



**DRAFT MINUTES**  
**TOWN OF NAGS HEAD**  
**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**WEDNESDAY, MAY 5, 2021**

The Nags Head Board of Commissioners met in person at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, May 5, 2021 at 9:00 a.m. for a Regular Meeting. The Town continues to adhere to COVID state and local guidelines.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Renée Cahoon; Comr. Webb Fuller; and Comr. Kevin Brinkley

Board members Absent: None

Others present: Interim Town Manager Greg L. Sparks; Attorney John Leidy; Andy Garman; Michael Zehner; Kelly Wyatt; Amy Miller; David Ryan; Phil Webster; Matt Huntingford; Charlie Bliven; Luis Estrada Nieves; Kate Jones; Holly White; Mark Krawczyk; Debi Krawczyk; Charles Kalan; Susan Kalan; Vince Mercer; Carol Mercer; JoAnne Nolte; Bruce Nolte; Tom Shenk; and Town Clerk Carolyn F. Morris

**CALL TO ORDER**

Mayor Cahoon called the meeting to order at 9 am. A moment of silence was followed by the Pledge of Allegiance.

**ADOPTION OF AGENDA**

**MOTION:** Comr. Fuller made a motion to approve the May 5<sup>th</sup> agenda as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

**RECOGNITION**

NEW EMPLOYEE - Fleet Mechanic Superintendent Charlie Bliven introduced Fleet Mechanic Luis Estrada Nieves who was welcomed by the Board to Town employment.

LIFESAVING AWARD – Senior Police Officer/K-9 Matt Huntingford Police Chief Phil Webster introduced Senior Police Officer Matt Huntingford and presented him with a Lifesaving Award; Officer Huntingford responded the end of March 2021 to a residence on Barracuda Drive and was able to save the owner’s life by performing CPR until medics arrived. Chief Webster noted that the resident was eventually discharged from the hospital.

PROCLAMATION - Police Officer's Week May 10 - 16, 2021

Comr. Brinkley remembered Sgt. Earl Murray who was the Town's first officer to lose his life in the line of duty on May 15, 2009 when responding to a call; he asked everyone to continue to pray for his family who he feels Sgt. Murray would be very proud.

Mayor Cahoon read the proclamation as follows:

"WHEREAS, The Congress and President of the United States have designated May 15<sup>th</sup> as Peace Officers' Memorial Day, and the week in which May 15<sup>th</sup> falls as National Police Week; AND

'WHEREAS, The members of the Nags Head Police Department play an essential role in safeguarding the rights and freedoms of the residents and visitors of the Town of Nags Head; AND

'WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; AND

'WHEREAS, The men and women of the Nags Head Police Department unceasingly provide a vital public service; AND

'WHEREAS, Let each of us take the time to reflect on the ultimate sacrifice Sgt. Earl Murray, Jr. made for the Town of Nags Head on May 15, 2009 and the rest of the officers that have done so nationwide. And let each of us keep their family, friends, and all fellow officers in our thoughts and prayers.

'NOW, THEREFORE, the Nags Head Board of Commissioners calls upon all citizens of the Town of Nags Head and upon all patriotic, civic, and educational organizations to observe the week of May 10 - 16, 2021 as Police Week with appropriate ceremonies and observances in which all our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their community and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

'THEREFORE, we do hereby proclaim the week of May 10 - 16, 2021, as Police Week and call upon all citizens of Nags Head to observe the 15th day of May 2021, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes."

MOTION: Comr. Brinkley made a motion to approve the Police Officer's Week proclamation as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

PROCLAMATION - Outer Banks Healthcare Week May 17 - 21, 2021

Mayor Cahoon read the proclamation as follows:

"WHEREAS, National Hospital Week is May 9-15, 2021; and originated in 1921 as a community celebration and is now the nation's largest healthcare event; AND

'WHEREAS, The Outer Banks Hospital and Medical Group call this week Healthcare Week and will celebrate the weeks of May 9-15 and May 17-21; AND

'WHEREAS, The Outer Banks Hospital is celebrating its 19<sup>th</sup> year of serving the citizens and visitors of Dare County; AND

'WHEREAS, The Outer Banks Hospital uses this week to celebrate all team members in the hospital and medical group as well as our community healthcare partners; AND

'WHEREAS, the Town of Nags Head recognizes The Outer Banks Hospital 2021 healthcare week theme of "Celebrating Heroes who give Hope"; AND

'WHEREAS, the 500+ dedicated team members and providers work together providing hope to patients, families and each other with the intention of promoting wellness and providing the highest quality healthcare services; AND

'WHEREAS, The Town is honored to celebrate men and women who are working tirelessly to help others in their greatest time of need especially during recent periods when our Town and country are in the throes of the COVID-19 pandemic.

'NOW, THEREFORE, the Town of Nags Head Board of Commissioners, on behalf of all its citizens, do hereby proclaim the weeks of May 9-15 and May 17-21 as Outer Banks Healthcare Weeks, and express great appreciation for all the dedicated people, facilities and technologies that make reliable healthcare possible in our community.

'IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED the Seal of the Town of Nags Head, North Carolina to be affixed this 5<sup>th</sup> day of May 2021."

MOTION: Comr. Brinkley made a motion to approve the Outer Banks Healthcare Week proclamation as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

## **PUBLIC COMMENT**

Attorney Leidy declared Public Comment open. There being no one present who wished to speak, Attorney Leidy closed the Public Comment period at 9:12 a.m.

## **CONSENT AGENDA**

The Consent Agenda consisted of the following items:

Consideration of Budget Adjustment #14 to FY 20/21 Budget

Consideration of Tax Adjustment Report

Approval of minutes

Consideration of amendment #2 to the Capital Reserve Fund Ordinance (adoption of ordinance)

Consideration of electronic signature and seal for conducting Town business (adoption of resolution)

Request for 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

Request for Public Hearing to consider a text amendment pertaining to lot coverage associated with dumpster conversions from side load to front load pick up

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

Budget Adjustment #14 to the FY 20/21 Budget, as adopted, is attached to and made a part of these minutes as shown in Addendum "A".

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

The summary sheet re: Amendment #2 to the Capital Reserve Fund Ordinance, as approved, read in part as follows:

"At the May 5<sup>th</sup> Board of Commissioners meeting, the attached amendment #2 to the Capital Reserve Fund will be considered. The following revised paragraph is included:

- Town Streets and Stormwater Management funds are generated from Town-wide ad valorem taxes and are designated by the Board for the purpose of the construction and improvements of streets, stormwater, and drainage infrastructure including planning, maintenance, or new construction, where appropriate. Appropriations from these funds may be made to finance capital projects which are part of a multi-year program of streets construction and improvements and related stormwater management improvements; AND"

The Capital Reserve Fund ordinance amendment #2, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

The resolution authorizing Electronic signature and Seal, as adopted, read in part as follows:

"WHEREAS: Town of Nags Head (the "Town") is in the process of implementing an electronic contracts management system which will involve a centralized system to approve, process, and execute all Town contracts; and

'WHEREAS: the implementation of this contract management system will allow the utilization of electronic signatures and an electronic version of the official Town seal by appropriate Town of Nags Head officials rather than the present workflow process which requires manual signature of documents; and

'WHEREAS: pursuant to N.C. Gen. Stat. Ch. 66 Article 11A, Electronic Commerce in Government, all public agencies, which includes local units of government, may use and accept electronic signatures under the Uniform Electronic Transactions Act, N.C. Gen. Stat. Ch. 66, Article 40; and

'WHEREAS: N.C. Gen. Stat. § 66-58.5, Validity of Electronic Signatures, requires that a public agency request or require the use of electronic signatures in order for agency transactions signed electronically to have the same force and effect as if a manual signature had been used; and

'WHEREAS: Town of Nags Head desires to approve and authorize the use and acceptance of electronic signatures in current or future Town business transaction, so that the electronic signature process will satisfy the validity requirements of N.C. Gen. Stat. § 66-58.5; this electronic signature approval shall include, but not be limited to, contracts and purchase orders.

‘NOW, BE IT THEREFORE RESOLVED, as follows:

Effective immediately the Town of Nags Head Board of Commissioners hereby authorizes the utilization and acceptance of electronic signatures and an electronic version of the official Town seal in Town business transactions, including, but not limited to, Town contracts and purchase orders; and that the Board hereby FURTHER RESOLVES that this electronic signature use approval shall be limited to those Town officials and employees who are entitled by current or future official Board action to manually sign binding legal documents on behalf of Town of Nags Head.”

The Request for Public Hearing summary sheet re: FY 21/22 Operating Budget, as approved, read in part as follows:

“Request that a Public Hearing be scheduled for the June 2<sup>nd</sup> Board of Commissioners meeting to consider citizen comment on the following:

- Town Manager’s proposed operating budget for fiscal year July 1, 2021 – June 30, 2022,
- Proposed Capital Improvement Program (CIP) requests for FY 21/22 through FY 25/26, and
- Updated Consolidated Fee Schedule”

The Request for Public Hearing summary sheet re: side-load to front-load dumpsters, as approved, read in part as follows:

“The Town is currently undergoing a process of converting existing side-load dumpsters to front-load dumpsters given the expectation that the availability of trucks that are able to service side-load dumpsters will be reduced in the future. To aid in this effort and to reduce complications involving alterations and/or expansions to dumpster locations or pad dimensions, Staff requested and the Board authorized development of a text amendment to the UDO to address potential increases in lot coverage that may be associated with these changes.

‘Staff Recommendation/Planning Board Recommendation  
Planning staff recommends that the public hearing be scheduled.

‘At their April 20, 2021 meeting, the Planning Board voted 6-0 to recommend approval of the text amendment as presented by Staff.”

## **PUBLIC HEARINGS**

Public Hearing to consider establishment of four proposed municipal service districts for beach erosion control, flood and hurricane protection works, and flood control and drainage projects (First Reading)

Attorney Leidy introduced the Public Hearing to consider the establishment of four proposed municipal service districts for beach erosion control, flood and hurricane protection works, and flood control and drainage projects. The time was 9:14 a.m. Two separate meetings are required - today is the first reading.

The agenda summary sheet read in part as follows:

“At its February 3<sup>rd</sup> meeting, the Board passed a motion to direct staff to prepare the maps/study/report to implement the following municipal service districts:

‘District 3 – Encompassing all properties situated east of South Croatan Highway between Bonnett Street and Gulfstream Street/South Virginia Dare Trail.

‘District 4 – Encompassing all properties situated between Gulfstream Street/South Virginia Dare Trail and the southern town limits.

‘District 5 – Encompassing all properties situated east of South Virginia Dare Trail between Eighth Street and Bonnett Street.

‘District 6 – Encompassing all properties situated east of South Croatan Highway between Eighth Street and Bonnett Street.

‘And to authorize the Beach Nourishment Project, Alternative #1, which involves a FEMA project supplemented with Coastal Storm Damage Mitigation (CSDM) fund grant revenue.

‘At the March 3<sup>rd</sup> meeting, the Board received a report and map delineating the proposed municipal service districts and a Public Hearing on the proposed Municipal Service Districts was scheduled for the May 5<sup>th</sup> Board of Commissioners meeting at 9 am. These items can be found on [the Town's website](#).

‘Attached please find a map of the proposed districts. The Town Clerk has certified that the MSD Report has been available for public inspection in the office of the Town Clerk for four weeks prior to the public hearing; the affidavit from the *Coastland Times* which documents adequate notice provided of today’s Public Hearing has been prepared and forwarded to the Town.

‘Attached please find the following:

- Ordinance establishing the four (4) proposed MSD’s  
(First Reading May 5<sup>th</sup>, Second Reading June 2<sup>nd</sup>)
- MSD Map”

Dep Town Manager Andy Garman presented slides which summarized the process for adopting municipal service districts and which are attached to and made a part of these minutes as shown in Addendum “D”.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, April 21, 2021 and on Wednesday, April 28, 2021 as required by law.

Dep Town Manager Andy Garman said that findings need to be made as included in the ordinance which describe the reasons/justification.

Attorney Leidy pointed out the erosion and storm related forces that have more recently impacted the beaches such as with Hurricane Sandy and subsequent storms as compared to before nourishment such as with Hurricane Isabel in 2003. The 2011 project provided protection to all these areas that would not have had protection. Attorney Leidy said that the 2011 project has benefited the area and these areas are in greater need for this protection than other parts of Town.

Mayor Cahoon added that the immediate oceanfront district in the north part of Town was not previously included but is being considered for that part of the Town as well.

Attorney Leidy asked if there were those interested in speaking during the Public Hearing:

Bruce Nolte, S Nags Head; strong supporter of Beach Nourishment; complimented and congratulated this and previous Boards for having courage and leadership to move forward; he agrees MSDs are as good a way as any to finance the project; feels all citizens benefit and therefore all have a financial role in paying.

Susan Kalan, Old Nags Head Place Subdivision; she was concerned that her yard landscaping may be disturbed in the future due to drainage projects; Attorney Leidy explained that the Town's Beach Nourishment project would not affect her property in the subdivision.

Carol Mercer, S Nags Head; There have been stormwater projects at some of the west side neighborhoods yet drainage projects slated for S Nags Head did not take place; she does not want to be taxed for drainage projects not done; everyone in Nags Head should be taxed not just a special district.

There being no one else present who wished to speak, Attorney Leidy closed the Public Hearing at 9:36 a.m.

Mayor Cahoon pointed out that this process to establish the MSDs is not to establish tax rates for the MSDs.

Comr. Fuller responded to Ms. Kalan's comments - He noted that she lives in Old Nags Head Place and that the Town is actively engaged with the Subdivision's Homeowners Association re: drainage work which is not related to the Beach Nourishment Project. He did state that any work being done would be done within the right-of-way and not on their property.

Comr. Brinkley thanked the speakers and said that he could not agree more with Mr. Nolte – everyone needs to contribute as everyone benefits.

Comr. Renée Cahoon has been involved in beach nourishment plans since the 1990's and is happy to be looking at long term plans.

Mayor Pro Tem Siers appreciated the comments and said that the MSDs are created in order to get ahead of the issues they are seeing – no one on the Dare County Board is motivated enough to push the issue – he is looking into occupancy taxes to help pay. The MSD's are established so that the Town does not have to scramble if something happens; the Town will continue to push the County; he thanked those who came out today, even if they didn't speak.

**MOTION:** Comr. Renée Cahoon made a motion to establish four additional municipal service districts by making the following findings:

1. The Town of Nags Head has fully complied with each and every requirement of Chapter 160A, Article 23 of the North Carolina General Statutes needed to define and create each of the Districts defined below and determines and finds same as a fact.
2. The Nags Head Beach Erosion Control and Flood and Hurricane Protection Works and Drainage Projects Municipal Service Districts for erosion control and flood and hurricane works are hereby defined and created pursuant to North Carolina General Statute Sec. 160A-537 in accordance with the following description:

District 3 – Encompassing all properties situated east of South Croatan Highway between Bonnett Street and Gulfstream Street/South Virginia Dare Trail.

District 4 – Encompassing all properties situated between Gulfstream Street/South Virginia Dare Trail and the southern town limits.

District 5 – Encompassing all properties situated east of South Virginia Dare Trail between Eighth Street and Bonnett Street.

District 6 – Encompassing all properties situated east of South Croatan Highway between Eighth Street and Bonnett Street.

and being the property as shown within the boundaries set forth on that certain map attached hereto as Exhibit "A" and incorporated herein by reference, to which reference is made for a more complete and accurate description of the boundaries of the Nags Head Beach Erosion Control and Flood and Hurricane Protection Works and Drainage Projects Municipal Service Districts as defined in this Ordinance.

3. The Town of Nags Head may engage in any or all of those activities that may lawfully be conducted within a municipal service district defined and created pursuant to North Carolina General Statute Sec. 160A-536(a)(1) and (3) to provide beach erosion control and flood and hurricane protection works and drainage projects.

4. The Town may also levy property taxes within the service districts in addition to those throughout the town in order to finance, provide or maintain for the districts, services provided therein, in addition to or to a greater extent than those financed, provided or maintained for the entire town.

And to adopt the ordinance as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

As required by law, the ordinance will return for a second reading at the June 2<sup>nd</sup> Board meeting.

#### Public Hearing to consider text amendments to the UDO pertaining to electric vehicle battery charging and battery exchange stations

Attorney Leidy introduced the Public Hearing to consider text amendments to the UDO pertaining to electric vehicle battery charging and battery exchange stations. The time was 10:05 a.m.

Planner Holly White summarized her memo which read in part as follows:

#### "OVERVIEW AND BACKGROUND

Given the Town's interest in the installation of an electric vehicle charging station, as well as recent private interest, Staff determined that amendment to the Town's regulations concerning these facilities was necessary. Generally, there are some inconsistencies within current regulations with respect to terminology, where such charging facilities may be located based upon zoning district, and the standards that such facilities are subject to.

'The Board of Commissioners, at their March 3, 2021 meeting, authorized Staff to pursue amendments to the Unified Development Ordinance to address necessary changes.

'Staff presented amendments pertaining to electric vehicle battery charging and battery exchange stations to the Planning Board at their March 16, 2021 meeting. Following a discussion, the Planning Board voted 7-0 to recommend approval of the proposed text amendments as presented.

#### 'CODE CONSIDERATIONS

Currently, Table 6.6, Table of Uses and Activities, indicates "Battery Charging/Exchange Station" to be a permitted use (without Conditional Use Permit) in the C-1, C-2, and C-3 zoning districts, subject to supplemental regulations contained in Section 7.17. Section 7.17, Batter Charging/Battery Exchange, provides the supplemental regulations for these uses, indicating that they are permitted as an accessory use (the full text of Section 7.17, with proposed markups, is included under **Staff Recommendation**).

'Additionally, Table 10-2, Required Parking by Use, provides that the Battery Charging/Exchange Station use requires one parking space for each charging station.

'Finally, there are several applicable definitions within the UDO associated with this use and the Town's regulations thereof, as follows:

*'Battery charging station* means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed federal, state, and/or local requirements.

*'Battery exchange station* means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds federal, state, and/or local requirements.

*'Electric vehicle* means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for energy purposes. Electric vehicle includes: (1) a battery powered electric vehicle; and (2) a plug-in hybrid electric vehicle.

*'Electric vehicle charging station* means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle. An electric vehicle charging station is permitted as an accessory use to any principal use.

*'Electric vehicle parking space* means any marked parking space that identifies the use to be exclusively for an electric vehicle.

#### 'POLICY CONSIDERATIONS

The Comprehensive Plan does not address electric vehicles or charging infrastructure specifically. However, ensuring that the Town's regulations provide reasonable accommodations for the installation of charging stations recognizes the emerging market for these vehicles, which relates to the Town's economic development goals, not to mention the potential environmental benefits to making electric vehicle charging infrastructure more accessible within the Town.

#### 'PLANNING BOARD RECOMMENDATION

At their March 16, 2021 meeting the Planning Board voted 7-0 to recommend approval of the proposed text amendments as presented.

#### 'STAFF RECOMMENDATION

To address inconsistencies within current regulations, it is Staff's recommendation that the following amendments to the UDO be adopted:

- That Section 6.5.3., which indicates those uses expressly prohibited within the Town, be

amended by adding "Electric Vehicle Charging Station (as a principal use)" and "Electric Vehicle Battery Exchange Station (as a principal use)" to those uses listed under COMMERCIAL.

- That Section 6.6, Table of Uses and Activities" be amended by deleting "Battery Charging/Exchange Station" and the entire associated row from the use table; by inserting "Electric Vehicle Charging Station" as a permitted Accessory Use within the R-1, R-2, R-3, CR, C-1, C-2, C-3, C-4, SPD-20, SED-80, and SPD-C zoning districts, subject to supplemental regulations contained in Section 7.17; and, by inserting "Electric Vehicle Battery Exchange Station" as a permitted Accessory Use within the C-2 zoning district, subject to supplemental regulations contained in Section 7.16.
- That Section 7.17 be amended as follows. Please note, there is a pending bill before the North Carolina General Assembly (HB 296) that would require, among other things, that only electric vehicles connected to charging equipment for the purpose of charging could park in a parking space designated as an electric vehicle charging station; Staff's recommendation would not require this, but if spaces were so restricted by a property owner then they must be signed and cannot be used to meet minimum parking requirements."

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, April 21, 2021 and on Wednesday, April 28, 2021 as required by law.

Attorney Leidy confirmed that no one present wished to speak at the Public Hearing and he closed the Public Hearing at 10:11 a.m.

MOTION: Comr. Brinkley made a motion to adopt the ordinance as presented - with the second sentence of Section 7.17.1 deleted and with "battery" deleted in Part VI, under *Electric vehicle battery exchange station* definition. The motion was seconded by Comr. Renée Cahoon.

Comr. Fuller confirmed with staff that the battery exchange station does count against lot coverage - and he confirmed that the use is for a residential zone and cannot be used commercially.

CONTINUATION OF MOTION: The motion passed unanimously.

Comr. Renée Cahoon questioned if all the verbiage that is included in each ordinance - the "WHEREAS" information - is necessary. Attorney Leidy stated that it is provided for clarity and helps people understand the ordinance and would be up to the Board as to if it is included as it is not legally required.

The ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "E".

Consideration of adoption of Town of Nags Head Low Impact Development and Stormwater Reference Manual and Amendment of the Recommended Standard Details Manual (no public hearing required)

Engineer David Ryan summarized his memo which read in part as follows:

"This agenda item includes two parts; the first is seeking the Board's adoption of the updated *Low Impact Development Manual and Stormwater Reference Manual* ("LID Manual"), along with adoption of the amended *Recommended Standard Details Manual* to remove the residential stormwater management references (which are now included within the LID Manual; the second is proposing text amendments updating various sections of the Stormwater, Fill and Runoff Management Ordinance of the UDO to reference the LID Manual as well as the updated *North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual*.

'As noted in the forward to the LID Manual, in 2013, the Town of Nags Head began work with the N.C. Coastal Federation to develop a Low Impact Development manual as a reference document for local citizens and developers as part of Town efforts to improve stormwater management and as a technical resource for application of Town Stormwater regulations. This project is based on the LID manual for the coastal towns of Columbia, Cedar Point and Cape Carteret. The Town of Columbia worked in direct partnership with the N.C. Coastal Federation to complete an LID manual. The Town of Cedar Point worked in partnership with the Town of Cape Carteret, the N.C. Coastal Federation, engineering consultants WithersRavenel, N.C. Division of Water Quality and the LID Technical Review Team to complete the Cedar Point/Cape Carteret manual. We would like to thank these three communities and their partners for sharing their work and providing a model for us to follow.

'In 2019, the Town of Nags Head initiated an update of the Low Impact Development Manual with assistance from the N.C. Coastal Federation to reflect modifications to the Town's residential stormwater management ordinance."

'As noted, the LID Manual was updated for consistency with amendments to the Town's residential stormwater regulations in 2018, and it is recommended that along with adoption of the LID Manual, and adoption of an amended *Recommended Standard Details Manual*, that amendments to the ordinance be adopted to reflect the LID Manual; additionally, references to the *North Carolina Stormwater Best Management Practices Manual (NCDEQ BMP Manual)* are outdated, and should instead refer to the *North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual*.

'The Planning Board reviewed these recommended actions at their March 16, 2021 meeting. The Board discussed public awareness of the LID Manual, especially for those wanting to improve stormwater conditions that may not be subject to a permit, incentives associated with making stormwater improvements, and concerns associated with the long-term maintenance of stormwater control measures. Following discussion, the Planning Board voted 6-0 (with one member abstaining) to recommend approval of the proposed text amendments, which contemplated adoption of the LID Manual and amendment of the Recommended Standard Details Manual.

#### 'CODE CONSIDERATIONS

Currently, multiple references exist (primarily in Sections 10 and 11 of the UDO) to the Town's *Stormwater Best Management Practices Manual*, *Recommended Standard Details Manual*, and the *North Carolina Stormwater Best Management Practices Manual*.

'Code Sections that are to be updated are as follows: **10.12.3.2, 10.92.14.3., 10.95.2, 11.3.2.5, 11.5.2.3., 11.5.4.3.1.3., 11.9.1, 11.9.2, and 11.9.3.** (See section under Staff Recommendations for suggested changes)

'Additionally, there are several applicable definitions within the UDO associated with these updates and the Town's regulations thereof, as follows:

- Permeable pavement
  - North Carolina DEQ Stormwater Design Manual
  - Low impact development solutions to reduce stormwater runoff, or the Town BMP manual
- (See section under Staff Recommendations for suggested changes.)

#### 'POLICY CONSIDERATIONS

The Town's 2017 Comprehensive Plan references the LID Manual, and the relationship to the Town's stormwater regulations. Additionally, the Plan includes a policy to "Educate and involve the public in stormwater management." Staff is of the opinion that adoption of the update LID Manual and amendment

of the UDO to reference the same is consistent with the intent and policy goals of the Comprehensive Plan.

'The LID Manual contains information that ensures a level of construction and performance consistency in stormwater control measures that are based on relevant practice and research. Additionally, it is important that the UDO accurately reflects current and relevant regulatory documents.

**'PLANNING BOARD RECOMMENDATION**

At their March 16, 2021 meeting the Planning Board voted 6-0 (with one member abstaining) to recommend approval of the proposed text amendments, which contemplated adoption of the LID Manual and amendment of the Recommended Standard Details Manual.

**'STAFF RECOMMENDATION**

Staff would recommend the Board's adoption of the *Low Impact Development Manual and Stormwater Manual, Second Edition - May 2021*. Additionally, Staff would recommend the Board's adoption of the amended *Recommended Standard Details Manual, Effective Date: August 5, 2015, Revised Date: May 5, 2021.*"

Comr. Renée Cahoon questioned some of the relevance to Nags Head such as pastures, meadows that were listed. She also questioned maintenance of concrete pavers; she noted that there was no mention of former Comr. John Ratzenberger and Comr. Kevin Brinkley. She also confirmed with Engineer Ryan that no meetings had been held with the public or with the local homebuilders.

Mayor Cahoon asked about follow-up; Engineer Ryan said that there is no formal requirement for operation and maintenance documents – if state permit requires, there may be some conditions that require a greater level of O&M.

Comr. Brinkley said that he was surprised that the Homebuilders Association was not included in review of the document.

Director Zehner said that he met with Homebuilder Duke Geraghty last week; he acknowledged less issues with this document. Comr. Renée Cahoon said that she has heard from homebuilders with issues.

**MOTION TO CONTINUE:** Comr. Brinkley made a motion to continue this item concerning adoption of the Low Impact Development and Stormwater Reference Manual and amendments of the Recommended Standard Details Manual to the first Board meeting in July to allow for discussion with homebuilders. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

**Public Hearing to consider text amendments to the Unified Development Ordinance to update references in the Stormwater, Fill and Runoff Management Ordinance for regulatory reference manuals**

Engineer Assistant Kate Jones noted that this item should also be continued to the first meeting in July. Board members agreed.

**MOTION:** Comr. Brinkley made a motion to continue the item pertaining to text amendments to the Unified Development Ordinance, to include the scheduled Public Hearing, to the first meeting in July. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

Public Hearing to consider various text amendments to update the Unified Development Ordinance (UDO) as required by GS 160D

Attorney John Leidy introduced the Public Hearing to consider various text amendments to update the Unified Development Ordinance as required by GS 160D. The time was 10:55 a.m.

Dep Planning Director Kelly Wyatt summarized the agenda summary sheet which read in part as follows:

"In 2014, the Zoning, Planning, and Land Use section of the North Carolina Bar Association initiated an effort to modernize the framework of the State's enabling statutes for planning and development regulations. After extensive review and revision from various entities, the legislation moved through the General Assembly, the Senate Judiciary Committee and the House and Senate with the Governor signing the legislation on July 11, 2019. The new Chapter 160D of the North Carolina General Statutes consolidates current city- and county- enabling statutes (now found in Chapters 153A and 160A, respectively) into a single, unified chapter, and pulls in related statutes previously scattered throughout the General Statutes. All city and county zoning, subdivision, and other development regulations, including unified development ordinances, will need to be updated by July 1, 2021 to conform to the new law.

Staff Recommendation/Planning Board Recommendation

Compliance with NCGS 160D is not required until July 1, 2021. While Staff recommends adoption of the amendments as proposed, given the number of changes, and coordination with other pending amendments, Staff would recommend that the Board continue consideration on the amendments to their meeting on June 2, 2021.

"At their April 20<sup>th</sup>, 2021 meeting the Planning Board voted unanimously to recommend adoption of the proposed text amendments as presented."

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, April 21, 2021, and on Wednesday, April 28, 2021 as required by law.

Dep Planning Director Kelly Wyatt noted that since the document was such a large document, staff suggested delaying consideration to the June 2<sup>nd</sup> Board of Commissioners meeting to allow for more review time.

There being no one present who wished to speak, Attorney Leidy closed the Public Hearing at 11:00 a.m.

Board members indicated preferring to continue the discussion and consideration to the June Board meeting.

MOTION: Comr. Brinkley made a motion to continue consideration of the GS 160D text amendments to the Unified Development Ordinance to the first meeting in June 2021. The motion was seconded by Mayor Pro Tem Siers.

Comr. Fuller asked that "building" definition be researched to see if the original language can be used.

CONTINUATION OF MOTION: The motion passed unanimously.

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

### Update from Planning Director

Planning Director Michael Zehner summarized his report which read in part as follows:

"This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on May 5, 2021.

### Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for March 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:

- Monday, March 1 - GIS Services RFI released
- Tuesday, March 2 - Permitting, Inspections, and Code Enforcement Team Meeting
- Wednesday, March 3 - Board of Commissioners Meeting
- Wednesday, March 3 - Planning & Zoning Team Meeting
- Thursday, March 4 - Jockey's Ridge State Park Soundside Access Working Group Meeting
- Wednesday, March 10 - Arts & Culture Committee Meeting
- Wednesday, March 10 - DWMP Advisory Committee Meeting
- Thursday, March 11 - Board of Adjustment Meeting
- Thursday, March 11 - Jockey's Ridge State Park Soundside Access Working Group Meeting
- Monday, March 15 - "Amber" Streetlight discussion with Dominion
- Tuesday, March 16 - Planning Board Meeting
- Wednesday, March 17 - Weather Station Meeting
- Friday, March 19 - DWMP Coordination Meeting
- Thursday, March 25 - GIS Services RFI response deadline
- Thursday, March 25 - Jockey's Ridge State Park Soundside Access Working Group Meeting
- Monday, March 29 - Housing RFI Coordination Meeting
- Tuesday, March 30 - Permitting and Inspections; Code Enforcement Staff Meeting
- Wednesday, March 31 - Board of Commissioners CIP Workshop
- Wednesday, March 31 - Planning & Zoning; Environmental Planning; Hazard Png; Staff mtg

### Dune Vegetation Cost-Share Program

The Dune Vegetation Cost Share program currently has 8 participants. To date, the Town has paid out \$2,000 in grant funds, and will pay out another \$2,000 once invoices have been submitted and plantings approved. The program runs until the end of May 2021, so it is possible that we will receive more applicants over the next month.

Generally, the program has been well received. To increase participation in the next season, the program could begin in November, which would expand the American beach grass planting window by several months. It will also be important that future sand relocation and sand fence installation projects are coordinated with this effort.

Related, future consideration should be given to expanding the program to the estuarine shoreline, something that should be discussed in the development of the Estuarine Shoreline Management Plan, as well as being used as a cost share for the purchase of native plants for use in stormwater measure such as

swales and rain gardens.

'Planning & Development Department and Septic Health FY2021-2022 Strategic Work Plan

Attached for the Board's information is the current version of the *Planning & Development Department and Septic Health FY2021-2022 Strategic Work Plan*, identifying in list form the major projects and initiatives that Staff is currently working on, intends to initiate in the next fiscal year, and pursue in future fiscal years. Similar to the *FY2020-2021 Work Plan*, the Work Plan was reviewed with the Planning Board for input.

'Planning Board - Pending Applications and Discussions

The April 20, 2021 meeting of the Planning Board (held remotely) included consideration of text amendments concerning lot coverage related to dumpster conversions and updates to the UDO for N.C.G.S. 160D, as well as review of the Planning & Development Department and Septic Health FY2021-2022 Strategic Work Plan.

'The Board's next meeting is scheduled for May 18, 2021, and it is expected that this meeting will be held in person. At this time, the agenda is expected to include discussion of the scope for the Electric Vehicle Action Plan and preliminary discussion regarding amendments to the Town's Sign Ordinance. 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 April meeting to the May meeting; however, further continuance requests are not unanticipated.

'Additional Updates

- CAMA Land Use Plan Update - Staff participated in virtual meetings with DCM staff on January 13, 2021 and February 25, 2021 to review the comments returned as part of the State review. Additionally, Staff participated in a third meeting with DCM staff on April 19. At this time Staff has received constructive direction and expects to work directly with DCM staff to finalize revisions that will allow local adoption.

- Outdoor Lighting - A public hearing to consider associated amendments was held at the Board's April 7, 2021 meeting; the Board continued consideration of the amendments to their meeting on May 5, 2021. It should be noted, in their review of the amendments, the Planning Board did indicate an interest in wanting to consider additional changes in the future.

'Related to these considerations, Town Staff was recently contacted by Dominion Energy regarding plans to convert the Town's streetlights to LED. Staff is expecting to review LED fixtures that have already been installed in Town, as well as review potential sites for the use of "amber" fixtures that are more consistent with the needs of nesting turtles. The Board of Commissioners requested the locations of LED fixtures to allow for their review, and Staff is working to compile detailed information on the location and specifications for these fixtures.

- Level 2 Charger - Included on the Board's April 7, 2021 consent agenda is a request to schedule a public hearing on text amendments to support the installation and use of Electric Vehicle Charging Stations within the community, including on Town-owned properties. Staff continues to consider opportunities to source a charger for location on Town property through a "host" arrangement.

- Town Workforce Housing Study & Plan/RFI - The RFI seeking solutions for the Town's lifeguard housing needs was released on April 21, 2021, with responses due on June 7, 2021.

- Nonconforming Hotels and Fishing Piers - Legacy Establishments/ Structures - At their

April 7, 2021 meeting, the Board approved amendments responsive to this item, allowing hotels in existence as of January 1, 2021 as a permitted use in the CR zoning district subject to a conditional use permit.

- Review of Residential Stormwater Regulations - Staff is awaiting further direction from the Board of Commissioners as to whether the Board wishes to discuss the Town's Residential Stormwater Regulations at a workshop, potentially with the Planning Board. At the Planning Board's March 16, 2021 meeting, members indicated an interest in requiring maintenance plans in association with installation of SCMs, noting that if we are providing incentives based upon these improvements, that ongoing maintenance should be ensured.

Staff is proceeding with a text amendment to update the ordinance to reference the recently updated *Low Impact Development and Stormwater Reference Manual*, to replace the *Low Impact Development Solutions to Reduce Stormwater Runoff Manual*; a public hearing on these amendments is on the Board's May 5, 2021 agenda.

- Provisions for the Registration of Events Held at Residential Properties - When it is appropriate, Staff would request feedback from the Board of Commissioners as to whether they would like to consider for adoption provisions requiring the registration of events held at residential properties. As noted in the memorandum to the Planning board ([LINK](#)), a more comprehensive review and amendment of Chapter 4, *Amusements, Entertainments, Mass Gatherings and Commercial-Outdoor Recreational Uses*, may be necessary given issues that have arisen; provisions addressing events at residential properties could be addressed separately now, or be incorporated into this more comprehensive review and amendment.

- Skate Park Renovation - Phase 1 - A survey seeking input from the community with regard to potential future improvements to the Skate Park closed on April 26, 2021. A total of 551 responses were received. Staff will compile a summary report of the responses to provide as part of the next Director's Report.

Staff learned that the Town's application for the National Endowment for the Arts Our Town Grant was not successful. While the Town was awarded \$30,000 in grant funds from the Tourism Board, additional funding opportunities will be explored.

- Art Masts - Staff will work with the Arts and Culture Committee to look into expansion of the Art Masts project in the future.

- Decentralized Wastewater Management Plan - To this point, two meetings have been held with the project Advisory Committee. Much of the effort to this point has involved the collection of relevant data and information, and the identification of stakeholders, issues, and opportunities.

- Dowdy Park Farmer's Market - Vendors for the 2021 Market Season have been selected and Staff is working on final coordination, with the first Market to be held on Thursday, May 27. While Staff intends to continue with sanitation measures, with the Governor's recent Executive Order no longer mandating the wearing of masks outdoors, the Board's input with respect to the expectation for the Market and Dowdy Park would be valued.

- Draft Scope for Estuarine Shoreline Management Plan - With the Board's endorsement of the scope for the proposed Estuarine Shoreline Management Plan, Staff is working on development of the RFQ/RFP to solicit consultant services to assist in the development of the Plan.

- GIS Platform Update, Phase 1 - An RFI seeking information on GIS services was released by the Town, also on behalf of the towns of Kill Devil Hills, Kitty Hawk, Southern Shores, and Duck, on March 1, with responses due by March 25. A total of 10 responses were received. Staff from all of the towns are reviewing the responses, and consideration is being given to scheduling interviews/demonstrations with the respondents.
  
- 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.
  
  - As noted, the Town's application for the National Endowment for the Arts Our Town Grant to prepare designs for the renovation of the Town's Skate Park was not approved.
  
  - 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. Town Staff coordinated the installation of a gauge on a dock in the Village at Nags Head.
  
  - 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. Once this award is finalized, Staff will begin working to refine the plan for this improvement.
  
  - Town Staff was notified on April 19, 2021 of its acceptance into the Energy Transitions Initiative Partnership Project (ETIPP) Community Technical Assistance Program offered by the U.S. Department of Energy and the National Renewable Energy Laboratory (NREL) for assistance in addressing electric utility resilience for the Town and the Outer Banks, with a focus on renewable energy sources; the news release may be accessed here <https://www.nagsheadnc.gov/CivicAlerts.aspx?AID=463> A project scoping meeting is scheduled for May 6, 2021.
  
  - Related, Staff also worked to submit for a technical assistance opportunity from the North Carolina Chapter of the American Institute of Architects to develop best practices for building design related to renewable energy and energy and water efficiency, a request which was recently approved.
  
  - On April 16, 2021, Staff submitted a pre-application for a CAMA Access Grant for improvements to the Epstein Beach Access."

Board members discussed restaurants with active outdoor dining temporary permits. Director Zehner noted that currently, all active temporary use permits for restaurants allowing serviced outdoor dining expire on June 1<sup>st</sup>. The Board and Director Zehner discussed the effect that any cessation of the declared State of Emergency would have on the ability to issue temporary use permits under the UDO.

**MOTION:** Mayor Cahoon made a motion to authorize continuing to issue temporary use permits if the declared state of emergency ends - through November 28, 2021. The motion was seconded by Comr. Fuller.

This authorization is to be communicated to all parties.

**CONTINUATION OF MOTION:** The motion passed unanimously.

It was Board consensus that staff look at outdoor seating if a business wants to continue outdoor seating on a long term basis under the current guidelines.

**MOTION:** Comr. Brinkley made a motion to remove the requirement for masks being worn at Dowdy Park – masks would still be encouraged but not required - in compliance with the most recent Governor’s Executive Order. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

## **OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS**

Continued from April 7<sup>th</sup> Board meeting (Public Hearing held April 7<sup>th</sup>) - Consideration of text amendments to the Unified Development Ordinance (UDO) pertaining to outdoor lighting and lighting for signage

Planning Director Michael Zehner summarized his memo which read in part as follows:

### **“OVERVIEW AND BACKGROUND**

At their February 3, 2021 meeting, following Staff’s presentation on a review of the Town’s outdoor lighting regulations and best practices, the Board of Commissioners directed Staff to prepare amendments addressing deficiencies in current regulations with respect to adequate limits on commercial site and signage lighting.

Staff presented amendments pertaining to the lighting of wall signs, the lighting of roof signs, specifications associated with the external illumination of signs, and technical limits on LED lights and parking lot lights to the Planning Board at their February 16, 2021 meeting. Following a discussion, the Planning Board voted 6-0 to recommend approval of the proposed text amendments as presented; the Planning Board indicated an interest in exploring additional changes further.

The Board of Commissioners held a public hearing to consider the proposed text amendments at their meeting on April 7, 2021; there were no public comments made. Following discussion, the Board passed a motion to continue consideration of the proposed amendments to their May 5, 2021 meeting and directed Staff to provide additional language that would not preclude the uplighting of residential neighborhood freestanding signs, if not also commercial freestanding signs.

### **CODE CONSIDERATIONS**

In varying degrees, regulations related to outdoor lighting are included in the following articles of the Unified Development Ordinance:

- Article 4 - Development Review Process
- Article 5 - Nonconformities
- Article 7 - Supplemental Regulations
- Article 8 - District Development Standards
- Article 9 - The Village at Nags Head SPD-C Zoning Ordinance
- Article 10 - Performance Standards
- Appendix A - Definitions

Given the direction provided by the Board of Commissioners, amendments are focused on the following lighting regulations:

- The lighting of commercial wall signs (Sec. 10.24.2.1.) and roof signs (Sec. 10.24.2.4.) as contained in the Sign Ordinance, where internal illumination of signs is not currently limited by individual or overall sign area;
- Technical provisions specific to the use of LED lights as contained in Section 10.34 of the Outdoor Lighting ordinance, which does not currently regulate the Correlated Color Temperature of LED lamps;
- Limits on the intensity of light fixtures at their source for lights used in parking lots, as contained in Section 10.37.1. of the Outdoor Lighting Ordinance, which currently regulates footcandles measured at the ground, but not the intensity of light at the source;
- Specifications for the external illumination of signs, as contained in Section 10.37.6.2., which does not currently require external illuminated signs to be downlit only, or specify limits on the intensity of lights; and
- Definitions contained in Appendix A, which need to be updated for consistency with proposed amendments.

#### POLICY CONSIDERATIONS

The Comprehensive Plan contains numerous applicable policies related to the proposed amendments, generally addressing lighting within the Land Use Section (3.2) under Site Development Characteristics (Section 3.2.4.; page 3-26); some observations of note included in this Section are as follows:

- The Town has held a longstanding commitment of being a dark sky community;
- The Land Use Section describes the desired characteristics of preferable development in Nags Head for the future; this section of the Plan not only addresses the physical characteristics of buildings, but the broader context of community character. Included in this description (page 3-5), are the following references to lighting and signage:

"A visible and dark night sky maintained by lighting that is minimal and carefully designed. Signage that provides adequate communication but does not dominate the landscape."

In addition, the following policies and actions provide support for the proposed amendments, as well as broader efforts:

*LU-16 Preserve the dark night sky through implementation and enforcement of quality lighting fixtures and codes, dark sky education, and citizen support.*

*LU-16a: Evaluate and modernize the lighting ordinance to reflect best practices for being a dark sky community.*

*LU-16b: Research and consider applying to the IDA for the Dark Sky designation.*

*LU-16c: Explore the feasibility of minimum regulations for residential properties that limit nuisance lighting to adjacent properties or town rights-of-way associated with glare or light trespass.*

*LU-16d: Explore efficient low-level lighting along multi-use pathways and at crosswalks to promote safety while preserving the night sky. The town should resist proposals to provide overhead lighting along roadway corridors.*

*LU-17 Maintain current regulations which prohibit lighting of the ocean beach or estuarine waters to protect marine species and limit unnecessary intrusions into natural areas.*

#### PLANNING BOARD RECOMMENDATION

At their February 16, 2021 meeting the Planning Board voted 6-0 to recommend approval of the proposed text amendments as presented. The Board indicated an interest in exploring additional changes further.

#### STAFF RECOMMENDATION

To address the direction by the Board of Commissioners, it is Staff's recommendation that the following amendments to the UDO be adopted (these amendments are included in the attached draft adoption ordinance)."

**MOTION:** Comr. Renée Cahoon made a motion to adopt the ordinance pertaining to outdoor lighting and lighting for signage as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

The ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "F".

From April 7<sup>th</sup> Board meeting - Consideration of the following Traffic Control Map amendments:  
- Designation of 3-way stop - W. Soundside Road at entrance to Jockey's Ridge Sound Access -  
Designation of No Parking - Tow Away Zone - both sides of W. Soundside Road, S. Thirteenth Street, and  
Deering Street

Dep Town Manager Andy Garman summarized the agenda summary sheet which read in part as follows:

"At the April 7<sup>th</sup> Board of Commissioners meeting, the recommendations from the Jockey's Ridge/Soundside Road Working Group were unanimously endorsed by the Board. In response to the recommendations, attached please find an ordinance amending the Town's Traffic Control Map with the following amendments:

- Establishment of a *No Parking - Tow-Away Zone* on W. Soundside Road, S. Thirteenth Street, and Deering Street, and
- Establishment of a *Three-Way Stop* on W. Soundside Road at its entrance to the Jockey's Ridge Sound Access

"Attached please find, in addition to the Traffic Control Map amendment ordinance, the Jockey's Ridge/Soundside Road Committee recommendations, and an area map."

Comr. Fuller asked if the end of Soundside Road to include the cul-de-sac should be included in the No Parking area. Attorney Leidy stated that parking restrictions can be imposed anywhere desired.

Comr. Fuller reported that the organization, Friends of Jockey's Ridge, is still an active organization and he would like their input.

Comr. Brinkley stated that he appreciates new Public Works Director Eric Claussen's background and that the Uniform Traffic Manual should be used for information. Signage should be utilized so that there is no doubt it is a No Parking area.

Comr. Renée Cahoon thanked the Working Group and, if adopted, the Three-way Stop and No Parking enforcement should apply to everyone - both residents and non-residents.

MOTION: Comr. Fuller made a motion to adopt the amendments to the Traffic Control Map pertaining to W. Soundside Road, S. Thirteenth Street, and W. Deering Street, to include a three-way stop on W. Soundside Road, as presented. The motion was seconded by Mayor Pro Tem Siers.

Comr. Fuller said that he would like to see what the Working Group and the Friends of Jockey's Ridge thing about the No Parking signs on the easement in the cul-de-sac. He also noted that if there are further issues, they can be addressed at that time.

CONTINUATION OF MOTION: The motion passed unanimously.

The Traffic Control Map ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "G".

#### RECESS/RECONVENE

The Board recessed for lunch at 12:05 p.m. and reconvened at 1:15 p.m.

#### **NEW BUSINESS**

##### Committee Reports

##### Comr. Brinkley - Jennette's Pier Advisory Committee

Comr. Brinkley reported that he will be attending a Jennette's Pier Advisory Committee meeting tomorrow morning at Jennette's Pier.

##### Comr. Fuller - Dare County Tourism Board

Comr. Fuller reported that the Dare County Tourism Board has hired a firm to design the Soundside boardwalk area/path.

#### **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY**

Mayor Cahoon noted that he would address Attorney Leidy's request for closed sessions at the end of the meeting.

## **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER**

### Interim Town Manager Sparks - Distribution/Presentation of Recommended FY 21/22 Budget

The recommended FY 21/22 budget document was distributed earlier in today's meeting. Interim Town Manager Greg Sparks summarized the highlights of his recommended budget to include the following:

A tax increase of \$.01

COLA of 1.4%

Increase of lifeguard hourly rate

Two new positions in Public Works - Bldg Grounds Parks and Facilities Maintenance positions

Master plan for Public Works facilities

Water Rate 5% increase

Major project for Water Dept is the capital project to replace Nags Head Cove asbestos waterline

A number of projects are being funded

Funds are allotted for results of the Pay/Salary Study, if necessary

Budget workshop next week, Wednesday, May 12<sup>th</sup> at 9 am

### Interim Town Manager Sparks - Consideration of amendment to Board Policy re: Vehicle Use

Interim Manager Sparks summarized the agenda summary sheet which read in part as follows:

"The Board and administrative staff have become aware that changes have been made at an administrative level over a period of time that resulted in a lack of conformity with Board policy in regard to the use of Town vehicles. To remedy those conflicts, it is recommended that the Board policy be amended to include language that specifies use of vehicles for car-pooling and housing availability within specified mileage standards for take home purposes. In addition, two administrative policies are attached for review and concurrence that they conform to the Board's policy on vehicle use. The Assignment of Town Vehicles has been amended to reflect take home use to Currituck County with a maximum of 30 miles (one-way) and specifies that vehicles may not go south of the Marc Basnight Bridge. It updates the language on which employees are allowed take home vehicles and it grandfathers the use of a Sanitation employee who lives in Plymouth to continue use of a vehicle but discontinues that use when the employee retires or leaves town employment. Also included is a Take Home Vehicle Policy that applies only to the police department.

"It amends the mileage limit for take home vehicles from 20 to 30 miles from town limits. Strikeout/underline versions of the policies are attached, along with clean copies."

Manager Sparks noted to remove the "Feb 3, 2021" date as it was not updated on that date. He reviewed both policies with Board members.

Interim Manager Sparks agreed to fix the contradiction between the two policies re: if officers are out on extended medical leave, they cannot take their vehicle with them. Board members thanked Interim Manager Sparks for cleaning up the policies.

It was noted that two employees live in Elizabeth City and Pasquotank County – under the Admin policy staff is to add "living in Currituck County and Pasquotank County"

MOTION: Comr. Renée Cahoon made a motion to approve the Board Vehicle Policy as presented. The motion was seconded by Comr. Brinkley.

It was Board consensus that as of today, May 5, 2021, the Admin Vehicle Policy is consistent with the Board of Commissioners Vehicle Policy.

CONTINUATION OF MOTION: The motion passed unanimously.

**CLOSED SESSION**

MOTION: Mayor Cahoon made a motion to enter Closed Session to discuss one or more confidential personnel matters and to discuss a matter within the attorney/client privilege including, but not limited to, the Richardson and other pending Town condemnation cases, pursuant to GS 143-318.11(a)(3) and (6). The motion was seconded by Comr. Brinkley which passed unanimously. The time was 1:48 p.m.

**OPEN SESSION**

Attorney Leidy reported that during Closed Session items pertaining to Richardson and other pending Town condemnation cases were discussed along with a confidential/personnel matter concerning the new Town Manager.

Mayor Cahoon - Announcement of new Town Manager

MOTION: Mayor Pro Tem Siers made a motion to retain Michael Silverman as the next Town of Nags Head Town Manager, effective July 1, 2021, according to the contract terms discussed during Closed Session. The motion was seconded by Comr. Brinkley which passed unanimously.

**ADJOURNMENT**

MOTION: Comr. Renée Cahoon made a motion to recess to Wednesday, May 12<sup>th</sup> at 9 am for a Budget Workshop. The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 3:32 p.m.

\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

Date Approved: \_\_\_\_\_

Mayor: \_\_\_\_\_  
Benjamin Cahoon