



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, APRIL 5, 2023**

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, April 5, 2023 at 9:00 a.m. for a Regular Meeting.

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; Attorney John Leidy; Amy Miller; Kelly Wyatt; Kate Jones; David Ryan; Perry Hale; Randy Wells; Michelle Gray; Roberta Thuman; John Harris; Basil Belsches; BB Griffin; Bob Muller; Aaron McCall; Duke Geraghty; and Town Clerk Carolyn F. Morris

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9 am. A moment of silent meditation was followed by the Pledge of Allegiance. Mayor Cahoon asked everyone to think of small towns like Nags Head currently being ravaged by tornadoes and storm weather.

ADOPTION OF AGENDA

MOTION: Comr. Brinkley made a motion to approve the April 5th agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

RECOGNITION

PRESENTATION - Nags Head Woods Annual Report

Steward Aaron McCall presented a powerpoint presentation of the FY 21/22 Annual Report for Nags Head Woods. His presentation was very much appreciated by Board members and is attached to and made a part of these minutes as shown in Addendum "A".

PROCLAMATION – April 2023 - Child Abuse Prevention Month

Mayor Cahoon read the proclamation declaring April 2023 as Child Abuse Prevention Month as follows:

"WHEREAS, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets; AND

'WHEREAS, all children deserve to have safe, stable, nurturing homes and communities they need to foster their healthy growth and development; AND

'WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; AND

'WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development, and the resources they need to cope with stress and nurture their children - ensure all children grow to their full potential; AND

'WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

'THEREFORE, we, the Town of Nags Head Board of Commissioners do hereby proclaim April 2023 as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live."

MOTION: Mayor Pro Tem Siers made a motion to adopt the Proclamation declaring April 2023 as Child Abuse Prevention Month as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

PUBLIC COMMENT

Attorney John Leidy opened Public Comment to those present who wished to speak.

PUBLIC COMMENT – JOHN HARRIS

Habitable Living Space public hearing; he does not understand the changes well enough and is concerned that anyone with a sheetrock garage would have it now counted as having living space which he feels would have a wide, adverse impact; he would like to see the impacts on property owners studied more before Board consideration.

Concerning the C-5 text amendments, he feels that the square footage along Hwy 12 needs to be the same for both residential and commercial; if C-5 works between Danube and Hollowell, then it should also be used at other historic areas of the Town such as Whalebone Junction, Owens, and Cahoon's Grocery – C-5 should be extended to these areas also; he also feels this district would be a perfect home for accessory dwelling units (ADU's) which would fit in with the historic character of Nags Head.

PUBLIC COMMENT – BOB MULLER

Bob Muller, Nags Head resident, he is still alive because he waits before entering traffic signal intersections so those running red lights can get through; everyone has seen vehicles running red lights – they are carrying a lot of speed; he challenges the Board to find ways to discourage people from doing that – red light cameras would be one solution.

He also was very pleased to recently see a Town employee immediately stop when someone had a box that fell off the back of their truck on the bypass; he also commended the Town for improvements to the Town Dog Park which

are very much appreciated. He reiterated that he would like to see the Board take actions to try to stop the people who are trying to kill everyone by running red lights.

PUBLIC COMMENT – MARK WELCH

Mark Welch, he would like to find space for public volleyball courts for children of Nags Head and Dare County; he has provided volleyball clinics for many but there is only one public volleyball court; he suggested Dowdy Park and Satterfield Landing Park areas as possibilities; he asked the Board to look into possible locations for volleyball courts which would benefit everyone.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 9:28 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Budget Amendment #12 to FY 22/23 Budget

Consideration of Tax Adjustment Report

Approval of minutes

Consideration of request to apply for Rural Transformation Grant

Consideration of modification to Consolidated Fee Schedule re: Dowdy Park t-shirt sales

Request for Public Hearing to consider Official Zoning Map amendment re: new zoning district – the C-5 Historic Character Commercial Zoning District

Request for Public Hearing to consider a Vested Right/Special Use/Site Plan Amendment submitted by Albemarle & Associates, Ltd. on behalf of Nags Head Church for the expansion of parking lot. The property is zoned R-2, Medium Density Residential and is located at 105 W. Soundside Rd

Request for Public Hearing to consider text amendments to the Unified Development Ordinance as it pertains to the Town's short-term rental registration rules

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

Budget Amendment #12, as approved, is attached to and made a part of these minutes as shown in Addendum "B".

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

The summary sheet requesting adoption of a resolution to apply for a Rural Transformation Grant, as approved, read in part as follows:

"Request Board authorization to apply to the NC Dept of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program for funds to be used for the maintenance of the Town's multi-use path.

'If approved, rehabilitation of the multi-use path along portions of S Virginia Dare Trail and S Old Oregon Inlet Road would occur.

'Please see attached resolution authorizing application for the Board's consideration."

The resolution, as adopted, read in part as follows:

"WHEREAS, The Town of Nags Head's Board of Commissioners had indicated its desire to apply for a North Carolina Department of Commerce, Rural Transformation Grant, Resilient Neighborhoods Program; and,

`WHEREAS, The Board of Commissioners had indicated its desire to assist in development efforts within the Town of Nags Head; and,

`WHEREAS, The Board fully supports the proposed project, Multi-Use Path Maintenance, which will result in the construction rehabilitation of the Multi-Use Path along parts of South Virginia Dare Trail and South Old Oregon Inlet Road; and,

`WHEREAS, The Board wished to pursue a formal application for the Resilient Neighborhoods Program Category not to exceed \$950,000 from the North Carolina Department of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program; and,

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

'1. That the Town of Nags Head, the Applicant, is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program in order to provide assistance to benefit Multi-Use Path Maintenance.

'2. That this Resolution shall take effect immediately upon its adoption."

The Consolidated Fee Schedule agenda summary sheet requesting a fee change, as approved, read in part as follows:

"At the April 5th Board of Commissioners meeting, staff is requesting that a modification to the Consolidated Fee Schedule regarding T-shirt sales at Dowdy Park be approved. Staff will sell the T-shirts weekly at the popular Farmers Market at Dowdy Park beginning late May. The cost of the T-shirts will be \$20 plus tax. Attached is the proposed fee schedule page associated with Dowdy Park."

The Request for Public Hearing for zoning map amendment summary sheet, as approved, read in part as follows:

"At their March 1st, 2023 meeting, having heard the presentation from planning staff and receiving valuable public comment from numerous property owners, the Board of Commissioners requested that the proposed map amendments be recirculated to the Planning Board for additional review of the zoning designations and the proposed district boundaries to include consideration of redesignating the property at 100 E. Hollowell Avenue from the proposed R-3, Medium Density Residential District to the C-5, Historic Character Commercial District. At their March 21, 2023 meeting planning staff outlined the history of both the text and map amendments to date and highlighted the request that the Planning Board consider the re-designation of the 100 E. Hollowell Street property. Planning Board members discussed this item at length with several members noting that since the March 1st Board of Commissioners meeting and reflecting on the Board of Commissioners discussion as well as comments from the public, that they want to ensure consistency in their recommendations of zoning designations and want to ensure that everyone has had an opportunity to express any comments or concerns with the recommended proposal.

`Planning Board Recommendation

At their March 21st, 2023 meeting, the Planning Board voted unanimously to recommend adoption of the proposed map amendments as presented. This recommended map was unchanged from the Planning Board's original recommendation from the January 17, 2023 meeting, with the exception that the property at 100 E. Hollowell Street has been shown to be redesignated from R-3, Medium Density Residential to C-5, Historic Character Commercial. The Planning Board made this recommendation for adoption noting that the Public Hearing process would require re-notification to property owners of all the affected properties as well as the adjoining properties providing each person an additional opportunity for input."

The Request for Public Hearing for Nags Head Church parking expansion site plan review, as approved, read in part as follows:

"A Vested Right/Special Use Permit/Major Site Plan Review was submitted by Mike Morway of Albemarle & Associates, Ltd. on behalf of Nags Head Church for expansion of the parking lot and relocation of an accessory structure. The property is zoned R-2, Medium Density Residential and is located at 105 W. Soundside Road, Nags Head.

Staff Recommendation/Planning Board Recommendation

Based upon Staff's review of the proposal staff recommends approval of the Vested Right/Special Use Permit/Major Site Plan Review as presented. Staff would note that efforts shall be made to preserve as much existing, mature vegetation as possible, especially Live Oaks, the Town Tree.

"At their March 21, 2023 meeting, the Planning Board voted unanimously to recommend approval of the Vested Right/Special Use Permit/Major Site Plan Review as presented."

The Request for Public Hearing re: Short-Term Rental Registration regulations, as approved, read in part as follows:

"At their March 21st, 2023 meeting the Planning Board voted unanimously to both initiate and recommend adoption of proposed ordinance amendments needed to rescind the town's current Short-Term Rental (STR) Registration program, in light of the appeal court ruling in Schroeder v. City of Wilmington. It is staff's intent to explore mechanisms in which we can continue to regulate STR's within the Town such that we may still achieve the original goals of the program as stated in 2019. These goals included: a better understanding of the location of STR's within the Town, a means to establish a point of contact with the operator to ensure they can be contacted in case of an emergency, to provide information regarding specific insurance and tax obligations of those conducting rental activities within single-family dwellings and to inform operators of the safety requirements and other relevant provisions of the North Carolina Vacation Rental Act."

PUBLIC HEARINGS

Public Hearing to consider a text amendment to the Unified Development Ordinance as it pertains to the definition of "Habitable Building Area"

Town Attorney John Leidy introduced the Public Hearing to consider a text amendment to the UDO as it pertains to the definition of "Habitable Building Area". The time was 9:29 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, March 22, 2023 and on Wednesday, March 29, 2023 as required by law.

The agenda summary sheet read in part as follows:

"At their February 21, 2023, meeting the Planning Board voted unanimously to initiate and recommend adoption of text amendments to the Unified Development Ordinance (UDO) to amend the definition of "Habitable Building Area" and "Habitable Living Space" and to add a definition of "Finished Space". The proposed amendment is being requested to not only provide clarity but also ensure continued consistency in the application of the Unified Development Ordinance."

Planning Director Kelly Wyatt summarized her memo which read in part as follows:

"At the Planning Board's February 21, 2023 meeting, staff requested that the Planning Board both initiate and make a recommendation on a proposed text amendment to the Unified Development Ordinance (UDO) to clarify how the terms "Habitable Building Area" and "Habitable Living Space" are applied.

"These two terms are utilized within the Unified Development Ordinance when regulating commercial design, large residential dwellings, and delineating building area limitations within the Flood Damage Prevention Ordinance.

"The existing UDO has a definition for "Habitable Building Area", however, the word "finished space" is not currently defined and thus has been left open to interpretation. Likewise, there is no definition provided for "Habitable Living Space", which has allowed this terminology to be left open to interpretation as well. The town has historically considered any conditioned space to be habitable building area/habitable living space, including conditioned storage or utility areas. The proposed amendment would not only offer clarity but also ensure continued consistency in the application of the Unified Development Ordinance.

'Planning Board Recommendation

At their February 21st, 2023, meeting the Planning Board voted unanimously to recommend adoption of the proposed amendment to the Unified Development Ordinance as presented.

Staff will be available at the Board of Commissioners April 5th, 2023, meeting for discussion."

Ms. Wyatt acknowledged that there are some modifications that could be made to the proposal and some areas that could be tightened up. If the Board is amenable, she would like to take the proposal with some changes back to the Planning Board for further review before Board consideration. It was Board consensus to agree with Ms. Wyatt's suggestion.

There was no one present who wished to speak and Attorney Leidy closed the Public Hearing at 9:32 a.m.

MOTION: Comr. Renée Cahoon made a motion to table the proposed text amendment. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

Update from Planning Director

Planning Director Kelly Wyatt summarized her monthly 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 April 5th, 2023.

'Attached for the Board's review is the *Planning and Development Monthly Report for February 2023*. 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, March 1st - Board of Commissioners Meeting
- Wednesday, March 1st – ETIPP Partners Meeting
- Thursday, March 2nd – CRS Users Group Meeting
- Tuesday, March 7th – Technical Review Meeting
- Tuesday, March 7th – Septic Health Advisory Committee Meeting
- Wednesday, March 8th – Committee for Arts and Culture Meeting
- Thursday, March 9th – Board of Adjustment Meeting (no hearings scheduled)

- Tuesday, March 14th – Planning Department Staff Meeting
- Tuesday, March 21st – Planning Board Meeting
- Tuesday, March 28th – Planning Department Staff Meeting

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, March 21st, 2023 and included the following: 1) consideration of a Vested Right/Special Use Permit/Major Site Plan Amendment for the expansion of the parking lot for Nags Head Church, 2) consideration of a zoning map amendment pertaining to the Historic Character Area, 3) consideration of a text amendments as it pertains to the town's short-term rental (STR) registration program, 4) an update on the VW Settlement EV Grant, and 5) continued discussion of potential amendments related to the definition of dwelling unit and accessory structures and uses.

With regard to the Vested Right/SUP/Major Site Plan Amendment for the expansion of the parking lot at Nags Head Church, Planning Board members had significant discussion about the increase in vehicle traffic on W. Soundside Road and expressed a desire that staff carry forward to the Board of Commissioners a request to initiate a Traffic Impact Study to determine if the increased traffic would meet the criteria for the installation of a stop-light. Staff will be able to provide additional details on this at your April 5th meeting if requested.

The Planning Board's next meeting is scheduled for April 18th, 2023. At this time, the agenda is expected to include a Major Site Plan Amendment request submitted by Quible & Associates, P.C. on behalf of the Outer Banks Hospital for construction of additional parking at 4917 S. Croatan Highway, request for the initiation of a text amendment pertaining to the operation of Fueling Stations within the C-2, General Commercial Zoning District, and continued discussion of the definitions and application of regulations concerning accessory structures and accessory uses.

Board of Adjustment – Pending Applications

There were no items for Board of Adjustment consideration in March 2023 and no items have been received for the April 2023 meeting.

Additional Updates

- DWMP/Septic Health Advisory Committee – The Septic Health Advisory Committee met on March 7th with three of the four newly appointed committee members to provide information on the history and current status of the Septic Health Initiative and the charge of the committee. The next SHAC meeting is scheduled for Tuesday, April 25th. The focus of this meeting will be on outreach and education priorities to enhance the initiative. Staff is currently working with two undergraduate interns from East Carolina University's Water Resource Center. The interns are assisting with water quality sampling, as well outreach and database enhancement. We will have the interns through mid-May.
- Estuarine Shoreline Management Plan – Staff will be applying for the upcoming National Fish and Wildlife Foundation grant to fund surveys, design, and engineering of the three prioritized sites. The pre-application is due April 12th, if invited to submit a full application, the deadline is June 28th, 2023.
- NC Resilient Coastal Communities Program – The last groundwater data collection event was conducted on March 23, 2023. Nathan Jones from the firm Moffatt and Nichol provided staff the procedures for extracting the data from the water level loggers. Preliminary design data and application information has been finalized and is ready for submission. This completes the scope of work identified in the grant approval. No additional updates will be provided.
- Electric Vehicle Action Plan – Staff submitted a VW Settlement Grant through the NC Department of

Environmental Quality to fund up to \$10,000 for a two-port public level 2 charger. Staff will also be applying for a federal grant, the Charging and Fueling Infrastructure Discretionary Grant to cover the remaining costs associated with the EV Charger for Town Hall. The deadline for this application is Tuesday, May 30th, 2023.

- ETIPP Project/Program – Staff is coordinating the final steps of the project which include a final run of the modelling tool with up-to-date energy costs including backup generators and identifying outreach that will compliment grant applications to fund prioritized next steps. The team will also identify specific grants at the federal and state level that are appropriate to fund the town hall system.
- Whalebone Park: Phase 1 Planning – Staff was not successful in getting the PARTF Accessibility for Parks (AFP) grant for Whalebone Park improvements. Staff will work to identify other sources of funding.
- Dune Management Cost Share Program – Currently there are 89 property owners that have submitted applications for the full scope of the dune management cost share program (sand relocation, planting and/or fencing). Three (3) property owners have submitted applications for planting and/or sand fencing only. The total amount funded to this program is \$320,00, and \$300,700 has been allocated to date. While the last day to complete a sand relocation project is April 30th, the planting portion of the grant will remain open through June 30th or when funds are depleted, whichever comes first.
- Nags Head Dog Park – Public Services staff has built and installed new benches at the dog park. Staff recently met with dog park users to access their needs at the park. To address the entry areas that see the most use, a portion of the surfacing near the park entrance will be updated to a gravel pave with crushed rock. This surfacing has been used in other dog parks in Virginia and has received good reviews. It is significantly cheaper than artificial turf, does not have the environmental concerns associated with artificial turf, and will require overall less maintenance. Staff is working on pricing and an installation date.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – The application to become a vendor at the 2023 Dowdy Park Farmers Market will open online Wednesday, March 29th at 8:00am and will close on Friday, March 31st at 5:00pm. The application link will be available on the Dowdy Park Facebook and Instagram page. The Committee for Arts and Culture will review and select the vendors at their Wednesday, April 12th meeting. The first market will be held on Thursday, June 15th 9am – 1pm. Event Coordinator Paige Griffin has put the finishing touches on the 2023 Dowdy Park Summer Concert Series (poster attached).

Upcoming Meetings and Other Dates

- Tuesday, April 4th – Technical Review Committee Meeting
- Wednesday, April 5th - Board of Commissioners Meeting
- Thursday, April 6th – CRS Users Group Meeting
- Tuesday, April 11th – Planning Department Staff Meeting
- Wednesday, April 12th – Committee for Art and Culture Meeting
- Thursday, April 13th – Board of Adjustment Meeting (no hearings scheduled)
- Tuesday, April 18th – Planning Board Meeting
- Tuesday, April 25th – Septic Health Advisory Committee Meeting
- Tuesday, April 25th – Planning Department Staff Meeting”

Mayor Cahoon confirmed with Ms. Wyatt that the Public Hearing for the zoning map amendment is scheduled for the May 3rd Board meeting. He noted that on the materials for the request for public hearing, no actual date for the public hearing is listed.

Mayor Pro Tem Siers thanked staff and the Planning Board for all their efforts on these projects; Comr. Renée Cahoon thanked Ms. Wyatt for her report and stated that she is looking forward to the upcoming Septic Health reports.

Mayor Cahoon commended the issue of running red lights being brought forward; he sees this issue every day that he rides his bicycle to work. It was Board consensus that Mayor Cahoon and Comr. Brinkley meet with the Board of Education first concerning the use of red-light cameras. Comr. Brinkley pointed out that this is an issue that is everywhere, not just in Nags Head.

It was Board consensus to direct staff to move forward on a traffic study in the W Soundside Road area as mentioned by Ms. Wyatt.

Town Manager Garman stated that the Town looked into the purchase of red-light cameras years ago and he will bring forward the research done at that time. Attorney Leidy said that while there may be no way for the Town to recoup its costs for the red light cameras, they could be utilized strictly as a public safety measure.

NEW BUSINESS

Committee Reports

Comr. Sanders - thanked Planning Director Wyatt for her report which included the update on the Estuarine Shoreline Management Plan which noted waiting on a National Fish & Wildlife Foundation grant.

Comr. Renée Cahoon – reported that the CurrentTV upcoming proposed budget will be coming forward for Board consideration at an upcoming meeting.

Consideration of amendments to Town Code Chapter 30 *Solid Waste Management*

Town Manager Andy Garman summarized the report which read in part as follows:

“Staff has prepared the attached revisions to Chapter 30 of the Town Code related to Solid Waste Management. The primary changes include:

- Addition of a 300-gallon receptacle to the list of approved trash receptacles. We are currently selling these to use at businesses in place of four-yard dumpsters and at select large homes with four or more trash carts. This item includes several amendments to account for loading pad requirements and circumstances where they may be used at residences.
- A modification to the Town’s bulk collection schedule to clarify the service ends on April 30th.
- Clarifications to the bulk collections ordinance.
- Several other housekeeping items.

‘See attached ordinance.’”

MOTION: Comr. Brinkley made a motion to adopt the ordinance amending Town Code Chapter 30 Solid Waste Management as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

Report on pedestrian/crosswalk safety and vehicles on multi-use path

Police Chief Perry Hale presented his report updating the Board on pedestrian and crosswalk safety as well as incidents of vehicles on the multi-use path. His presentation outlined issues involving pedestrian/crosswalk safety, electric/low-speed vehicles/bicycles on the multi-use path, crosswalk lights, and associated regulations. Some highlights from his report follow:

- Bicyclists are considered vehicles under NC law and must obey rules for motor vehicles
- He anticipates a crosswalk campaign this summer; you must be in the crosswalk or your intent known, before vehicles are required to stop
- He is also working with the Outer Banks Bicycle and Pedestrian Safety Coalition
- Lighting at crosswalks is a concern expressed by some citizens
- Electric/low-speed vehicles/bicycles can be used on the bike path at a reasonable speed
- He will continue to review the parking situation at the 4000 block of Virginia Dare Trail.

Board members thanked Police Chief Hale for his report and expressed their appreciation for being kept updated.

Consideration of bid award for RFQ to update the Emergency Operations Plan (EOP) and Continuity of Operations Plan

Fire Chief Randy Wells summarized the agenda summary sheet re: the bid for a Request For Qualifications to update the Emergency Operations Plan and Continuity of Operations Plan as follows:

"At the April 5th Board of Commissioners meeting, Fire Chief Randy Wells will provide a report resulting from the bid opening held on March 9, 2023 where eight (8) proposals were received in response to the Town's Request for Qualifications (RFQ) issued in February 2023. The result of staff's evaluation of the proposals will be presented along with a recommendation for bid award."

MOTION: Comr. Brinkley made a motion approving the contract with iParametrics for the Emergency Operations Plan update and Continuity of Operations Plan, as recommended by staff. The motion was seconded by Comr. Sanders which passed unanimously.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Garman – Beach Volleyball

Manager Garman confirmed with the Board that they would like to see a report on possible locations for beach volleyball courts. This was mentioned during Public Comment by Mark Welch. Mayor Cahoon suggested areas other than Dowdy Park and that the courts would not be scheduled facilities. Manager Garman did

point out the Whalebone Park volleyball court. Comr. Renée Cahoon mentioned Jennette's Pier as a possible location.

Town Manager Garman - Aaron McCall Nags Head Woods presentation

Town Manager Garman explained that Aaron McCall of The Nature Conservancy has spoken with him to see if the Town has any interest in a conservation easement for some of the Town's property in the Nags Head Pond area. Manager Garman asked if the Board would like to see more information on that process and what would happen to that property. It was Board consensus to review additional information on this idea.

BOARD OF COMMISSIONERS AGENDA

Comr. Renée Cahoon – Town Lighting standards

Comr. Renée Cahoon asked that staff review the lighting standards as it relates to the newer lighting technology - LED lighting is very bright. She asked about the hours of operation for some businesses that have excessive bright lights.

Comr. Brinkley – Safety of summer workers crossing US 158

Comr. Brinkley reported that last year the international students/workers staying in the dormitory-style housing near St Andrews by the Sea church often crossed the bypass illegally on their bicycles, such as when traveling to Food Lion to work, putting themselves in danger. He would like to see them more informed of the importance of crossing at a signalized intersection. It was mentioned that the businesses hiring them should also be aware and provide some education to their workers.

Mayor Cahoon suggested the possibility of a phone app to provide safety tips such as crossing a street safely, issuing warnings, etc.

Police Chief Hale was asked to look into ways to educate the international students working here in the summer. Mayor Cahoon also asked about the possibility of a sidewalk to get the workers to the St. Andrews By The Sea church parking lot – which would enable easier access to the Beach Road path. Comr. Sanders said he would be glad to bring this issue up to the St. Andrews Church as he is a member.

CLOSED SESSIONS

MOTION: Comr. Brinkley made a motion to enter Closed Session to consider the following:

- Jul – Dec 2022 Closed Session minutes and their disposition pursuant to GS 143-318.11(a)(1)
- Acquisition of property located at 100 E Hollowell Street pursuant to GS 143-318.11(a)(5)
- To confer with the Town Attorney re: the following matters of attorney/client privilege and to preserve that privilege pursuant to GS 143-318.11(a)(3):
 - Cherry Inc. property at 10211 E Seagull Drive;
 - 205 E Baltic Street; and
 - Kingsolver lots at 8504 – 8510 S Old Oregon Inlet Drive

The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 10:30 a.m.

OPEN SESSION

The Board re-entered Open Session at 11:09 a.m. Town Attorney Leidy reported that during Closed Session the Board did discuss the issues it went into Closed Session to discuss.

SCHEDULE PUBLIC HEARING FOR CHERRY, INC COTTAGE

MOTION: Comr. Brinkley made a motion to schedule a Public Hearing to consider an ordinance authorizing the removal of the Cherry, Inc. cottage at 10211 E Seagull Drive, to bring it into compliance, for April 19, 2023 at 9 am in the Board Room. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

ADJOURNMENT / RECESS to Budget Workshop

Mayor Cahoon recessed the Board meeting to a Budget Workshop and also recessed to Wednesday, April 19, 2023 at 9 am for a mid-month meeting. The time was 11:11 a.m.

Carolyn F. Morris, Town Clerk

Date Approved: **May 3, 2023**

Mayor: _____
Benjamin Cahoon