



**BOC ACTIONS
WEDNESDAY, OCTOBER 5, 2022**

- 1.** Call to order - Mayor Cahoon called the meeting to order at 9 am. Mayor Cahoon asked that thoughts of those impacted in Florida by the recent Hurricane Ian being considered during a moment of silence.
- 2.** Agenda – The Board passed a motion to approve the Oct 5th agenda with an additional attorney/client privilege Closed Session.
- 3.** Recognition - Police Chief Perry Hale introduced Master Police Officer Daniel Harris who was recognized by the Board for five years of service.

PROCLAMATION – Fire Prevention Week – The Board approved the Fire Prevention Week Proclamation declaring October 9 – 15, 2022 as Fire Prevention Week as presented.

PRESENTATION – Rogallo Museum Foundation - Rogallo Museum Foundation Director John Harris introduced the Rogallo Museum Foundation and Billy Vaughan who presented a PowerPoint on the proposed Rogallo Museum in Jockey's Ridge State Park.

- 4.** Public Comment – the following persons spoke:

David Bragg, Nags Head; spoke against low income housing; expressed concern about the proposed 90-room hotel to include parking requirements and a traffic study done in September instead of July; would like to see the Hollowell property used for the good of the citizens.

Michael O'Brien, Chair of the Friends of Jockey's Ridge (FOJR) Board; he read a letter to State Parks Dep Director Brian Strong re: potential commercial development in Jockey's Ridge State Park; FOJR has concerns re: its location and if the project will support Jockey's Ridge.

Michael O'Brien, Nags Head resident; From a personal standpoint he urged the Board to draft a resolution opposing commercial development in Jockey's Ridge State Park now and in the future.

Carolista Ann Cabell-Baum, owns property in Nags Head; Her mother is Carolista Baum; she wanted to add her comments to the record and spoke against any development in Jockey's Ridge State Park – today and in the future; she asked the Board to be stewards of this landmark and uphold the designation to support enhance and promote Jockey's Ridge State Park by declining this and any future request that defeats the purpose of the Park.

Basil Belsches; owns property in Nags Head near Hollowell St; he spoke of the proposed Woda Cooper affordable housing project; it was not on the agenda so he wanted to make sure he spoke and asked the Board to look at this carefully before any action is taken.

Stan White; property owner and resident of Nags Head; he spoke in support of the Inn at Whalebone; he has seen the demise of hotels on the Outer Banks - people used to be able to come and spend a few days and feels hotels are needed as an amenity for the Outer Banks and Nags Head.

Proposed Rogallo Museum at Jockey's Ridge State Park (JRSP)

Written comments were read by Mayor Cahoon expressing concerns about the proposed Jockey's Ridge State Park museum development from the following:

- Bob Muller
- George Barnes

Proposed Affordable Housing plans for Hollowell St parcel

Mayor Cahoon and Town Manager Garman read written comments from the following expressing their concern about the proposed Woda Cooper affordable housing development at the Hollowell St parcel:

- Basil and Lynn Belsches (Mr. Belsches spoke in person)
- Sharon DeLaura
- Chess Harris
- Charles and Susan Kaylan
- Allen and Judy C. Turner
- Jeff and Pat Pavlok
- Nadean and David Johnson
- Brenda and Albert Mettley
- Kimberly Worley
- Cathy and Kevin Dippolito

5. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:

- Consideration of Budget Amendment #4 to FY 22/23 Budget
- Consideration of Tax Adjustment Report
- Approval of minutes
- Consideration of ordinance amending the Traffic Control Map for forwarding to NCDOT to move 25 MPH speed limit on NC 12 from Gray Eagle Street north to Gull Street
- Consideration of Police In-Car and Body Worn camera replacement
- Request for Public Hearing to consider Special Use/Site Plan Review submitted by Michael Strader, P.E. of Quible & Associates, P.C. for the construction of a Trade Center. The property is zoned C-3, Commercial Services and is located on Lot 2a of the Charles L. Sineath Subdivision (PIN# 989317113533), vacant lot directly behind TW's Bait and Tackle
- Request for Public Hearing to consider Special Use/Site Plan Review submitted by the Town of Nags Head for the redesign and construction of various Public Works facilities as a result of the Public Services Facilities Master Plan. The properties involved are zoned C-3, Commercial Services and located at 2110 S. Pond Avenue and 2200 S. Lark Avenue
- Consideration of change of date for Fraternal Order of Eagles annual Surf Fishing Tournament from October 15, 2022 to October 22, 2022
- Consideration of resolution authorizing refund of overpayment of occupancy tax

6. Planning Director - Planning Director Kelly Wyatt presented her monthly Planning report which was well received. Comr. Renée Cahoon stated that she would like to see the Town's ordinances strengthened to preserve our vegetation.

7. Site Plan - Consideration of Site Plan submitted by House Engineering, P.C. for construction of a four-story, 90-unit Hotel (Inn at Whalebone). The property is zoned SPD-C, Village Hotel and is located within the Hotel Overlay District.

The Board passed a motion to approve the Site Plan for the Inn at Whalebone Hotel with staff's condition that an approved subdivision plat addressing the portions of lots 24, 29, 30, and 31 and a recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26, and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits.

8. From Sep 7th Board meeting – Consideration of Traffic Control Map amendment in the vicinity of 4036 S Virginia Dare Trail – Staff was directed to bring back further information after additional review of the area after April 2023 – and to take no action at this time.

9. Committee reports

Comr. Renée Cahoon – at the last Coastal Resources Commission meeting, staff was directed to bring back additional information concerning a ruling on septic tanks on the oceanfront.

Comr. Kevin Brinkley - it was noted that Ms. Wyatt presented a thorough update on the Voluntary Septic Subscription Service during her monthly report. This report included discussion concerning education and outreach opportunities.

Comr. Bob Sanders – it was noted that Ms. Wyatt presented a thorough update on the Estuarine Shoreline Management Plan during her monthly report. Project areas the consultant will review are the Harvey Tract, Soundside Road area, and the "High Bank" area of Nags Head Woods Road.

Comr. Renée Cahoon – the first Pedestrian Project Advisory Committee meeting took place where background was provided by Manager Garman and Engineer Ryan. Town Manager Garman stated that he would like to have a report ready for the Board in the January 2023 timeframe.

10. Town Manager – Project updates

- Legislation for dangerous holes on beach – staff is to begin the process of drafting legislation.
- Public Services Complex Project – plan for review at the November meeting; the bid opening is scheduled for November 1st; Engineer Ryan stated that they are maintaining the schedule and moving forward as planned. To allow additional time for a possible re-bid, it was Board consensus to change the Board Retreat dates to Thursday/Friday, November 17-18. Manager Garman stated that all permits are needed in hand prior to going to the Local Government Commission in January 2023.
- Beach Nourishment Project – the post-Dorian Restoration Project was completed August 27, 2022 with sand fencing/sprigging the only things remaining. Town Engineer Ryan stated that the additional amount of sand placement required a change order and he is asking the Board to adopt the budget amendment to the Beach Nourishment Capital Project Ordinance for the additional beach fill placement. The Board adopted the Beach Nourishment Capital Project Ordinance, amendment #5, as presented.

11. Closed Session/Open Session – The Board entered Closed Session to approve Jan – Jun 2022 Closed Session minutes and to confer with the Town Attorney re: attorney/client privilege matters to include the Town vs Cherry, Inc. condemnation easement. The time was 11:40 a.m. The Board re-entered Open Session at 12:20 p.m.

12. Request for Public Hearing – The Board passed a motion to enact a moratorium on non-residential (commercial) building permits in the C-2 Commercial District for a period of time not to exceed 150 days for the area between Danube and Hollowell Streets so that staff can conduct a detailed review of the Town's

Zoning Map and its consistency with the Town's Land Use Plan; this includes the scheduling of a Public Hearing on the moratorium for Wednesday, October 19, 2022 at 9 am.

13. Comr. Renée Cahoon - Comr. Renée Cahoon expressed her concern about electric bikes, especially their speed, on the Town's multi-use paths. She asked the Police Dept to look at these bikes so the Board can take next steps as necessary to keep the public safe.

14. Comr. Renée Cahoon – She would like to see Jockey's Ridge State Park officials exercise more community involvement; a lot of people care about the park and she would like to see more involvement - such as with the Rogallo Museum process.

15. Mayor Pro Tem Siers - Mayor Pro Tem Siers thanked the public for speaking out today during Public Comment.

16. Mayor Pro Tem Siers - Mayor Pro Tem Siers thanked Town Staff – Kelly Wyatt, Kate Jones, Connor Twiddy, David Ryan, Andy Garman, as well as Mayor Cahoon - for their presentation on septic services to the College of the Albemarle as it was well received and represented the Town well. Manager Garman said that staff and the Coastal Studies Institute are working on a joint press release.

17. Comr. Brinkley – Comr. Brinkley thanked those who came out today and speak and to those who took the time to write letters and emails to express their opinions.

18. Comr. Sanders – Comr. Sanders agreed with Comr. Brinkley and thanked those for their community involvement.

19. Mayor Cahoon - Mayor Cahoon has heard comments re: not trusting election poll workers in the past and some are now reluctant to serve; he wanted to express his support for them as they are everyone's neighbors and friends. Board members agreed with Mayor Cahoon's statements.

20. Mayor Cahoon – The Board adopted the resolution in support of replacement of the Alligator River Bridge as presented. Staff is to forward the adopted resolution to the appropriate agencies, NCDOT and the representatives in Washington DC encouraging them to put the funds forward.

21. Mayor Cahoon - The Board passed a motion appointing Comr. Brinkley as the Town's delegate to the Southern Albemarle Association annual meeting on October 20, 2022, sitting in for Mayor Cahoon as he will be out of Town.

22. Adjournment - the Board passed a motion to recess to Wednesday, October 19th at 9 am for a mid-month Board meeting. The time was 12:42 p.m.