTIONS
REGULAR MEETING
WEDNESDAY, JUNE 2, 2021**

- 1.** Call to order - Mayor Cahoon called the meeting to order at 9 am.
- 2.** Agenda - The Board approved the June 2nd agenda as presented.
- 3.** Lifeguards - Fire Chief Randy Wells presented a video with the introduction of this year's lifeguards which was well received. Board members appreciated the video production and wished the lifeguards a safe summer.
- 4.** Recognition

New employee - Public Works Director Eric Claussen was welcomed by the Board to Town employment.

Five years - Police Officer JC Mitchell was recognized by the Board for five years of service.

Ten years - Police Officer/School Resource Officer David (Shane) Allen was recognized by the Board for ten years of service.

5. Public Comment - David Bragg - Village at Nags Head resident; he pointed out that the \$35,000 that the Town is paying for sanitation cart pull-back for the Beach Road is not something that he has in his west side neighborhood; living here full time he would expect full-time residents would get this treatment instead of visitors. Re: many local businesses do not have enough people to keep their businesses working at full capacity; he asked that the Town write a letter to the President and to the Governor telling them to stop the unemployment benefits which is why many are not working.

- 6.** Consent agenda - Consent Agenda was approved as presented and consisted of the following:

Consideration of Budget Adjustment #15 to FY 20/21 Budget

Consideration of Tax Adjustment Reports

Approval of minutes

Consideration of annual write-off of uncollectible water accounts

Consideration of codification of Gas Franchise Ordinance

Consideration of resolution authorizing exchange between Nags Head and Hatteras Fire Dept

Consideration of resolution authorizing formal bids to be advertised electronically

Consideration of resolution authorizing receipt of American Rescue Plan Act funds

Consideration of resolution authorizing higher federal micro-purchase thresholds

Consideration of updated banking resolution

- 7.** Public Hearing - to consider citizen comment on the Town Manager's proposed operating budget for July 1, 2021 – June 30, 2022, proposed CIP requests for FY 21/22 through FY 25/26, and updated Consolidated Fee Schedule - Comr. Brinkley was pleased that the 2.6% COLA is to be fully funded.

8. Public Hearing - to consider various text amendments to update the Unified Development Ordinance as required by N.C.G.S. 160D - The amendments were adopted as presented.

9. Public Hearing - to consider a text amendment pertaining to lot coverage associated with dumpster conversions from side load to front load pick up - The Board adopted the ordinance as presented with direction to staff to consider the placement of recycling dumpsters and bring back the appropriate language.

10. Planning Director update:

Estuarine Shoreline Management Plan - Board members authorized staff to advertise for volunteers to serve on an advisory/steering committee - to return for Board consideration of appointment.

Registration for events held at residential properties - Board members opted to wait and see if there is still an issue with events at residential properties before taking any further action.

Land Use Plan - Board members are looking forward to having a Land Use Plan in the next few months for consideration.

11. Membership - The Board adopted the resolution confirming membership in the American Flood Coalition organization as presented.

12. From May 5th - Public Hearing held May 5th - Second Reading - Consideration of establishment of four proposed municipal service districts for beach erosion control, flood and hurricane protection works, and flood control and drainage projects. The Board made the appropriate findings and unanimously adopted the ordinance to establish the four additional municipal service districts as presented.

13. Committee reports

Gov-Ed Channel Committee - Comr. Renée Cahoon reported on the recent in-person meeting; more communities are now involved in the Committee so there are more entities utilizing the funds.

Jennette's Pier Advisory Committee - Comr. Brinkley reported on the recent meeting; the Waves To Water competition will be held in April 2022; Coastal Studies Institute (Lindsay Dubbs and Mike Muglia) gave a presentation and he asked to discuss later with the Mayor a day/time when CSI could provide an update to the Board of the projects going on at the Pier.

Coast Guard recognition of Lifeguard Austin Fallon - Friday, June 4th is the Coast Guard presentation at Jennette's Pier recognizing lifeguard Austin Fallon for his dramatic rescue during summer of 2019.

14. Appointment - The Board reappointed Ginny Flowers and Samantha Lock each to another three-year term on the Committee for Arts & Culture. The Town Clerk is to prepare reappointment letters for the Mayor's signature.

15. Renewal of contract - The Board approved the contract with the Town of Kill Devil Hills for the Eighth Street Beach Access maintenance.

16. Police Officer Recruit Program - The Board approved the Police Officer Recruit job description at a Grade 4 as presented.

- 17.** Storm Debris Contract Renewals - The Board authorized the Interim Town Manager to execute the renewal agreements for both the Debris Removal Contract and the Debris Monitoring Contract as presented.
- 18.** ONHC Watermain replacement - The Board authorized the Interim Town Manager to execute the Task Order 2 for the Old Nags Head Cove AC Watermain Replacement, Paving and Drainage in the amount of \$159,470 as presented.
- 19.** Town Attorney - Attorney Leidy confirmed with Mayor Cahoon that his items will be included in the Closed Session to be addressed at the appropriate time.
- 20.** Interim Town Manager - Interim Manager Garman reported on the upcoming July 4th Fireworks which are scheduled for the Nags Head Fishing Pier at 9:25 p.m. He expressed appreciation to Pier Owner Andy McCann for his continued support - The rain date is July 5th.
- 21.** Interim Town Manager - Beach Nourishment
 - The Board authorized the Interim Town Manager to execute the contracts with McKim and Creed for the Beach Monitoring Surveys and with Moffat & Nichol for the Beach Monitoring and Analysis in the amounts of \$63,100 and \$57,119 respectively, as presented.
 - The Board authorized the Interim Town Manager to enter into a contract with Moffat & Nichol for the Phase 1A field work for Year 2 Multi-Decadal Master Plan - Borrow Area Investigation Contract in the amount of \$192,295.70 as presented.
 - The Board approved the Beach Nourishment Capital Project Ordinance and associated Budget Amendment #15A for funding from the Capital Reserve Fund as presented.
- 22.** Interim Town Manager - The Board adopted the resolution approving the agreement with Dare County for the purchase of the Town's interest in the Soundside Event site as presented.
- 23.** Comr. Fuller - The Board directed Public Safety to obtain the information requested re: beach driving and sunbathers and to direct the Town Clerk to obtain information re: number of vehicles allowed on the beach per each Nags Head Surf Fishing Tournament team for the next Board discussion on the beach driving season.
- 24.** Comr. Fuller - Comr. Fuller emphasized the importance of the Board continuing to prioritize the enforcement of ordinances the Town has in place and to give direction to staff that relate to issues concerning the beach, parking lots and the multi-use path. Comr. Renée Cahoon mentioned the requirement of 10' between beach tents. Comr. Fuller thanked Public Works for doing a great job on the beach with the illegal tents.
- 25.** Comr. Fuller - Comr. Fuller said he would be happy to work with Public Works Director Claussen and staff to prepare a more formalized bulk pickup process beginning with next year's bulk pickup season - he pointed out that the Town is always nice about doing pickups throughout the year even though the bulk pickup season has ended.
- 26.** Comr. Renée Cahoon - She requested a Closed Session to preserve attorney/client privilege and confer with the Town Attorney about a legal matter.
- 27.** Comr. Renée Cahoon - Staff is to provide bicycle racks at all beach accesses.

- 28.** Comr. Renée Cahoon - The No Parking sign at the Gray Eagle Street beach access parking lot - which pertains to the multi-use-path - is to be moved so people know they can use the parking lot.
- 29.** Mayor Pro Tem Siers - Mayor Pro Tem Siers requested an update on the installation of the No Parking-Tow Away Zone signage on Soundside Road and Deering Street. Public Works Director Eric Claussen reported that signage was placed every 200 feet on both sides of Soundside Road and Deering Street on the Friday before Memorial Day. Staff has worked with the Police Department on the message sign; signs still need to be installed on Thirteenth Street.
- 30.** Mayor Cahoon - He reported that Developmental Associates, Inc. has been re-engaged for the Town Manager search; the contract with the company obligates them to undertake the search again at no additional cost to the Town.
- 31.** Recess - The Board recessed for lunch at 12:07 p.m. and reconvened at 1:30 p.m.
- 32.** Pay/Classification Study - Becky Veazy of The Maps Group presented the results of her Pay/Classification Study to the Board. She distributed her analysis entitled *Classification and Pay Study with Personnel Policy Recommendations* dated May 2021 to Board members. Ms. Veazy is to meet with staff next week. Final budget documentation is to be provided to the Board prior to budget adoption which is scheduled for the June 16th Recessed Meeting.
- 33.** Closed Session - The Board entered Closed Session to confer with the Town Attorney re: matters of attorney/client privilege to include beach nourishment project condemnation cases, confidential personnel matters, and potential property acquisition at 106 E Seachase Drive. The time was 2:52 a.m.
- 34.** Open Session - The Board re-entered Open Session at 4:24 p.m.
- 35.** Interim Town Manager appointment - The Board ratified the letter by which Andy Garman was appointed Interim Town Manager - which includes his continuing in the position until the Board makes a permanent appointment.
- 36.** Adjournment - The Board recessed to Wednesday, June 16th at 9 am in the Board Room for a Recessed Meeting. The time was 4:26 p.m.