



**DRAFT AGENDA**  
**Town of Nags Head Planning Board**  
**Nags Head Municipal Complex Board Room**  
**Tuesday, July 20th, 2021; 9:00 a.m.**

- A. Call To Order
- B. Approval Of Agenda
- C. Public Comment/Audience Response
- D. Approval Of Minutes  
June 15, 2021 Planning Board Meeting.

Documents:

[JUNE 15 2021 DRAFT MINUTES.PDF](#)

- E. Action Items
  - 1. Consideration Of An SED-80 Zoning District Site Plan  
for 468 W. Villa Dunes Drive required by the requested removal of trees greater than  
16" in caliper
  - 2. Consideration Of A Text Amendment  
to the Unified Development Ordinance allowing temporary accommodations for  
outdoor dining
  - 3. Consideration Of Adoption Of The Town Of Nags Head CAMA Land Use Plan
  - 4. Consideration Of A Text Amendment  
to the Unified Development Ordinance pertaining to lot coverage associated with  
recycling dumpsters
- F. Report On Board Of Commissioners Actions  
July 7, 2021

Documents:

[JUL 7 2021 BOC ACTIONS.PDF](#)

- G. Town Updates - As Requested
- H. Discussion Items

1. June 30, 2021 Director's Report

Documents:

[MEMO PND DIRECTOR REPORT\\_6-30-2021.PDF](#)

- I. Planning Board Members' Agenda
- J. Planning Board Chairman's Agenda
- K. Adjournment

**Town of Nags Head  
Planning Board  
June 15th, 2021**

The Planning Board of the Town of Nags Head met on Tuesday June 15th, 2021, in the Board Room at the Nags Head Municipal Complex.

Planning Board Chair Megan Vaughan called the meeting to order at 9:00 a.m. as a quorum was present.

***Members Present***

Megan Vaughan, Meade Gwinn, David Elder, Megan Lambert, Molly Harrison

***Members Absent***

Kristi Wright, Gary Ferguson

***Others Present***

Michael Zehner, Kelly Wyatt, Holly White, Lily Nieberding

***Approval of Agenda***

Chair Vaughan asked for a motion to approve the agenda. David Elder moved to approve, Meade Gwinn seconded, and the motion passed unanimously.

***Public Comment/Audience Response***

None

***Approval of Minutes***

Chair Vaughan asked for a motion to approve the minutes of the May 18, 2021, meeting. Meade Gwinn moved to approve the minutes as presented, David Elder seconded, and the motion passed unanimously.

***Action Items***

*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.*

Deputy Planning Director Kelly Wyatt presented a Special Use Permit/Change of Use Review on behalf of the Outer Banks Community Church for an interior remodel of a vacant commercial unit (Building C, Unit 12) of Croatan Center Shopping Center (formerly Radio Shack) for use as a Religious Complex. The property is located at 4711 S. Croatan Highway and is zoned C-2, General Commercial.

Ms. Wyatt reminded the Board that the Board of Commissioners had recently adopted a text amendment to list "Religious Complex" as a permissible use within Commercial Mixed Use developments via the Special Use Permit process. Croatan Center Shopping Center is considered a Mixed-Use Development thus a Special Use Permit approval was required.

The property is located in an X Flood Zone; per the Town's local ordinance, the property is subject to an RFPE/LES of 9'. There are no structures requiring elevation included within the proposed scope of work. All proposed work will be within the existing footprint.

Ms. Wyatt noted that the 2017 Comprehensive Plan Future Land Use Map classifies this property as Neighborhood Commercial and stated that Staff found the proposal to be consistent with that classification.

Ms. Wyatt then reviewed the applicable Zoning Regulations:

- There are no additional lot coverages being proposed as part of the Special Use Permit/ Change of Use request for the tenant upfit as proposed.
- There are no new structures associated with this request to be regulated by height or architectural design requirements. All proposed work will occur within the existing footprint of Unit 12.
- Existing onsite parking is compliant with the parking standard of one parking space for each 4 seats in the sanctuary for religious complexes. The proposed change of use would accommodate a 46-seat sanctuary resulting in the need for 12 parking spaces.
- This request does not necessitate additional or supplemental landscaping and buffering; existing onsite buffering has been determined to be in compliance.
- No additional lighting is proposed at this time. Should additional parking lot lighting be necessary, the required photometrics and fixture information will be required for review and approval, prior to permit issuance.
- Signage has not been shown or requested as part of this application however any signage will require review and approval prior to installation.

Ms. Wyatt noted that the applicant is in the process of obtaining approval from the Dare County Health Department, this will be required prior to review by the Board of Commissioners.

The scope of work proposed does not necessitate stormwater management and traffic circulation review.

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

The Public Works Director has reviewed and approved the proposal as presented.

Staff finds that proposed Special Use Permit/Change of Use is consistent with the applicable use and development standards, as well as relevant land use policies.

Based upon Staff's review of the proposal and the aforementioned considerations, Staff recommends approval of the Special Use Permit/Change of Use application as presented. Ms. Wyatt noted that she as well as James Ashe, a member of the church was present and available to answer any questions for the Board.

Mr. Gwinn noted that one of the tenants of the Croatan Center is Creative Choices, counseling for pregnant women and expressed concern with having a church with members that may have issues with the work that the counseling center is doing.

Mr. Ashe noted that he did not have any concerns with Creative Choices and believes they are all trying to do God's work. Mr. Ashe confirmed that he was confident that he and the other members of the church would respect the privacy of the people that use the service as well as the decisions they make with regards to a pregnancy.

Ms. Harrison noted that it seems like small space without much room to grow. Mr. Ashe explained that they don't anticipate their membership growing much and they just need a place to gather and worship on Sundays. They have an existing building in Kill Devil Hills but it is too large for them so they have decided to sell it and use the money to help people and make an impact in the community instead.

David Elder moved to recommend approval as submitted, Megan Lambert seconded and the motion passed unanimously.

### ***Report on Board of Commissioners Actions – June 2nd, 2021***

Planning Director Michael Zehner gave a report on the Actions from the Board of Commissioner's June 2, 2021, Meeting. Of note: a public hearing was held with regards to the 160D amendments, and they were adopted as presented; a public hearing was held to consider a text amendment pertaining to lot coverage associated with dumpster conversions, the Board adopted the ordinance as presented and directed staff to look into allowances for recycling dumpsters. There was an update on the Estuarine Shoreline Management Plan; the Board decided to take no further action on Event Home Registrations, there was also an update on the CAMA Land Use Plan which will come to Planning Board at their next meeting before going to the Commissioners for adoption.

Mr. Elder inquired if there had been any discussion or modifications to Beach Driving (Item #23). Mr. Elder noted that it is a growing concern, especially during Spring Break. Speed is an issue and there is no enforcement. Mr. Zehner noted that it was a request for more information for a future discussion. The Planning Board agreed that it is an issue, especially as there are more people on the beach; Mr. Zehner noted that if any Board Members have concerns, he would encourage them to reach out to the Commissioners.

### ***Town Updates***

None

### ***Discussion Items***

#### ***Discuss Scope of Electric Vehicle Action Plan***

Principal Planner Holly White led a continued discussion of the Electric Vehicle Action Plan for the promotion and advancement of electric vehicles and infrastructure in the Town.

At their June 2019 meeting, the Planning Board initiated a discussion of electric vehicle charging stations and 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.

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

The Planning Board was presented with a problem statement and draft project scope for the Electric Vehicle Action Plan at their May meeting. There was no substantive discussion and staff recommended the Board continue their discussion at their June meeting.

While the discussion around electric vehicles and infrastructure has been ongoing, an Electric Vehicle Action Plan will allow the Town to undertake a proactive and holistic approach to electric vehicles and supporting infrastructure. In order to initiate the plan process, Staff developed an initial problem statement and project scope for the Board's consideration.

Staff was also recently contacted by representatives of Duke University Nicholas School of the Environment who are interested in developing this Plan for the Town, in collaboration with Planning Staff. Planning Director Michael Zehner has been in contact with Dr. Timothy Johnson, Chair of the Master of Environmental Management Energy and Environmental Program and discussed the potential project. Dr. Johnson followed up with a proposed framework and goals for completion of an Electric Vehicle Action Plan by the Nicholas School as a Master's Project (MP).

Ms. White stated that the scope of the MP was detailed in her staff memorandum. The deliverable for this project will be a written Electric Vehicle Action Plan for the Town documenting the following items related to the development and support of electric vehicle charging infrastructure:

1. Existing conditions
2. Town of Nags Head stakeholder needs and objectives
3. Best practices gleaned from similar cities
4. Stakeholder reactions the first three items listed here
5. Recommendations

Ms. White noted that this project would begin sometime in September and would run through March 2022 and that the students complete the MP work pro bono.

Ms. White requested 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.

Mr. Gwinn stated that he was delighted to see this moving forward.

Chair Vaughan and Mr. Gwinn agreed that the involvement of the Duke Master Students was a great step.

Mr. Zehner explained that this grew out of discussions related to the ETIPP program and thinks that it will be a good project once it starts.

Chair Vaughan and Mr. Zehner discussed stakeholder engagement. Mr. Zehner stated there will most likely be initial interviews with stakeholders – Planning Staff will help the students identify who the stakeholders are - and performing a needs assessment. Later there will be a larger public outreach effort once best practices are identified. Some of the stakeholders would include realtors, residential property owners and commercial property owners including hotel/motel operators.

Mr. Elder stated that the development of technology such as lithium-ion batteries is really going to change how they (electric vehicles) work. They need to keep in mind future technology and define a tipping point.

Mr. Gwinn agreed with Mr. Elder stating that it will be constantly evolving and will need to be monitored and they will need to adapt as appropriate.

Mr. Zehner stated that now is the time to start thinking about such things as charging stations replacing fueling stations or integrating them into existing uses and what that might mean to the infrastructure.

Mr. Elder agreed stating that they not only need to look at charging and what that might do to the electric grid but also how these types of vehicles will affect parking. Mr. Elder noted that there are already parking issues that have resulted from the increased use of golf carts and lack of enforcement.

This led to a general discussion on parking and enforcement and some options the Town may want to consider such as a parking enforcement patrol (separate from police), paid beach parking and a shuttle service (to the beach).

#### *Preliminary Discussion on Amendments to Allow Temporary Accommodations for Outdoor Dining*

Mr. Zehner explained that at their May meeting, the Board of Commissioners discussed temporary outdoor dining, indicating their support to allow for the continued issuance of Temporary Use Permits until November 28, 2021, should the declared state of emergency be lifted. The Board additionally asked Staff to work on a text amendment to allow temporary allowances for outdoor dining regardless of a declared state of emergency; amending the UDO to allow outdoor dining on a temporary or seasonal basis in a more flexible and simplified manner.

Mr. Zehner explained that currently, the issuance of a Temporary Use Permit for a temporary use or the temporary modification of a use is only eligible during a declared State of Emergency (or due to the impacts associated with a declared State of Emergency) such as the current pandemic or a hurricane.

Based on their review of the UDO, Staff is of the opinion that the provisions could be easily modified to allow for Temporary Use Permits to be issued at all times, for limited durations, for limited use types (at least initially, outdoor dining), and subject to certain limitations (i.e., no reduction of parking, no occupancy in excess of wastewater capacity, etc.). Alternatively, they could make Temporary Outdoor Dining a use and add the specific requirements for that use category in the supplemental standards.

Mr. Zehner stated that any feedback from the Planning Board would be helpful noting that the Board of Commissioners wanted to make sure that there be no reduction in required parking; that seating not increase in excess of available and required parking, or in excess of wastewater capacity.

Ms. Lambert believes that there is a need for it; there are people that do not want to come inside, people want to be outside. Ms. Lambert has seen it with her own business and fields call daily from people asking about outdoor service. Ms. Lambert stated that other businesses would be losing customers if they weren't able to offer outdoor service.

Chair Vaughan noted that even absent the current circumstances, this is morphing into something seasonal, something that people do for a few months every season.

The Board agreed that outdoor dining is part of what the beach experience used to be.

M. Gwinn agreed that they should focus on making it easier.

Mr. Elder thought it might be nice to start incorporating some architectural features such as a shade area built as part of it; this led to a discussion on lighting and how it's used.

Chair Vaughan stated that in general the Board is supportive: make the process simpler, maybe change the ordinance to allow it during a certain time period to make it easier both for Staff and the applicants. The Board agreed that they need to recognize that (outdoor dining) is here to stay and for some it's actually preferable.

#### *May 26th, 2021 - Director's Report*

Mr. Zehner presented his Director's Report to the Board. This report was shared with the Commissioners at their June 2nd Meeting. The report included updates on: Outdoor Lighting: event lights vs. string lights – no structure highlighting; LED street lights that Dominion Power is converting and potential sites for the use of Amber fixtures; LID Manual: Review of Stormwater Regulations – Staff will be meeting with the Mayor, Chair Vaughan and some builders to review the recommendations and see how the regulations are working and discuss process improvements; Decentralized Wastewater Management Plan; Dowdy Park Farmer's market – going well, very well attended.

Two other items of note: CAMA Land Use Plan – Mr. Zehner explained that the Town's Comprehensive Plan serves as the CAMA Land Use Plan, the Comprehensive Plan was adopted in 2017 but has not yet been adopted as the CAMA Land Use Plan. DCM required some changes so it will come to the Planning Board and the Commissioners as a draft before being adopted by the State. Whalebone Park – Phase I and II in Work Plan. The Park is under-utilized, how can it be improved upon? Staff met with the Arts & Culture Committee to discuss; because there is potential for Land Use changes Mr. Zehner stated that it was important to engage the Planning Board and would like to schedule a site visit with the members.

#### ***Planning Board Members' Agenda***

As part of Board Member's Agenda, the Board discussed several topics related to the increase of residents/visitors to the beach: Trash Collection Schedule and how often it's picked up – the look and smell of the beach road on the weekends, more people means more trash and more parking issues, influx of people means services are stretched thin; New Recycling Program – how is that going? It seems people are using recycling carts for trash. Members also expressed a desire to get demographic data – would like information on how many more people are here.

Mr. Zehner discussed arranging a meeting with some members and the new Public Works Director, Eric Claussen.



There was also further discussion on the parking issue, a shuttle to the beach would eliminate a lot of the parking issues; maybe consider a shuttle service like the one that the Village at Nags Head provides – beach goers can take bikes, surfboards, chairs, etc.

Finally, there was a question about the status of completing the multi-use path. Mr. Zehner was unsure of the timeframe but will find out and circle back.

***Planning Board Chairman's Agenda***

None

***Adjournment***

A motion to adjourn was made by David Elder. The time was 10:43 AM.

Respectfully submitted,  
Lily Campos Nieberding

DRAFT



**BOC ACTIONS  
WEDNESDAY, JULY 7, 2021**

1. Call to order - Mayor Cahoon called the meeting to order at 9 am.
2. Agenda - The Board approved the July 7<sup>th</sup> agenda as presented.
3. Recognition -

Planner Margaux Kerr was recognized for five years of service.

Code Compliance Officer Ed Snyder was recognized for five years of service.

Public Information Officer Roberta Thuman was recognized for 20 years of service.

Former Public Works Director Ralph Barile was recognized by the Board for his 38 years of service to the Town; Mayor Cahoon presented the Long Leaf Pine Award to Mr. Barile as well.

4. Proclamation - National Night Out proclamation was adopted as presented.
5. Public Comment - No one spoke during Public Comment.
6. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:

Consideration of Budget Adjustment #1 to FY 21/22 Budget

Consideration of Tax Adjustment Report

Consideration of Business License and Registration Fee debt release

Approval of minutes

Consideration of resolution authorizing equipment exchange between Nags Head and Duck Fire Depts

Consideration of resolution authorizing higher federal micro-purchase thresholds

Consideration of resolution declaring the intention to reimburse the cost of certain expenditures

Consideration of housekeeping modification to adopted Pay and Classification Plan

Request for Public Hearing - Special Use Permit to operate Religious Complex in Croatan Center

**7. Public Hearing**

- Adoption of Town Low Impact Development and Stormwater Reference Manual and Amendment of the Recommended Standard Details Manual

- It was Board consensus to take no action concerning the Low Impact Development and Stormwater Reference Manual and the Amendment of the Recommended Standard Details Manual.

- The Board passed a motion to cancel the Public Hearing re: UDO text amendments to update references to Stormwater, Fill and Runoff Management ordinance for regulatory reference manuals.

**8. Update from Planning Director**

Sign Ordinance Update project - It was Board consensus to address the sign ordinance update at a later time in order to focus on other issues that need to be addressed.

Responses to Town Seasonal Workforce Housing Request For Information - It was Board consensus to thank them for their time and submittals - and to return to this issue at some future point.

Estuarine Shoreline Management Plan Advisory/Steering Committee - Others, such as the homebuilders, are to be involved in the process as advisors.

Decentralized Wastewater Mgmt Plan – The committee is expected to wrap up the third week of August.

After discussion of various items on the Planning Director's report to include sign ordinance, seasonal housing, and streetlights conversion, it was Board consensus to take no action at this time.

**9.** FY 2021-2022 Public Beach and Coastal Waterfront Grant pre-application for Epstein Street Beach Access - The Board scheduled a Public Hearing for the August 4<sup>th</sup> Board meeting. Mayor Cahoon asked for some background on the building such as details re: its condition and provide those findings to the Board.

**10.** From June 2<sup>nd</sup> Board meeting - Discussion of beach driving season - It was Board consensus that the Interim Town Manager address the following:

- Use his discretion in closing the beach
- Lower beach driving speed limit (15 MPH was suggested)
- Develop better monitoring protocols
- Use police enforcement to keep people driving on the correct portion of the beach (off the dunes)
- Consider marking the toe of the dunes with stakes during the NHSFC Tournament
- Review the beach driving ordinance and coordinate changes with Town of Kill Devil Hills
- Ask for recommendation from the NHSFC concerning ordinance changes
- Limit number of vehicles allowed on the beach during the NHSFC Tournament
- For presentation at the August 4<sup>th</sup> Board meeting - at the latest the September Board meeting.

**11.** Committee Reports: Comr. Fuller - DCTB meeting - Comr. Fuller reported that he and Mayor Cahoon will be meeting tomorrow (July 8<sup>th</sup>) with the Dare County - Outer Banks Event Site Committee to discuss possible alternatives for the development of that site.

Mayor Cahoon - Upcoming Mayors luncheon - Mayor Cahoon reported that he and the other mayors and the County Board Chair will be meeting with State Rep. Bobby Hanig concerning issues of interest.

**12.** Town Attorney - The Board approved the requested Town Attorney retainer increase as presented.

**13.** Town Attorney - Attorney Leidy pointed out that after Governor Cooper ends the pandemic State of Emergency, there will no longer be authority for the Board to participate in meetings via electronic means. Existing legislation does not allow it - Mayor Cahoon is to discuss possible legislation that would authorize this activity in the future at the upcoming Mayors luncheon when State Rep. Bobby Hanig is to be present.

**14.** Town Attorney - Request for Closed Session will be addressed at the appropriate time in the meeting.

**15.** Interim Town Manager Garman - Bryan Joyner of Moffat & Nichol presented the Year 1 Summary of the Beach Nourishment Master Plan. Interim Manager Garman told the Board that he spoke with Superintendent Hallac of the National Park Service concerning merging the southern end of the Town with Park service property.

**16.** Interim Town Manager Garman - Professional Services contract amendment for Year 2 of Beach Nourishment Master Plan - the Board passed the following motions:

- To authorize the Interim Town Manager to execute the agreement with Moffat & Nichol pertaining to the scope of work and fee proposal of \$1,737,907 as presented.

- To adopt the Beach Nourishment Master Plan Capital Project Ordinance Amendment #1 with the removal of Section 6.
  - To approve the associated budget amendment as presented.
- 17.** Interim Town Manager Garman - The Board passed a motion to approve the necessary actions to acquire the custom built Fire Truck with the additional equipment as determined by staff at a cost not to exceed \$1.4 million. The motion passed 4 – 1 with Comr. Renée Cahoon casting the NO vote.
- 18.** Comr. Renée Cahoon - It was Board consensus to submit the following requests to NCDOT:
- Perform traffic study at Grey Eagle/US 158 (during peak traffic season) to include possibility of looking at stoplights
  - Study possibility of installing median strip or something similar that would keep vehicles from turning left at Grey Eagle Street and US 158
  - Study possibility of no left turn when exiting S Old Oregon Inlet Road at NC 12 across from Sam and Omie’s Restaurant
- 19.** Comr. Renée Cahoon - Comr. Renée Cahoon asked for a status of the Homeowners Association of Old Nags Head Place paying for their portion of the stormwater project planned for the subdivision. Interim Manager Garman reported that he and staff are scheduled to meet with the subdivision HOA next week.
- 20.** Comr. Renée Cahoon - Staff is to look at some type of shade features for the Dowdy Park equipment which is at times too hot for children to use.
- 21.** Mayor Pro Tem Siers - Staff is to begin looking at parking issues in the Dowdy Park area – specifically the Bonnett Street and Wrightsville Street intersection.
- 22.** Mayor Pro Tem Siers - It was Board consensus that a task force made up of Mayor Cahoon and Mayor Pro Tem Siers be established in conversation with the local building community and the Dept of Insurance to touch on the issue of fire safety in the larger houses. This may include preparing a resolution to the State, a sprinkler system requirement for specific house sizes, and exit/emergency lighting requirements.
- 23.** Comr. Brinkley - Stormwater - Concerning the Low Impact Development Manual – Comr. Brinkley said that he hopes that the Board will actively make changes for stormwater issues, etc.
- 24.** Comr. Brinkley - Sanitation - Comr. Brinkley commented on the NC 12 trash overflow of carts, etc. Public Works Director Eric Claussen provided an update - he has initiated conversations with the property management companies; he is in the process of getting property managers to push carts back so they are not sitting on the Beach Road all weekend; some property managers are sending out texts mid-week to renters with reminders of trash collection schedules; he is also in the process of getting the proper number of carts to the appropriate house. He agreed to not limit it to the Beach Road.
- 25.** Mayor Cahoon - Preparation for Tropical Storm Elsa - Interim Manager Garman stated that dept heads responded to his inquiry yesterday afternoon and provided a list of actions in preparation for TS/TD Elsa.
- 26.** Closed Session/Open Session - The Board entered Closed Session at 12:19 p.m. to discuss attorney/client privilege, Town v Hale, other condemnation litigation as well as the 205 Baltic Street litigation - and re-entered Open Session at 12:47 p.m.
- 27.** Adjournment - The Board recessed to Monday, July 19<sup>th</sup> at 9 am in the Board Room for a Recessed Meeting - to meet with Developmental Associates - The time was 12:48 p.m.



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
Planning Board

From: Michael Zehner, Director of Planning & Development

Date: June 30, 2021

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

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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 July 7, 2021.

### Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for May 2021*. 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, May 4 - Technical Review Committee Meeting
- Wednesday, May 5 - Board of Commissioners Meeting
- Thursday, May 6 - ETIPP Kickoff and Scoping Meeting
- Monday, May 10 - Planning & Development Department Staff Meeting
- Wednesday, May 12 - Board of Commissioners Budget Workshop
- Wednesday, May 12 - Committee for Arts & Culture
- Thursday, May 13 - Board of Adjustment Meeting
- Tuesday, May 18 - Planning Board Meeting
- Wednesday, May 19 - Board of Commissioners Budget Workshop
- Thursday, May 20 - DWMP Advisory Committee Meeting
- Monday, May 24 - ETIPP Scoping Meeting
- Tuesday, May 25 - Permitting, Inspections, and Code Enforcement Team Meeting
- Thursday, May 27 - Farmer's Market
- Thursday, May 27 - Planning & Zoning; Environmental Planning; Hazard Planning Staff Meeting
- Friday, May 28 - Whalebone Park Site Visit with Committee for Arts & Culture

### Sign Ordinance Update Project

As identified within 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"). 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 this project will result in an updated format for 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 considering the updates, the Planning Board or Board of Commissioners may wish to consider whether such changes may be warranted in some circumstances. The Planning Board discussed this project preliminarily at their meeting on May 19, 2021.

### **Town Workforce Housing Study & Plan/RFI; Responses to Town Seasonal Workforce Housing RFI**

As was relayed to the Board of Commissioners, three (3) responses were received to the Town's RFI for Solutions for Town Seasonal-Employee Housing Needs. Staff awaits further direction from the Board as to how we should proceed with respect to these, including whether the Board would like the staff committee to share any opinions or recommendations. Per the RFI, interviews and presentations with one or more of the respondents is an option, but not a requirement.

### **LED Conversion of Streetlights; Amber Streetlight Demo**

As noted previously, Staff has been discussing the conversion of the Town's streetlights to LEDs with representatives of Dominion Energy. Dominion has provided the location of streetlights that have been converted to LEDs so that the Town may consider whether there are preferred styles and/or specifications. Additionally, Dominion has offered to provide a demonstration installation of "amber" light fixtures (identified as being more "turtle-friendly"), requesting that the Town provide at least four (4) suitable locations. Staff will provide additional information to the Board separately, for discussion at a future meeting.

Related, with the change to LED technology, it will be necessary for the Board to consider updates to the Street Lighting Policy. A copy of the current Board of Commissioners' Policy is attached.

### **Planning Board - Pending Applications and Discussions**

The Planning Board's most recent meeting was held on June 15, 2021, and included consideration of a Special Use Permit for the Outer Banks Community Church (as a religious complex) to be located within a Commercial Mixed Use use (Shopping Center) at 4711 S. Croatan Highway, continued discussion of the scope for the Electric Vehicles Action Plan, and preliminary discussion regarding amendments to allow for temporary allowances for outdoor dining.

The Board's next meeting is scheduled for July 20, 2021. At this time, the agenda is expected to include continued discussion regarding amendments to allow for temporary allowances for outdoor dining and amendments to the sign ordinance, consideration of the draft CAMA Land Use Plan, and consideration of a site plan under the SED-80 zoning district requirements for the removal of trees at 468 W. Villa Dunes Drive. Additionally, there are active pending conditional use permit applications for the property at 205 E. Baltic Street (a.k.a. the Dream Center) and The Soundside Event

Site and associated properties; continuances were requested from the June meeting to the July meeting; however, further continuance requests are not unanticipated.

### **Additional Updates**

- **Decentralized Wastewater Management Plan** - To this point, four meetings have been held with the project Advisory Committee. Much of the work has involved the collection of relevant data and information, the identification of stakeholders, and the development of an engagement plan. Additionally, at the most recent meeting, the Committee had a focused discussion regarding the mission statement, vision, values, and goals for the Plan. The next meeting of the Committee is scheduled for August 19, and is expected to include a review of the data assessment and conclusions, as well as the results of stakeholder interviews, and preparation for public engagement meetings. Between now and the August meeting, Staff and the consultant expect to finalize the engagement plan and the draft mission statement, vision, values, and goals with input from the Committee.
- **Estuarine Shoreline Management Plan** - An RFQ seeking a consultant for development of an Estuarine Shoreline Management Plan for the Town was released on May 24, 2021, with responses due July 7, 2021. Staff is preparing to release a request for volunteers to serve on an advisory/steering committee for the project, with candidates to be presented to the Board for consideration and appointment at a future meeting.
- **CAMA Land Use Plan Update** - Staff anticipates presenting a final revised version of the CAMA Land Use Plan to the Planning Board at their July 20, 2021 meeting, with a public hearing for Plan adoption to be held at the September Board of Commissioners' meeting.
- **Electric Vehicles Action Plan** - As previously noted, Staff has received interest from Duke University in having students from the Nicholas School of the Environment's two-year professional Master of Environmental Management (MEM) work on this project. Staff held a preliminary discussion with the Planning Board on the potential scope for the project, and a subsequent discussion to present the outline of the project prepared by Timothy L. Johnson, Ph.D., Associate Dean for Professional Programs and Chair of the Master of Environmental Management Energy and Environment Program. Staff believes there is consensus on the project between the Town and Duke University, and anticipates that 3 Masters students will be assigned to the project in the Fall Semester.
- **Level 2 Charger** - Staff continues to consider opportunities and with vendors to source a charger for location on Town property through a "host" arrangement. Additionally, Staff expects that resources or options may be identified through the EV Action Plan.
- **LID Manual; Review of Residential Stormwater Regulations** - Continued consideration of the LID Manual is on the Board of Commissioners agenda for

July 7, 2021. As noted in the memorandum for that item, it is recommended that the Planning Board discuss additional potential improvements to the residential stormwater regulations and the plan review and approval process.

- **GIS Platform Update, Phase 1** - Interviews with the respondents to the RFI seeking information on GIS services were conducted between May 17 and May 28. Staff is considering how to proceed.
- **ETIPP Project/Program** - A final project scoping meeting was held with National Lab technical assistance staff on June 23, 2021. A final scope is expected to be completed on July 6, 2021, with the project commencing soon thereafter.
- **NC AIA Activate Technical Assistance** - A kickoff and project scoping meeting was held with project partners on June 18, 2021. A final project scope is expected to be approved in the next few weeks.
- **Flood/Tide Gauges** - As previously reported, the Town had submitted a letter of support to participate in a joint grant to fund additional tide gauges to be located in Town, as well as other locations in Dare County. The Town was notified on January 3, 2021 that the collaborative request was selected for funding, and Town Staff subsequently coordinated the installation of a gauge on a dock in the Village at Nags Head; once online, there will be three gauges in the Town providing up-to-date tide and flood data: the gauge located in the Village, one at Jennette's Pier, and another at on Little Bridge.
- **LID Stormwater Demonstration Project** - As previously noted, the Town was notified that it was successfully awarded \$2,500 in cost share assistance from the Dare Soil and Water Conservation District through the Community Conservation Assistance Program for the development of a rain garden at Town Hall to improve local water quality and serve as a Low Impact Development demonstration and education project. Staff is waiting on direction from the District regarding design before initiating installation.
- **Grants and Assistance**
  - Staff had submitted a request under the Hazard Mitigation Grant Program (Tropical Storm Michael) to update the Town's Emergency Operations Plan. While staff originally learned that funding under that event was no longer being considered, and that the request may be considered under funding decisions related to Hurricane Dorian, we have now been informed that it is being considered for funding under a separate storm event, DR-4543-NC, associated with severe storms, tornadoes, and flooding that occurred in February 2020.
  - Staff submitted a Letter of Interest ("LOI") under the Hazard Mitigation Grant Program related to Hurricane Dorian for the acquisition of property, and assisted Fire Chief Wells in the submission of an LOI for replacement of a generator; we have been notified that the generator request has been selected for further consideration and is under review by FEMA. With



respect to the acquisition of property, Staff has been informed that previous insurance claims would be subtracted from any potential purchase price, which may make the potential offer price unacceptable to the property owner.

- On April 16, 2021, Staff submitted a pre-application for a CAMA Access Grant for improvements to the Epstein Beach Access. As outlined in a separate agenda item for the July 7, 2021 Board of Commissioners' meeting, Staff was notified on May 13, 2021 that the Town was invited to submit a Final Application for the Epstein Street Public Beach Access, due by August 16, 2021.

### **Upcoming Meetings and Other Dates**

- Thursday, July 1 - Farmer's Market
- Wednesday, July 7 - Board of Commissioners Meeting
- Thursday, July 8 - Farmer's Market
- Thursday, July 8 - Board of Adjustment Meeting
- Wednesday, July 14 - Committee for Arts & Culture Meeting
- Thursday, July 15 - Farmer's Market
- Tuesday, July 20 - Planning Board Meeting
- Thursday, July 22 - Farmer's Market
- Thursday, July 29 - Farmer's Market

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
MAY 2021**

DATE SUBMITTED: June 7, 2021

	May-21	May-20	Apr-21	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>BUILDING PERMITS ISSUED - RESIDENTIAL</b>						
New Single Family	2	0	0	14	7	7
New Single Family, 3000 sf or >	1	0	0	8	6	2
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	3	0	0	22	13	9
Miscellaneous (Total)	29	40	37	404	399	5
<i>Accessory Structure</i>	4	5	8	49	42	7
<i>Addition</i>	0	0	1	28	16	12
<i>Demolition</i>	2	0	1	6	2	4
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	11	11	6	119	92	27
<i>Repair</i>	12	24	21	202	247	(45)
<b>Total Residential</b>	<b>32</b>	<b>40</b>	<b>37</b>	<b>426</b>	<b>412</b>	<b>14</b>
<b>BUILDING PERMITS ISSUED - COMMERCIAL</b>						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	0	0	0	2	(2)
Subtotal - New Commercial	0	0	0	0	2	(2)
Miscellaneous (Total)	6	3	11	79	78	1
<i>Accessory Structure</i>	1	0	6	29	17	12
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	1	4	(3)
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	4	2	2	21	27	(6)
<i>Repair</i>	1	1	3	28	30	(2)
<b>Total Commercial</b>	<b>6</b>	<b>3</b>	<b>11</b>	<b>79</b>	<b>80</b>	<b>(1)</b>
<b>Grand Total</b>	<b>38</b>	<b>43</b>	<b>48</b>	<b>505</b>	<b>492</b>	<b>13</b>
<b>SUB-CONTRACTOR PERMITS</b>						
Electrical	78	25	35	470	385	85
Gas	5	1	3	31	19	12
Mechanical	59	40	36	375	314	61
Plumbing	8	3	12	86	84	2
Fire Sprinkler	0	0	0	3	1	2
<b>VALUE</b>						
New Single Family	\$807,093	\$0	\$0	\$4,804,429	\$1,864,797	\$2,939,632
New Single Family, 3000 sf or >	\$835,535	\$0	\$0	\$6,000,535	\$3,982,561	\$2,017,974
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$591,001	\$573,689	\$548,529	\$10,079,555	\$8,798,838	\$1,280,717
<b>Sub Total Residential</b>	<b>\$2,233,629</b>	<b>\$573,689</b>	<b>\$548,529</b>	<b>\$20,884,519</b>	<b>\$14,646,196</b>	<b>\$6,238,323</b>
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	\$1,030,000	(\$1,030,000)
Misc (Total Commercial)	\$65,208	\$474,000	\$201,233	\$2,046,935	\$4,164,386	(\$2,117,451)
<b>Sub Total Commercial</b>	<b>\$65,208</b>	<b>\$474,000</b>	<b>\$201,233</b>	<b>\$2,046,935</b>	<b>\$5,194,386</b>	<b>(\$3,147,451)</b>
<b>Grand Total</b>	<b>\$2,298,837</b>	<b>\$1,047,689</b>	<b>\$749,762</b>	<b>\$22,931,454</b>	<b>\$19,840,582</b>	<b>\$3,090,872</b>

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
MAY 2021**

DATE SUBMITTED: June 7, 2021

	May-21	May-20	Apr-21	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>ZONING</b>						
Zoning Permits	56	23	52	430	292	138
<b>CAMA</b>						
CAMA LPO Permits	4	1	0	29	30	(1)
CAMA LPO Exemptions	4	13	7	56	108	0
Sand Relocations	0	0	28	117	143	N/A
<b>CODE COMPLIANCE</b>						
CCO Inspections	117	68	83	726	699	27
Cases Investigated	60	25	39	416	120	296
Warnings	9	10	14	122	229	(107)
NOVs Issued	51	15	25	295	54	241
Civil Citations (#)	10	0	8	67	0	67
Civil Citations (\$)	\$52,500	\$0	\$42,000	\$356,000	\$0	\$356,000
<b>SEPTIC HEALTH</b>						
Tanks inspected	27	0	7	171	32	139
Tanks pumped	7	3	13	90	128	(38)
Water quality sites tested	23	46	23	161	167	(6)
Personnel Hours in Training/School	28	38	8	172	109	63




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Michael D. Zehner, Director of Planning & Development

**Robert O. Oakes, Jr.**  
Mayor

**Doug Remaley**  
Mayor Pro Tem

**Cliff Ogburn**  
Town Manager



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**Anna D. Sadler**  
Commissioner

**M. Renée Cahoon**  
Commissioner

**Susie Walters**  
Commissioner

Board of Commissioners Policy

## **Street Lighting Policy**

Adopted May 4, 1994  
Updated and Adopted June 4, 2003  
Updated and Adopted October 3, 2012  
Updated and Adopted November 6, 2013

**Objective:** To provide an orderly process for the installation of street lighting in existing subdivisions and areas that is adequate for safety and convenience while at the same time avoiding objectionable and excessive lighting.

**General:** In all existing subdivisions and areas with underground power, the electric power lines for street lighting shall be located underground. In existing subdivisions and areas with overhead wiring, new streetlights may be attached to existing poles only if the pole to be used is in the proper location. If a new pole is required, the wiring to said pole must be underground. All lights shall be located on public rights-of-way maintained by the Town of Nags Head, unless alternate arrangements are agreed to by the Town. Streetlights should be placed at street intersections or street bends of sixty degrees or more. Streetlights may not be located closer than intervals of three hundred feet. Nothing in this policy, however, shall preclude the Town of Nags Head from installing street lighting at any location and of any available intensity where in the opinion of the Town Manager, such lighting is necessary for the public safety and convenience. In addition, in cases where commercial and residential areas adjoin, the Town Manager shall determine the lumens of intensity of streetlights to be placed in such adjoining areas.

**New Residential Subdivisions:** Streetlights shall be High Pressure Sodium (HPS) seventy (70) watt, five thousand (5,000) lumen lights, installed as per Section 38-156 of the Town Code of Ordinances. It shall be the Town's policy to assume the energy cost of streetlights installed in new subdivisions one year after their installation. It shall be the responsibility of the developer or the Property Owners Association to request in writing to the Town Manager, that the Town assume the energy cost of the streetlights one year after installation.

**New Commercial Subdivisions:** The street lighting policy in new commercial subdivisions shall be the same as in new residential subdivisions, except that the streetlights shall be a HPS one hundred and fifty (150) watt, fourteen thousand (14,000) lumen lights except where in the opinion of the Town Manager, a HPS one hundred (100) watt (8,000) lumen lights would be more appropriate in order to prevent excessive light in adjoining predominantly residential areas.

Responsible for Update: Public Works Director

**Existing Residential Areas:** In existing residential areas, streetlights are installed upon a petition basis. The number of property owners' signatures required on the petition depends upon the number of properties directly affected by the proposed streetlight(s). If the light is requested to be installed at an intersection, three of the four or two of the three property owners at the intersection as shown on the attached diagram will be required to sign the petition. The property owner adjoining the location where the light is to be erected must be one of the owners to sign. If the light is to be installed in mid-block, the light will be placed at a point between two lots and the owner of these two lots must sign the petition. In addition, at least fifty percent of the two or three lots directly across the street must also sign the petition. After receiving a petition requesting a streetlight with the required number of signatures and approved by the Town Manager, the petitioners will then be responsible for the installation and energy cost of the streetlight for the first year of operation. It shall be the Town's policy to assume the energy cost of streetlights installed by private property owners one year after their installation. It shall be the responsibility of the property owner to request in writing to the Town Manager, that the Town assume the energy cost of the streetlights one year after installation.

All new streetlights and lamps or fixtures that need replacement, will be a HPS seventy watt (70), five thousand (5,000) lumen lights installed at a mounting height of 10 feet if a new pole is installed.

**Existing Commercial Areas:** In existing commercial areas, streetlights are installed upon receipt of a petition signed by at least two directly affected property owners and approved by the Town Manager. All new streetlights and lamps or fixtures that need replacement, will be a HPS one hundred and fifty (150) watt, fourteen thousand (14,000) lumen lights and will be installed by the petitioner. The developer or property owner will be responsible for the energy cost of the streetlight for the first year of operation. The energy costs of the streetlights will be assumed by the Town one year after their installation. It shall be the responsibility of the developer or property owner to request in writing to the Town Manager, that the Town assume the energy cost of the streetlights one year after installation.

**Special Street Lighting Areas:** The following streets are designated as areas requiring special street lighting treatment and any streetlights installed at intersections or along these streets will be the designated intensity, notwithstanding the intensities enumerated above:

- Croatan Highway (US 158) – HPS 250 watt (250) 23,000 lumen lights at a mounting height of 35 – 40 feet. The fixture shall be a flat lens full cutoff light.
- Virginia Dare Trail (NC 12) – HPS one hundred (100) watt, eight thousand (8,000) lumen lights at a mounting height of 25 – 30 feet. Lights installed at pedestrian crossings shall be HPS one hundred and fifty watt (150), fourteen thousand (14,000) lumen lights at a mounting height of 25 – 30 feet.
- South Old Oregon Inlet Road (NC 1243) – Same as Virginia Dare Trail.

