



***DRAFT***  
**TOWN OF NAGS HEAD**  
**BOARD OF COMMISSIONERS**  
**WEDNESDAY, JULY 6, 2022**

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Wednesday, July 6, 2022 at 9:00 a.m.

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

Board members Absent: None

Others present: Town Manager Andy Garman; Ralph Buxton; Lee Nettles; Tim Cafferty David Ryan; Amy Miller; Kelly Wyatt; Kate Jones; Roberta Thuman; Nancy Carawan; Phil Webster; Perry Hale; Shane Hite; Kim Thompson; Eddie Williams; Evan Zadd; Bryan Mullis; Noah Parsons; Kelly Brady; and Dep. Town Clerk Michelle Gray

### **CALL TO ORDER**

Mayor Cahoon called the meeting to order at 9:02 a.m. A moment of silence was followed by the Pledge of Allegiance.

### **ADOPTION OF AGENDA**

MOTION: Comr. Brinkley made a motion to approve the July 6<sup>th</sup> agenda as presented. The motion was seconded by Comr. Sanders which passed unanimously.

### **RECOGNITION**

**NEW EMPLOYEES** - The below employees were introduced by their Department Heads and welcomed by the Board to Town employment:

- Public Services Director Nancy Carawan introduced Sanitation Equipment Operator Bryon Mullis.
- Dep. Fire Chief Shane Hite introduced Firefighter/EMT Noah Parsons.
- Planning and Development Director Kelly Wyatt introduced Planner Kelly Brady, noting that Ms. Brady has some MUNIS software skills to share with planning staff.

Firefighter/EMT Will Roepke was not able to attend the meeting; he will be introduced at a future meeting.

**FIVE YEARS OF SERVICE** - Public Services Director Nancy Carawan introduced Sanitation Superintendent Eddie Williams who was congratulated by the Board for 5 years of service.

**TEN YEARS OF SERVICE** - Dep. Fire Chief Shane Hite introduced Fire Lieutenant Evan Zadd who was congratulated by the Board for 10 years of service.

**TWENTY YEARS OF SERVICE** - Planning and Development Director Kelly Wyatt introduced Permit Specialist Kim Thompson who was congratulated by the Board for 20 years of service.

## **PUBLIC COMMENT**

There being no one present who wished to speak, Mayor Cahoon concluded Public Comment at 9:20 a.m.

Mayor Cahoon asked to move the 10:00 a.m. time specific item to after Consent Agenda if no one had objections. No one objected to the change.

## **CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- Consideration of Budget Amendment #1 to FY 22/23 Budget
- Consideration of Tax Adjustment Report
- Approval of minutes
- Consideration of Business License and Registration Fee debt release
- Consideration of modification to CFS to add rental/use of dumpsters
- Consideration of resolution authorizing higher federal micro-purchase thresholds
- Consideration of resolution to request State assistance for preliminary feasibility study of a Water Resources Development Project (Ground Water and Water Quality Data Loggers)
- Consideration of grant applications: Coastal Storm Damage Mitigation Grant - and - NC Land & Water Funds Flood Risk Reduction Program Grant (Letter of Interest)
- Request for Public Hearing to consider Site Plan Review for Special Use Permit submitted by Albemarle & Associates, Ltd. on behalf of BK Associates, for the construction of a three-story mixed-use structure (office and residential).
- Request for Public Hearing to consider text amendment to the Unified Development Ordinance submitted by George E. Goodrich to modify the maximum allowable gross floor area within each unit of a conforming Cottage Court and increase the allowable stories.
- Consideration of resolution authorizing litigation to confirm and if necessary, condemn beach nourishment easements

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

Budget Amendment #1, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

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

The Business License and Registration Fee debt release memo is attached and made part of these minutes as shown in Addendum "C".

The Consolidated Fee Schedule modifications, as approved, as follows:

4 yd side load dumpster	Minimum 1-week rental fee	\$318 / week
6 yd front load dumpster	Minimum 1-week rental fee	\$330 / week
8 yd front load dumpster	Minimum 1-week rental fee	\$401 / week
300-gallon trash cart	\$525 + tax	

Consideration of resolution authorizing higher federal micro-purchase thresholds as adopted, read in part as follows:

“WHEREAS, from time to time, the Town of Nags Head purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

‘WHEREAS, the Town of Nags Head’s procurement of such goods and services is subject to the Town of Nags Head’s purchasing and bid requirements policy, as most recently amended on April 28, 2020; and

‘WHEREAS, the Town of Nags Head is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

‘NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD:

‘In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the Town of Nags Head hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.

The self-certification made herein shall be effective as of the date hereof and shall be applicable until June 30, 2022 but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

In the event that the Town of Nags Head receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.

The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

The Town Manager, or in absence designee, of the Town of Nags Head is hereby authorized, individually and collectively, to revise the Purchasing Policy of the Unit to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.”

Consideration of resolution to request State assistance for preliminary feasibility study of a Water Resources Development Project (Ground Water and Water Quality Data Loggers as adopted, read in part as follows:

“WHEREAS, the Town of Nags Head has need for increased groundwater and subsurface water quality analysis and monitoring to gain a complete and more substantial understanding of threats to our coastal septic systems; and

'WHEREAS, water quality and groundwater data loggers are recommendations in our adopted Decentralized Wastewater Management and Capital Improvement Plans in order to collect data tied to implementation of groundwater lowering wells; and

'WHEREAS, data loggers will provide a general measure of water quality and water level fluctuations in the Town in order to make better managed and informed decisions towards implementation of stormwater, drainage, and flood control projects; and

'WHEREAS, the Town goes beyond regulatory requirements in order to provide a holistic approach to link data with focused implementation of water management projects; and

'WHEREAS, The Town of Nags Head intends to request State grant assistance for the water quality and groundwater data loggers.

'NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD:

1. That the Board of Commissioners requests the State of North Carolina to provide financial assistance to the Town of Nags Head in the amount of \$87,925 or 50% of nonfederal project costs, whichever is the lesser amount.
2. The Board assumes full obligation for payment of the balance of the data logger costs (or non-federal portion).
3. The Board has complied and will comply with all applicable laws governing the project and the award of contracts and the expenditure of public funds by local governments.
4. The Town of Nags Head will provide for efficient operation and maintenance of the data loggers on completion of purchase thereof.
5. The Town Manager, or in his absence his designee, of the Town of Nags Head is hereby authorized, individually and collectively, to execute and file an application on behalf of the Town of Nags Head with the State of North Carolina for a grant to aid in the projects described above.
6. That the Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application."

Consideration of resolution authorizing litigation to confirm and if necessary, condemn beach nourishment easements

"WHEREAS, the Town of Nags Head (the "Town") is located adjacent to the Atlantic Ocean; and

'WHEREAS, due to erosion, both constant and sudden, the Town plans to construct beach erosion control or flood and hurricane protection works, including beach renourishment upon the ocean beaches located within the Town (collectively "Beach Protection"); and

'WHEREAS, the Town has engaged in and is participating with other governmental entities in acquiring, constructing, reconstructing, extending, or otherwise building or improving Beach Protection via beach nourishment scheduled to occur in the summer of 2022 pursuant to United States Army Corp. of Engineers Permit SAW-2021-01908 (the "2022 Beach Nourishment Project") including, but not limited to, the acquisition of any property that may be required as a source for beach nourishment; and

'WHEREAS, for the purposes allowed by North Carolina General Statute Section 40A-3(b1)(10) and particularly in connection with the 2022 Beach Nourishment Project beach nourishment project to be undertaken, the Board of Commissioners for the Town of Nags Head hereby determines that it is desirable, necessary and in the public interest to ensure that the Town has acquired a limited easement over certain portions of each

oceanfront property in the nourishment project area, which extends from southern boundary of the Town along the Atlantic Ocean and ocean beach to the northern boundary of the Town ("the Project Area"); and

'WHEREAS, under North Carolina law and pursuant to various legal theories, the Town may maintain the public's public trust easement in the privately owned portion of the State's ocean beaches via the nourishment and renourishment of said ocean beaches. However, some permitting agencies continue to require the Town to provide voluntary beach nourishment easements documents or beach nourishment easements documented by action of the judicial system in order to issue and allow use of permits for beach nourishment projects; and

'WHEREAS, the Town finds that it is prudent to obtain beach nourishment easements by voluntary conveyance to the greatest extent possible prior to the implementation of the 2022 Beach Protection Project; and

'WHEREAS, the Town believes that any easement interest needed in each oceanfront property is of minimal or *de minimis* value and is worth considerably less than the amount by which work done in connection with the 2022 Beach Nourishment Project will preserve, enhance or increase the value of each affected property; and

'WHEREAS, the Town anticipates that it may be unable to obtain documentation that the Town has acquired the necessary easement rights in some of the properties in the Project Area by the owners' voluntary conveyance; and

'WHEREAS, it is necessary that the Town confirm or otherwise obtain documentation that it holds the necessary limited easement rights on properties within the Project Area so that the Project may proceed without undue delay; and

'WHEREAS, the Town finds that it is in the interest of the public's health, safety, morals and general welfare that the Town should move forward to obtain voluntary conveyance of beach nourishment easements verified by documentation or judicial process in support of future Beach Protection projects; and

'WHEREAS, the Town finds that the sum of Fifty Dollars and No Cents (\$50.00) per lot is sufficient compensation for the easement rights the Town may need to acquire by condemnation, to the extent those rights are not already held by the Town, and hereby authorizes that amount to be deposited as an estimate of the compensation due the owner (if any) when each action is filed in order to ensure that the Town acquires all necessary rights upon the filing of the action.

'NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners for the Town provides as follows:

1. The Town Manager and Town Attorney or their designees are authorized and directed to procure beach nourishment easements sufficient to perform the 2022 Beach Nourishment Project from the owners of the affected properties and may negotiate easement reasonable accommodations satisfactory to the Town and its consultants.
2. The Town Manager and Town Attorney or their designees are authorized and directed to procure such easements or documentation thereof: (i) voluntarily, if possible; (ii) through litigation confirming public authority to perform the 2022 Beach Nourishment Project upon the ocean beaches of the Town; or (iii) through the use of eminent domain via the necessary proceedings under Chapter 40A of the North Carolina General Statutes to the extent that the Town does not already possess the rights to perform the 2022 Beach Nourishment Project upon the ocean beaches of the Town. In so doing, the Town Manager and Town Attorney or their designees may take any actions necessary in connection with the acquisition process.
3. For each ocean front property in the Project Area, the acquisition, by condemnation if necessary, shall be for purposes allowed by North Carolina General Statute Section 40A-3(b1)(10) and particularly as and to the extent needed in connection with the 2022 Beach Nourishment Project,

an easement in each such property over the ocean beach area of the property extending landward from the mean high water mark to the following locations, whichever is most waterward: the Vegetation Line; the toe of the Frontal or Primary Dune; or the Erosion Escarpment of the Frontal or Primary Dune. As used herein, the capitalized terms shall have the meaning as set forth in 15A of the North Carolina Administrative Code, Section 7H.0305. Such easement shall be effective immediately upon acquisition and may be perpetual or limited in duration so long as sufficient to perform the 2022 Beach Nourishment Project and, if possible, future maintenance thereof.

4. The recording with the Dare County Register of Deeds by the Town Manager or his designee of a beach nourishment easement negotiated by the Town Manager and/or Town Attorney or their designee acts an acceptance of the beach nourishment easement and rights granted therein by the Town of Nags Head."

## **NEW BUSINESS**

PRESENTATION - *Outer Banks Visitors Bureau Update* – *Outer Banks Visitors Bureau Board Chair, Tim Cafferty, and Executive Director, Lee Nettles*

Dare County Tourism Board Chair, Tim Cafferty, and Outer Banks Visitors Bureau Executive Director, Lee Nettles, thanked the Board for their time and the opportunity to present their slides outlining the conceptual plan for the Soundside Event site. The intention of the event/civic center is to support year-round tourism, such as basketball, pickle ball, cheerleading and wrestling tournaments as well as concerts. Mr. Cafferty stated they have presented this concept to various towns with great feedback. It was also noted that a training kitchen is planned in the center with hopes to partner with the College of Albemarle to offer culinary training. They mentioned the plan will need various permits, zoning, and variance amendment approvals from the town before breaking ground. Mr. Nettles stated comments on this project could be emailed to [information@outerbanks.org](mailto:information@outerbanks.org) or call 252-473-2138. Additional presentations are not scheduled at this time. The Board thanked Mr. Cafferty and Mr. Nettles for the presentation.

The Outer Banks Visitors Bureau slides are attached to and made a part of these minutes as shown in Addendum "D".

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

### Update from Planning Director

Planning Director Kelly Wyatt summarized her 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 July 6, 2022.

### **Monthly Activity Report**

'Attached for the Board's review is the *Planning and Development Monthly Report for May 2022*. 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:

- Wednesday, June 1<sup>st</sup> – Board of Commissioners Meeting.
- Thursday, June 2<sup>nd</sup> – CRS Users Group and Planners Lunch.
- Friday, June 3<sup>rd</sup> – RCCP Phase 3 grant application due.

- Monday, June 6<sup>th</sup> – Soundside Event Site Presentation.
- Tuesday, June 7<sup>th</sup> – Technical Review Meeting.
- Tuesday, June 7<sup>th</sup> – ETIPP Meeting, Social Burden Analysis.
- Wednesday, June 8<sup>th</sup> – Committee for Art and Culture Meeting.
- Thursday, June 9<sup>th</sup> – Board of Adjustment.
- Friday, June 10<sup>th</sup> – AIA Activate Meeting – Final review of Conservation Guide.
- Thursday, June 16<sup>th</sup>, 23<sup>rd</sup>, and 30<sup>th</sup> – Dowdy Park Farmers Market, 9am – 1pm.
- Tuesday, June 21<sup>st</sup> – Planning Board Meeting.

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

The Planning Board's most recent meeting was held on Tuesday, June 21<sup>st</sup>, 2022 and included consideration of a Special Use/Site Plan Review for the construction of a three-story mixed-use structure located at 4413 S. Croatan Highway, a Sketch Plan Review for a four-story, 90 unit Hotel located at 6632 W. Pheasant Avenue, a revised text amendment request to modify the supplemental regulations for conforming cottage courts, and the Planning Board appointed Megan Lambert to serve on the Voluntary Septic Subscription Service Committee.

The Planning Board's next meeting is scheduled for July 19<sup>th</sup>, 2022. At this time, the agenda is expected to include a Site Plan Review for the construction of a 4-story, 90 Unit Hotel (The Inn at Whalebone) located at 6632 W. Pheasant Avenue, continued discussion on tree removal/preservation efforts and updates on the NC AIA Draft Residential Energy and Water Conservation Guide and ETIPP Program.

### **Board of Adjustment – Pending Applications**

The Board of Adjustment heard a variance request at this June 9, 2022 meeting, submitted by Mr. John Robert Mitchell III regarding the application of setbacks upon the lot located at 119 W. Waterside Lane, Nags Head. Mr. Mitchell was able to present detailed setback information during the meeting that negated the need to continue hearing the variance request.

### **Additional Updates**

- **DWMP/Voluntary Septic Subscription Service** – Following the appointment of Commissioner Kevin Brinkley to the VSSS Committee, the Nags Head Planning Board appointed Megan Lambert to participate in the committee. Planning staff will be coordinating with committee members to schedule the first meeting which will likely be held in the August/September timeframe.
- **Estuarine Shoreline Management Plan** – Deputy Planning Director, Kate Jones will be providing a detailed update on the Estuarine Shoreline Management Plan at the Board of Commissioners July 6<sup>th</sup>, 2022 meeting.
- **NC Resilient Coastal Communities Program** – The final resilience report and online mapping tool are available for viewing on the project website, located [HERE](#). The Phase 3 grant application for the engineering and design of Project Area #12 has been submitted and we are awaiting notification on status.
- **Electric Vehicle Action Plan** – This plan has been completed by the Duke Masters of Environmental Management (MEM) students and is now available on the Town's website for public

review and comment. Staff intends to provide a more in-depth update on the EV Plan at the Board of Commissioners August 3<sup>rd</sup>, 2022 meeting.

- **ETIPP Project/Program** – No new updates at this time.
- **NC AIA Activate Technical Assistance** –Representatives from NC State and AIA along with staff are finalizing the Residential Energy and Water Conservation Guide. A draft of the guide will be provided to the Board of Commissioners at their August 3<sup>rd</sup>, 2022 meeting for review and comment.
- **Whalebone Park: Phase 1 Planning** – Staff has submitted the PARTF Grant application and will begin working on the Outer Banks Visitors Bureau grant for the remaining funding. The Outer Banks Visitors Bureau grant application is due in September.
- **LID Stormwater Demonstration Project** – All components of the Town Hall rain garden have been installed including the gutters and the downspouts. Staff will begin the grant reimbursement process from Dare County Soil and Water. Staff is also exploring additional grant funding from Dare County Soil and Water to pay for educational signage to be placed by the rain garden project.
- **Dominion LED Amber Streetlight Pilot Project** – Staff provided Dominion Energy with the comments received regarding the turtle friendly amber lighting and the desire that the Cree RSW in Amber be placed in their standards and be available to the local Operations Department in Kitty Hawk office for ordering when there are projects within the Town generated for its installation or any street light outages. Staff will be providing Dominion with a map of the light fixtures along the oceanfront where these amber lights would be desirable. Staff would like to take this opportunity to again would like to take this opportunity to again express appreciation for the detailed feedback provided by Planning Board member, Meade Gwinn and NEST Chapter President, John Cece.
- **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – The Dowdy Park Farmers Markets are now being held regularly each Thursday through August 18<sup>th</sup>, 2022. Both visitors and vendors are pleased and complimentary of the market. Yoga class occurs each Tuesday through October 25<sup>th</sup> at 7:30am at Dowdy Park. Our summer concert series kicked off Wednesday, June 29<sup>th</sup> and we will have a new band playing each Wednesday through August 3<sup>rd</sup>, this information can all be found on the Dowdy Park Event’s page.

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

- Monday, July 4<sup>th</sup> – Technical Review Meeting (reschedule due to Holiday)
- Wednesday, July 6<sup>th</sup> – Board of Commissioners Meeting.
- Wednesday, July 13<sup>th</sup> – Committee for Art and Culture Meeting.
- Thursday, July 14<sup>th</sup> – Board of Adjustment (no hearings scheduled)
- Wednesday, July 6<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup> – Dowdy Park Concert Series, 6:30 – 8pm.
- Thursday, July 7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup>, 28<sup>th</sup> – Dowdy Park Farmers Market, 9am – 1pm.
- Tuesday, July 19<sup>th</sup> – Planning Board Meeting.”

### **Committee Reports**

Comr. Kevin Brinkley - Jennette’s Pier Advisory Committee will meet on August 2<sup>nd</sup>.



Mayor Cahoon – does not maintain a committee but attends the local mayor’s lunch and other events on behalf of the town. He took this opportunity to report on the following:

- The plan for repaving Hwy 158 - NC DOT indicated that two contractors would perform the work with each having 18 months to complete their share of the project. Mayor Cahoon reached out to our representatives in Raleigh to see if the work could be combined into a single contract. As the session ended, the representatives did not get answers from NC DOT. The mayor asked Town Manger Garman to reach out to NC DOT to invite them to a future Board meeting for further discussion of the repaving project.
- Mayor Cahoon reached out to Dare County Board of Commissioners Chairman, Bob Woodard, to request payment on the town’s share of the Soundside Event site. A response is expected soon.
- The mayor recently attended the American Flood Coalition Summit in Washington, DC and discussed how he was able to observe how some communities have worked together to build coalitions to help with their resiliency and flood planning. At a recent mayor’s lunch, Mayor Cahoon mentioned this topic with the other mayors and cited how each municipality could share information and potentially share the cost of grant writers. Fellow mayors were receptive to working together.
- Comr. Renée Cahoon asked the Mayor to follow up on the state’s budget regarding a portion of NC Sales Tax going to NC DOT. She requested that he ask if any funds would be going into our region’s budget since our funds went to urban areas in the past budget, as these funds could help with repaving Hwy 158.

### **Estuarine Shoreline Management Plan Update**

Dep Planning Director Kate Jones provided a slide presentation to the Board on this plan which was well received by the Board and explained the purpose of the management plan of 17 miles of estuarine shoreline in the Town while balancing land use, ecosystem health, public health, and recreational opportunities. The objectives of the plan are to prioritize shoreline management opportunities through a biogeographical inventory of existing shorelines, identification of shoreline best management practices, uses, and policy; exploration of legal barriers to shoreline management natural solutions and regulatory issues, and consideration of the impacts of future hazards, such as sea level rise, on the estuarine system.

The town contracted with Biohabitats and Moffatt & Nichol, better known as the Consultant Team, to assist with this project. She noted that Nags Head was the first town to do this type of project. An Advisory Committee of citizens was appointed to partner with the Consultant Team and Town staff to provide input and guidance throughout the course of the plan.

#### “Project Outcomes:

- Classification of existing shoreline types or “typologies” based on biogeographic factors.
- Identification of potential solutions or “proposed typologies”
- Ten potential project areas
- 3 projects taken through conceptual level design
- An estuarine shoreline management plan that synthesizes all aspects of the project including, permitting guidance and opportunities, policy recommendations, engineering and modelling report and public feedback.

#### Why are nature-based solutions important?

##### Protection

- Studies suggest that coastal nature-based solutions can mitigate flood and storm damage more effectively than “gray” infrastructure alone and are more resilient.

##### Funding

- Many grant opportunities exist for projects that incorporate nature-based solutions.

##### Co-benefits

- Water quality improvement, habitat creation, aesthetics, carbon sequestration.

#### What Has Been Accomplished Thus Far?

- Task 1: Project Management and Contract
- Task 2: Kick Off
- Task 3: Outreach Plan & Material Development
- Task 4: Science & Data Review
- Task 5: Initial Site Tour & Stakeholder Meetings
- Task 6: Engineering Assessment of Energy & Erosion
- Task 7: Legal & Regulatory Analysis
- Task 8: Typologies & Project Selection
- Task 9: Estuarine Management Plan

#### Key Survey Takeaways:

- Most survey participants *live in Nags Head over 20 years* and are *full-time homeowners*.
- Most survey participants consider themselves *somewhat knowledgeable* about understanding management issues around the estuarine shoreline as they pertain to environmental, climate and related hazards' impact on Nags Head.
- Most property owners *do not own an estuarine shoreline property*, however *most do utilize the public sound access points* on the estuarine shoreline.
- The most common access point is *Jockey's Ridge State Park*.
- *Access to water and parking are the preferred critical needs* for the Town to prioritize public access.
- *Relaxing, kayaking/canoeing, and fishing* are the top 3 activities on the estuarine shoreline.
- *Bulkhead, vegetation only, breakwater and revetment* are the most familiar estuarine shoreline protection solutions.
- *The majority of survey participants would support the research and evaluation of alternative construction materials and solutions* to modify existing bulkheads to create a less abrupt division between land and water.
- *Providing recreational access, bridges/roads flooding or being blocked, flooding from the estuarine side, and turbulence or erosion caused by waves rebounding from hardened shoreline surfaces such as bulkheads* are the top five most concerned management issues along the estuarine shoreline.
- *Recreational, personal property, infrastructure, people and cultural* are the top five most important estuarine shoreline benefits.
- *Protecting private (residential and commercial) property* is the most important priority regarding planning for environmental and climate related hazards along the estuarine shoreline.
- *Webpages and social media* are the most effective ways for survey participants to receive information.
- New homeowners along the estuarine shoreline should be educated about shoreline management options via *a new homeowner welcome packet and outreach events by the Town*.

#### Next Steps:

- Refine Site Selection Criteria
- Propose 10 Project Areas
- Prioritize 3 sites and complete conceptual design
- Estuarine Management Plan compilation"

Comr. Cahoon confirmed with Ms. Jones that sources of grant funding for public property and private property would be sought separately.

Slides from the Estuarine Shoreline Management Plan presentation are attached to and made a part of these minutes as shown in Addendum "E".

## **Beaches and Waterways Town Code Chapter 8 amendments**

Deputy Town Manager Amy Miller provided an overview of the proposed changes for amending the beach driving ordinance. The ordinance change raises the beach driving permit fee as noted in the Fee Schedule. It also removes reference to the reciprocal agreement with the Town of Kill Devil Hills noting they do not anticipate any changes to their beach driving permit fees. The fee schedule is \$100 for non-residents and \$50 for Nags Head residents/property owners.

Residents/property owners would come to Town Hall to receive a \$50 beach driving permit - others would need to go to local tackle shops to purchase a \$100 permit. A more distinctive sticker is being developed that would be more easily discerned as a Nags Head sticker.

**MOTION:** Comr. Kevin Brinkley made a motion to adopt the ordinance with the following changes: 1) in *Sec. 8-83 c* instead of referencing "Town" change to "*Nags Head*"; 2) in *Sec. 8-85 e* insert the detailed fee information for residents/property owners and non-residents. Comr. Cahoon seconded the motion which passed unanimously.

Staff was directed to install additional signage on the beach regarding the town's limit at Eighth Street for driving on the beach in Nags Head; change the design/shape/color of the vehicle decal for easier distinction; change the beach driving signs located at town entrances to read *Nags Head Town Permit*.

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

## **Consideration of Award of Disaster Debris Removal Agreement**

Town Manager Garman provided a brief update on this item noting that Engineer David Ryan was currently in a pre-construction meeting for the Public Service Complex. After some discussion on the debris removal process/agreement, the Board approved tabling this item to after the closed session in the meeting with hopes that Mr. Ryan would be in attendance.

## **Consideration of modifications to Public Services/Water - Pay Plan/Organizational Chart**

Town Manager Garman provided a report and requested approval on the changes to the Public Services/Water Pay Plan/Organizational Charts.

- *Public Services Organizational Chart*

MOTION: Comr. Cahoon made a motion to approve the Public Services organizational chart as presented. Comr. Brinkley seconded the motion which passed unanimously.

- *Water Distribution Organizational Chart*

MOTION: Comr. Brinkley made a motion to approve the Water Distribution organizational chart as presented. Comr. Cahoon seconded the motion which passed unanimously.

- *Water Operations Organizational Chart*

MOTION: Comr. Brinkley made a motion to approve the Water Operations organizational chart as presented. Mayor Pro Tem Siers seconded the motion which passed unanimously.

*Grade List Update*

MOTION: Comr. Cahoon made a motion to approve updates to the Grade List as presented. Comr. Brinkley seconded the motion which passed unanimously.

- Water Distribution Superintendent Job Description  
MOTION: Comr. Brinkley made a motion to approve the Water Distribution Superintendent job description as presented. Comr. Bob Sanders seconded the motion which passed unanimously.
- Water Operations Superintendent Job Description  
MOTION: Comr. Brinkley made a motion to approve the Water Operations Superintendent job description as presented. Comr. Bob Sanders seconded the motion which passed unanimously.

The organizational charts and job descriptions, as approved, are attached to and made a part of these minutes as shown in Addendum "G".

### **Discussion of Nags Header and Lightkeeper Award Process**

Town Manager Garman provided an overview of the award process for these accreditations. These awards were created in 2000 and handled by the Citizens Advisory Committee. Staff was asked to bring back the nomination and award process for their consideration so that the awards can be considered on an annual regular basis.

MOTION: Comr. Cahoon made a motion to approve the award presentation and schedule as presented. Mayor Pro Tem Siers seconded the motion which passed unanimously.

### **Project Updates:**

#### Upcoming Beach Nourishment Project

Engineer David Ryan provided an update on this project which is scheduled to begin within the next two weeks.

Construction will begin at 10011 South Old Oregon Inlet Road in south Nags Head. Over the next 7-10 days, construction will move south to the south end of the project area at 10435 South Old Oregon Inlet Road.

Once the first section is complete, construction will return to the area near 10011 South Old Oregon Inlet Road and move north to about 9405 South Old Oregon Inlet Road over 5-7 days, where construction will cease until mid-to-late August.

In mid-to-late August, a second dredge will arrive and construction will begin near 9021 South Old Oregon Inlet Road and progress south to near 9405 South Old Oregon Inlet Road. Then, construction will return to near 9021 South Old Oregon Inlet Road and proceed north to near 8645 South Old Oregon Inlet Road. This phase of construction should be completed by the end of August or the beginning of September.

Construction will then begin near 8407 South Old Oregon Inlet Road and proceed south to near 8645 South Old Oregon Inlet Road. Then, construction will return to near 8407 South Old Oregon Inlet Road and progress north to 8031 South Old Oregon Inlet Road, which is the northern end of the beach restoration project area. This phase of construction should be completed by the middle of September.

Comr. Renée Cahoon requested that information regarding the project be posted on the town's front page of the website.

#### Sanitation Cart Rollback Process

Town Manager Garman stated that hiring an outside contractor has proven to be effective. The beach road looks the best it has in years. To date he reported that 875 property owners have opted in to the program

and 165 have opted out. The contractor turns damaged/inoperable carts upside down which signals staff to contact the owner to correct the issue. Rental property managers are very supportive of the program; however, staff needs them to better communicate to the cleaners not to roll the carts out to the road, instead allow the contractor to do that.

Notices of violations (1<sup>st</sup> notice is warning; 2<sup>nd</sup> notice is penalty) are being sent to property owners if the carts are overflowing or trash is left by the side of the road.

The Board complimented staff on doing a great job with working to correct this long-lived issue. The roads are looking much better.

### **Request for Outer Banks Visitor Bureau/Dare County Tourist Bureau Lifeguard Funding**

Dep. Town Manager Miller reported that she recently spoke with Diane Bognich, DC Tourism Board Grant Coordinator, concerning a possible grant for lifeguard salaries since the tourist season is extending further into the year. Ms. Bognich agreed to present our request to the DCTB Steering Committee. Comr. Cahoon suggested asking other towns if they would be interested in this as a coordinated effort.

### **Comr. Renée Cahoon – Discussion of lack of doctors in Dare County**

Comr. Cahoon stated that most everyone is aware of the primary care physician shortage in the county. Social media and news media have reported on this since almost 3,000 people received letters from the Outer Banks Hospital notifying them that they would need to seek primary medical care elsewhere, mostly out of the county. The Town of Manteo and Dare County have coordinated their efforts to make sure the hospital executives know this is unacceptable in Dare County. It was Board consensus that this issue effects all towns and it is beneficial to speak with one voice.

### **Comr. Renée Cahoon – Update on Stormwater Maintenance**

Comr. Cahoon stated due to the time of year for torrential rain and being in hurricane season, she asked how the town was doing on stormwater maintenance. Town Manager Garman explained that a maintenance plan has been implemented and conducted within the developed zones at least twice a year. Public Services Stormwater Crew Leader, Bobby Hooper, has been proactive in making sure the drain ditches are cleaned and draining properly. Pre-storm efforts are conducted; coordination with NC DOT to assure the outfalls operate properly; aquatic weed spraying twice a year; and frequently checking the “choke point areas” to correct issues.

Comr. Cahoon added that staff is doing a great job and that people need to understand that standing water needs time to dissipate after heavy downpours in a short amount of time.

### **Comr. Renée Cahoon – Discussion of crosswalk safety**

It was Board consensus that pedestrian crosswalk safety is a genuine issue as drivers do not always stop for pedestrians and pedestrians are not doing their part in being safe. Comr. Cahoon noted that lighting at crosswalks and the pedestrian signaling help, but more education is needed.

Police Chief Webster provided a report with data showing what his department and the Pedestrian Coalition are doing to bring awareness.

“The Nags Head Police Department continues to focus on multiple highway safety issues including crosswalk safety.

GS 20-173. Pedestrians' Right-of-Way at Crosswalks

(a) Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at or near an intersection.

(b) Whenever any vehicle is stopped at a crosswalk at an intersection to permit a pedestrian to cross, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(c) Pedestrians have the right-of-way when approaching an alley, building entrance, private road, or driveway, from any sidewalk or walkway.

- The department continues to participate in the OBX Bike Ped Coalition. We share educational information to develop safety campaigns.
- Officer participated in a Pedestrian Safety Pod Cast produced by the Outer Banks Hospital
- Participation in the Governors Highway Safety Program
- Participated in the Safe Routes to School Bike and Walk to School
- Participation in the Towns internal Transportation Committee:
  - Focused on crosswalk upgrades, lighting, sharks' teeth, signage, as these show an increased level of compliance.
  - Increased no parking signage in high density areas
  - Made suggestions to re-engineer Whalebone intersection
  - Suggested semi-permanent speed radar signage in key locations
  - Suggested use of traffic calming measures
  - Implemented the use of traffic studies
  - Suggested lowering speeds in west side neighborhoods
- Share crosswalk and pedestrian safety information on department social media
  - 10 pedestrian, cyclist related posts since March
- Officers are directed to address crosswalk and pedestrian concerns along with other highway safety tasks. The following are the number of interactions officers have had while on the beach road:
  - Multiuse path patrols- 251 ( documented since 1/1)
  - Citations and Warnings issued on South Virginia Dare Trail and NC 1243, January- May 2022.
    - Citations- 688
    - Warnings- 627
  - Crosswalk Specific Citations and Warnings
    - Warnings- 2
    - Citation- 2
  - Beach Road Parking and access Tickets
    - 92-Parking in certain places prohibited
    - 3-Parking on certain streets prohibited
- The department also utilized the message board on the causeway and the speed trailer in Whalebone to capture speed data:
  - Whalebone speed trailer recorded the following between 5/29-6/15:
    - Vehicle Total 156,103
    - 85% Percentile By Speed 27.31mph
  - Causeway message board recorded the following between 5/27-6/30:
    - Vehicle Total 765,925

- 85% Percentile By Speed 50.52mph
- Future evaluation and education can include:
  - Compliance studies, utilizing a recorder and a designated crosser at treated and untreated crosswalks
  - Compliance stings utilizing an officer observing a designated crosser”

The report from Chief Webster is made part of these minutes and as shown in Addendum “H”.

**BOARD OF COMMISSIONERS AGENDA**

Comr. Kevin Brinkley – thanked Public Services, Fire and Police for their work to make the fireworks show a success.

**CLOSED SESSION**

MOTION: Mayor Pro Tem Siers made a motion to enter Closed Session pursuant to GS 143-318.11(a)(3), to consult with the Town Attorney re: matters protected by attorney/client privilege and to preserve that privilege: 1) Cherry Inc. oceanfront house located at 10211 E Sea Gull Drive and 2) Violation of use of property without a certificate of compliance located at 2210 S Croatan Highway. The motion was seconded by Comr. Kevin Brinkley which passed unanimously. The time was 11:48 a.m.

**OPEN SESSION**

The Board re-entered Open Session at 12:20 p.m. Attorney Leidy reported that the Board did discuss the Town’s matters within attorney/client privilege; no action was taken.

**Consideration of Award of Disaster Debris Removal Agreement (con’t.)**

Engineer David Ryan continued the discussion of the Disaster Debris Removal agreement and provided information on the low bid contractor TFR Enterprises, Inc. (Leander, TX). After further discussion, it was Board consensus to table this item to the mid-month July 20, 2022 BOC meeting and direct staff to provide a copy of the proposed contract, follow-up with references for TFR Enterprises, Inc., and procedures from the State during hours prior to the first 48-hours.

**ADJOURNMENT**

MOTION: Comr. Kevin Brinkley made a motion to recess to a mid-month meeting on Wednesday, July 20, 2022 at 9 a.m. The motion was seconded by Comr. Cahoon which passed unanimously. The time was 12:40 p.m.

\_\_\_\_\_  
Michelle H Gray, Dep. Town Clerk

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

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