



TOWN OF
NAGS HEAD

TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM
JANUARY 24-25, 2019
RETREAT MINUTES

A. January 24-25, 2019 BOC Retreat Minutes

Documents:

[19-JAN 24-25 BOC RETREAT MINS.PDF](#)

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**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RETREAT WORKSHOP
THURSDAY/FRIDAY, JANUARY 24-25, 2019**

The Nags Head Board of Commissioners met at 2621 S Virginia Dare Trail in Nags Head, North Carolina on Thursday, January 24, 2019 at 9:00 a.m. for a Board Retreat.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon; Comr. Webb Fuller; and Comr. Mike Siers

Board members Absent: None

Others present: Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Ralph Barile; Holly White; Kelly Wyatt; Town Clerk Carolyn Morris; and Co-Facilitators Susannah and Wayne Childers

Thursday, January 24, 2019 – 9 am

The Board recessed from the January 2nd Board of Commissioners regular meeting to today's retreat.

Introduction, Welcome and Housekeeping items

Susannah Childers and Wayne Childers, co-facilitators hired by Fountainworks emphasized that the focus was to move forward from where the Town is now. Everyone introduced themselves.

Update of role as member of BOC – Attorney John Leidy

Attorney John Leidy presented a powerpoint presentation on "Boardmanship".

Consensus - on how a Board member puts an item on the agenda:

- Send item by email to Mayor/Clerk/All
- If requires substantive time/effort from staff, then it requires a Board action (the Board directs staff to take action – individual members do not direct staff to perform work for consideration on the agenda)
- Board approves the agenda that is drafted by Mayor/Clerk/Manager

Some highlights of Attorney Leidy's slides:

Commissioners – Support the manager by providing clear direction; follow protocol for Board-staff relations.

Ethics slides – Board members play different roles at various times; Main takeaway – use your own conscience in whatever you do; the Board adopted a Code of Ethics resolution in December 2010.

Conflicts of interest slides – General Statutes addresses contracts and mainly focuses on whether or not there is a direct benefit.

Consensus - Manager evaluation is done bi-annually – a new evaluation form is being developed – the Board can provide information but not evaluate the manager until he is aware of the form in order to be fair.

New General Statute 151-215a addresses five and seven year statute of limitations for filing enforcement proceedings in court. Attorney Leidy explained that if the Town had actual knowledge of any violation, it must bring enforcement action within five years of when that knowledge was obtained or be prohibited from taking any enforcement action. If the Town had reason to know – others knew but staff did not – then the Town has seven years to take action.

Review of Board Values

The Vision Statement and Goals as provided in the 2017 Comprehensive Plan were presented by Ms. Childers.

Mayor Cahoon led a discussion as to why each Board member moved to this area; it was pointed out that oftentimes some things such as higher salaries and bigger work projects were sacrificed for other more important values to include:

- A Good Beach - Board members agreed that the number one most important value is a good beach (accessible and enjoyable, wide / enough room, right-sized, expansive – especially vs other beaches)
- Family oriented - multi-generational
- Sense of community and welcoming community involvement
- Thoughtful about what we do
- Proactive in operations – Forward thinking planning
- Preservation and tradition – and looking beyond to enhance, keep up
- Stewards of the environment
- Family
- Safety
- Outdoor environment – Relationship with ocean and the sound
- Job opportunity – growth with less stress
- Education
- Freer, accepting, and tolerant; People don't get into other people's business; Neighborliness

Projects – referring to and addressing the Town's goals

Comr. Siers said that he feels the Town does not necessarily encourage some of the goals that it believes in.

Beach Nourishment – scheduled to begin in May 2019

Stormwater Projects are ongoing

- Need to prepare a Spring Maintenance Plan
- Culvert and swale maintenance update/progress report requested: The Board needs to know what work has already been done, and what work is planned for each neighborhood re: swales and culverts; request more specifics on swale maintenance.

- Need to plan for the next set of stormwater projects – include the design of future projects in the budget; Do not wait until February for work to begin - when the budget was adopted to start in July; Be conscientious of each neighborhood and work from a plan

Pavement Condition Survey has been scheduled.

US 158 multi-use path extensions are being planned.

Lunch

Stormwater Projects (continued)

Town Manager Ogburn displayed on screen a Town-wide map with a detailed view of work that has been done/work to be done/culvert detail that he will forward to Board members.

Consensus - Prepare stormwater maintenance plans for each neighborhood to include more detail on swale maintenance; Stay aware of the status/progress of the County-wide Stormwater Plan (County Plan does not include municipalities; General Fund should not be used for County stormwater issues.)

Recycling

Town Manager Ogburn summarized the recent recycling bid opening and results received. The rates listed by Bayside/Outer Banks Hauling are good for three years. It was noted that staff is to work towards every house having the required number of trash and recycle carts. Staff needs direction before the stickers are changed again.

Consensus - Trash to be picked up on the Beach Road on Monday and Friday. The Board concurred with the use of a QR code on the cart to identify trash / recycle pick-up schedule – the code can also be placed in other locations such as on the refrigerator, etc. For the Beach Road only – Staff is to roll full cans out of the right of way – not back to the house – and then roll it back out on trash day. Trash pick up is to be moved to one day per week in the Village – but keep two days per week in Nags Head Cove.

Comr. Fuller stated that he would be more in favor of recycling if there were more support for environmental conservation in general - not just partially with recycling. Ms. Childers spoke of adding this to the Town Vision Statement.

Consensus – Have the recycling discussion during budget time from an environmental standpoint – consider how the Town utilizes its resources to meet its environmental goals. Even though a Public Hearing is not required, at a Board meeting it needs to be explained to the public that we are moving forward with recycling with the bids received and the Village trash pick up will be reduced by one day/week.

For the February 2019 Board meeting – provide a report and affirmation of actions taken at the Retreat – under the Consent Agenda – under the Town Manager’s agenda provide a report of the recycling bid and request approval of the new recycling contract.

FOCUS Nags Head – Unified Development Ordinance (UDO)

Mayor Cahoon asked Board members to identify “heartburn” only issues with the UDO:

Mayor Pro Tem Walters

Why isn’t mixed use permitted in the C-4 District (Gallery Row)
Shooting at firing range
Hours of operation at soundside accesses is a growing problem

Comr. Siers

If it is unachievable, why is it even in the ordinance?

Mayor Cahoon

Housing diversity
Don’t lose the parking advantage with commercial/residential use
Don’t reduce hotel height from 60’ to 47’
Let hotel height outside Hotel Overlay District be the same as other buildings
Eliminate hotel requirement to be within 500’ of a beach access

Comr. Fuller

Cottage court parking standard should be increased
Contradiction in the UDO re: accessory dwelling units on the west side of bypass
It’s hard to figure out how to install a shed in his backyard from reading the UDO
The UDO is not specific enough on some meanings such as “food trucks will ‘generally’ be allowed”

Comr. Renée Cahoon

Sexually oriented businesses are only allowed in the C-3 District with certain parameters – this should be detailed at the beginning of the district explanation
Include granny pods
She confirmed produce stands are allowed in an enclosed building
Don’t allow only elementary schools
Comprehensive Plan requires a sketch plan – This is an extra step but it would help

Hotel height and setbacks – to return for discussion at a joint workshop

Beach/Sound Accesses – Board members were on the same page for parking at accesses – Police are going to go to an access only to fix problems. Bike path temporary parking - as long as traffic can safely pass on the street, allow it.

The Board Retreat recessed at 4:10 p.m.

January 25, 2019 - Friday

Recap from yesterday

Ms. Childers provided a recap from yesterday to include that the Board's focus is on looking forward – and the Here, the Now, and the Future. Yesterday the Board's values were covered, consensus was reached on various projects to include Recycling, the UDO was clarified, and good information was provided by Town Attorney Leidy re: "Boardmanship".

Town Appearance – What should the Town look like? What is an acceptable level of items allowed in building setback areas/open areas?

- Sign definition needs work (Too broad, open to interpretation? Sign vs display merchandise vs trash)
- It was Board consensus that nothing should be allowed in "required open space" (following ordinance definitions)
- Merchandise: No stacking of furniture for items not meant to be stacked/piled; moving merchandise in/out is okay; occasional tent outside is okay such as for sales; if it's not meant to be outside, it's not allowed (such as upholstered furniture)
- Anything creating a public safety, fire, or rodent issue, the Town already has the authority to take action to tell a business to clean it up.

Short-term rentals

The materials provided in the retreat package re: short-term rentals were summarized by Dep Town Manager Garman; A draft ordinance for the proposed registration program is to be forwarded to the Planning Board at its February meeting for consideration.

- Staff has a recommended ordinance expected to be presented to the Planning Board at its February meeting and presented at the Board's April meeting
- Concerns: does this give impression of pushing guests to rental companies?
Parking – could be a concern/issue by some owners
Compliance – how will we manage compliance if this is put into effect?
Staff is to develop recommendations concerning: What kind of staffing levels are needed; to be proposed during budget process (include software and vendor/personnel)

Accessory Dwellings and the new Unified Development Ordinance (UDO)

Mayor Cahoon distributed a handout with depictions of possible Accessory Dwelling Units (ADU) setups on his property – to determine and explain what's legal or not.

Comr. Siers noted that in many cases they wouldn't be able to add an ADU due to setback, lot coverage, etc.

Mayor Cahoon said that he:

- Does not want to hold up the UDO process for the accessory dwelling unit issue
- For all our neighborhoods there are secondary units of some form that are being rented on short and long term basis without 220/stoves in them
- There is no need to direct staff to take any additional action at this time
- Continue to discuss ADU's with examples linking the process to Board values such as controlling density and diversity of housing
- Wants to continue to have this conversation for how to provide housing for the workforce, etc.

Mayor Cahoon suggested that the everything stay at status quo at this time – for continued discussion at another time.

2019 Beach Nourishment Project Municipal Service Districts (MSD's)

- Start work on Perpetual Easements – Fall
- Handle “nicely” – Re-approach those who resisted easement originally
- No different MSD on this (2019) project
- In the future, consider possible tiers from ocean going west – based on economic benefit (Continue discussion in Fall at Sep 2019 Board Retreat)
- No change in north/south
- Create a Plan – long beach stability (link w/Kill Devil Hills)

Adjournment

Mayor Cahoon noted that a lot of work has been done at the retreat and he appreciated everyone’s time and thanked facilitators Susannah and Wayne Childers. The time was 12:30 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: May 1, 2019

Mayor: _____
Benjamin Cahoon