



**BOC ACTIONS
WEDNESDAY, JANUARY 4, 2023**

1. Call to order - Mayor Cahoon called the meeting to order at 9 am.
2. Agenda – The Board approved the January 4th agenda as presented.

3. Recognition

Police Chief Perry Hale introduced Police Officer Caleb Macon who was welcomed by the Board to Town employment.

Planning Director Kelly Wyatt introduced Building Inspector III Steve Szymanski who was congratulated by the Board for ten years of service.

FOR THE JOY OF IT CHRISTMAS DECORATING CONTEST WINNERS - Event Coordinator Paige Griffin reported that the winners of the Arts & Culture Committee Christmas Decorating Contest were Waveriders Restaurant and the Nags Head Church. Board members congratulated the winners.

4. Public Comment

Barbara Costa, Outer Banks Running Company; their family business is an outdoor running event company that hosts weekly running events; she would like to speak with the Board re: the outdated ordinance that limits running events – she would like to host recurring events in the same locations.

Shelly Blackstone, Nags Head property owner; she spoke concerning the zoning of the Hollowell St property; she is in favor of the current moratorium; would like to see more cooperation between the towns especially concerning the work force housing issue; she feels everyone needs to be more cooperative.

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

Consideration of Budget Amendment #9 to FY 22/23 Budget

Consideration of Tax Adjustment Report

Approval of minutes

Consideration of modification to Consolidated Fee Schedule

Consideration of FY 23 audit contract with Potter & Co

6. Public Hearing - to consider proposed financing for the Public Services Complex and the Smart Meters
- The Board passed the following motions: To adopt the Initial Resolution approving the negotiation of an installment financing contract and other matters related to the Town's financing of the FY 2023 Projects as presented; To adopt the resolution authorizing an amendment to the Installment Financing Contract and Substitute Deed of Trust with PNC Bank.

Public Services Complex – The Board passed the following motions: To give notice of award to AR Chesson Construction Company for the Public Services Complex construction bid in the amount of \$14,494,000; To authorize the Town Manager to execute the AR Chesson construction contract in the amount of \$14,494,000 contingent on attorney review and LGC approval.

Smart Meters – The Board passed the following motions: To give notice of award to Consolidated Pipe & Supply for the Advanced Metering Infrastructure/smart meters in the amount of \$1,650,495; To authorize the Town Manager to execute the contract with Consolidated Pipe & Supply for the Advanced Metering Infrastructure/smart meters in the amount of \$1,650,495 contingent on attorney review and LGC approval.

It was Board consensus to concur with the alternate option for a smart meter phone app with the understanding it will come back to the Board for final consideration.

7. Public Hearing - to consider Unified Development Ordinance text amendment pertaining to multifamily uses within the C-2 District

Basic Belsches, Nags Head resident; spoke in favor of the amendment
Clara McKenzie Smiley, Nags Head property owner; spoke in favor of the amendment
Frank Campanelli, Nags Head property owner; spoke in favor of the amendment
Richard Hanson, Nags Head resident; spoke in favor of the amendment
Debbie McConnell, Nags Head property owner; spoke in favor of the amendment
Mike Mishoe, Nags Head property owner; spoke in favor of the amendment
Bobby Harrell, business owner in Nags Head; spoke against the amendment
Peter Pinto, business owner in Nags Head; spoke against the amendment
Matt Hooper; business owner in Nags Head; spoke against the amendment

The Board voted to adopt the ordinance (as well as the statement of consistency) pertaining to multi-family uses in the C-2 District as presented 4 to 1. Four Board members felt that the amendment is a means to get zoning maps and the zoning ordinance in order and allows staff to research and bring in better definitions. Mayor Cahoon cast the NO vote stating that he feels the amendment takes an essential use off the table without a guarantee that it will be put back.

The following forwarded emails in support of the amendment prior to the meeting: Chess and Karen Harris; Deborah and Brendan McConnell; Thomas and Sharon DiLaura; Jeff and Pat Pavlak.

8. Draft Estuarine Shoreline Management Plan - The Draft Estuarine Shoreline Management Plan and engineering report was distributed via hard copy to Board members. Dep Planning Director Jones requested that Board members, after review, provide any comments to her by January 23rd. It is hoped that the Plan would be presented to the Board for final consideration at the February 1st Board meeting. Jessica Norris of Biohabitats provided a powerpoint presentation.

9. Report from Town Auditor - Emily Mills, Potter & Company, presented the Town's annual audit report and issued an unmodified opinion which is the highest opinion to receive; she also commended the Town's financial staff for their help.

10. Public Hearing – to consider various text amendments to the Unified Development Ordinance pertaining to tree preservation/removal regulations within the Town – The Board passed a motion to adopt the ordinance amending the UDO pertaining to tree preservation regulations as well as the consistency statement, as presented.

11. Public Hearing – to consider a Special Use/Site Plan Amendment submitted by Chris Greening on behalf of TW's Bait and Tackle for the reduction of three (3) required parking spaces with the use of bicycle racks pursuant to Section 10.15.2.5 of the Unified Development Ordinance. Mayor Cahoon was excused from the discussion as his firm is the architectural firm for the project.

The Board voted to approve the special use/site plan amendment for TW's Bait and Tackle for reduction of three parking spaces with the use of bicycle racks as presented with the following required findings of fact:

- The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted.
 - The use, as proposed, will not overburden the firefighting capabilities and the municipal water supply capacity of the Town as such facilities and capabilities will exist on the completion date of the conditional use for which application is made.
 - The conditional use will be in harmony with the existing development and uses within the area in which it is to be located.
 - Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
 - Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 12.** Planning Dept - Planning Director Wyatt presented a monthly update from the Planning Department which was well received. She also reported that Chris Trembly was recently promoted to Planner and Chase Hundley was hired (from Public Services Dept) as Code Enforcement Officer.
- 13.** Committee Reports - Comr. Renée Cahoon reported on an upcoming Government Education Access Channel meeting the end of January 2023 that she will be unable to attend.
- 14.** Board of Adjustment annual appointment – The Board passed a motion to reappoint Margaret Suppler as Chair and Bobby Gentry as Vice-Chair of the Board of Adjustment.
- 15.** Ocean Rescue Pay Plan – The Board approved the new Ocean Rescue Pay Plan modifications as presented to include an increase per hour for Lifeguard/EMT by \$1.00.
- 16.** Text amendment to Town Code Chapter 42 – The Board adopted the ordinance amending Town Code Chapter 42 re: barricades as presented.
- 17.** Attorney Leidy – Attorney Leidy requested a Closed Session related to attorney/client privilege when the Board enters Closed Session later in the meeting.
- 18.** Town Manager Garman - The Board passed a motion to accept the donation from Matthew and Lynn Toloczko of the property located at 119 E Seagull Drive in S Nags Head. A letter of appreciation is to be sent to the Toloszko's.
- 19.** Mayor Pro Tem Siers – It was Board consensus for staff to look into the UDO tables of definitions and uses to clean up any errors/loopholes/inconsistencies. In addition, it was Board consensus that staff provide a definition for "affordable housing" for Board consideration.
- 20.** Mayor Cahoon – NCLM Voting Delegate - The Board voted Mayor Cahoon as representative for the Town as the NCLM Business Meeting Voting Delegate.
- 21.** Mayor Cahoon - Mayor Cahoon noted that in the upcoming year the NC League of Municipalities will be looking into a time limit policy on mutual aid for building inspectors.
- 22.** Closed Session - The Board entered Closed Session at 11:55 a.m. and Open Session at 12:46 p.m.
- 23.** Adjournment – The Board adjourned at 12:47 p.m.