



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED MEETING
WEDNESDAY, APRIL 19, 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 19, 2023, at 9:00 a.m. for a Recessed Meeting.

Board members

Present: Mayor Ben Cahoon; Comr. Renée Cahoon; Comr. Kevin Brinkley; and Comr. Bob Sanders

Board members Present: Mayor Pro Tem Michael Siers

Absent:

Others present: Town Manager Andy Garman; Attorney Robert Hobbs; Kelly Wyatt; Amy Miller; David Ryan; Nancy Carawan; Perry Hale; Randy Wells; Shane Hite; Jan Mielke; Roberta Thuman; Kate Jones; Steve Szymanski; Ellen Heatwole; and Dep. Town Clerk Michelle Gray

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9 a.m.

ADOPTION OF AGENDA

MOTION: Comr. Brinkley made a motion to approve the agenda as presented. The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was excused.).

PUBLIC COMMENT

Attorney Hobbs opened and then closed Public Comment at 9:50 a.m. as there was no one present who wished to speak.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of amendment to Traffic Control Map designating No Parking – Tow-Away Zone on Gannett Avenue.
- Consideration of Budget Amendment #13 to FY 22/23 Budget.
- Consideration of modification to Consolidated Fee Schedule for removal of Short-Term Rental Registration Fee.

MOTION: Comr. Brinkley made a motion to approve the Consent Agenda as presented. The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was not present.).

Ratification of Traffic Control Map modification. The agenda summary sheet read in part as follows:

"Due to an increase in traffic on Gannett Avenue, mostly from neighboring businesses Stop Quik and Nags Head Self Storage, the Police Dept is requesting a Traffic Control Map amendment to designate No Parking – Tow Away Zones on both sides of Gannett Avenue as well as the "dead-end" portion of the roadway.

Vehicles have been parking in the rights-of-way as well as on the "dead-end" portion of the roadway creating safety hazards for vehicles traveling to/from the listed businesses."

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

Consideration of Budget Amendment #13 to FY 22/23 Budget

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

Consideration of modification to Consolidated Fee Schedule for removal of Short-Term Rental Registration Fee

The agenda summary sheet re: modification to the Consolidated Fee Schedule for removal Short-Term Rental Registration fees as approved, read in part as follows:

"At the April 19th Board of Commissioners meeting, staff is requesting that a modification to the Consolidated Fee Schedule regarding Short-Term Rental Registration fees be approved.

This request is being made in light of the Appeal Court ruling in the Schroeder v. City of Wilmington case. In addition, a Public Hearing has been scheduled for the May 3rd Board of Commissioners meeting in which the associated Town Code sections may be rescinded."

PUBLIC HEARING

Public Hearing to consider an ordinance directing the Town Manager, Building Inspector, or other appropriate staff to take action pursuant to NC General Statute 160D-1125 as necessary to abate the defective, hazardous, and dangerous conditions of the Structure located at 10211 E Seagull Drive including but not limited to action to remove or demolish the Structure and further directing the placement of a notice thereon that the same may not be occupied. Specifically, the Board of Commissioners will be considering the following:

- Ordinance directing removal of the structure located at 10211 E Seagull Drive.

The agenda summary sheet re: authorization for staff to take action as necessary to abate the structure located at 10211 E Seagull Dr, read in part as follows:

"In June 2022 the Town of Nags Head's Chief Building Inspector issued an Order finding that the dwelling located at 10211 E Seagull Drive was unsafe and dangerous to life in accordance with NCGS 160D-1119. The property owner has not complied with the Order. In accordance with NCGS 160D-1125, request consideration of attached ordinance directing that the structure at 10211 E Seagull Drive be removed/demolished."

Town Manager Garman Andy provided a brief overview of the ORDER, which was presented to the owner Cherry Inc, Lance Goldner by the Chief Building Inspector on June 23, 2022. The ORDER read in part as follows:

"The Building Inspector's inspection of the Structure on or about May 16, 2022.

- Following the Building Inspector's inspection of the Structure the Building Inspector determined that, pursuant to N.C.G.S. 160D-1118, there are numerous defects in the Structure, and that the Structure, because of its condition, is dangerous to life, health, and other property.
- Specifically, the conditions included, but are not limited to, the following:
 - a. Missing, damaged, wracked, and eroded foundation support piles.
 - b. Severely corroded bolts, nails, and other fasteners that tie and support critical load bearing members to the foundation.
 - c. Deteriorated floor, wall, and roof framing components in especially bad condition due to continuous exposure to rain and flood water.
 - d. Missing exterior windows and cladding that expose interior spaces to inundation by rain and infestation by wild animals.
 - e. Settling of the structure caused by severe storm erosion."

It was further determined by the Building Inspector "that that pursuant to N.C.G.S. 160D-1119 the Structure was unsafe for human habitation and occupancy and, in its current condition, was especially dangerous to life because of its liability to fire, because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring, unsafe heating systems, inadequate means of egress, or other causes. As such, a notice regarding the same was affixed upon the Structure.

- Specifically, the dangerous conditions included, but were not limited to, the following:
 - a. All the above stated conditions.
 - b. It constitutes a fire hazard due to the dilapidated condition of walls, floors, and roof structures.
 - c. It is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
 - d. It is likely to attract persons intent on criminal activities or other activities that would constitute a public nuisance."

The ORDER is attached to and made a part of these minutes as shown in Addendum "C".

Timeline of events:

- Hearing was scheduled for June 10, 2022
- Hearing rescheduled to June 17, 2022; owners and representatives, Chief Building Inspector were present.
- ORDER was issued June 23, 2022
- Deadline to appeal September 23, 2022, then the structure has continued to deteriorate.
- Public Hearing scheduled for April 19, 2023.

Attorney Hobbs opened the Public Hearing for public comment.

PUBLIC COMMENT - Ellen Heatwole, resident of South Nags Head applauded the Board for taking this action to remove the structure as it had been a long time coming, over ten years.

With no one else wishing to speak Attorney Hobbs closed the public comment period. He noted that a public hearing requires four (4) votes to adopt the ordinance.

Comr. Renee Cahoon stated this action was the last resort for the safety of the people and the environment.

MOTION: Comr. Brinkley made a motion to adopt the ordinance as presented. The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was not present.).

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

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Hobbs – had nothing to report.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Garman – had nothing to report.

BOARD OF COMMISSIONERS AGENDA

Comr. Renee Cahoon – had nothing to report.

Comr. Brinkley – had nothing to report.

Comr. Sanders – had nothing to report.

MAYOR’S AGENDA

Mayor Cahoon – had nothing to report.

RECESS to Budget workshop

MOTION: Comr. Brinkley made a motion to recess to a Budget Workshop. The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was excused). The time was 9:09 a.m.

Michelle H Gray, Deputy Town Clerk

Date Approved: **May 3, 2023**

Mayor: _____
Benjamin Cahoon