



**BOC ACTIONS  
WEDNESDAY, MAY 5, 2021**

1. Call to order - Mayor Cahoon called the meeting to order at 9 am.
2. Agenda - The Board approved the May 5<sup>th</sup> agenda as presented.
3. Recognition

NEW EMPLOYEE - Fleet Mechanic Superintendent Charlie Bliven introduced Fleet Mechanic Luis Estrada Nieves who was welcomed by the Board to Town employment.

LIFESAVING AWARD – Police Chief Phil Webster introduced Senior Police Officer Matt Huntingford and presented him with a Lifesaving Award; Officer Huntingford responded the end of March 2021 to a residence on Barracuda Drive and performed CPR on the resident until medics arrived. Chief Webster noted that the resident was eventually discharged from the hospital.

PROCLAMATION - Police Officer's Week May 10 - 16, 2021 - Comr. Brinkley remembered Sgt. Earl Murray who lost his life in the line of duty on May 15, 2009 when responding to a call; The Board adopted the Police Officer's Week proclamation as presented.

PROCLAMATION - Outer Banks Healthcare Week May 17 - 21, 2021 - The Board adopted the Outer Banks Healthcare Week proclamation as presented.

4. Public Comment - No one spoke during Public Comment.
5. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:

Budget Adjustment #14 to FY 20/21 Budget

Tax Adjustment Report

Approval of minutes

Amendment #2 to the Capital Reserve Fund Ordinance

Electronic signature and seal for conducting Town business resolution

Request for Public Hearing - to consider citizen comment on the Manager's proposed budget for FY 21/22

Request for Public Hearing - to consider lot coverage with dumpster conversions from side to front load

6. Public Hearing (was held) - to consider establishment of four proposed municipal service districts for beach erosion control, flood and hurricane protection works, and flood control and drainage projects (First Reading)

Bruce Nolte, S Nags Head; strong supporter of Beach Nourishment; complimented and congratulated this and previous Boards for having courage and leadership to move forward; he agrees MSDs are as good a way as any to finance the project; feels all citizens benefit and therefore all have a financial role in paying.

Susan Kalan, Old Nags Head Place Subdivision; she was concerned that her yard landscaping may be disturbed in the future due to drainage projects; Attorney Leidy explained that the Town's Beach Nourishment project would not affect her property in the subdivision.

Carol Mercer, S Nags Head; There have been stormwater projects at some of the west side neighborhoods yet drainage projects slated for S Nags Head did not take place; she does not want to be taxed for drainage projects not done; everyone in Nags Head should be taxed not just a special district.

The Board passed a motion to adopt the ordinance as presented and to establish four additional municipal service districts (Districts 3, 4, 5, and 6) by making numerous findings as noted in the ordinance to include compliance with the requirements of GS 160A, Article 23. The ordinance will return for a Second Reading at the June 2<sup>nd</sup> Board meeting.

**7.** Public Hearing (was held) - to consider text amendments to the UDO pertaining to electric vehicle battery charging and battery exchange stations - The Board adopted the ordinance as presented - with the second sentence of Section 7.17.1 deleted and with the duplicate "battery" deleted in Part VI, under *Electric vehicle battery exchange station* definition.

**8.** LID/Stormwater/RSD Manuals

a. Consideration of documentation (no public hearing required) - The Board passed a motion to continue this item concerning adoption of the Low Impact Development and Stormwater Reference Manual and amendments of the Recommended Standard Details Manual to the first Board meeting in July to allow for discussion with homebuilders.

b. Public Hearing (was not held) to consider text amendments to the Unified Development Ordinance to update references in the Stormwater, Fill and Runoff Management Ordinance for regulatory reference manuals - The Board passed a motion to continue this item, to include the scheduled Public Hearing, to the first meeting in July.

**9.** Public Hearing (was held) - to consider various text amendments to update the Unified Development Ordinance (UDO) as required by GS 160D - The Board passed a motion to continue consideration of the GS 160D text amendments to the Unified Development Ordinance to the first meeting in June to allow for more review time.

**10.** Planning Director report - an update on projects was provided by Planning Director Zehner; he noted that currently, all active temporary use permits for restaurants allowing serviced outdoor dining expire on June 1<sup>st</sup>. The Board and Director Zehner discussed the effect that any cessation of the declared State of Emergency would have on the ability to issue temporary use permits under the UDO. The Board passed a motion supporting the ability to continue the issuance of temporary use permits if the declared state of emergency ends - through November 28, 2021. This is to be communicated to all parties. It was Board consensus that staff look at outdoor seating if a business wants to continue it on a long term basis under the current guidelines.

The Board passed a motion to remove the requirement for masks being worn at Dowdy Park – masks would be encouraged but not required - in compliance with the most recent Governor's Executive Order.

**11.** Outdoor/Signage lighting - Public Hearing held April 7<sup>th</sup> - The Board passed a motion to adopt the ordinance amending the UDO pertaining to outdoor lighting and lighting for signage as presented.

- 12.** Jockey's Ridge/Soundside Road Working Group updates - The Board passed a motion to adopt the Traffic Control Map amendments pertaining to W. Soundside Road, S. Thirteenth Street, and W. Deering Street, to include a three-way stop on W. Soundside Road, as presented. Board members would like to see what the working group/Friends of Jockey's Ridge say re: No Parking signs on the easement in the cul-de-sac.
- 13.** Recess/Reconvene - The Board recessed for lunch at 12:05 p.m. and reconvened at 1:15 p.m.
- 14.** Comr. Brinkley - He will be attending Jennette's Pier Advisory Committee meeting tomorrow.
- 15.** Comr. Fuller - The Dare County Tourism Board has hired a firm to design the Soundside Event Site boardwalk area/path.
- 16.** Interim Manager Sparks - The Manager's proposed FY 21/22 Budget was distributed and highlights summarized: .01 tax rate increase; 1.4% COLA; 5% water rate increase; Increase in lifeguard hourly rate; Funds provided for Public Works Master Plan; Funds to implement Pay/Salary Study if necessary; and one new position in Public Works - Facilities Maintenance Technician position.
- 17.** Interim Manager Sparks - Admin and Board Vehicle Policies - The Board approved the Board Vehicle Policy as presented. It was Board consensus that as of today the Admin Vehicle Policy is consistent with the Board Vehicle Policy.
- 18.** Closed Session - The Board entered Closed Session to discuss one or more confidential personnel matters and to discuss a matter within the attorney/client privilege including, but not limited to, the Richardson and other pending Town condemnation cases, pursuant to GS 143-318.11(a)(3) and (6). The time was 1:48 p.m.
- 19.** Open Session - The Board re-entered Open Session at 3:30 p.m.
- 20.** New Town Manager - The Board passed a motion to retain Michael Silverman as the next Town Manager, effective July 1, 2021, according to the contract terms discussed during Closed Session.
- 21.** Adjournment - The Board recessed to Wed, May 12<sup>th</sup> at 9 am for a Budget Workshop. The time was 3:32 pm.