



**BOC ACTIONS
WEDNESDAY, MARCH 1, 2023**

1. Call to order - Mayor Cahoon called the meeting to order at 9 am. He thanked everyone in attendance for attending today's meeting.

2. Agenda – The Board adopted the March 1st agenda with the addition of a Closed Session re: the possible acquisition of real property.

3. Recognition -

TEN YEARS – Town Engineer David Ryan was congratulated by the Board for ten years of service.

FIFTEEN YEARS – Police Sergeant Vince Hopson was congratulated by the Board for 15 years of service.

PRESENTATION – Arts & Culture Committee - Events Coordinator Paige Griffin presented a summary of the past year events in the Town; her report was well received by the Board.

PROCLAMATION – Safety Week Proclamation – March 6-10, 2023 - Dep Fire Chief Shane Hite summarized the events of next week's Safety Week; The Board adopted the Safety Week Proclamation as presented.

4. Public Comment – Ellen Heatwole, resident of S Nags Head; there was a push last year to get the dilapidated Goldner house off the beach in S Nags Head; there is neighborhood support as the house is an eyesore as well as a safety hazard; she implored the Board to keep this issue in the forefront; on a different note, she understands the reason for but feels there are too many "No Dumping" signs which makes the area look trashy; she also spoke in favor of artwork painted on the roadways.

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

Budget Amendment #11 to FY 22/23 Budget

Tax Delinquent List to be advertised

Approval of minutes

Change order to Oakley Collier contract for construction admin services for Public Services Project

Consideration of modification to Consolidated Fee Schedule re: events

Consideration of Capital Project Ordinances

- Consideration of Beach Nour Capital Project Ordinance, amend #9, Hurricane Matthew closeout
- Consideration of Capital Project Ordinance, amend #2, for Public Services Complex Project
- Consideration of Water Capital Project Ordinance for Public Services Complex and AMI Meters

Resolution to authorize application to NC DEQ for a stormwater planning grant

Request for Public Hearing to consider text amendment to the UDO as it pertains to "Habitable Building Area"

6. Public Hearing - to consider the adoption of Unified Development Ordinance (UDO) and Zoning Map amendments as it pertains to the Historic Character Area and the moratorium adopted October 19, 2022. Specifically includes the following:

- Text amendments establishing a new zoning district, the C-5 Historic Character Commercial Zoning District, development regulations and standards for C-5, permitted uses for C-5, and

- Zoning map amendment/rezoning of the area from Danube Street north to Hollowell Street, between US Highway 158 and NC 12, and
- An amendment to the Table of Uses for C-5

The following persons spoke concerning the amendments:

Bob Edwards, former Mayor and Nags Head resident
Basil Belsches, Nags Head resident
John Harris, Kitty Hawk Kites business owner
Sandra Allen, Southern Shores resident and Kitty Hawk Kites business owner
James Jackson, property owner on S Virginia Dare Trail
Shelly Blackstone, property owner in Nags Head
Jeff Pavlak, and wife Pat own on S Virginia Dare Trail
Donna Creef, Outer Banks Association of Realtors Government Affairs representative
Vanessa Foreman, read a letter from her son Philip Foreman who is a business owner in Nags Head
Susan Kalan, resident of E Hollowell Street
Clara Smiley, Historic District property owner at S Virginia Dare Trail
Elliott Katherman, owns the Hollowell St property across from Jockey's Ridge
Rick Arthur, and wife Barbara, residents of Old Nags Head Place
Frank Campanale, S Memorial property owner
Chess Harris; S Memorial resident
Beaman Hines, Nags Head business owner
Eddie Goodrich, property owner in Nags Head
Linda Madison, Nags Head resident
Mike Mishou, S Memorial Ave resident
Charles Kalan, resident of E Hollowell Street
Bobby Harrell, business owner in Nags Head
Randy Royal, property owner on S Memorial Ave
Cindy Brightbill, Surfside Plaza Shopping Center owner
Courtney Gallop, Nags Head resident and business owner
David Bragg, Nags Head resident

Text Amendments – The Board passed a motion that staff incorporate into the ordinance proposal the amendments noted in Planning Director Kelly Wyatt’s white paper and to work with the definitions listed re: non-conforming and conforming uses – based on Board discussion; to be brought back for consideration at the March 15th mid-month meeting.

Official Zoning Map – The Board passed a motion to send back to the Planning Board the proposed Zoning Map amendment and to obtain their input on the designations presented re: Hollowell Street from R-3 to C-5.

Attorney Leidy is to research/confirm that the proposal does not constitute spot zoning.

Attorney Leidy reported that the Board would not be taking any action today but would consider a revised ordinance with text amendments at the March 15th mid-month meeting. He reported that the zoning map amendment would go to the Planning Board on March 21st with a Public Hearing to be scheduled for the April 5th Board meeting.

7. Recess - The Board recessed for lunch at 12:45 p.m. and reconvened at 1:30 p.m.

8. Planning Director - Planning Director Kelly Wyatt presented her report; She also reported on an improved turnaround time for building permit applications.

- 9.** Dune Management Program – The Board adopted the Capital Project Ordinance authorizing additional funds for the Dune Management Program as presented.
- 10.** From Feb 1st Board meeting – The Board adopted the beach concierge ordinance changes as presented.
- 11.** From Feb 1st Board meeting – The Board adopted the resolution re: legislation prohibiting abandoning beach holes as presented.
- 12.** Committee Reports - There were no Committee Reports provided.
- 13.** TFC Recycling – The Board approved the cost increase request from TFC Recycling as presented.
- 14.** Town Attorney - Attorney Leidy reported that last week the Fourth Circuit Court upheld the Trial Court decision that the Environmental Study for the proposed mid-Currituck Bridge had been properly conducted which helps pave the way for the bridge to move forward.
- 15.** Town Manager – Good Samaritan Law – The Board passed a motion that a letter be written to the legislature indicating that while the Town generally endorses the resolution supporting an update of the Good Samaritan Law adopted by other communities, we have reservations.
- 16.** Town Manager – The Board passed a motion that the Town Attorney prepare an agreement for Board review authorizing an easement for a pier at the property located at 7000 S Croatan Highway in response to a request from Deel Engineering.
- 17.** Town Manager – The Board passed a motion to approve the MOU with the Town of Kill Devil Hills for building inspection services as presented.
- 18.** Town Manager - The Board passed a motion to approve the Gallery Row Waterline Extension agreement as presented.
- 19.** Comr. Renée Cahoon - She is very appreciative to the Fred Smith company and the good job they are doing with the US 158 repaving project to include cleaning up the shoulders as they move forward.
- 20.** Comr. Renée Cahoon – She asked the Board to consider the possibility of using glass recycling material as another source of material for reconstruction of the estuarine shoreline. Town Manager Garman will discuss at an upcoming managers luncheon.
- 21.** Comr. Renée Cahoon – Staff is to make sure the Board and new employees are kept up-to-date on after-storm/hurricane procedures.
- 22.** Comr. Kevin Brinkley - Ellen Heatwole brought up the Cherry Inc structure on the beach in S Nags Head during Public Comment; Attorney Leidy will bring the Board up to date during Closed Session.
- 23.** Mayor Cahoon – He and Dep Planning Director Kate Jones attended the RISE conference in Greenville yesterday – State agencies spoke of available funds; Town Manager Garman stated that staff is in the process of applying for a grant for the Old Nags Head Place drainage project.
- 24.** Mayor Cahoon – Mayor Cahoon is trying to move forward with providing additional building inspectors to this area; he has spoken with NCLM, Local Homebuilders, as well as COA re: offering classes; he wanted to bring the Board up to date.

- 25.** Closed Sessions – The Board entered Closed Session to confer with the Town Attorney re: Town vs Cherry, Inc. litigation, Town vs Budlong litigation, and two possible acquisitions of real property located at 2914 S Virginia Dare Trail and 100 E Hollowell Street. The time was 2:40 p.m.
- 26.** Open Session - The Board re-entered Open Session at 3:27 p.m.
- 27.** Adjournment – The Board recessed to a mid-month meeting and a Budget Workshop on Wednesday, March 15th at 9 am in the Board Room. The time was 3:28 p.m.