



MINUTES  
TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
RETREAT WORKSHOP  
**JANUARY 23 - 24, 2020**

The Nags Head Board of Commissioners met in the Villas Clubhouse located at 500 Villa Dunes Drive in Nags Head, North Carolina on Thursday, January 23, 2020 at 8:30 a.m. for a Board Retreat Workshop.

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: Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Carolyn F. Morris; Michael Zehner; Ralph Barile; Amy Miller; and Facilitators Susannah Childers and Warren Miller of Fountain Works.

### **Day 1**

#### Welcome

Mayor Cahoon thanked everyone for taking time out of their schedules for the retreat.

#### Outcomes, Agenda, Ground Rules – Facilitation Team (Warren Miller and Susannah Childers)

Facilitator Warren Miller asked what was liked best about the off season and Board members responded that they liked being able to take a breather and enjoy other locals.

Mr. Miller reviewed the retreat agenda with Board members; he made sure he, co-facilitator Susannah Childers, and Board members were on the same page with the Retreat objectives/expectations. Board member comments on what they would like to accomplish include:

- Less talking and more results, to include actual dates when projects will happen
- Confirmation of what projects are already being worked on
- Resolution of past projects
- How to best work together and not take anything personal

#### Reflections

What is one thing you've seen in Nags Head over the past year that exemplifies how the community is living its values?

Board member responses include:

- Beach Nourishment
- Stormwater projects
- Unified Development Ordinance (UDO)
- Multi-use paths

- NOT passing accessory dwellings
- Successful event sites
- Benefit from economic stability
- Not having giant house discussions
- Re-elected Comr. Renée Cahoon
- Elected Comr. Kevin Brinkley
- Moved Jockey's Ridge sand
- Outer Banks Hospital is growing and thriving

#### Review Board's Roles and Expectations

Roles and Expectations from the last two years

Mayor Cahoon discussed Roles and Expectations with Board members from the last two retreats - he distributed a list – a list to be revisited and refined. The list is attached to and made a part of these minutes as shown in **Addendum "A"**.

Responses from Board members include the following:

- Placing items on the agenda - Board members agreed that each can place an item on the agenda; concern was mentioned about staff working on an item that only one Board member is interested in; Attorney Leidy suggested that Board members place any item of interest under their own agenda and then the entire Board can decide, at the Board meeting, whether or not to move forward with direction to staff.
- Any topic legitimate for Board discussion can be put on the agenda
- Anyone can make a motion to amend the agenda
- Want public to be aware ahead of time – always

#### Additional Reflections

- Both resident and nonresident taxpayers are important to us
- Visitors are here because they share our values
- We are attractive to the "individually oriented"

Mayor Cahoon asked if more residents than non-resident property owners have the potential to change the configuration of the town; he feels that the "commodification" of short term rentals have changed the town.

Comr. Renée Cahoon feels there are more party houses with huge amounts of people which has also changed the town. Concern was expressed re: special events such as a large private party spilling over onto public property; why do private parties (such as a wedding reception) not need a permit for having over 100 persons in attendance - only commercial events expecting more than 100 persons require a crowd gathering permit. Staff does notify Town departments when informed of such events.

Need to discuss: Large private events on private properties that sometimes spill over onto public property

#### Town Goals

Ms. Childers listed the Town's goals and accomplishments as they pertained to each specific goal.

Goals listed:

- Preserve our community's distinctive heritage and unique lifestyle
- Protect our critical natural resources and coastal ecosystem
- Build and promote a sustainable economy that supports residents and visitors
- Plan for orderly and sustainable growth

- Maintain a well-run and efficient government that provides high quality and cost effective services

Values listed:

- Unique coastal community built on a legacy of shared values
- Common bond is a love for the Outer Banks
- Protect Nags Head character, environment, tourism-based economy and sense of place
- Memorable family vacation experience for present and future generations
- A good place to live and to visit
- High quality of life for residents
- We realistically and fairly allocate costs and benefits of public projects

Dare County Control Group MOU

Updates – Town Attorney

Town Manager Ogburn stated that the MOA between the County and all municipalities was signed/sealed by former Mayor Robert Edwards but was never considered/adopted by the Board.

Attorney Leidy said that the MOA is not enforceable and is more of a statement although it does reference the Dare County Emergency Management Plan. He stated further that Dare County Attorney/Manager Bobby Outten is not interested in making any modifications to the MOA. From a legal perspective, Attorney Leidy said that he has no major concern with the document; the Board can:

- Do nothing, it is not binding the Town in any way
- Go to the County identifying specific changes
- Ratify the MOU making it official and binding

**ACTION:** It was Board consensus to prepare a resolution to clarify the Dare County Control Group MOA - after conversation with Dare County – for consideration at the February 5<sup>th</sup> Board meeting.

Working with the Planning Board

Introduced by Planning Director and Planning Board Chair

Discussion - How does the Planning Board apply Nags Head values to decision making?

Planning Director Michael Zehner introduced Planning Board Chair Megan Vaughan and Vice-Chair Meade Gwinn.

Board members felt that the Planning Board should be well informed on issues; It was felt that there should be more open communication between Board members and Planning Board members on Town issues.

On another subject, i.e. applicants with text amendment requests, Board members agreed that staff should not assist with individual text amendments but should be up-front with applicants.

**ACTION:** Representatives of the Planning Board and the Board of Commissioners agreed that the Planning Board would:

- Generally continue the practice of reviewing development proposals based on code, land use plan, and technical compliance,
- Be proactive in raising awareness of land use issues to the Board of Commissioners,

- Solicit input and feedback from the Board of Commissioners before expending too much time and effort on investigating matters,
- Be an advisor to the Board of Commissioners raising awareness of issues and intended impacts,
- Develop recommendations for fiscal year work plans on land use matters,
- Be on top of emerging issues with a recognition of the Board of Commissioner's long-term goals, and
- Develop a regular line of communication between the leadership of both boards.

#### Lunch Break at 12:00 noon

#### Cart Rollback and Recycling

What are our options? (Franchising services, do nothing, or get rid of ordinance)  
How to gain cooperation from rental management, homeowners and others?

A Review Summary was provided by Town Manager Ogburn. He said the real reason for this discussion is to find out if the Board is interested in a franchise to roll carts back – or is the ordinance even needed?

Comr. Fuller – nothing will be solved until trash pickup and dumping is authorized to take place on Sundays.

**ACTION:** After discussion, it was Board consensus to rescind the ordinance requiring cart rollback – for consideration at the February 5<sup>th</sup> Board meeting. Inform all homeowner associations of this change, if adopted.

#### Recycling

Town Manager Ogburn - Bay Disposal is in breach of the contract with the town - He questioned if the Board was agreeable to allowing recycling to be incinerated for waste to energy, and if the contract is amended to that effect, will the price stay the same?

It was Board consensus to:

- Make sure all changes to agreement are in writing
- Modify all verbiage for "recycling" to "waste to energy"
- Keep looking for better options
- Determine if there is an option to crush glass at Dare County

Comr. Fuller feels that this would be an honest way to deal with the situation – a situation the Town is being put in.

**ACTION:** It was Board consensus to direct staff to bring back a proposal at the February 5<sup>th</sup> meeting to modify the trash/recycling pickup schedule during the off season (Oct through Apr) for the west side of US 158 to: one day/week trash/recycle pickup using one truck; Beach Road trash/recycle pickup is to remain.

#### Reduce carbon footprint - Sustainability

Reducing carbon footprint should start with the Town. Items listed by the Board include:

- Start with ourselves – "It's a cultural shift"
- Set a goal by reducing Power Consumption, Gas/fuel, Plastics, Conservation in general, Ask staff for ideas
- Look into Town-wide compost: Get baselines, Share with staff/Share expectation

**ACTION:** It was Board consensus to reduce carbon footprint starting with the Town by adding to the Town's goals to reduce fuel/power/plastic consumption - Utilize the Town committee to review this and come up with ideas; In addition, a town-wide compost is to be researched.

#### Pavement Condition

Present plan – Dep Town Manager and Public Works Director

Dep Town Manager Andy Garman reviewed with Board members the most cost-effective way to improve the pavement condition Town-wide in accordance with the pavement condition study which was presented to the Board at the September 2019 Board Retreat. The plan presented is based on a neighborhood by neighborhood approach that is less disruptive to each community.

**ACTION:** The Board agreed to move forward with budget recommendations for streets and stormwater which would combine Powell Bill Funds, stormwater capital reserve funds, and additional revenue into one streets and stormwater fund. This would allow the town to adequately budget for a 20-year street maintenance plan and incorporate drainage system maintenance projects into the plan. The plan included projects that would be completed this year (Year 00) as well as over the next five years. The Board agreed conceptually with a neighborhood by neighborhood approach to street paving that is less disruptive and more adequately addresses pavement needs over a 20 year timeframe.

#### Stormwater Ordinance

Presented by Planning and Development Director – he noted that this spring Flood Damage Ordinance changes will be presented to the Board.

Mr. Zehner reviewed all slides provided in background materials; he responded to Board inquiries re: stormwater drainage vs quality of drinking water.

Mayor Pro Tem Siers said he was looking not for drastic changes but more for common sense changes; Comr. Fuller said he did not want to change any natural landscape and did not want to put a burden on an individual property owner to change their lot; the town should pay attention to those places which have issues and make a distinction between nuisance and problem stormwater issues.

**ACTION:** Residential Stormwater Ordinance - The Board discussed the following list as guiding principles for review and consideration of the residential stormwater ordinance:

- Can our rules acknowledge that there are different conditions – a system with flexibility
- Retain form of landscape/minimize impact to landscape
- Look for common sense solutions
- Don't place unjust burden on property owner
- Can we offer a "carrot" to go with a stick
- Do we as a Board need to define flooding – separate between "Nuisance" and "Problem Stormwater" issues
- Should not create additional problems
- Should define problem we are trying to solve

The Board agreed to refer the ordinance, and potential options, to the Planning Board for review and consideration, requesting that the Planning Board report back with any feedback. The Board of Commissioners is to ratify the list at the February 5<sup>th</sup> Board meeting.

Future Revenue for Beach Nourishment Projects – Funding and MSD’s

Town Manager Ogburn presented slides – he suggested the Board needs to consider additional revenue sources – visitors, state, county? Mayor Pro Tem Siers emphasized that at some point you have to start charging those who actually use the property to pay.

Discussion of schedule for adoption of new MSD; Statutes determine schedule; Report to the Board (made up of a Map, Statement, and a Plan for extending services). Include historical perspective on Reach vs MSD lines in the report.

**ACTION:** New MSD creation/modification Report – for future Beach Nourishment Projects – is to be presented at the February 5<sup>th</sup> Board meeting along with the MSD Schedule (with required public hearings, etc.) for Board review with the goal of a Board vote at the June 2020 meeting.

Day 1 Adjournment – the Board adjourned from Day 1 of the Retreat at 4:40 p.m.

**Day 2**

Mayor Cahoon welcomed everyone to Day 2 of the Retreat.

Review Agenda

Facilitator Susannah Childers reviewed yesterday’s thoughts and noted that Day 2 would involve more looking to the future for Nags Head.

Reflections from yesterday

Beach Nourishment Funding

Mayor Pro Tem Siers reiterated that he would like to see research into more ways to push the economy to find more of the necessary funds from those that visit the Town; he expressed concern about placing more financial burden on current residents.

Comr. Fuller felt a good opportunity was coming up with the Legislative Breakfast with Sen. Steinburg to press upon him to help with a State pot of funds to draw from. Comr. Renée Cahoon noted that further south in the State they inlet dredge, which Nags Head does not do and therefore does not qualify for State funds. She also said that the Board needs to have a discussion of not what we WANT to nourish but what can we AFFORD to nourish; Comr. Fuller feels that we should ask what CAN’T we afford to lose.

**ACTION:** Beach Nourishment Funding - Upcoming Legislative Breakfast would be a good time to speak with Sen. Steinburg re: State funds for Beach Nourishment; Mayor Cahoon said that he will get the ball rolling re: Beach Nourishment Funds from the State; other Towns east of I-95 and the County are in the same boat as Nags Head and may be able to join in with this effort. An additional step may include speaking with the restaurant/lodging associations to get more funds into this area. In addition the Board needs to discuss what we can AFFORD to nourish or what we CAN’T afford to lose.

Visioning exercise - Envisioning our legacy for the Town of Nags Head – 2030 and Beyond

Facilitator Warren Miller presented this item and asked Board members to associate values with goals.

Mr. Miller asked Board members to envision the future of Nags Head and what they want their legacy to be – and how to pull these values forward in Nags Head; he asked Board members to each come up with eight ideas when envisioning Nags Head in ten years; these ideas were then shared with each other.

Board members spoke of their visions for the Town for 2030 and beyond:

Leader Innovative  
Creative Thinking  
Competitive in Workforce  
Coastal town model that all others model after  
"Cool" Food and Art

Visitor destination – Outdoor recreation economy

Creative ways to deal with natural hardships (sea level rise) – *managing flooding*

Superior service – what we do, we do really well, funded, committed  
*Garbage truck is the cleanest vehicle in town*  
*Well-maintained parks and infrastructure*

Home to a creative workforce year-round

Solid infrastructure – Quality of living – internet – cultural – health care  
- *Be ahead of septic*  
- *Supporting primary, secondary, or tertiary care (Facilities and Doctors)*

Public Art  
- Gallery Row  
- Draw people in  
- Implement  
- Cool place to live

Diverse – housing, social, people, lifestyle  
- *Not 1000 8+ bedroom houses used only 4/months/year*  
- *Encourage multi family housing understand current situation/numbers*  
- *affordable*  
- *Not just old people*  
- *artists, dogwalkers*  
- *limited party houses (size and offsite outside impact)*

Wide Beaches – Not commercial  
- *Get ahead of it – not every year*  
- *Maintained – not groomed – no trash*

158 Greenway w/Spurs  
- *Greenways / Outdoors*  
- *Pathways (well-maintained parks and paths)*  
- *Walkable and Bikes ("uptown Nags Head" and Whalebone)*

