



**DRAFT MINUTES**  
**TOWN OF NAGS HEAD**  
**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**WEDNESDAY, DECEMBER 1, 2021**

The Nags Head Board of Commissioners met in person at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, December 1, 2021 at 9:00 a.m. for a Regular Meeting. The Town continues to adhere to COVID state and local guidelines.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Renée Cahoon; Comr. Webb Fuller; Comr. Kevin Brinkley; and Comr-elect Bob Sanders

Board members Absent: None

Others present: Town Manager Andy Garman; Attorney John Leidy; Amy Miller; Kelly Wyatt; David Ryan; Eric Claussen; Phil Webster; Randy Wells; Karen Snyder; Kate Jones; Holly White; Michelle Gray; Christopher Kingston; Kana Eiko Mari Hashigami; Steven Saunders; Matthew Swain; Trey Lipscomb; Conner Twiddy; Brittany Phillips; Steve Szymanski; Anna Sadler; Jay Overton; Megan Vaughan; and Town Clerk Carolyn F. Morris

**CALL TO ORDER**

Mayor Cahoon called the meeting to order at 9 a.m. He recognized and welcomed former Commissioner Anna Sadler who was in the audience. A moment of silence was followed by the Pledge of Allegiance.

**ADOPTION OF AGENDA**

MOTION: Comr. Brinkley made a motion to approve the December 1<sup>st</sup> agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

**RECOGNITION**

INTRODUCTION

Police Chief Phil Webster introduced Police Officer Christopher Lee Kingston who was welcomed by the Board to Town employment.

Police Chief Phil Webster introduced Police Officer Kana Eiko Mari Hashigami who was welcomed by the Board to Town employment.

Public Services Director Eric Claussen introduced Facilities Maintenance Crew Leader Steven Saunders who was recognized by the Board for 20 years of service.

PRESENTATION of the 2021 Earl Murray Jr Employee of the Year Award

Mayor Cahoon acknowledged all of the 2021 Earl Murray Jr Employee of the Year nominees as follows:

Fire Dept - Matthew Swain  
Police Dept - Trey Lipscomb  
Public Works - Conner Twiddy  
Admin Services - Brittany Phillips  
Planning - Steve Szymanski

On behalf of the Board, Mayor Cahoon announced the Earl Murray Jr Employee of the Year winner as Administrative Services Water Billing Specialist Brittany Phillips.

A brief break was taken to allow for a photo opportunity outside the Board Room.

**APPRECIATION**

On behalf of the Board, Mayor Cahoon expressed his appreciation to outgoing Commissioner Webb Fuller. Several gifts to include a heron carving and a signed construction book by builder Bob Timberlake were presented to Comr. Fuller.

Comr. Fuller congratulated those who won in the November election, he thanked staff that he has worked with for a number of years; and he thanked the citizens for allowing him to serve the Town in a number of different capacities. He looks forward to helping the Town and participating in activities in the coming years.

Board members expressed their appreciation for Comr. Fuller for providing his unique perspective, his knowledge, insight, and guidance. It was noted that Comr. Fuller has been a very valuable resource to the Board/Town and it is hoped that he will continue to be a resource.

**REORGANIZATION OF THE BOARD**

Town Clerk Carolyn Morris presented the November 2<sup>nd</sup> election results as follows:

“Out of 2,705 registered voters, 691 ballots were cast.

- For the position of Mayor:	Ben Cahoon received 604 votes
- For the two Commissioner positions:	Webb Fuller received 288 votes
	Michael Siers received 365 votes
	Bob Sanders received 518 votes”

The Oaths of Office were then given by Town Clerk Carolyn Morris to Mayor Cahoon, Comr. Siers, and Comr-Elect Sanders.

Mayor Pro Tem selection

MOTION: Comr. Brinkley made a motion to reappoint Comr. Siers as Mayor Pro Tem. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

Town Clerk Carolyn Morris gave the Mayor Pro Tem oath of office to Comr. Siers.

Copies of the Oaths of Office given are on file in the Town Clerk's Office.

## **PUBLIC COMMENT**

Town Attorney John Leidy opened Public Comment at 9:34 a.m.

Mayor Cahoon read an email from a permanent resident of the Town who had asked that his comment be read in an open meeting. His comment read in part as follows:

"I would like to express [appreciation] for the work [done] by all members of the town government staff and contractors. I have even learned a [little] about what it takes to support permanent residents and visitors. Employees visiting my home and at town offices have always been professional and friendly.

"I hope all have a happy Thanksgiving and Christmas!! Please forward my feelings during a town meeting. No need to identify me or my residence. I am a permanent resident and have limited mobility. Retired from CIA after 33 years."

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 9:36 a.m.

## **CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- Consideration of Budget Adjustment #5 to FY 21/22 Budget
- Consideration of Tax Adjustment Report
- Approval of minutes
- Request for Public Hearing to consider Residential Stormwater Ordinance
- Consideration of update to Personnel Policy, Article VI. Work Conditions and Expectations, Section 2. On Call Duty Policy

MOTION: Comr. Renée Cahoon made a motion to approve the Consent Agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Budget Adjustment #5, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

The Tax Adjustment Report, as approved, is attached to and made a part of these minutes as show in Addendum "B".

The Request for Public Hearing summary sheet, as approved, read in part as follows:

"In an effort to simplify the current stormwater management regulations required for single-family development within the Town, Planning Staff has drafted potential amendments to Article 11. Environmental Regulations, PART I. – Stormwater, Fill and Runoff Management of the Unified Development Ordinance for consideration. These proposed revisions are a result of receiving input and comments from homebuilders within the Town as well as members of the Outer Banks Homebuilders Association. Staff has proposed two primary means to approach stormwater management for residential properties: a volume-based approach and a non-volume-based approach. Staff would note that in the process of developing these proposed revisions to the stormwater management language it became obvious that revisions will also be necessary to the existing fill requirements.

'Planning Board Recommendation

At their October 19, 2021, meeting the Planning Board discussed both of the proposed amendments at length. It was the consensus of the Planning Board to move the non-volume-based approach forward with a favorable recommendation. Planning Staff requested the Planning Board defer taking a formal vote until their November 16<sup>th</sup> meeting when revised cut-sheets would be provided for the identified stormwater improvements. At their November 16<sup>th</sup> meeting, the Planning Board tabled consideration of the residential stormwater amendments to their December 14, 2021 meeting. Staff will provide the Planning Board's formal recommendation at the Board of Commissioners January 5, 2022, meeting."

Update to Personnel Policy - The agenda summary sheet read in part as follows:

"As part of the Pay and Class Study conducted by the MAPS Group earlier this year, a recommendation was made to change the Town's On-Call Policy. To ensure a consistent approach for any changes, Staff looked at the current application and use of an on-call status amongst the Departments. Based on these findings, and in conjunction with the MAPS Group recommendations, the Town is proposing the new Policy is approved by the BOC on December 1<sup>st</sup> for a January 3<sup>rd</sup> implementation date. This allows time for all applicable teams to plan for and communicate the changes; ensuring team members have a full understanding of the new Policy. Please refer to the attached Memo and updated Policy for additional information."

The Policy update, as approved, read in part as follows:

"Article VI, Section 2 Call-Back, On-Call, Stand-By Policy

'The Town provides a continuous twenty-four hours a day, seven days a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal.

`Call-Back as defined in Article II, Section 3, C. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. Non-exempt employees will be paid at the established hourly rate of pay for hours worked outside their normal schedule if they are required to return to work and will receive overtime compensation for eligible overtime hours. The minimum of two hours pay is guaranteed for non-exempt employees who are called back or for the actual hours worked, whichever is greater. Call-back provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance). If more than one call-back occurs within a given shift, total call-back time cannot exceed two hours unless the work time exceeds two hours.

`On-Call as defined in Article II, Section 3, N. Non-exempt employees required to be on-call will be paid for seven hours for each full week of on-call time they serve. On-call compensation for less than one full week shall be determined by the ratio of 0.042 hours of pay per one hour of on-call time. Hours worked while on-call are calculated beginning when the employee is in route to the work site and are added to the regular total of hours worked for the week. This does not apply to employees who are subject of being called back but are not officially designated to respond during a specific time. The Town Manager will approve the on-call rotation for each department.

`Stand-By as defined in Article II, Section 3, AA is considered work time under the provision of the FLSA.

`The following applies to Non-Exempt employees who serve on-call:

A. Water, Public Works Fleet Maintenance, Facilities Maintenance, and Police Officers (while assigned to CID duties) may serve on-call duty on a rotating basis as required.

B. Employees should respond within a maximum of 30 minutes of receiving a call. Response time is measured as the time between when a call is received to when the employee begins to travel to the site of the call. Employees should make their best efforts to report to the call scene as promptly as possible after responding.

C. If, for any reason, the on-call employee is unable to meet the response requirements, or the callout is of an immediate emergency nature, the on-call employee will call other members of the Department, Division or Unit as applicable. Calling should start with the immediate Supervisor and follow the chain-of-command up to the Department Head until someone is reached.

D. Employees must carry either/or a Town provided communication device or a personal cell phone at all times when on-call. The employee is responsible for Town provided equipment until it is transferred to the next on-call employee.

E. The employee who is on-call will respond to all emergencies with no regard to date, time or extent of emergency.

F. To be considered a legitimate call-back for purposes of the compensation provided under this policy, an employee must be called back after his normal workday has ended. To be considered a call-back, the employee must physically report to the scene of the call.

G. Changes in the on-call schedule are subject to prior approval by the appropriate Supervisor.

H. An employee who is on-call must remain in a physical, mental and emotional condition that allows them to respond to a call within the time frames required by this policy. For example, the use of impairing

substances is prohibited while an employee is on-call. Otherwise, the employee's activities are not restricted (29 CFR 785.17).

I. Where an employee has worked less than 40 hours in the workweek before being on-call, any time actually spent responding to a call will be considered as working hours until the employee has met the 40 hour mark for the week. The time spent in responding to the call for hours over 40 will be subject to FLSA overtime guidelines.

J. Only hours worked are counted in determining whether the employee has worked 40 or more hours. As such, hours not worked due to vacation leave, sick leave, holidays or otherwise during the week are not counted as hours worked."

## **PUBLIC HEARINGS**

Public Hearing to consider a UDO text amendment submitted by Jay Overton, PE, PLS of Albemarle & Associates to amend Section 8.5.4 as it pertains to alternative site design standards within the Soundside Residential Overlay District

Town Attorney John Leidy introduced the Public Hearing to consider a UDO text amendment, submitted by Jay Overton, PE, PLS of Albemarle & Associates, to amend Section 8.5.4 as it pertains to alternative site design standards within the Soundside Residential Overlay District. The time was 9:37 a.m.

Comr. Sanders reported that one of the lots in the Soundside Residential Overlay District affected by the proposed amendment is owned by his sister in law - he questioned if he should be recused. Attorney Leidy stated that if Comr. Sanders or his spouse have a more than 10% ownership, or if he or his spouse would derive any commission or income from this matter, then he should recuse himself. Comr. Sanders stated that neither were true.

Mayor Cahoon clarified that the proposed text amendment applies to the entire district.

Planning Director Kelly Wyatt summarized her report which read in part as follows:

"Mr. Jay Overton, PE, PLS of Albemarle & Associates has submitted the attached text amendment request to the Unified Development Ordinance which, if adopted, would add alternative site design standards for properties located within the Soundside Residential Dwelling Overlay District that contain an existing on-site elevation differential of ten feet or greater.

'The proposed text amendment would set forth alternative site design standards for properties containing an existing on-site elevation differential of ten feet or greater. This amendment would allow land disturbing activities anywhere and on up to 70% of the area of the subject property. This would contradict the current site design standards listed in Section 8.5.4.5.1 (attached).

'The proposed amendment would exempt the subject property from various requirements of the Stormwater, Fill and Runoff Management requirements including compliance with the five-foot no fill setback and the maximum allowable depth or elevation of fill on properties west of NC 12 and SR 1243.

'Lastly, the proposed amendment would exempt the subject property from compliance with the regulations limiting the use of bulkheads to vehicular accessways, decorative landscaping and estuarine bulkheads as found in Section 8.5.4.5.2.

## Background Information

- June 10, 2021 - Mr. Overton, on behalf of his client, David Martin submitted to the Board of Adjustment in July 2021 a request to vary numerous sections of the Unified Development Ordinance as it relates to the land disturbance associated with, and the development of, a single-family dwelling within the Soundside Residential Overlay District. As part of this variance request, Mr. Overton prepared a site development plan depicting the desired grading of Mr. Martin's property which would result in deviations from the requirements noted in Section 8.5.4.5, Site Design Standards within the Soundside Residential Dwelling Overlay District.
- Following the denial of the variance request, Mr. Overton and Mr. Martin met with Planning Staff to discuss next steps at which time it was recommended that Mr. Overton produce a site development plan that would be compliant/substantially compliant with the requirements of Section 8.5.4.5 of the UDO as currently written.
- August 3, 2021 - Upon producing a substantially compliant development plan, Mr. Overton and Mr. Martin discussed with staff the primary differences between the two plans noting that due to the significant grade elevation fluctuations, the substantially compliant plan would result in more visible retaining/foundation walls to meet the requirements of subsection 8.5.4.5.1 above.
- August 17, 2021 - Mr. Overton came before the Planning Board to discuss the intent of the Soundside Residential Dwelling Overlay District and receive guidance on a forthcoming text amendment which would allow flexibility in the grading options available for properties that have existing elevation fluctuations. Following Mr. Overton's presentation, several Planning Board members expressed concern with the proposed revisions, questioning if it was their role to consider lessening or varying the site design requirements within this unique overlay district, to accommodate a property owner's desired aesthetic. Planning Board member Gary Ferguson noted that he would like to receive input from the Town Engineer prior to considering this request further.
- September 2, 2021 & October 5, 2021 - Town staff, including Town Engineer David Ryan, has met with Mr. Overton on two separate occasions since the August 17, 2021 Planning Board meeting. During these meetings the Town Engineer acknowledged the difficulty in prohibiting land disturbance to only within vehicular accessways but does believe that with careful consideration being given to re-orienting the structure, the pool and pool surrounds on the site, that the use of hardened structures, such as retaining walls, would likely not be entirely eliminated but could be reduced significantly.
- For the Planning Board's consideration at their October 19, 2021 meeting, Mr. Overton proposed an approach which would allow for land disturbance beyond the existing prescribed 10-foot perimeter but would also set forth a percentage area of the parcel to be preserved and maintained in its natural state. For instance, while land disturbance may be focused on the front and mid-point of the parcel, the rear would be preserved in its natural state. Mr. Overton has since explored several variations of this scenario on his client's lot and has submitted a text amendment request which he believes helps his client achieve his desired home and homesite as well as meets the overall intent of the district. The amendment is attached in ordinance form for your review.

## STAFF ANALYSIS

The 2017 Comprehensive Land Use Plan designates the area in which this property is located within as being in the Historic Character Area. The plan notes that this residential enclave located at the end of Soundside Road was one of the earliest developed areas of the Town. The plan further states:

*"Historically, it was in close proximity to the ferry landing point for many of the early visitors to Nags Head and was one of the first locations for summer houses before property owners began developing the oceanfront. Many of the early cottages in this area were small, one to 1-1/2 story homes that resembled the cottages still present in the Nags Head Historic Cottage Row. Although this area has experienced some redevelopment since its inception, many of the existing houses retain the character of the original development. This is reflected in the present architectural styles as well as the low-density, informal landscape which maintains the area's natural topography and vegetation. The Town of Nags Head recognizes this area as one of unique significance, and consequently has taken steps to preserve its character through the use of a zoning overlay district and architectural development standards."*

The plan goes on to note that considerations to maintaining this character area should include preserving natural vegetation, topography, and maintaining open space and view shed (page 2-20).

While staff understands the difficulty in trying to prepare a piece of raw land to accommodate a desired home footprint and aesthetic, staff would submit that it is the intent of the Soundside Residential Dwelling Overlay District to encourage a home design that is compatible with, compliments, and preserves the unique characteristics of this district to the greatest extent possible.

#### STAFF RECOMMENDATION

Planning Staff finds the proposed text amendment to be inconsistent with the 2017 Comprehensive Land Use Plan and the intent of the SRO district and, as such, recommends denial of the proposed text amendment as requested. Staff did discuss the possibility of pursuing a new review process, employed through a separate ordinance amendment, such as a special exception or special use permit that would allow for deviations to be considered on a case-by-case basis through site plan review.

#### PLANNING BOARD RECOMMENDATION

At their October 19, 2021 meeting, the Planning Board voted unanimously to recommend denial of the proposed text amendment as requested. The Planning Board was amenable to staff exploring a separate avenue of review and permitting, such as the special exception or special use permit, for land development concerns such as those noted by the applicant.

If the Board of Commissioners is inclined to adopt this proposed text amendment, please reference Appendix A for the statement of consistency with the Town's adopted Comprehensive Plan requirements (attached)."

Mayor Pro Tem Siers asked about bulkheading and retaining walls. Director Wyatt stated that she has not received feedback yet from the adjoining property owners.

Applicant Jay Overton of Albemarle & Associates explained that this proposal provides an alternative and would only be available if you have a lot with 10' or more elevation difference; originally this was to preserve the informal topography, now they are dealing with more challenging lots in an area with significant slopes; currently 10' outside of the house area is all you can disturb for your house, accessory house, or septic system. This does not change any architectural requirements or lot coverage – it provides relief, an alternative, to manage the landscape. This would be an option in this district if your lot has 10' or more of an elevation difference – this is to maintain the intent of the district as developed in the early 1900's.

Planning Board Director Megan Vaughn spoke and said that the Planning Board was concerned the amendment could ultimately change the whole district for just these two lots with specific needs. She stated that the Planning Board voted on two different occasions to deny the text amendment.

Mayor Cahoon mentioned that a comment was made earlier re: other developed lots that the proposed ordinance would apply - Mr. Overton said that only one other lot would apply – where Colleen Oaksmith currently resides.

As no one else present wished to speak, Attorney Leidy concluded the Public Hearing at 10:10 a.m.

Mayor Pro Tem Siers said that he was not in favor of bulkheading and is not sure changing the code is the right way to go as this affects all lots in the district.

Comr. Renée Cahoon stated that bulkheading can create other issues; redevelopment could mean additional changes.

Mayor Cahoon said that while the rules fit most of the lots well when regulations are adopted, there are always a few lots at either extreme that don't quite fit the rules as envisioned which applies to this specific case; for him it is either more grading or more bulkhead and he likes more bulkhead less than more grading.

Comr. Brinkley expressed concern that bulkheading is a more formal change to the area.

Comr. Sanders said that the applicant needs some relief for his property but he is not in favor of bulkheading – and he is not in favor of the entire district being affected. Staff has made a recommendation for a new special ordinance which he would be more in favor of.

Attorney Leidy stated that in order to adopt the ordinance, the Board must make the finding that the amendment meets the Land Use Plan or make a declaration that the amendment is being made to the Comprehensive Plan.

**MOTION:** Mayor Cahoon made a motion to adopt the text amendment as presented understanding that staff and the Planning Board found that the proposed ordinance is not consistent with the Land Use Plan and in addition that there is a statement approving the amendment and containing at least all of the following:

- This declaration of approval is also deemed an amendment to the Comprehensive Plan and as explanation of the change in conditions that the BOC took into account in amending the UDO are:

- An overwhelming preference for natural grading,
- The absence of structural features like bulkheading,
- Accommodating extraordinary conditions for a limited number of lots with extreme change in elevations

And that a more natural approach to landscaping and grading of lots in addition to the ability to control stormwater was reasonable and in the public interest.

The motion was seconded by Comr. Renée Cahoon which passed 4 - 1 with Comr. Sanders casting the NO vote.

It was Board consensus that staff develop a Special Use Permit process to bring back thru the Planning Board - to the Board of Commissioners - consistent with the Board's earlier discussion.

The ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

Public Hearing to consider the adoption of a resolution authorizing the Town to enter into an Installment Financing contract in an amount not to exceed \$1,200,000 to finance the acquisition of Real Property located at 105 W Seachase Drive in Nags Head, NC

- Consideration of Resolution of Findings for Local Government Commission
- Consideration of Financing Contract and Reimbursement Resolution
- Consideration of associated Budget Amendment

Town Attorney John Leidy introduced the Public Hearing to consider resolutions pertaining to the Town entering into an Installment Financing contract in an amount not to exceed \$1,200,000 to finance the acquisition of Real Property located at 105 W Seachase Drive. The time was 10:25 a.m.

Finance Director Amy Miller summarized the agenda summary sheet which read in part as follows:

"Request Public Hearing be held as required for financing the property located at 105 W Seachase Drive; attached resolutions are required for Local Government Commission (LGC) and authorize the Town to enter into an Installment Financing contract in an amount not to exceed \$1,200,000.

'Request Board review and adoption of attached resolutions; associated Budget Amendment for the remaining balance of the purchase price is also attached."

There being no one present who wished to speak, Attorney Leidy concluded the Public Hearing at 10:29 a.m.

Authorization to enter into Installment Financing contract in amount not to exceed \$1,200,000 to finance the acquisition of real property at 105 W Seachase Drive

**MOTION:** Comr. Renée Cahoon made a motion to adopt the resolution to enter into an Installment Financing contract in an amount not to exceed \$1,200,000 to finance the acquisition of real property at 105 W Seachase Drive. The motion was seconded by Comr. Brinkley which passed unanimously.

The resolution, as adopted, read in part as follows:

"*WHEREAS*, the Town of Nags Head, NC ("Borrower") has previously determined to finance the purchase of a property (the "Project"), and the Finance Director has now presented a proposal for the financing of such Project.

'BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated November 18, 2021, or as such proposal may be supplemented or amended by Lender and the Borrower verbally or in writing. The amount financed shall not exceed \$1,200,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.37%, and the financing term shall not exceed ten (10) years from the date of closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and such other documents as Lender may request. Pursuant to the Financing Agreement and Deed of Trust, (a) Lender will advance moneys to the Borrower to pay the costs of the Project and the financing costs related thereto, and the Borrower will repay such advance in installments, and (b) the Borrower will grant a lien on the site of the Project, or portions thereof, together with all fixtures and improvements located thereon, to Lender as security for such advance.
3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to the Finance Director's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for costs of the Project may be reimbursed from the financing proceeds.
5. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately."

Authorizing filing of application to the Local Government Commission for approval of financing agreement

**MOTION:** Comr. Renée Cahoon made a motion to adopt the resolution authorizing filing an application to the Local Government Commission for approval of the financing agreement. The motion was seconded by Comr. Brinkley which passed unanimously.

The resolution, as adopted, read in part as follows:

"WHEREAS, the Town of Nags Head, North Carolina desires to finance the property acquisition, via Reimbursement Resolution, of 105 West Seachase Drive, Nags Head, NC, 27959, as identified at the December 1, 2021, Board of Commissioners meeting, and in the fiscal year 2021-2022 amended budget, (the "Project"). To better serve the citizens of Nags Head, the Town of Nags Head wishes to acquire this property located next to the Douglas A. Remaley Fire Station 16 located at 5314 South Croatan Highway, Nags Head, NC, 27959, and across the street from Town Hall, located at 5401 South Croatan Highway, Nags Head NC, 27959; and

'WHEREAS, The Town of Nags Head desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

'WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local

Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract.

'NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Nags Head, North Carolina, meeting in regular session on the 1st day of December 2021, make the following findings of fact:

1. The proposed contract is necessary because the Town wishes to acquire this property located next to the Douglas A. Remaley Fire Station 16 located at 5314 South Croatan Highway, Nags Head, NC, 27959, and across the street from Town Hall, located at 5401 South Croatan Highway, Nags Head NC. This is a long-term strategy to allow flexibility in future rehabilitation/expansion. The current Fire Station 16 also houses one of Dare County's EMS station. An appraisal will be obtained prior to LGC approval.
2. The sums to fall due under the contract are adequate and not excessive for the proposed purpose as in accordance with the amended budget for FY 2021-2022 and the Reimbursement Resolution approved at the December 1, 2021, Board of Commissioners meeting.
3. The Town of Nags Head's debt management procedures and policies have been carried out in strict compliance with the law, and assurance is provided that debt management will hence forth be so carried out.
4. The Town of Nags Head is not in default in any of its debt service obligations.
5. The attorney for the Town of Nags Head has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

'NOW, THEREFORE, BE IT FURTHER RESOLVED that the Manager is hereby authorized to act on behalf of the Town of Nags Head in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution."

#### Authorize reimbursement of the cost of the expenditures

**MOTION:** Comr. Renée Cahoon made a motion to adopt the resolution authorizing reimbursement of the cost of the expenditures. The motion was seconded by Comr. Sanders which passed unanimously.

The resolution, as adopted, read in part as follows:

"WHEREAS, The Town Manager and the Finance Director have described to the Board of Commissioners the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town's use of financing proceeds to restore Town funds when the Town makes capital expenditures prior to closing on installment financing.

'BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Nags Head, North Carolina as follows:

Section 1. The project is the financing of the acquisition of property located at 105 W. Seachase Drive, Nags Head, NC, 27959, as identified in the fiscal year 2021-2022 amended budget.

Section 2. The project is to be financed. The currently expected type of financing (which is subject to change) is an installment purchase contract. The currently expected maximum amount to be financed for the project is \$1,200,000.

Section 3. The Town presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the Town from the General Fund within 60 days of adoption of this Resolution from a portion of the financing proceeds.

Section 4. This Resolution shall become effective immediately upon the date of its adoption.”

#### Associated Budget Amendment for the purchase

MOTION: Comr. Renée Cahoon made a motion to approve the associated Budget Amendment for the purchase. The motion was seconded by Comr. Sanders which passed unanimously.

The Budget Amendment, as approved, is attached to and made a part of these minutes as shown in Addendum “D”.

### **REPORTS AND RECOMMENDATIONS FROM THE PLANNING BOARD AND THE PLANNING AND DEVELOPMENT DIRECTOR**

#### Update from Planning Director

Planning Director Kelly Wyatt highlighted items from her report which read in part as follows:

“This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on December 1, 2021.

#### Monthly Activity Report

Attached for the Board’s review is the *Planning and Development Monthly Report for October 2021*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Wednesday, October 27 – Friday, October 29 – Biohabitats Site Visit ESMP
- Tuesday, November 2<sup>nd</sup> – AIA Conservation Guide Discussion
- Wednesday, November 3<sup>rd</sup> – Board of Commissioners Meeting
- Thursday, November 4<sup>th</sup> – OBX CRS Users Group
- Wednesday, November 10<sup>th</sup> – Committee for Arts & Culture Meeting
- Tuesday, November 16<sup>th</sup> – Planning Board Meeting
- Thursday, November 18<sup>th</sup> – DWMP Virtual Public Forum
- Thursday, November 18<sup>th</sup> – Board of Adjustment Meeting (cancelled)

#### Review of Residential Stormwater Regulations

At their November 16, 2021, meeting the Planning Board tabled consideration of this item to their December 14, 2021 meeting in order to allow staff additional to time formalize the text amendment language and an opportunity to meet with and receive feedback from the Homebuilders Association.

### 'Consideration of Tree Preservation Ordinance

With the numerous requests for tree removal coming before the Planning Board as it relates to the SED-80, Special Environmental District, as of recent, the conversation of tree protection has come up regularly as part of the Board members agenda.

'Specifically, a desire to have more education on the benefits of preserving and maintaining native vegetation and a process for all tree removal including consequences for removal of a tree without prior approval. Staff believes a good first step in the process would be to compile all the existing tree preservation and tree removal regulations within the Unified Development Ordinance into one concise document for Board review and discussion. From there, it will be easier to assess where our existing regulations may or may not need strengthening.

### 'Community Rating System Update

Staff is in receipt of the results of the National Flood Insurance Program (NFIP) Community Rating System (CRS) 3 – year cycle verification and the Town of Nags Head will increase to a Class 5 in the NFIP CRS. The floodplain management activities implemented by the Town qualifies the Town for a 25% discount on flood insurance premiums for most NFIP policies issued or renewed on or after April 1, 2022. The Town was previously as Class 6 with a 20% discount on flood insurance premiums.

### 'Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on November 16, 2021 and included a site plan review for redevelopment of the Epstein Street Beach Access and Bathhouse. Consideration of text amendments pertaining to the Town's Residential Stormwater Regulations was tabled to the Planning Board's December meeting as was the stakeholder interview for the Electrical Vehicle Action Plan.

'The Board's next meeting is scheduled for December 14, 2021. At this time, the agenda is expected to include consideration of the Town's Residential Stormwater Regulations, Site Plan Review for tree removal within the SED-80 District and a Sketch Plan Review for development of an approx. 8,500 square foot, 100 seat restaurant located at 4329 S. Croatan Highway.

### 'Additional Updates

- Decentralized Wastewater Management Plan - The Virtual Public Forum for the DWMP Update was held on Thursday, November 18<sup>th</sup> at 6pm. Attendance was relatively low; however, the forum was recorded, and many interested citizens have noted they will be viewing the recording. A summary of key takeaways from the stakeholder interviews is being completed and will be uploaded to the Decentralized Wastewater Management Plan project page shortly. The DWMP Advisory Committee will be meeting on Thursday, December 16<sup>th</sup>.
- Estuarine Shoreline Management Plan – Biohabitats is preparing a summary of findings from their three-day visit at the end of the October, we anticipate this, as well as the community engagement plan, will be ready for Board review at their January 2022 meeting. The Estuarine Shoreline Management Plan Advisory Committee will hold their first meeting in mid-December.
- Whalebone Park: Phase 1 – Planning – There has been no update since the last Director's Report.
- Electric Vehicle Action Plan – There has been no update since the last Director's Report. The Duke Masters students will attend the Planning Board's December meeting virtually to discuss the project scope and conduct the stakeholder interview.

- Level 2 Charger - There has been no update since the last Director's Report. Staff continues to consider opportunities and vendors to source a charger for location on Town property through a "host" arrangement. Additionally, Staff expects that resources or options may be identified through the EV Action Plan.
- NC Resilient Coastal Communities Program – A presentation will be provided by the consultant to the Planning Board at their December 14, 2021, meeting to discuss the purpose of the program and potential outcomes.
- ETIPP Project/Program – There has been no update since the last Director's Report. The Department of Energy's Energy Transitions Initiative Partnership Program (ETIPP) is assisting the Town. With assistance from the National Renewable Energy Laboratory (NREL), a survey has been developed and sent to key staff to help identify and rank town owned critical facilities and other non- Town owned critical facilities. Once completed staff will meet with NREL to provide specific data on key critical facilities. This data will be analyzed to determine how best to improve the energy resiliency of each critical facility.
- NC AIA Activate Technical Assistance – Key stakeholders have now participated in a survey specific to their background. The community survey has now closed with approx. 108 responses received about preferences and opinion on energy and water conservation. Staff is now working with representatives of AIA, and NC State School of Design to develop best practices that will be featured in a Residential Energy and Water Conservation Guide for Nags Head.
- Flood/Tide Gauges – There has been no update since the last Director's Report. Three gauges have been installed in the Town, one in the Village, one at Jennette's Pier, and another at on Little Bridge. Staff is waiting for direction from the vendor before publicizing the gauges.
- LID Stormwater Demonstration Project - There has been no update since the last Director's Report.
- LED Conversion of Streetlights; Amber Streetlight Demo – On Thursday, November 18<sup>th</sup>, Dominion Energy installed seven (7) amber "turtle-friendly" light fixtures as part of a pilot program. The new amber fixtures can be seen at the following beach access locations: Gallery Row, Abalone, Blackman, Bladen, Curlew, Gulfstream, and East Tides Drive.
- Dowdy Park Events/Farmers Market/Holiday Markets – The first Holiday Market was well attended with a lot of community support. The remaining Holiday Markets are Saturday, November 27 (9am-12pm), Thursday, December 2 (4pm-7pm), and Saturday, December 11 (9am-12pm). In addition to the Holiday Market on November 27<sup>th</sup>, there will also be a Tree Lighting Ceremony that evening, from 5pm – 7pm. Santa Claus will be visiting from 5:30pm – 7pm and hot chocolate and apple cider will be provided.
- Grants and Assistance – No updates since the last Director's Report.

#### Upcoming Meetings and Other Dates

- Friday, December 3<sup>rd</sup> - OBX CRS Users Group
- Tuesday, December 7<sup>th</sup> – Technical Review Committee Meeting
- Thursday, December 9<sup>th</sup> – Board of Adjustment
- Tuesday, December 14<sup>th</sup> – Planning Board Meeting
- Tuesday, December 14<sup>th</sup> – Coastal Resilience Community of Practice Quarterly Meeting.
- Week of 12/14- Kick Off Estuarine Shoreline Management Committee Meeting
- Thursday, December 16<sup>th</sup> – DWMP Advisory Committee Meeting"

Ms. Wyatt's report was well received.

Comr. Brinkley congratulated staff on the improved Community Rating Service (CRS) upgrade to Class 5 which he felt would be helpful for the public to be aware of by including it in the next email broadcast and/or newsletter.

Comr. Renée Cahoon congratulated staff on the Class 5 CRS rating. She suggested including in the announcement the importance of keeping flood insurance with the reasons why to include that you are not grandfathered and when you cancel it, you have to start all over with much higher rates if you want to go back. She also congratulated Ms. Wyatt being named the Town's new Planning Director.

Mayor Cahoon made the following comments:

- Tree preservation ordinance - make sure legal counsel has reviewed
- He also applauded the improved CRS rating
- He attended the ceremony with Dominion Energy for the LED conversion of street lights
- The tree lighting at Dowdy Park was very well attended
- He thanked staff who worked as a team on the planning of the Dowdy Park events - to include the Fire, Police, and Public Services Department

Comr. Renée Cahoon spoke concerning the tree removal site plans to come before the Board - she would like the public reminded as to why an ordinance is in place limiting tree removal in certain districts. She also suggested using Gov-Ed funds for the purpose of a public service announcement.

## **OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS**

From Nov 3<sup>rd</sup> Board meeting - Consideration of amendments to Town Code Chapter 42 Traffic and Motor Vehicles re: updated definitions to include electric assist vehicles on multi-use pedestrian paths

'Public Services Director Eric Claussen summarized the agenda summary sheet which read in part as follows:

'At the November 3, 2021, Board of Commissioners Meeting, the Board requested that staff review and propose modifications to Town Code, regarding the operation or riding of certain vehicles or devices on the multi-use pedestrian paths along South Virginia Dare Trail, Old Oregon Inlet Road, and Croatan Highway. Staff used this opportunity to review and suggest other applicable modifications to Town Code Sections within Chapter 42, Traffic and Motor Vehicles. Those additional proposed modifications are summarized below and included in the attachment.

'New definitions that have been proposed to be added to Chapter 42 include non-motorized vehicle or device, electric-assist vehicle or device, and low-speed motorized vehicle or device. These definitions are intended to comprehensively cover the applicable vehicle-type that would be assumed to be operated or ridden upon Town or State right-of-way within the Town limits.

*"Section 42-92 Riding coasters, roller skates, or similar devices"* is proposed to be replaced with *"Section 42-92 Operation of Non-Motorized, Muscle-Powered, Electric-Assist, & Low-Speed Vehicles and Devices"*. The revised Code Section better defines the appropriate vehicle or device that can be used upon the applicable street, multi-use pedestrian path, or sidewalk, as well as provides additional guidance for the

general operations of such vehicles or devices. An operational matrix to define these uses has also been included to clearly define what vehicle/device is permissible to be used on a public street, multi-use pedestrian path, or sidewalk.”

Mayor Cahoon felt that an education program would be useful if the ordinance is adopted – enforcement by police officers would probably be more of a warning type of action. He asked Police Chief Webster about enforcement; Chief Webster stated that his officers would use broad discretion unless they saw repeat offenders.

Comr. Sanders said that for safety reasons he agrees with the proposed ordinance.

Comr. Brinkley said that while this proposal won't change a lot of enforcement and he appreciates the work, he feels that it is already being done - he confirmed with Chief Webster that it can be used as a tool. Chief Webster and Public Services Director Claussen noted that they have reviewed Virginia Beach and Kill Devil Hills ordinances re: multi-use paths and felt that the current ordinance is just being updated by this ordinance – to be more comprehensive.

Comr. Renée Cahoon said that the biggest offender she has seen have been the golf carts – she agrees that educating the public is key.

Mayor Cahoon stated that he is not ready to vote today on the proposed ordinance; at his request Chief Webster read the sentence from the Kill Devil Hills ordinance re: multi-use paths: “No person shall ride a bicycle upon any sidewalk, multi-purpose recreational trail, or walkway within the town without due caution and circumspection or in a manner likely to endanger others.” Mayor Cahoon said that this is essentially what the town wants to do - to keep people from doing unsafe activities on any walkway.

Mayor Cahoon said that he would like to see blended in the ordinance that it shall be unlawful for any person to operate a non-motorized, muscle-powered, electric-assist, or low-speed motorized vehicle on any walkway within the Town in a manner so as to endanger the life, limb, or property of the rider or of any other person. He agreed with the modifications for the other neighborhood issues in the ordinance, making the definitions more up-to-date, and generally making the ordinance more simple and easier from an enforcement standpoint. Board members concurred.

It was Board consensus that staff pare down the proposed ordinance amending Chapter 42 of the Town Code re: electric assist vehicles on multi-use paths, making it more simple and easier from an enforcement standpoint - as per today's discussion - to return for Board review and consideration at an upcoming meeting.

#### From Nov 3<sup>rd</sup> Board meeting - Update on Sidewalk/Crosswalk projects

- Consideration of bid award/Request for additional funding for sidewalk projects
- Consideration of associated Budget Amendment

Town Engineer David Ryan summarized the agenda summary sheet which read in part as follows:

“The scope of work associated with this request includes proposed 5' wide concrete sidewalk installations at the following locations: 1) along the north side of the E. Bonnett St. right-of-way, spanning from the intersection of Wrightsville Ave. and S. Virginia Dare Trail, 2) along the south right-of-way margin of W. Barnes St. between S. Meekins Ave and S. Croatan Hwy., 3) and along the south right-of-way margin of S.

Seachase Dr. between Nags Head Golf Links main entrance and S. Croatan Hwy. The Bonnett St. and Barnes St. projects were included in this year's Capital Improvement Plan with the Village at Nags Head project included as per the Board of Commissioners request from the October meeting.

'An Outer Banks Visitors Bureau Tourism Impact Grant was recently received in the amount of \$37,898 to partially fund the E. Bonnett and W. Barnes St. projects in addition to the \$29,568 budgeted amount for the two projects for a total amount of \$67,466. No budgeted funds have been allocated for the S. Seachase Dr. project work.

'On November 9, 2021, four competitive informal bids were received for the FY 21-22 sidewalk projects. Of the four bids received, Hatchell Concrete Inc. submitted lowest responsive, responsible bid with a total amount of \$122,537.00. The division of costs is broken out separately by project: 1) E. Bonnett St. - \$29,515.00, 2) W. Barnes St.-\$18,239.00 and 3) S. Seachase Dr.- \$74,783.00. A budget amendment in the amount of \$67,600 is being requested via a separate budget amendment action to complete the project scope of work in addition to a 10% contingency allowance.

'Staff is seeking Board approval to authorize the additional funds and to authorize the Town Manager to execute the construction contract with Hatchell Concrete Inc."

**MOTION:** Comr. Renée Cahoon made a motion to award Hatchell Concrete the contract for the sidewalk/crosswalk projects not to exceed the amount of \$67,600. Comr. Brinkley seconded the motion which passed unanimously.

**MOTION:** Mayor Pro Tem Siers made a motion to approve the Budget Amendment allocating the funds as presented. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

**MOTION:** Mayor Pro Tem Siers made a motion to authorize the Town Manager to execute the contract with Hatchell Concrete. The motion was seconded by Comr. Brinkley which passed unanimously.

#### From Nov 3<sup>rd</sup> Board meeting - Report on NCDOT Traffic Studies

Public Services Director Eric Claussen provided a verbal report of his conversations with NCDOT pertaining to traffic studies as follows:

#### Gray Eagle onto US 158

Director Claussen stated that a review of Gray Eagle onto US 158 did meet the required volume/number of vehicles but the low number of crashes did not meet the criteria for a traffic signal. He said that the Town can request a banana island to not permit any left turn movement in that area making that area around Sugar Creek Condos safer.

Comr. Renée Cahoon asked how this would affect those that want to go straight across into the Sugar Creek Condos. Board members discussed a "Right Turn Only" approach.

**MOTION:** Comr. Renée Cahoon made a motion that, where Gray Eagle intersects with Hwy US 158, it be designated as Right Turn only and further that a banana island be installed with the appropriate Right Turn only signage. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

NC 12/S Old Oregon Inlet Road (SOOIR)

Director Claussen said that minor modifications are all that are needed to better delineate movement off of NC 12 turning onto S Old Oregon Inlet Road; Signage, striping and minor geometrical changes are being reviewed. This includes a banana island which can force a Right Turn Only off of SOOIR onto NC 12. Removal of one of the crosswalks and associated signage would also make a safer intersection. He noted that he would be working with NCDOT on this which would also include a raised crosswalk.

Pedestrian crossing at NC12/Seachase Drive

A solar powered pedestrian activated crossing unit is being worked on by NCDOT in the area of the NC 12 / Seachase Drive intersection.

Pedestrian features on the Beach Road

Director Claussen reported that NCDOT has committed to installing advanced crosswalk signs and triangular striping in five separate locations on the Beach Road.

Speed limit change in the Village

Comr. Renée Cahoon asked about reducing the speed from 25 MPH to 20 MPH on both west Baymeadow and Links Drives in the Village at Nags Head, as was previously approved for Seachase Drive. It was mentioned that this speed reduction was recently requested by a Baymeadow Drive resident. The other streets in that neighborhood it was noted are private streets.

MOTION: Comr. Renée Cahoon made a motion to amend the Traffic Control Map reducing the speed limit from 25 MPH to 20 MPH on both Baymeadow and Links Drive in the Village at Nags Head. The motion was seconded by Comr. Brinkley which passed unanimously.

Signal timing on US158 from side streets

Director Claussen updated the Board on discussions with NCDOT re: incorrect traffic signal timing. He indicated that NCDOT has installed a newer technology traffic response software system on US 158 and is now awaiting a software update.

Mayor Cahoon said that it was positive news that NCDOT is looking at a real time system.

Board members endorsed Director Claussen's recommendations and requested updates as discussions with NCDOT continue.

**NEW BUSINESS**

Committee Reports

Gov-ED/Current TV Channel - Comr. Renée Cahoon reported that the new Gov-Ed Channel Manager has been hired and is expected to start work in January 2022.

Consideration of recommendation for appointment to Dare County Tourism Board (DCTB)

The agenda summary sheet read in part as follows:

"At the December 1<sup>st</sup> Board of Commissioners meeting, the following two appointments are requested:

`- Dare County Tourism Board - The attached email from Dare County is requesting recommendations from the Town for a representative to serve on the Dare County Tourism Board - for the County's consideration of appointment at their December 6<sup>th</sup> meeting.

`- Town Estuarine Shoreline Management Plan Advisory Committee - Webb Fuller requested and was appointed by the Board; as he transitions off the Board, a new appointment is requested."

**MOTION:** Comr. Renée Cahoon made a motion to nominate Mayor Pro Tem Siers as the primary appointee to represent the Town on the Dare County Tourism Board. The motion was seconded by Comr. Brinkley which passed unanimously.

It was Board consensus to include two other names as requested by Dare County: Mayor Cahoon and Comr. Brinkley.

**MOTION:** Mayor Pro Tem Siers made a motion to appoint Comr. Sanders to the Estuarine Shoreline Management Plan Advisory Committee. The motion was seconded by Comr. Sanders which passed unanimously.

Post-Dorian 2022 Beach Nourishment Project Update

The agenda summary sheet read in part as follows:

"Staff is prepared to provide the Board an update on the progress of environmental permitting for the 2022 Post-Dorian Beach Nourishment Project and future Board actions that will be required to be taken."

Town Engineer David Ryan reported that a recent Federal court ruling re: water quality certification has impacted permitting for the 2022 Post-Dorian Beach Nourishment Project. Staff has reached out to the recommended contractor requesting that they extend the terms of their bid while the issue is being resolved and they were agreeable. Engineer Ryan said that it is possible the issue could be resolved within the next two weeks.

Engineer Ryan is to continue to provide updates to the Board.

**ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY**

Town Attorney Leidy - Request for Closed Session

Attorney Leidy requested a Closed Session pertaining to preserving attorney/client privilege related to Baltic Street and other litigation matters.

Town Attorney Leidy - Congratulations

Attorney Leidy congratulated Comr. Sanders on his recent election win and welcomed him to the Board.

**BOARD OF COMMISSIONERS AGENDA**

Comr. Brinkley – Congratulations

Comr. Brinkley congratulated Mayor Cahoon, Mayor Pro Tem Siers, and Comr. Sanders on their success in the recent election and said that he is looking forward to working with Comr. Sanders.

Comr. Renée Cahoon - Congratulations

Comr. Renée Cahoon welcomed Comr. Sanders to the Board.

Mayor Pro Tem Siers - Congratulations

Mayor Pro Tem Siers congratulated both Comr. Sanders and Mayor Cahoon on their recent election wins; he also congratulated Ms. Wyatt on her promotion to Planning Director.

**MAYOR'S AGENDA**

Mayor Cahoon - Congratulations

Mayor Cahoon congratulated those who won in the recent election and he welcomed Comr. Sanders to the Board. He also spoke of wearing his coat today to honor his parents; the coat he is wearing was given to him by his parents when he was 18 years old and needed it to apply to architectural school at NC State University.

Mayor Cahoon - Employee Bonus

**MOTION:** Mayor Cahoon made a motion to award bonuses of \$150 to full-time and \$75 to part-time Town employees. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

Mayor Cahoon - Recognition for the Town

Mayor Cahoon reported that he would be representing the Town at a conference, conducted by flood management experts, at the Netherlands Embassy in Washington, DC in January 2022. Mayor Cahoon, along with other coastal mayors, have been invited to attend the conference.

The Town is recognized for its flood mitigation and stormwater management efforts and Mayor Cahoon and Town Engineer David Ryan remotely attended a similar conference earlier this year. At the conference Engineer Ryan gave a presentation that was well received.

Mayor Cahoon - December mid-month meeting

Town Manager Garman, in response to Mayor Cahoon, indicated that a very brief December mid-month meeting may be requested for review and approval of two limited scope of services with associated contracts. The contracts pertain to the Old Nags Head Cove Water Main Replacement Project and the Public Works Master Plan.

Mayor Cahoon – January 2022 Workshop

Mayor Cahoon discussed with Board members a workshop in January to discuss the Public Works Master Plan and employee housing - a kind of mini-retreat for the new commissioner - to include a review of the Strategic Plan and fiscal function.

It was Board consensus to schedule a Workshop/Mini-Retreat for Wednesday, January 26, 2022 at 9 am to include attendance by Attorney Leidy.

**CLOSED SESSION**

MOTION: Mayor Pro Tem Siers made a motion to enter Closed Session pursuant to GS 143-318.11(a)(3) to confer with the Town Attorney to preserve attorney/client privilege related to Baltic Street and other litigation matters. The motion was seconded by Comr. Brinkley which passed unanimously. The time was 12:11 p.m.

**OPEN SESSION**

The Board re-entered Open Session at 12:44 p.m. Attorney Leidy stated that during Closed Session the Board discussed litigation matters, gave instruction to the Town Attorney, and no other actions were taken.

**ADJOURNMENT**

MOTION: Mayor Pro Tem Siers made a motion to recess to Wednesday, December 15<sup>th</sup> at 9 am in the Board Room. The motion was seconded by Comr. Brinkley which passed unanimously. The time was 12:45 p.m.

\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

Date Approved: \_\_\_\_\_

Mayor: \_\_\_\_\_  
Benjamin Cahoon