



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, JUNE 5, 2019**

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, June 5, 2019 at 9:00 a.m.

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

Board members Absent: Mayor Pro Tem Susie Walters

Others present: Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Phil Webster; Perry Hale; Shane Hite; Michael Zehner; David Ryan; Amy Miller; Brie Floyd; Roberta Thuman; Janis Farmer; Dee Johnson; Omega Spencer; Mike Inks; Nancy Carawan; Mike Norris; Chad Motz and the 2019 Lifeguards; Hal Goodman; Brian Moore; David Bragg; Kevin Sharp; and Town Clerk Carolyn Morris

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Cahoon called the meeting to order at 9:00 a.m. A moment of silence was followed by the Pledge of Allegiance. He asked that everyone remember the shooting victims at the Virginia Beach Municipal Center who were just doing their job and fell victim to a disgruntled employee.

As she had previously informed the Board, Mayor Pro Tem Walters was not in attendance.

ADOPTION OF AGENDA

MOTION: Comr. Renée Cahoon made a motion to adopt the June 5th agenda as presented. The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

INTRODUCTION OF 2019 LIFEGUARDS

Ocean Rescue Director Chad Motz presented the 2019 summer season lifeguards and stated that the lifeguards began working as Nags Head lifeguards Memorial Day weekend. Each lifeguard introduced themselves to the Board.

RECOGNITION

NEW EMPLOYEE – Water Superintendent Nancy Carawan introduced Water Service Technician Mike Inks who was welcomed by the Board to Town employment.

NEW EMPLOYEE – Public Facilities Superintendent Mike Norris introduced Sanitation Equipment Operator Omega Spencer who was welcomed by the Board to Town employment.

FIFTEEN YEARS – Police Chief Phil Webster introduced Police Office Assistant Dee Johnson who was recognized by the Board for fifteen years of service.

TWENTY YEARS – Public Facilities Superintendent Mike Norris introduced Facilities Maintenance Technician Janis Farmer who was recognized by the Board for twenty years of service.

PUBLIC COMMENT

PUBLIC COMMENT – DAVID BRAGG

David Bragg, Village at Nags Head resident; he recently spoke with Town Manager Ogburn and Public Works Director Ralph Barile re: garbage and recycling collection; he questioned how the Board could approve a recycling service even though the service does not pay for itself – a cost/analysis study was not done; he feels that a fee should be charged to rental houses and other businesses to pay for recycling; since other countries are no longer taking glass and other recyclable items it is not a cost beneficial business to be in; it's also an eyesore and causes unsanitary conditions when trash/recycling sits out in the heat as it did during Memorial Day weekend when people put their carts out by the roadway too soon; putting recycling in dumpsters would not be a problem; he feels that a dog park and recycling are crazy ideas and are not cost efficient; he feels that his taxes should not pay for the Beach Road to have a second day of trash pickup.

PUBLIC COMMENT – KEN SHARP

Ken Sharp, Manteo resident; he is in the construction business and travels quite a bit; he is interested in safety; he feels that it is his turn to speak out – while everyone does a great job bringing people to the Outer Banks, he feels we should slow down and think more about safety; the Little Bridge area on the Nags Head/Manteo Causeway is a dangerous area; he feels that after coming off the bridge vehicles are going very fast and unable to slow down at the crosswalk; he has also noticed a lot of flying objects that come off of trucks where it is "bumpy" in that area on the bridge; the Town needs to lower the speed limit in that area; he would like to help the Town address public safety.

There being no one else present who wished to speak, Attorney Leidy closed Public Comment at 9:33 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Budget Adjustment #12 to FY 18/19 Budget

Consideration of Tax Adjustment Report

Approval of minutes

Consideration of Amendment #7 to Beach Nourishment Capital Project Ordinance

Consideration of resolution to surplus Town equipment/assets

Consideration of resolution designating official to make recommendations to NC ABC Commission re: ABC permit applications

Request for Public Hearing - conditional use site plan amendment for Millers Waterfront Restaurant to accommodate four (4) transient boat slips

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

Budget Adjustment #12 to FY 18/19 Budget was approved as presented and is 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 minutes of the September 25, 2018 Board Retreat, the April 23, 2019 Budget Workshop, the May 1, 2019 Regular Board Meeting, the May 15, 2019 Recessed Board Meeting, and the May 15, 2019 Budget Workshop were approved as presented.

The summary sheet concerning Amendment #7 to Beach Nourishment Capital Project Ordinance, as approved, read in part as follows:

"The attached amendment to the Beach Nourishment Capital Project Ordinance authorizes the Town Manager to execute change orders or contract amendments up to \$50,000 appropriated from Contingency. Additional contract authorizations or change orders up to \$125,000 that threaten the safety of the public are requested. Any amendments will then be reported to the Board at the next regular meeting.

'Sections 10 and 11 reflect the same authorizations the Town Manager has in the annual budget ordinance. Board action is requested to grant the same permissions for the Beach Nourishment Capital Project Ordinance. Any contract change orders or amendments will be brought to the Board at their next regular meeting as a Capital Project Ordinance amendment."

The Capital Project Ordinance, amendment #7, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

The Resolution to surplus Town equipment/assets, as adopted, is attached to and made a part of these minutes as shown in Addendum "D".

The Resolution designating Town officials to make recommendations to the Alcohol Beverage Commission, as adopted, is attached to and made a part of these minutes as shown in Addendum "E".

The summary sheet concerning the Request for Public Hearing concerning Millers Waterfront Restaurant, as approved, read in part as follows:

"Brian Rubino of Quible & Associates, P.C. on behalf of Millers Waterfront Restaurant has submitted a Conditional Use/Site Plan Amendment request to construct an addition to the existing pier consisting of a platform, finger piers and associated mooring pilings to accommodate four (4) transient boat slips. The subject property at 6916 S. Croatan Highway, Nags Head is zoned C-2, General Commercial, and is also included within the Commercial Outdoor Recreation Overlay District.

Planning Board/Staff Recommendation

Planning Staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant land use policies, based on the findings associated with the issued CAMA Major Permit 109-16.

"At their May 21, 2019 meeting the Planning Board voted unanimously to recommend approval of the Conditional Use/Site Plan Amendment as presented."

PUBLIC HEARINGS

Public Hearing to consider citizen comment on the Town Manager's proposed operating budget for July 1, 2019 – June 30, 2020, proposed CIP requests for FY 19/20 through FY 28/29, and updated Consolidated Fee Schedule

Attorney Leidy introduced the Public Hearing to consider citizen comment on the Town Manager's proposed operating budget for July 1, 2019 – June 30, 2020, proposed CIP requests for FY 19/20 through FY 28/29, and updated Consolidated Fee Schedule. The time was 9:30 a.m.

Town Manager Ogburn reported on how he reworked his proposed operating budget recommendation based on input from the Board – and by making some changes to reduce the proposed tax rate.

The agenda summary information read in part as follows:

"At the May 1st Board of Commissioners meeting, Town Manager Ogburn presented highlights of his recommended FY 20 Budget via a powerpoint presentation. At that time the proposed budget was distributed to Board members. A Public Hearing was subsequently scheduled for the June 5th Board meeting.

"Attached please find:

- Public Notice of Public Hearing
- Proposed FY 19/20 Budget Ordinance
- Memo detailing the changes from the recommended budget
- Proposed CIP Summary Table through FY 28/29
- Resolution committing fund balance for law enforcement officer special separation allowance
- Budget debt lease schedule with projected lease payments
- CIP debt lease schedule with projected lease payments
- Updated Consolidated Fee Schedule"

The memo from Finance Officer Amy Miller identifying items decreased read in part as follows:

General Fund

- Eliminate the Deputy Public Works Director position split with the Water Fund (\$83,224)
- Eliminate the Sanitation Equipment Operator 1 position that has not been filled (\$61,332)
- Eliminate short-term rental tracking and registration software in Planning Department (\$32,000)
- Move Town Hall carpet replacement to current fiscal year 18/19 using unspent funds (\$23,068)
- Move unmanned aircraft system in Town Manager department to fiscal year 2020/2021 (\$23,000)
- Decrease matching 401k contributions for those who contribute less than 2% maximum (\$11,530)
- Levy Town-wide tax rate of \$.317 on all real estate, personal, motor vehicle property in the Town

"General Fund budget ordinance decreased from \$23,684,335 to \$23,451,132

`Water Fund

- Eliminate the Deputy Public Works Director position split with the General Fund (\$27,398)
- Decrease matching 401k contributions for those who contribute less than 2% maximum (\$1,716)
- Decrease retained earnings appropriation by \$29,114, from \$624,497 to \$595,383

`Water Fund budget ordinance decreased from \$4,219,075 to \$4,189,961

`Looking ahead to Fiscal Year 2020-2021

- A one cent town wide tax increase is projected
- A one cent tax decrease from the manager's recommended to the fiscal year 2019/2020 adopted budget resulted in a \$134,360 reduction in the shared revenue projection including occupancy, land transfer, and sales taxes
- The unmanned aircraft system in the Town Manager department is planned to be purchased in fiscal year 2020/2021 \$23,000
- Fund balance appropriation was reduced from \$350,000 to \$300,000"

The ten-year CIP Summary List is attached to and made a part of these minutes as shown in Addendum "F".

The Consolidated Fee Schedule was approved as presented and is on file in the Town Clerk's Office.

Attorney Leidy asked for comment from the public. There being no one present who wished to speak, Attorney Leidy concluded the Public Hearing at 9:37 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, May 22, 2019 and on Wednesday, May 29, 2019 as required by law.

Mayor Cahoon asked the Board for their comments on the of adoption of the FY 2020 Operating Budget/Ordinance, Proposed CIP Requests for FY 19/20 Through FY 23/24, Proposed CIP Requests For FY 19/20 Through FY 28/29 For Water; Resolution for Committed Fund Balance, and Updated Consolidated Fee Schedule.

Comr. Renée Cahoon confirmed with Town Manager Ogburn that the position of Sanitation Operator was removed from the list of advertised positions in order to reduce the budget – she stated that she is not comfortable with cutting a "worker-bee" position. Town Manager Ogburn clarified that this specific Sanitation Operator position is an existing position that had not yet been filled.

It was Board consensus to consider adoption of the proposed FY 19/20 Budget Ordinance later in today's meeting after the Manager and Finance Officer find the funds to fill the Sanitation Operator position. Board members confirmed with Town Manager Ogburn that he would be able to find the total amount of \$61,000 needed for that position without increasing the proposed budget.

Mayor Cahoon stated that after the proposed Budget Ordinance is revised, the Board will consider it for adoption.

Public Hearing to consider a conditional use/site plan amendment request by Tale of the Whale Restaurant for the extension of their existing pier to accommodate a docking facility with four (4) transient boat slips

Attorney Leidy introduced the Public Hearing to consider a conditional use/site plan amendment request by Tale of the Whale Restaurant for the extension of their existing pier to accommodate a docking facility with four transient boat slips. The time was 9:44 a.m.

Sworn in by Town Clerk Carolyn Morris were Hal Goodman of Construction Engineering Services and Dep Planning Director Kelly Wyatt.

Dep Planning Director Kelly Wyatt summarized the staff memo which read in part as follows:

"GENERAL INFORMATION

Applicant: Tale of the Whale Restaurant.

Application Request: Conditional Use/Site Plan Amendment.

Purpose: Extension of the existing pier approximately 72 feet and construction of four (4) transient boat slips.

Property Location: 7575 S. Virginia Dare Trail, Nags Head.

Existing Land Use: Restaurant.

Zoning Classification of Property: C-2, General Commercial District; Commercial Outdoor Recreation Overlay District.

Zoning Classification of Surrounding Properties: Properties to the east and west of this site are zoned C-2, General Commercial, and are also located within the Commercial Outdoor Recreation Overlay District (Sunoco Gas Station and Vacant). Properties north of this site and directly across S. Virginia Dare Trail/US 64 are zoned C-2, General Commercial, and R-1, Low Density Residential; these properties are also within the Commercial Outdoor Recreation Overlay District and are developed residentially (Lone Cedar Subdivision). The property adjoins the Roanoke Sound to the south.

Flood Hazard Zone of Property: VE 11; the pier structure associated with this application is not subject to flood protection regulations.

Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as Waterfront Commercial Recreation. Below is the description of this classification:

The Waterfront Commercial Recreational designation recognizes and capitalizes on the unique natural resources and viewsheds in this area. This designation is intended to accommodate high quality development with a focus on small, low scale hotel type development and regional point of community gatherings and events. Other appropriate uses include multi-family, commercial, retail, restaurant (walk-up/sit down), personal service establishments, indoor entertainment, indoor/outdoor recreation, water dependent uses, gallery/museum, institutional uses, and gymnasium/fitness studio. Planned, mixed use development with an emphasis on pedestrian connectivity is highly desirable. Development should be oriented not only to the road but the water as well. Additionally, access to the water and protection of viewsheds is important.

'When determining if the proposal is consistent with the Land Use designation staff considered the following excerpts and policies as being relevant:

- Page 3-16, LU-7 reads, "Review regulations in the Ocean and Sound Waters Overlay District and the Commercial Outdoor Recreation Overlay District to ensure proper use of the ocean and sound waters, including islands that adjoin the town, to ensure the continued scenic, conservation and recreational value that these waters provide to the town, its residents, visitors and the surrounding area."

LU-7a: "Review regulations for commercial boating and personal watercraft to maintain compatibility with adjacent uses and the estuarine environment."

- Also, on page 3-16, LU-8 reads "Ensure proposals for future commercial uses in the sound are not detrimental to the marsh, sound bottom, and submerged aquatic vegetation. Compatible sound uses will not increase turbidity in the water and will maintain overall water quality. The town will not support upland excavations for the development of canals or uses that will destroy significant areas of wetlands or marsh."

- Page 3-45 "Just beyond the marshes, submerged aquatic vegetation, which thrives on the sound bottom, provides important habitat and spawning areas for fish, crabs, and other marine life."

- Page 3-47 "The goal of the town is to maintain and improve estuarine water quality and natural estuarine functions while providing water-based recreation opportunities that do not compromise water quality goals."

- Page 3-48 Natural Resources and Resiliency Policies NR-1, NR-2 and NR-4 speak to the protection of estuarine shorelines.

Staff finds this proposal to be consistent with land use policies, placing reliance on the findings of the issued CAMA Major Permit with respect to water depth of 3'-2" to 4'-1" at the pier, no observable SAV's, and no designation of primary nursery habitat in this area. Related, Staff finds that the proposal is consistent with policies supporting access to the water and water-based recreation opportunities.

SPECIFIC INFORMATION

Applicable Zoning Regulations:

- Use Regulations: A docking facility as an accessory use to a restaurant is allowed as a Conditional Use within the C-2, General Commercial, Zoning District provided certain conditions are met, as follows with staff comments in italics:

a. There shall not be more than one docking facility per lot. *There is only one docking facility proposed on this lot.*

b. Docking facilities may not provide any of the following services: permanent docking spaces, overnight mooring, dry storage, fueling facilities, haul-out facilities, repair services, or any other water dependent commercial-outdoor recreational use. *The applicant has not proposed any of the services delineated as prohibited.*

c. Boat slips shall not be utilized to satisfy the required parking for the principal use. *The applicant has not requested the four (4) slips be considered as required parking, nor is there any increase in customer service area being proposed to necessitate additional parking.*

d. Piers and slips shall be limited to 200 feet measured perpendicular to the shoreline for the normal water line. This distance is not inclusive of the platform at the end of the facility. *The total length of the pier is 167 feet and therefore compliant.*

e. There shall be 30-inches of water depth relative to the normal water level adjacent to all boat slips and boat access areas. *Compliant water depth determined with issuance of CAMA Major Permit 10-19.*

f. The docking facility shall include a designated No Wake Zone that shall be extended 600 feet measured perpendicular to the shoreline for the normal water line. There shall be a No Wake Zone sign conspicuously posted on the facility. *The applicant has provided an attachment showing the extent of the 600 foot No Wake Zone and areas upon the facility where No Wake signage will be provided. The applicant has not provided information on the appearance or dimensions of the proposed signs but has noted that the signs will be custom made to include language specifying that users of the facility must maintain No Wake Speed for 600 ft.*

- Lot Coverage: Lot coverage will be unaffected by this request.
- Height: Structural height will be unaffected by this request.
- Architecture Design Standards: No architectural design standards apply to this request.
- Setbacks: The five (5) foot accessory structure setback is not affected by the linear extension of the existing pier.
- Parking: Pursuant to Town Code Section 48-407(c)(14)(c) the proposed four (4) boat slips are not proposed as, or intended to satisfy, the required parking for the restaurant use. Additionally, there is no increase in customer service area being proposed that would necessitate any additional parking.
- Buffering/Landscaping: There is no buffering or landscaping required as part of this request.
- Lighting: The applicant has indicated that low level security lighting, like what currently exists, will be continued along the pier, including lights beneath the benches to light the walkway and lights on the back of the benches to light the mooring areas (photos attached). If a light audit is required, this will be conducted prior to the issuance of the Certificate of Occupancy.
- Signage: No signage beyond the "No Wake Zone" signage has been requested or approved at this time. A total of four (4) "No Wake Zone" signs are proposed, two on either side of the existing gazebo and two on either side of the extended pier facility. Staff finds the proposed locations to be in compliance with the requirements of Town Code Section 48-407(c)(14)(f).

Water and Sewage Disposal: No review or approval required by the Dare County Health Department for this request.

Stormwater Management and Traffic Circulation: The proposed scope of work does not necessitate additional stormwater management measures or traffic circulation considerations.

Fire: Project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance.

Public Works: The Public Works Department has reviewed and approved proposed plan.

CAMA: A CAMA Major Permit is required for this proposed use. CAMA Major Permit 10-19 has been issued and is attached for your review. Please note that the CAMA Major Permit cites the approval of "6 wet slips;" however, this Conditional Use/Site Plan Amendment would only permit four (4) boat slips.

'ANALYSIS

Staff finds the proposal to be consistent with the applicable use and development standards, as well as relevant land use policies, based in part on the findings associated with the issued CAMA Major Permit 10-19. With regard to land use policies, Staff finds that the proposal is consistent with policies supporting access to the water and water-based recreation opportunities.

'With regard to the affirmative findings of fact for conditional use permits, pursuant to Section 48-525, Staff is of the opinion that:

1. The applicant has met the requirements of the Town of Nags Head Zoning Ordinance, Subdivision Ordinance and other applicable ordinances.
2. The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted.
3. The use as proposed will not overburden the firefighting capabilities and the municipal water supply capacity of the Town.

'STAFF RECOMMENDATION

Staff recommends approval of the Conditional Use/Site Plan Amendment application as presented, with a condition requiring compliance of the use and site with those materials and plans submitted as part of the application.

'PLANNING BOARD RECOMMENDATION

At their April 16, 2019 meeting the Planning Board voted unanimously to recommend approval of the proposed Conditional Use/Site Plan Amendment as presented."

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, May 22, 2019 and on Wednesday, May 29, 2019, as required by law.

Applicant Hal Goodman representing Tale of the Whale Restaurant spoke; he stated that this is a straightforward project; he pointed out that there is 1600 feet to the next adjacent marsh island – there is adequate space for boat turnaround, etc.

There being no one else present who wished to speak, Attorney Leidy concluded the Public Hearing at 9:53 a.m.

MOTION: Comr. Fuller made a motion to approve the conditional use/site plan for Tale of the Whale Restaurant to accommodate a docking facility with four transient boat slips as presented and to accept the following required three findings of fact:

- The applicant has met the requirements of the Town of Nags Head Zoning Ordinance, Subdivision Ordinance and other applicable ordinances,
- The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted, and
- The use as proposed will not overburden the firefighting capabilities and the municipal water supply capacity of the Town.

The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETING

From May 1st Board meeting – Continued consideration of site plan amendment for Sherwin-Williams

Dep Planning Director Kelly Wyatt summarized the staff memo which read in part as follows:

"GENERAL INFORMATION

'Applicant: Gemcap Development.

'Application Request: Site Plan Amendment.

'Purpose: Reconsideration of site plan following a major change, installation of a two (2) foot concrete bulkhead/retaining wall on the north side of the parking area.

'Property Location: 6813 S. Croatan Highway, Nags Head.

'Existing Land Use: Retail Store (Sherwin Williams & vacant space).

'Zoning Classification of Property: C-2, General Commercial District.

'Zoning Classification of Surrounding Properties: All properties surrounding the site are zoned C-2, General Commercial; however, the properties to the east are developed residentially.

'Flood Hazard Zone of Property: AE 9, lowest horizontal structural member of lowest floor shall be no lower than 10 ft. msl. First floor elevation proposed at 10.2 ft. msl.

'Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as General Commercial. This property is located within the Whalebone Character Area. The proposal is consistent with land use policies.

'SPECIFIC INFORMATION

Gemcap Development is seeking approval of a major change to the April 4, 2018 Board of Commissioners approved Site Plan for construction of a 6,000 square foot retail structure (Sherwin Williams). On April 1, 2019, while various departments were conducting final inspections, it was noted that a significant deviation from the approved plan had occurred in that a two (2) foot tall concrete bulkhead/retaining wall had been constructed along the north side of the parking lot. This concrete bulkhead/retaining wall was not shown on the Planning Board reviewed, and Board of Commissioners approved site plan. Furthermore, the need for the change was not brought to staff's attention for review and approval prior to the installation. Once aware of the change, the Director of Planning & Development determined the addition of the wall to be a major change, requiring approval by the Planning Board and Board of Commissioners.

'It is important to note that the use of bulkheads/retaining walls on commercial property are not regulated within Chapter 34, Stormwater, Fill and Runoff Management. Town Code Section 34-6(b)(10) provides that the construction and use of bulkheads, walls and other structural controls to retain the placement of fill on property shall be permitted where a wall is necessary to achieve a 5-foot setback of fill and cannot retain more than two (2) feet of fill and shall not exceed two (2) feet in maximum height from the final grade for residential and duplex development. This provision is not listed in Town Code Section 34-7, General standards for commercial development, therefore there is no regulation of the use of bulkheads/retaining walls for this development.

'Below is a brief timeline of events related to the approval and development of the property.

- April 4, 2018 - Board of Commissioners reviewed and approved the Site Plan request.
- June 21, 2018 - Building and Zoning Permits were issued.
- December 28, 2018 - Temporary Certificate of Compliance was issued for 30 days.
- January 17, 2019 - Temporary Certificate of Compliance was extended for 30 days.
- February 28, 2019 - Temporary Certificate of Compliance was extended for 30 days.
- March 1, 2019 - BJ DiPietro of IB Builders, Inc. the licensed contractor for this project met with the Deputy Town Manager, Director of Planning & Development, Chief Building Inspector, and Town Engineer to discuss outstanding items requiring completion prior to March 31, 2019.
- April 1, 2019 - Final inspections were conducted, and the deviation was discovered.
- April 3, 2019 - The Director of Planning & Development and Chief Building Inspector provided a letter to the developer, Gemcap Development, outlining the outstanding items to be addressed prior the issuance of Certificate of Compliance (attached).

'It was the Director of Planning & Development's determination, based upon Town Code Section 48-524(b)(5), that the deviation from the approved plan with the addition of the concrete bulkhead constituted a major change to the originally approved plans. Upon being notified of this, Mr. Brian Moore with Gemcap Development, submitted his request to pursue the site plan amendment as is being presented for your review and consideration. Based upon conversations between the Town Engineer and the General Contractor, Staff understands that the General Contractor determined that it was necessary to install the wall due to an underground utility conflict necessitating the relocation of the storm drainpipe and resulting in its exposure above grade without adjustment of the slope in this area and installation of the wall.

'Staff recommended that the developer have their site engineer, Coastal Engineering & Surveying, Inc., provide a seal for the bulkhead installation. That has been submitted and accepted by the Town Engineer (attached).

'While there are some additional minor items that need to be addressed onsite prior to the issuance of the Certificate of Compliance and then Certificate of Occupancy, there are no other deviations from lot coverage, height, architectural design, parking, buffering, stormwater management or traffic circulation that necessitate board review.

'UPDATED INFORMATION FOR THE JUNE 5, 2019 COMMISSIONERS MEETING

At their May 1, 2019 meeting the Board of Commissioners tabled consideration of this site plan amendment until the June 5, 2019 meeting to afford staff an opportunity to verify compliance and proper installation of erosion, sedimentation, and stormwater control measures, and the mitigation of negative impacts on abutting properties. Following the meeting, on May 7 Staff met internally and subsequently provided direction to the contractor and property owner; Staff identified the following issues with respect to stormwater and erosion:

1. Landscaping installed pursuant to the approved site plan had comprised the functionality of the originally installed swale along the northern property line, resulting in the inability of the swale to receive some stormwater from the adjacent property at 6807 S. Croatan Highway, and thereby resulting in ponding on the driveway of the adjacent property due to it being at a lower grade than the area along the northern property line of the Sherwin-Williams site. Staff has requested that the contractor work to reconstitute the swale in this area, working around required landscaping. Generally, this swale was not intended or designed to capture runoff associated with the building (as such runoff is guttered and piped to an infiltration system).

2. Staff identified erosion and undermining of the slope and rock along the northern property line. Staff suggested several options for consideration by the property owner, including the use of larger stones and/or the installation of geotextile fabric.

'In addition to the completion of all punchlist items identified in the letter from Michael Zehner and Cory Tate, dated April 3, 2019, Staff requested resolution of the aforementioned items and submission of certification from the project engineer that the swale and slope have been installed per the designed plan, thereby attesting to their functionality (recognizing the installed wall and major change request).

'Staff indicated that the site, and the owner's progress in addressing these issues and those identified in the April 3 letter, would be evaluated no later than end-of-day May 28, 2019. At that time Staff would determine whether satisfactory progress (or completion of tasks) had been made, warranting the extension of the Temporary Certificate of Compliance until the end-of-day June 5, 2019 (i.e. the date of the next Board of Commissioners meeting at which the request for a major change to the Site Plan would be considered).

'On May 14, 2019, Staff met at the property with the owner, contractor, and design engineer to inspect progress and address any questions regarding resolution of any identified issues; as noted below, discussions included the potential need for alternative landscape plantings to properly accommodate the originally designed swale. The Deputy Planning Director and Town Engineer performed subsequent inspections of the property and completed work. As of the date of this Report, Staff has made the following determinations:

- A shallow grass swale has been properly installed along the northern property line; this measure will capture stormwater runoff from the rip rap stone embankment and perimeter landscaping;
- The area of rip rap stone embankment, previously undermined in areas, has been repaired and properly installed;
- Landscaping has been properly installed to accommodate the designed swale and achieve compliance with Section 48-371(f) of the Zoning Ordinance. The approved landscape plan indicated plantings in this area to include two to three rows of Wax Leaf Privet, Pfitzer Juniper, and/or Daylilies. Given the condition of this area and the importance of providing for functionality of the swale (not to mention the improved buffer and aesthetic value with the planting of evergreen shrubs and trees species versus small shrubs, ground cover, and perennials), the Planning Director approved a modification of the original plan resulting in a reduction in plantings of daylilies and pfitzer juniper, and the installation of 3-4' tall Hollywood Juniper and Nellie Stevens Holly. These plantings and the total installed landscape plan meet the minimum 15% of the total site area required by the Ordinance;
- An updated as-built has been submitted by Coastal Engineering depicting the additional swale work and providing appropriate certifications; and
- All other site improvements and/or deficiencies previously identified by Staff have been installed in substantial compliance with the approved plans.

'Based upon the above, as of the date of this Report, Staff anticipates extension of the Temporary Certificate of Compliance until the end-of-day June 5, 2019 to allow occupancy to continue until the Commissioners are able to further consider the amendment of the site plan to allow the installed concrete bulkhead/retaining wall.

'STAFF RECOMMENDATION

Based upon the above and the progress to date, Staff recommends approval of the Site Plan Amendment to address the major change/deviation from the April 4, 2018 Board of Commissioners approved plan with

regard to the installation of a two (2) foot tall concrete bulkhead/retaining wall the north side of the parking area.

PLANNING BOARD RECOMMENDATION

At their April 16, 2019 meeting the Planning Board voted unanimously to recommend approval of the Site Plan Amendment as proposed."

Comr. Fuller asked Planning Dep Director Wyatt if the Sherwin-Williams' developer ever received a temporary certificate of occupancy; Planning Director Michael Zehner replied that they did.

Comr. Fuller then asked Town Attorney Leidy if a temporary certificate of compliance allows occupancy by individuals; Attorney Leidy responded that it did and he read from the State Statutes "... temporary certificate of compliance may permit occupancy of specified portions of the building prior to completion of the entire building ..."

Comr. Renée Cahoon noted that the project has been controversial from Day 1 and stated that the builder did not notify the Town when changes were made.

Mayor Cahoon expressed his concern about the steepness on the side yard when the Town receives some significant rain.

MOTION: Comr. Siers made a motion to approve the Sherwin-Williams site plan as amended. The motion was seconded by Comr. Fuller which passed 3 – 1 with Comr. Renée Cahoon casting the NO vote. (Mayor Pro Tem Walters was not present.).

From May 15th Board meeting – Response to Board inquiries re: Stormwater Projects

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

"At the May 15, 2019 Board of Commissioners meeting, the Board requested additional information regarding the following items:

1. Confirmation from the consulting engineer, WithersRavenel, on the scheduling of the commencement of the topographic survey and partial boundary survey work;
2. Additional information on the Clean Water Management Trust application process and potential for grant award funding and;
3. A cost-benefit analysis for Project Area #9 (Carolinian Circle/Nags Head Pond)

'The following provides responses to the additional information requested by the Board:

Confirmation from the consulting engineer, WithersRavenel, on the scheduling of the commencement of the topographic survey and partial boundary survey work.

'Response: WithersRavenel has indicated that the subcontracted surveying services can start within a two-week period of execution of the submitted proposal.

Additional information on the Clean Water Management Trust application process and potential for grant award funding.

`Response: An on-site meeting was conducted with Justin Mercer, Eastern Field Representative with the Clean Water Management Trust Fund (CWMTF). Existing conditions were reviewed in addition to the proposed conceptual drainage improvement plan. Details of the application process were provided, grant program type, time frame for receipt and awarding of grant funding, cost share guidelines and project eligibility.

`North Carolina's Clean Water Management Trust Fund (CWMTF) is a non-regulatory organization with a focus on protecting and restoring the State's land and water resources. Annual grants are awarded to non-profit and governmental organizations to protect land for natural, historical and cultural benefit, limit encroachment on military installations, restore degraded streams, and develop and improve stormwater treatment technology.

`The Innovative Stormwater Grant program can consider funding innovative stormwater projects that demonstrate a novel and untried method to water quality and achieving CWMTF goal of advancing stormwater-management practices to help protect communities from the effects of urban runoff and enhancing water quality.

`CWMTF defines "innovative stormwater projects" as projects that: 1) bring something new or different to practices in stormwater-quality management, 2) build on experience and current practices, and 3) advance practices in stormwater-quality management regionally or statewide.

`Recipients of CWMTF innovative stormwater grants must agree to maintain and manage, at maximum functional utility, the stormwater improvements installed or constructed under the innovative stormwater project only for the period during which the site is needed and used for the innovative stormwater project.

`CWMTF has only one grant cycle per year via a competitive process with proposals considered based on criteria developed specifically for innovative stormwater projects. Grant award decisions will be made by and at the sole discretion of CWMTF's Board of Trustees.

`Moneys from the Fund are appropriated annually to finance projects to cleanup or prevent surface water pollution and for land preservation. Appropriations for funding of innovative stormwater projects vary from year to year.

`Minimum criteria have been developed for awarding grants via an application rating system. The major components of the rating system are listed below:

`Section I. Merit of the project's objectives

Section II. Completeness and clarity of the project description and the project's output

Section III. Potential for the project's results to be applied broadly

Section IV. Applicant's commitment to the project

Section V. Matching Resources

`The Board may want to consider the following:

`Timeframe:

The time frame for submission of applications is typically the first week in February. Grant award decisions are typically rendered the second week of September. A timeline for this grant application may track as follows:

`February 2020 - CWMTF application submission September 2020- CWMTF grant decision November 2020- Construction drawings completed December 2020- Project permitting

January 2021- Bidding and contract execution February 2021- Begin project construction June 2021- End project construction

Innovation:

A key consideration in the rating of the merits of a projects objective's is whether the project brings new or different practices in stormwater management. A CWMTF innovative stormwater grant was recently awarded to Caswell Beach, NC for a similar type dune infiltration application. A comparable dune infiltration system has also been constructed in Kure Beach, NC.

Available Funds:

Funding appropriations for innovative stormwater grants have varied over recent years. Total funding for innovative stormwater grants was \$390,253 in 2018 with only two projects funded as compared to \$1.2 million in 2017 for a total of seven grant awards issued. The maximum award amount in 2017 for a single project was \$250,000. Eight applications have been submitted for the 2019 grant cycle with a total requested value of \$1.82 million.

Matching Resources:

Matching resources is a heavily weighted consideration in the rating of application submission. Proposals are assessed a value based on a percentage and source of match. The typical source match ranges between 20% to 50% for a local cost share. The larger grant request amount typically results in a larger local cost share percentage. Our application would propose a 50% local cost share to increase the application score, resulting in an estimated \$250,000 requested amount.

In summary, the project application would be eligible for available funding under the CWMTF innovative stormwater program. There is uncertainty in the appropriated fund amount for the innovative stormwater program. The proposal may lack the novelty, untried methodology and competitiveness due to the duplication of infiltration practices applied from previously funded projects. It will take approximately 16 months before a CWMTF award decision would be rendered and up to approximately 21 months before construction could commence.

A cost-benefit analysis for Project Area #9 (Carolinian Circle/Nags Head Pond)

Response: WithersRavenel has submitted a memorandum dated May 24, 2019, please see attached, providing additional detail on the cost-benefit of Project Area #9- Carolinian Circle Subdivision/ Nags Head Pond Subdivision.

Roadway and structural flooding have been documented in the subject area for (3) consecutive years from: Hurricane Matthew, a series of rainfall events in summer of 2017 and a series of rainfall events in the summer of 2018. The area is constrained by high water table conditions which, when saturated, can lead to localized flooding.

As noted in the WithersRavenel memorandum, there is minimum measurable and quantifiable benefits resulting from the proposed improvements during large storm events. The larger rainfall events have resulted in the greatest flood impacts for the past several years. The system will perform optimally for less frequent and smaller rainfall events. Based upon similar system performance, it may also provide a benefit in drawing down ponded surface water/groundwater conditions after larger rainfall events.

The types of costs associated with the project development include:

1. Engineering Costs: surveying, design development, construction document preparation, contracting and bidding and construction administration.
2. Project Construction Costs

3. Project Operation and Maintenance Costs

The types of benefits can be classified as

1. Projected decrease in flood frequency
2. Decrease in local ponding duration
3. Quality of life improvement

The WithersRavenel memorandum has been summarized in the Tables A and B below

Table A

Engineering Costs	\$11,500
Estimated Project Construction Costs	\$160,000
Estimated Annual Operation & Maintenance Costs	\$10,000
Estimated Financing and incidental costs	\$28,500
Total Project Costs*	\$400,000

*An estimated 20-yr life-cycle has been applied to the annual operation and maintenance cost to evaluate the asset total project cost

Table B

Description	Metric	Benefit
Carolinian Circle Subdivision	1" rainfall event	decrease flood frequency by 60% decrease in ponding time improved quality of life
Nags Head Pond Subdivision	1" rainfall event	decrease flood frequency by 40% decrease in ponding time improved quality of life
Carolinian Circle Subdivision	> 1.5" rainfall event	no decrease in flood frequency no significant decrease in ponding time no quality of life improvement
Nags Head Pond Subdivision	> 1.5" rainfall event	no decrease in flood frequency no significant decrease in ponding time no quality of life improvement

The costs associated with the project as compared to the benefit can be further quantified by attributing a unit value per lot or per length of roadway served. Results of this evaluation is noted in Table C below.

Table C

Description	Unit	Cost
Carolinian Circle Subdivision	per lot served	\$28,261
Nags Head Pond Subdivision	per lot served	\$11,594
Carolinian Circle Subdivision	per length of road	\$300
Nags Head Pond Subdivision	per length of road	\$167

Attached for the Board’s consideration is the WithersRavenel memorandum dated May 24, 2019, Project Area 9- Carolinian Circle and Nags Head Pond, Additional Cost Benefit Discussion, to supplement the previous provided drainage infrastructure improvement drainage concept design.

The Board may also want to consider Budget Amendment No. 12, Amendment 12.1 for the transfer of appropriated funds from Fund Balance to the Stormwater Capital Reserve Account - Capital Outlay Infrastructure to cover the engineering and surveying costs in the WithersRavenel proposal dated May 13, 2019 which is enclosed herein.

Also enclosed for the Board’s reference is the previously provided Stormwater Master Plan Phase V Budget Summary and Stormwater Master Plan Phase V Engineering Design & Construction Summary.”

Board members discussed Projects #4, 10, 12, 13 (remove #9 re: Carolinian Circle/Nags Head Pond area) and proceed by budgeting for engineering and authorizing contract and then have service district discussion re: Wrightsville Avenue.

MOTION: Comr. Renée Cahoon made a motion to approve the engineering costs for stormwater projects #4 (Wrightsville Ave), #10 (Nags Head Cove), #12 (S Nags Head), and #13 (S Nags Head) - Project #9 (Carolinian Circle/Nags Head Pond) was removed. The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

MOTION: Comr. Renée Cahoon made a motion to approve Budget Amendment #13 in the amount of \$115,500 to cover the pre-construction design and survey work for Projects #4, #10, #12, and #13. The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

MOTION: Comr. Fuller made a motion to authorize the Town Manager to enter into a contract for the engineering costs for Projects #4, #10, #12, and #13, as amended. The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

Comr. Fuller asked Mr. Ryan about the Albatross Beach Road area which he feels is not connected to any drainage system in that area – It was Board consensus that staff review the drainage for the Albatross Beach Road area and report back at the next (July 3, 2019) Board meeting.

NEW BUSINESS

Consideration of appointment/reappointment to Town Board of Adjustment

MOTION: Comr. Renée Cahoon made a motion to reappoint Judy Burnette to the Board of Adjustment for another three-year term. The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

MOTION: Comr. Renée Cahoon made a motion to delay filling the alternate Board of Adjustment position. The motion was seconded by Comr. Fuller which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

Discussion of 16,000 square foot lot requirement for large residential dwellings

The agenda summary sheet read in part as follows:

"As requested by the Board, Staff has provided an overview of the Zoning Ordinance regulations for Large Residential Dwellings. Staff understands that the focus of the Board's interest is the 16,000 square foot minimum lot size requirement which allows for the construction of a Large Residential Dwelling (i.e. a dwelling with 3,500 square feet or more of habitable living space).

'Planning Board/Staff Recommendation

Staff recommends that the Board discuss their perspectives on the regulations, submit questions and/or requests for additional information, and/or provide additional direction to Staff.

'The Planning Board has not yet discussed this matter."

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

"The Town's Zoning Ordinance regulates the construction of *Large Residential Dwellings*, defined as follows in Section 48-7:

'Dwelling, large residential means a single-family dwelling or two-family dwelling (duplex) as defined by this chapter that has 3,500 or more square feet of enclosed habitable living space. Maximum total enclosed habitable living space for any single-family dwelling or two-family dwelling shall not exceed 5,000 square feet unless in conformance with all provisions of subsection 48-370(d)(1). Enclosed habitable living space for large residential dwellings shall be calculated to also include any enclosed habitable living space that may be present in any accessory structure that is located on the same lot as the principal structure.

'Generally, *Large Residential Dwellings* are permitted in all districts, with the exception of the C-3, Commercial Services District. The minimum lot area to construct a *Large Residential Dwelling* is 16,000 square feet and the total enclosed habitable living space for *Large Residential Dwellings* may only exceed 5,000 square feet when located within the SED-80 district; the minimum lot area requirement of 16,000 square feet does not apply to large single-family dwellings located within the SPD-C, Village at Nags Head Zoning District.

'The provisions regulating *Large Residential Dwellings* were originally adopted in 2003, although there have been changes since then to address State statutes prohibiting the regulation of the number of bedrooms in a dwelling, and to allow side setbacks to be varied based upon voluntary compliance with the Town's *Residential Design Guidelines*. Attached for review is Section 48-370, *Standards for large residential dwellings*, of the Zoning Ordinance; pertinent excerpts are provided below:

- Intent of Section 48-370: *The purpose of establishing this section is to set forth a comprehensive set of regulations designed to promote and encourage the unique and historical elements of residential architecture held to be valued as an integral part of the town image, to ensure that future residential development is compatible with its natural and developed environments, and to afford the highest level of protection for both permanent residents and seasonal visitors occupying these structures in the furtherance of public safety and welfare.*
- The maximum height allowance for *Large Residential Dwellings* is the same as that for all other residential dwellings, thirty-five (35) feet with the ability to go up to forty-two (42) feet with the use of the desirable 8:12 roof pitch or greater.
- Standards for *Large Residential Dwellings* require a minimum of 10% of a lot's total area to be retained as existing natural vegetation and/or dune elevations OR that a minimum of 15% of the lot's total area be planted.
- *Large Residential Dwellings* utilizing innovative septic systems shall provide the town with a copy of the latest septic improvement inspection report.
- The maximum permitted wastewater capacity for *Large Residential Dwellings* is limited to a maximum of 1,080 gallons per day.
- Parking for *Large Residential Dwellings* constructed in compliance with the *Residential Design Guidelines* shall be provided in the same fashion as single-family dwellings and duplexes, meaning N-2 with "N" being the number of bedrooms, with a minimum of 2 parking spaces. *Large Residential Dwellings* that do not comply with the Residential Design Guidelines shall provide parking based upon the formula N-1.

Staff appreciates the Board's review and welcomes any questions, requests for additional information, and/or further direction.

Comr. Siers said he would like to see removal of the 16,000 square foot lot size requirement; Comr. Renée Cahoon said that most lots are platted at 15,000 square foot – restrict big houses by square footage not by lot size.

Comr. Fuller stated that this was a Board-driven initiative pushed by some citizenry because of the mega mansions being built on the oceanfront – he feels that it has served its useful life and is no longer necessary.

Staff was asked to create a mechanism to eliminate the 16,000 square foot requirement. Planning Director Zehner summarized that no house is to be more than 5,000 square foot, impose architectural standards on structures over 3,500 square foot, and side-yard setbacks would regulate the rest.

It was Board consensus that staff begin the process to eliminate the square foot lot requirement for large residential dwellings and to work with the Planning Board before presenting to the Board of Commissioners for review.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Ogburn - Update on Projects – Fourth of July Fireworks

Deputy Fire Chief Shane Hite provided an update on the upcoming July 4th Fireworks Display. The fireworks presentation is scheduled for 9:25 p.m. at Nags Head Fishing Pier with a rain date of July 5, 2019.

Town Manager Ogburn - Update on Projects – 2019 Beach Nourishment Project

Town Manager Ogburn provided an update on the 2019 Beach Nourishment Project – approximately 39% of the project has been completed and with only one dredge scheduled after the Ellis Island dredge leaves for a project in Texas, it is anticipated that the project will probably run into late August or early September 2019. He stated further that Great Lakes Dredge & Dock has been working at minimizing the beach closure areas to accommodate as many beachgoers as possible.

Town Manager Ogburn – Revised Budget Ordinance – Continued from earlier in today’s meeting

Town Manager Ogburn explained that the revised Budget Ordinance utilizes Fund Balance for the Sanitation Operator position. He said that the Finance Officer appropriated from the Fund Balance so that the budget ordinance can be adopted today – ideally staff will try to avoid using fund balance for the position.

MOTION: Comr. Fuller made a motion to adopt the FY 19/20 Budget Ordinance as revised (includes filling the Sanitation Operator position). The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

MOTION: Comr. Fuller made a motion to approve the following budget documentation as presented:

- Proposed CIP Requests for FY 19/20 through FY 23/24
- Proposed CIP Requests for FY 19/20 Through FY 28/29 for Water
- Resolution for Committed Fund Balance for Law Enforcement Officers
- Updated Consolidated Fee Schedule

The motion was seconded by Comr. Renée Cahoon which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

The FY 19/20 Budget Ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum “G”.

The CIP requests (both) were approved as presented.

The Resolution for Committed Fund Balance for law enforcement officers, as adopted, read in part as follows:

“WHEREAS, the Government Standards Accounting Board (GASB) has issued Statement No. 54 establishing a hierarchy clarifying the constraints that govern how a government entity can use amounts reported as fund balance; AND

“WHEREAS, the Board of Commissioners is the highest level of decision-making authority, and has the authority to commit, assign, or evaluate existing fund balance classifications and identify the intended uses of committed or assigned funds; AND

“WHEREAS, the committed fund balance classification reflects amounts subject to internal constraints self-imposed by the Board of Commissioners; AND

“WHEREAS, once the committed fund balance constraints are imposed, it requires the constraint to be removed by the Board of Commissioners prior to redirecting the funds for other purposes; AND

'NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners has determined it will commit \$68,884 of fund balance from the Law Enforcement Officer Special Separation Allowance committed fund balance for the year ending June 30, 2020 for the purpose of funding the Law Enforcement Officer Special Separation Allowance."

The Consolidated Fee Schedule, as updated, is effective July 1, 2019, and is posted on the Town's web site.

BOARD OF COMMISSIONERS AGENDA

Comr. Renée Cahoon – Discussion of unsafe Little Bridge on Causeway

Comr. Renée Cahoon brought forward for discuss the dangerous area at Little Bridge on the causeway – especially for those walking from the north side of the walkway/bridge. She questioned how to make a dangerous crosswalk a safe crosswalk.

MOTION: Comr. Renée Cahoon made a motion to adopt a resolution asking NCDOT to install a pedestrian-activated crosswalk at the Little Bridge on the Nags Head/Manteo Causeway. The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

MAYOR'S AGENDA

Mayor Cahoon - Consideration of proclamation in support of Elder Abuse Awareness Month

Mayor Cahoon read the proposed proclamation as follows:

"WHEREAS, North Carolina joins the world in recognizing World Elder Abuse Awareness Day every June 15th; and

'WHEREAS, protecting North Carolina's vulnerable and older adults is a community responsibility, and all citizens are charged under state law to report suspected abuse, neglect, or exploitation to their local County Department of Social Services; and

'WHEREAS, North Carolina's vulnerable and older adults of all social, economic, racial, and ethnic backgrounds may be targets of abuse, neglect, or exploitation which can occur in families, long-term care settings, and communities; and

'WHEREAS, during the most recent fiscal year, there were more than 30,000 reports of abuse, neglect, or exploitation of vulnerable and older adults made to North Carolina's 100 County Departments of Social Services; and

'WHEREAS, national and international research shows that abuse, neglect, and exploitation of vulnerable and older adults is grossly underreported; and

'WHEREAS, the State of North Carolina enacted the nation's first elder abuse law, and recognizes the need for a comprehensive system of protection for vulnerable and older adults; and

'WHEREAS, Mother's and Father's Days are national holidays intended to honor, respect, and promote the dignity and well-being of our older citizens.

'NOW THEREFORE, the Town of Nags Head Board of Commissioners does hereby proclaim Mother's Day through Father's Day, May 12, 2019 through June 16, 2019, as "VULNERABLE ADULT AND ELDER ABUSE AWARENESS MONTH" in Nags Head and commends its observance to all citizens."

MOTION: Comr. Fuller made a motion to adopt the proclamation in support of Elder Abuse Awareness Month as presented. The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Leidy – Request for Closed Session

CLOSED SESSION

MOTION: Comr. Renée Cahoon made a motion to enter Closed Session in accordance with GS 143-318.11(a)(3) to confer with the Town Attorney regarding a matter within the attorney/client privilege and to preserve that privilege to include the Richardson litigation. The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.). The time was 11:45 a.m.

OPEN SESSION

The Board re-entered Open Session at 12:08 p.m. Attorney Leidy reported that the Board did discuss during Closed Session issues within the attorney/client privilege but no actions were taken.

ADJOURNMENT

MOTION: Mayor Renée Cahoon made a motion to recess to 9 am on Wednesday, June 19, 2019 in the Board Room for a Unified Development Ordinance (UDO) Workshop. The motion was seconded by Comr. Siers which passed 4 – 0 (Mayor Pro Tem Walters was not present.). The time was 12:09 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: **July 3, 2019**

Mayor: _____
Benjamin Cahoon