



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, FEBRUARY 6, 2019**

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Wednesday, February 6, 2019 at 9:00 a.m.

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

Board members Absent: Comr. Michael Siers

Others present: Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Phil Webster; Perry Hale; Lisa Ward; Shane Hite; Amy Miller; Brie Floyd; Roberta Thuman; Holly White; Ralph Barile; Kate Jones; Ray Scott; James Phillips; Guy Crocker; John Harris; Chris Montgomery; Chase Tadlock; Bryan Wilson; Hal Goodman; Brian Rubino; John Cece; Tim Sweeney; Mike Remige; and Town Clerk Carolyn Morris

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Cahoon called the meeting to order at 9:00 a.m. A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

MOTION: Comr. Renée Cahoon made a motion to approve the February 6th agenda as presented. The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.).

RECOGNITION

Town Manager Ogburn introduced new Police Chief Phil Webster who was welcomed by the Board to Town employment. Everyone was invited to attend the Meet and Greet event at Waveriders Restaurant in Pirate's Quay shopping center on Wednesday, February 13th at 3:30 p.m.

On behalf of the Board, Mayor Cahoon thanked Interim Police Chief Hale for the work he has done in filling in when Police Chief Kevin Brinkley retired.

Public Works Director Barile introduced Water Distribution employee Ray Scott who was welcomed by the Board to Town employment.

Dep Fire Chief Shane Hite introduced new Firefighters/EMTs Guy Crocker and James Phillips who were welcomed by the Board to Town employment.

Interim Police Chief Perry Hale introduced Sgt. Chase Tadlock who was recognized by the Board for his recent attainment of Advanced Certification - Law Enforcement Training and Standards.

Interim Police Chief Perry Hale introduced Lt. Chris Montgomery who was recognized by the Board for twenty years of service with the Town.

Interim Fire Chief Shane Hite introduced Fire Captain John Harris who was congratulated on his recent retirement from the Town.

PRESENTATION – DEAN TIM SWEENEY

Dean Tim Sweeney from the College of the Albemarle (COA) provided a powerpoint presentation to report on the status of the College of the Albemarle which included partnering with the community's high schools to assist and encourage students to continue their education at the Dare County Campus of COA.

Dean Sweeney reported a 94% success rate of graduation from four-year colleges for those transferring from COA; they look forward to a new facility within the next few years. Board members thanked Dean Sweeney for his work in integrating the high schools with the college. His presentation was well received.

PRESENTATION – DIRECTOR MIKE REMIGE

Director Mike Remige from Jennette's Pier provided an update on what's been happening for the past two years with Jennette's Pier. He thanked Town Manager Ogburn and his staff who since reopening in 2011 have been very good to work with. For calendar years 2017 and 2018 he reported that over 350,000 people have visited the pier.

Mayor Cahoon commented on efforts to eliminate non-recyclable single-use plastic items. Mr. Remige stated that they are working towards that goal.

PUBLIC COMMENT

Attorney Leidy opened Public Comment.

Public Comment – John Cece

John Cece, Nags Head resident; he expressed his concern about the item on the Board's agenda proposing No Parking – Tow Away Zone from 12 midnight until 6:00 a.m. for all ocean/sound beach accesses; he is concerned, as president of the non-profit Sea Turtle Nest Association, that the volunteers that ride the beach every morning looking for nests may receive tickets for parking in a beach access before 6:00 a.m.; he also noted that many tourists park in the accesses in the early morning hours to view the sunrise; he suggested that the hours be modified to accommodate them.

There being no one else present who wished to speak, Attorney Leidy closed Public Comment at 10:20 a.m.

Mayor Cahoon confirmed with Town Manager Ogburn that the Police Department will use their good discretion and NEST volunteers as well as early-morning beach-goers need not worry. If a ticket is received

by a NEST volunteer or someone parking in the access to view the sunrise before 6:00 a.m. it can easily be revoked by a Town official. Town Manager Ogburn noted that he is not aware of this ever being an issue and that one of the main reasons for the no parking time period is to prevent overnight parking at the accesses.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Budget Adjustment #8 to FY 18/19 Budget
Tax Adjustment Report
Request to advertise delinquent taxes
Approval of minutes
Modifications to the Consolidated Fee Schedule
Update to the Standard Recommended Details Manual re: stormwater and other development details
Affirmation of January 24-25, 2019 Board Retreat actions

MOTION: Comr. Fuller made a motion to approve the Consent Agenda as amended - by removing Consent Agenda item #E-5 re: Modifications to the Consolidated Fee Schedule to new item #H-7 under New Business for discussion. The motion was seconded by Comr. Renée Cahoon which passed 4 – 0 (Comr. Siers was not present.).

Budget Adjustment #8, 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 shown in Addendum "B".

The memo requesting to advertise delinquent taxes, as approved, read in part as follows:

"In accordance with NCGS 105-369 advertisement of tax liens on real property for failure to pay taxes ... "The municipal tax collector shall advertise municipal tax liens by posting a notice of the liens at the city or town hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period of March 1 thru June 30... The posted notice and newspaper advertisement shall set forth the following information: The name of the record owner as of the date the taxes became delinquent for each parcel on which the taxing unit has a lien for unpaid taxes, in alphabetical order; a brief description of each parcel of land to which a lien has attached and a statement of the principal amount of the taxes constituting a lien against the parcel; a statement that the amounts advertised will be increased by interest and costs and that the omission of interest and costs from the amounts advertised will not constitute waiver of the taxing unit's claim for those items; ...a statement that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes."

'With your approval, staff intends to advertise the liens in the newspaper on March 13, 2019 in accordance with NCGS 105-369 for all amounts outstanding as of end of business on March 08, 2019."

'Request for Authorization to Begin Foreclosures on 2018 Taxes:

In accordance with NCGS 105-374, "foreclosure of the tax lien on real property by means of an action in the nature of a mortgage foreclosure is a civil action..." and/or NCGS 105-375, In Rem method of foreclosure "docketing certificate of taxes as judgment - in lieu of following the procedure set forth in NCGS 105-374, the governing body of any taxing unit may direct the tax collector to file with the clerk of superior court, no earlier than 30 days after the tax liens were advertised..."

'With your direction, staff will begin the foreclosure process where necessary on the 2018 delinquent taxes thirty days after advertising.'

The Standard Recommended Details Manual summary sheet, as approved, read in part as follows:

"The attached graphical standards manual shall serve as an update to the prior version of the Town of Nags Head Recommended Standard Details Manual, approved date August 5, 2015 and subsequent supplements. This replacement manual was created and organized to assist planning, design, engineering, contractor and construction professionals for residential and commercial development activities within the Town. The current manual has been established to serve as a reference manual and guide for design professionals and contractors to ensure compliance with the Town Code of Ordinances. Residential development details, commercial development details, residential stormwater management, sedimentation and erosion control and street and drainage construction information are included. The manual establishes minimum requirements for design and construction within the Town and referenced from adopted ordinances, policies, standards, details and established practices.

'This document will be amended periodically to include supplemental development details and/or changes in materials, methods and procedures.

'The provisions within shall be applicable to all new improvements, alterations and additions located within the jurisdiction of the Town.

'Electronic copies of this manual may be downloaded from the Town of Nags Head web site, (www.nagsheadnc.gov) with hard copies of the information provided upon request.'

The Board Retreat Actions, as approved, read in part as follows:

'BOC Agenda items: - Send item by email to Mayor/Clerk/All BOC
- If item requires substantive time/effort from staff, then it requires 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 drafted by Mayor/Mgr/Clerk

'Manager Evaluation – do not evaluate previous year on new evaluation form

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

'Building permit – Provide updated building permit software status

'Unified Development Ordinance – Workshop may be scheduled between BOC and Planning Board

'Sign definition – Review/Clarify Zoning Ordinance Sign definition

'Landscape/buffer ordinance compliance report – Manager is to provide this information more frequently.

'Recycling – It was Board consensus to continue Town-wide recycling; Contract with vendor for review and approval at upcoming Board meeting.

Trash pick-up increase – Trash to be picked up on Beach Road on Mondays and Fridays year-round.
Trash pick-up decrease - Trash pick-up reduced by one day per week in the Village (west side)

'Environment - During budget process, the Board is to consider how the Town utilizes its resources to meet its environmental goals.

'Beach accesses – Police will use their discretion when addressing problems associated with vehicles parked in accesses after posted hours. Tickets will be issued in lieu of knocking on doors to find potential violators to move vehicles.

'Ocean/Sound accesses – All accesses to be designated No Parking-Tow Away Zone from 12 midnight to 6 am.

'Bike path temporary parking – Police will use their discretion when issuing citations.

'Accessory Dwelling Units - Continue to have discussions – no staff action at this time

'Open Space - Board members agreed that nothing should be permitted in "required open space"

'Short-term rentals (STR) - Consideration of STR ordinance (along with proposed registration form) at February Planning Board mtg – for BOC consideration at its April 3rd mtg; Staff to develop recommendations concerning staffing levels needed (software/vendor/personnel) for discussion during budget process.

'Appearance – Nothing is permitted in the right-of-way; If item outside to be sold/rented, it's not a sign; If item is creating a safety, fire, or rodent issue, the Town already has authority to tell business to clean up; Cash registers, etc. outdoors under temporary tents (without additional parking) is okay, however, item nailed to a pole or sign is an illegal sign.

'Beach Nourishment– Line-up future projects with neighboring municipalities/Dare County for cost efficiencies. MSD's – New tiered Municipal Service Districts (to re-evaluate the tie-in of ocean benefits to ocean influence) will be considered after oceanfront easements are obtained."

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

Project Update - FOCUS Technical Committee – UDO

Planner Holly White summarized her agenda summary sheet which read in part as follows:

"The Board recently discussed the UDO at its retreat in January and staff is proposing the attached schedule to finish the project. The proposed schedule omits the proposed Joint Workshop with the Planning Board and Board of Commissioners. Staff feels that based on the feedback received at the retreat, we have the necessary feedback from the Board of Commissioners to move forward in creation of a final draft. Staff can address most concerns and will consult with the Technical Committee to provide recommendations on alternatives for issues needing additional discussion for board consideration. By moving forward in this way, the UDO can be considered for adoption in May - a month earlier than anticipated if a Joint Workshop was needed."

Ms. White presented the proposed UDO schedule as follows:

Task	Date	Duration
Adoption	5/1	
Board of Commissioners	5/1	
Planning Board	4/16	
Community Meeting	4/9 or 4/11	
Final Draft Available	3/25	
Staff- make necessary changes to the UDO noted from comments	2/18-3/22	25 days
Send responses to comments on the UDO back to Technical Committee, Planning Board, and Board of Commissioners	2/27	
Technical Committee meeting to review any final concerns that need feedback	2/18 or 2/21	
Distribute Technical Committee agenda and meeting prep materials. Prepare initial responses for all items staff was able to update. Agenda will outline items needing further discussion by the Technical Committee.	2/14	
Conduct editing review	Ongoing	
Review by the attorney (necessary portions)	Ongoing	
Staff- work with staff to make necessary diagrams for UDO.	Ongoing	
Staff respond to all Technical Committee, Planning Board, and Board of Commissioner comments. Determine which concerns can be addressed and which need additional discussion.	1/28-2/12	8 days
BOC Retreat	1/24-1/25	

It was Board consensus to concur with the proposed schedule.

Mayor Cahoon pointed out that he expects the Community meeting, scheduled for April 9th or 11th, to be mostly informational.

Comr. Renée Cahoon confirmed with Ms. White that the FOCUS UDO has been submitted to the State for review.

Project Update - Stormwater Project

Town Manager Ogburn summarized Town Engineer David Ryan’s agenda summary sheet re: stormwater project updates which read in part as follows:

“The following is a project update related to the construction of the (3) FY 18-19 Drainage Infrastructure Improvement Projects. Three separate drainage infrastructure improvement projects are being proposed encompassing the following work- (1) Culvert Replacement upstream of Red Drum ocean outfall, (2) Groundwater lowering pump system and force main on West Bridge Lane and (3) Infiltration Trenches on South Virginia Dare Trail between East Mall Drive and East Epstein Street. Over the past month, staff has secured the necessary permits, submitted the finance package to the LGC, managed easement acquisitions, and contractor coordination in preparation of a late February 2019 construction commencement date.”

Town Manager Ogburn that a public informational meeting has been scheduled for February 19th at 5:30 pm in the Board Room.

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

From Jan 2nd Board meeting – Discussion of zoning ordinance text amendment submitted by Brian Rubino of Quible and Associates, P.C. on behalf of Miller’s Waterfront Restaurant and Tale of the Whale Restaurant to allow a new use, docking facilities with transient boat slips, in the C-2, General Commercial Zoning District and in the Commercial-Outdoor Recreational Uses Overlay Zoning District (Public Hearing held at Jan 2nd Board meeting)

Dep Town Manager Andy Garman summarized the memo re: the zoning ordinance text amendment to allow a new use, docking facilities with transient boat slips, in the C-2 General Commercial Zoning District and in the Commercial-Outdoor Recreational Uses Overlay Zoning District which read in part as follows:

“Brian Rubino of Quible and Associates, P.C. has submitted the attached zoning ordinance text amendment on behalf of Miller’s Waterfront Restaurant and Tale of the Whale Restaurant. If adopted the requested amendment would permit a new use, “Docking Facility”, as a permitted use within the C-2, General Commercial Zoning District and the Commercial Outdoor Recreation Overlay District. Currently, any docking facility that is intended to be used by the general public or someone other than the landowner is considered a commercial marina according to the Town code. The Town does not allow commercial marinas anywhere in Nags Head. The proposed ordinance would define a pier with up to eight slips as a docking facility rather than a commercial marina and would allow the use under certain conditions within the aforementioned zoning districts. As part of the request, the applicant has proposed to clarify the difference between a docking facility and a commercial marina. The proposed text amendment would amend the definition of “Commercial Marina” to constitute a facility where more than eight (8) boats can be accommodated and further, to eliminate the requirement that the boats being moored are not for the exclusive use of the landowner. The Town would continue to prohibit commercial marinas under this proposal and only allow docking facilities as an accessory use to a principal commercial use.

‘The applicants are seeking this amendment to the Town Code in order to allow the accessory use of transient boat slips at their respected locations. It is intended that these slips would be utilized by restaurant patrons who own boats and wish to temporarily moor at safe, navigable, established slips while they enjoy dining at the restaurant.

‘Last month, the Board of Commissioners discussed the ordinance and tabled this item until further information could be provided by staff and the Town Attorney regarding the consistency of the request with the Town’s 2017 Comprehensive Plan. Additionally, the Board asked staff to review the 1999 Recreational Water Use Carrying Capacity Study to determine if the request would conflict with the findings or recommendations of that study. Staff’s review of the Comprehensive Plan and the 1999 Study have been provided for your review. The Town Attorney’s review has also been provided as a separate attachment. Finally, at January’s meeting, the Board discussed the current ordinance language and questioned why a text amendment was necessary to allow the proposed use. Staff’s interpretation of the current ordinance is also included.

‘Docking Facilities – Basis for Ordinance Interpretation

The following is staff’s interpretation of the current code and the reasons we have required a text amendment to allow docking facilities.

‘First, staff has reviewed the uses that are allowed in this area:

(b) Permitted uses. The following uses shall be permitted by right in the C-2 district:

(6) Customary accessory uses and structures, including private swimming pools, private docks, minor communication towers, dish antennas and home occupations, vertical axis wind energy facilities and roof top wind energy facilities.

Private dock means an estuarine pier or dock which may be permitted as an accessory use to the principal use, and shall be for the exclusive use of the landowner and shall not provide any services of a commercial marina.

'The Town allows private docks as an accessory to a principal use in the C-2 District, which is the underlying district in this area. The definition of a private dock clarifies what is allowed and how it can be used (i.e. must be for the exclusive use of the landowner and not provide the services of a commercial marina). The Town's definition uses language that originates from CAMA which helps to clarify and reinforce the definition. The language from CAMA (see below) distinguishes between commercial and non-commercial facilities. Commercial facilities must receive a CAMA Major Permit, whereas non-commercial facilities can be authorized as a CAMA General Permit. The CAMA language is as follows:

15A NCAC 07H .1204 GENERAL CONDITIONS (a) Piers and docking facilities authorized by the general permit set forth in this Section shall be for the exclusive use of the land owner, or occupant, and shall not be leased, rented, or used for any commercial purpose. Piers and docking facilities shall provide docking space for no more than two boats. Docking facilities providing docking space for more than two boats shall be reviewed through the major permitting process because of their greater potential for adverse impacts and, therefore, are not authorized by this general permit, excluding the exceptions described in Rule .1205 of this Section.

'Under CAMA's General Permit, piers are limited to two boats. For this request, the applicant is interested in more than two boats. CAMA does allow piers for commercial uses and more than two boats under a Major Permit.

'In both our *Private dock* definition and the CAMA regulations, the subject of the regulation is the dock, not the boats. So, in effect, any landowner (including a commercial landowner) can have a dock and have visiting boats with only the following restrictions:

- From our definition "shall not provide any services of a commercial marina."
- From CAMA (to get a Minor Permit for up to two boats) the pier "shall not be leased, rented, or used for any commercial purpose."

'A homeowner/landowner will neither provide services of a commercial marina nor lease, rent, or use for a commercial purpose. Therefore, they can have as many visitors as they want.

'Staff has to then answer the question: can a restaurant have a pier that does not provide the services of a commercial marina or is used for a commercial purpose? First, we have to interpret the meaning of commercial or commercial purpose. The following is a definition for commercial purposes:

Used for Commercial Purposes Law and Legal Definition

According to 18 USCS § 31, the term "used for commercial purposes" means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit."

'Based on this definition, staff does not believe a restaurant could get a CAMA General Permit for even a two-slip pier since it would clearly be for a commercial purpose. Any parking at a pier at a restaurant is for a commercial purpose – to patronize the restaurant.

'Under the Town's definition, can the restaurant have a private pier? The Town's definition doesn't use the term "commercial purpose" like the CAMA definition does. However, we instead say that the pier "shall not provide any services of a commercial marina."

By the Town's definition:

Commercial marina means any publicly or privately-owned dock, basin or wet storage facility constructed to accommodate mooring for boats which are not for the exclusive use of the landowner and providing, but not limited to, any of the following services: Permanent or temporary transient docking spaces, dry storage, fueling facilities, haulout facilities and repair service. Site plans which have been approved by the board of commissioners for outdoor recreational uses are not considered a commercial marina.

'A *Commercial marina* must provide one of the services in the following list, noting that this list is not the full limitation. Other services may be found to be part of a commercial marina. A pier or dock providing any of these services is no longer permitted as a private dock.

- Permanent or temporary transient docking facilities
- Dry (boat) storage
- Fueling facilities
- Haulout facilities
- Repair service

'If transient docking is considered to be "temporary with a fee", which a restaurant owner would not charge, then their pier still does not meet the commercial marina definition. It is still a private dock, which is permitted. However, if the interpretation of transient means "temporary with or without a fee", then a visiting boat would meet the commercial marina definition. At that point, the dock is no longer private and is not a permitted use.

'Staff believes that the second interpretation can be considered more consistent with the CAMA definition and the definition of "Commercial Purpose." Transient docking without a fee is parking for the purpose of visiting the restaurant. That is a commercial purpose. Parking for a commercial purpose is a service that commercial marinas provide. Therefore, the pier at a restaurant is not private. It is in fact now a commercial marina as defined, which is not permitted. This is the basis for the text amendment request.

'To further distinguish this definition from a private dock, visitor boats can park at a residence because they are not there for a "commercial purpose" as defined by statute, nor are they providing any service (transient or temporary docking for a commercial purpose) provided by a marina. If the Town did not consider the commercial purpose of transient docking as a marina function, then private residential docks could potentially fall under the marina definition. A boat not for the exclusive use of the owner could be transient docked. However, it would not be in violation because the visit is not for a commercial purpose.

'Staff would note that there is an exception to the definition of commercial marina. The Code states that whenever the Board has approved a commercial outdoor recreation use (i.e. jet ski or boat rental business with a pier and slips) as a conditional use permit, then it is no longer considered a marina. It is also important to note that the ordinance allows recreation sites to have accessory uses such as retail or restaurant, however sites with principal uses such as restaurant or retail cannot also have accessory recreation uses. Staff has reviewed minutes from many of the meetings when the commercial outdoor recreation overlay district was developed as well as minutes from when the commercial marina definition was developed. Based on information from these minutes, it appears that many of these regulations were intentionally written to

control the number of sites that have water-based recreation uses. Staff believes that it is no coincidence that these rules were drafted in the same timeframe that the Town was determining how to regulate personal watercraft. The overall emphasis of the Town's approach was to control the overall water usage of the sound in this area.

'Review of Comprehensive Plan and Carrying Capacity Study

Staff has reviewed the proposed request in light of the current Comprehensive Plan, the 1999 Water Use Recreational Carrying Capacity, and any other relevant information on the existing land uses and the environmental conditions in this area.

'The applicant has proposed to amend the Town Code to allow commercial properties within the C-2 General Commercial zoning district to have accessory docking facilities with up to eight boat slips. Staff has determined that up to 14 properties could be available for this use.

'There are several important policy statements and action items from the Comprehensive Plan that are relevant to this request. The plan encourages the Town to carefully consider proposals for future commercial uses in the sound to ensure they are not detrimental to the marsh, sound bottom, or submerged aquatic vegetation. Additionally, compatible sound uses will not increase turbidity in the water and will maintain overall water quality. The plan also speaks to the Town reviewing regulations for commercial boating and personal watercraft to maintain compatibility with adjacent uses and the estuarine environments. Page 3-16, LU-7, LU-7a, LU-8.

'Various goals referenced in the Comprehensive Plan include a focus on water quality and environmental protection, maintaining compatibility with adjacent land uses, and managing impacts to private property. Other portions of the Comprehensive Plan discuss the future of this area as a Soundside Activity Node and providing recreational amenities that are compatible with other town goals. Staff believes that there are competing goals in the Comprehensive Plan that must be balanced with respect to this request.

'Currently there is a variety of water-based uses in the area, including jet-ski rentals, boat tours, and parasail operators. The water in this portion of the sound is shallow, however, on normal water days water depth is appropriate for smaller, shallow draft boats. The Recreational Water Use Carrying Capacity Study, which examined water uses in the area of the Commercial Outdoor Recreation Overlay District, focused primarily on appropriate levels and types of uses, existing and potential user conflicts, and public perceptions on how the area should be managed. Much of the focus of this report was on personal watercraft use and how this use conflicted with other users.

'Both the Comprehensive Plan and the Carrying Capacity Study recognize that this area is one of the few publicly accessible estuarine shorelines in the Town. It is also the only area designated for commercial recreational water uses. The plan urges the Town to carefully consider what happens in this area but does not designate this area as being inappropriate for these types of activities, or for development in general. The Carrying Capacity is mindful of overuse of the sound, however, at the time the study was developed, public perceptions indicated that the usage in this area was not excessive.

'It is important that any proposed change to the Town code to allow additional uses in this area be consistent with the Comprehensive Plan and other stated Town goals. The applicant has indicated in the text amendment that, since CAMA major permits are required for these uses, many of the Town's concerns are addressed through that process. Typically, the Town has not deferred or relied solely on outside processes to determine what is appropriate for the Town. In this case, CAMA's major permit process focuses mainly on environmental issues but does not specifically address safety or land and/or water use compatibility.

'Staff believes that piers designed for transient boaters are not wholly inconsistent with the Comprehensive plan. However, appropriate safeguards need to be in place to preserve the aforementioned goals of the

Comprehensive Plan. Staff believes the applicant has not sufficiently addressed these goals in the proposed amendment. Conditions should be considered which would control the amount of boat traffic in this area, either by limiting the number of available sites or the number of slips at each site. Other conditions could include limiting the overall length of piers as measured from the shoreline, limiting the length of marsh crossings to access docking facilities, requiring a conditional use permit for each facility, and ensuring there is appropriate water depth and channel access to each site. Additionally, a no wake condition could be established for boat traffic within a certain distance of the shoreline. The Town currently has a no wake zone that applies outside of the Commercial Outdoor Recreational Overlay district of 600 feet from the shoreline. The Carrying Capacity Study recommended extending this to the Commercial Outdoor Recreation Overlay district. Staff recommends that the Board consider this as a separate item.

'Staff believes that the incorporation of additional standards into the proposed amendment could allow the Board to find that it is consistent with the policies and action items in the Comprehensive Plan. Standards should relate specifically to water quality, environmental protection, public safety, and land use compatibility.

'STAFF RECOMMENDATION:

The applicant has provided a letter which proposes additional ordinance language that would address many of the concerns expressed by members of the Board or that are potentially inconsistent with the Comprehensive Plan. Staff believes the Board could make a finding of consistency with the Comprehensive Plan if the conditions outlined by the applicant are incorporated into the ordinance. This would further limit the number of docking facilities and would also address some of the concerns regarding safety and land/water use compatibility. Staff has included this optional language for the Board's consideration in the draft ordinance. One of the proposed conditions would be to limit this use to restaurant sites only. Staff believes that this, in conjunction with the other conditions, would narrow the number of sites from 14 to five. Staff would recommend that the Board consider this condition in addition to limiting the number of slips on each property to no more than six.

'PLANNING BOARD RECOMMENDATION:

At its November 20, 2018 meeting the Planning Board voted 5-2 to recommend adoption of the proposed zoning ordinance text amendment with the allowance of eight (8) boat slips for properties within the Commercial-Outdoor Recreation Overlay District only and processing the request via the Conditional Use process."

Mayor Cahoon asked staff about no-wake zones being established for various businesses; Mr. Garman suggested that the Board consider at its next meeting a no-wake zone that would apply to the entire overlay district – to be uniform for all businesses in that district.

Comr. Fuller confirmed with staff the preference to use language from the revised ordinance which uses language from the applicant's letter.

Mayor Pro Tem Walters confirmed with Mr. Garman that the pier at Miller's Restaurant is approximately 200' from the shoreline – her concerns are public safety and environmental issues but primarily public safety as the Harvey site (used primarily for non-motorized uses such as kayaks) is directly north of the Restaurant and she is concerned about potential conflicts. A no-wake zone would be helpful but if the "L" could face south and they docked from the other side - this would help to eliminate some of the conflict.

Comr. Renée Cahoon stated that more detail would be brought forward for discussion if/when a detailed site plan is presented for Board consideration. She also expressed her concern about public safety.

Mayor Pro Tem Walters noted the 14 potential sites – she questioned adding language to the ordinance stipulating public safety measures such as if located beside a Town access. Attorney Leidy agreed that it could be done in the ordinance itself or conditions could be imposed through the conditional use process.

Mayor Cahoon asked staff to find language between now and the next application that would provide a safety component for adjacent accesses.

Attorney Leidy suggested that the revised proposal, item "F" read "600' from the shoreline" for the no-wake zone rather than the specific language used.

Applicant Brian Rubino from Quible & Associates; he summarized the memo he submitted to staff with some of the conditions listed; he also spoke of the current public/private piers that operate without safety issues; Comr. Renée Cahoon reminded Mr. Rubino that a site's use can change.

MOTION: Comr. Fuller made a motion to amend Article III Amendment of Zoning Ordinance Sec 48-7 Definitions of Specific Words and Terms as proposed with the following modifications: 1) that under Commercial marina – "more than eight/six boats" should read "more than four boats" and 2) that under "Docking Facility" - "for eight/six or less boats" should read "for four or less boats".

In addition the Applicant's proposed revision is to be used for Sec. 48-407, C-2 General Commercial District (c) Conditional uses. (14) Docking facility - with the following modification: item "f." is to read "The docking facility shall include a designated No Wake Zone that extends 600 feet from the shoreline. There shall be a No Wake Zone sign conspicuously posted on the facility."

Mayor Pro Tem Walters confirmed with Mr. Garman that the ordinance limits docking facility to a restaurant.

CONTINUATION OF MOTION: The motion passed 4 – 0 (Comr. Siers was not present.).

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

NEW BUSINESS

Committee Reports

Mayor Cahoon – College of the Albemarle – He thanked Comr. Renée Cahoon for adding the update on the College of the Albemarle by Dean Tim Sweeney to today's agenda.

Comr. Renée Cahoon – Gov-Ed Annual Budget – She reported that a proposed budget for Gov-Ed will be presented at an upcoming meeting.

Comr. Renée Cahoon – She requested that Comr. Fuller provide, for informational purposes, Dare County Tourism Board economic reports on occupancy taxes, etc. Comr. Fuller agreed and indicated he would provide the reports he receives at the Tourism Board meetings to the Town Clerk to distribute.

Consideration of Board/Committee appointments – Board of Adjustment

The agenda summary sheet read in part as follows:

"Consideration of appointment/reappointment to the Board of Adjustment:

Margaret Suppler's term expires February 2019 and Gary Ferguson's alternate term expires February 2019

'Attached please find the list of potential candidates interested in serving on the Planning Board (all have been contacted) as well as a tracking chart of the current members.

'Ms. Suppler is interested in being reappointed; Mr. Ferguson is not interested in being reappointed to the Board of Adjustment and has submitted an application for Planning Board.'

MOTION: Comr. Renée Cahoon made a motion to reappoint Margaret Suppler to another three-year term on the Board of Adjustment. The motion was seconded by Comr. Fuller which passed 4 – 0 (Comr. Siers was not present.).

Mayor Cahoon noted that Board of Adjustment alternate Gary Ferguson has requested to not be reappointed.

Consideration of proposed dates for upcoming CIP and Budget Workshops

The proposed schedule for upcoming CIP and Budget Workshop dates was presented for Board consideration.

Mayor Cahoon noted that Comr. Siers had a schedule conflict with the March 20th CIP Workshop; Board members agreed to shift the workshop to March 19th although it may have to be held in the Police Training Room as it would conflict with the Planning Board meeting held at that time in the Board Room.

Mayor Pro Tem Walters stated that she would not be present on June 5th or on June 12th.

The CIP and Budget Workshop Schedule, as approved, read in part as follows:

Capital Improvement Program Workshop If continuation is needed	Tue, March 19 th at 9 am (Police Training Room) Wed, March 27 th at 9 am
Presentation of Mgr's Recommended Budget	Wed, May 1 st at 9 am
Budget Workshop If continuation is needed	Wed, May 15 th at 9 am Wed, May 22 nd at 9 am
Public Hearing	Wed, June 5 th at 9 am
Budget Workshop Will incorporate comments from Public Hearing	Wed, June 12 th at 9 am
Adoption of Budget	Wed, June 19 th at 7 pm

Consideration of Change Order to 2019 Beach Nourishment Project

Town Manager Ogburn summarized the summary sheet for the proposed change order to the 2019 Beach Nourishment Project which read in part as follows:

"The Town of Nags Head is currently under contract with Great Lakes Dredge & Dock Company, LLC (GLDD) for the dredging, placement, grading and environmental protection of up to 3,731,661 cy of sand along 52,800 linear feet of Nags Head Beach in support of the 2019 Beach Nourishment Project. The project bid structure provided an allowance for the placement of up to 4,000,000 cy of sand, in accordance with State

and Federal project permit approvals. GLDD has agreed to honor the unit pricing provided in the submitted bid form for the placement of 268,339 cy of additional sand volume at a unit price of \$7.20 cy.

`Attached please find Contract Change Order #1 and the Great Lakes Dredge & Dock Company, LLC submitted bid, dated March 15, 2018.

`Request authorization for the Town Manager to execute a contract change order in the amount of \$1,932,040.80 with Great Lakes Dredge & Dock Company, LLC for the placement of 268,339 cy of sand volume for incorporation into the 2019 Town of Nags Head Beach Renourishment Project.

`No budget amendment is necessary for the beach nourishment capital project fund. The ordinance incorporated the maximum amount of allowable permitted fill as a collaborative project with FEMA and NCDEM funds.”

MOTION: Comr. Renée Cahoon made a motion to approve the Change Order to the 2019 Beach Nourishment Project for the additional sand volume as presented. The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.).

Consideration of Ocean Rescue Lifeguard Apprenticeship Program

Town Manager Ogburn summarized the Lifeguard Apprenticeship Program memo which read in part as follows:

“This program will allow the Town to hire lifeguards under the age of 18 through a structured training program where they will receive appropriate mentorship and supervision. Staff in this program will provide lifeguard services in a limited capacity. It is anticipated that this program will allow the Town to grow the available workforce utilizing local residents that can supplement staffing needs during seasonal peak and shoulder season months. The pilot program would target students ages 16-17 years old and would be limited to a maximum of five positions.

‘The Town of Nags Head continues to struggle recruiting the appropriate levels of staffing for the seasonal ocean rescue program. Staffing and training are the primary factors in maintaining established service levels. The challenges to hire staff include limited seasonal housing, increased cost of living, increased demand by colleges for undergraduate students to complete internships, and competition with local businesses including other lifeguard services.

‘Goals of this program include:

1. To reduce seasonal housing demand by staffing locally for a portion of the Town’s needs.
2. To hire lifeguards that are likely to return each season.
3. To increase the capacity of the local workforce to provide services within the community.
4. To enhance the capabilities of the Town’s lifeguard service by accessing the unique skills and knowledge of local youth, many of which are highly active in ocean sports.

‘When an employee is first hired into the apprenticeship program, they will complete a mandatory 80-hour mentorship program with senior lifeguards and lifeguard supervisors. The 80-hour mentorship program will include:

- Four, nine-hour shifts accompanied by a senior guard.
- Two shifts shadowing truck supervisors (north/south).
- Two shifts shadowing a Captain and Acting Captain.
- No more than four shifts per week.

- No operation of motorized equipment (ATV's, trucks, PWC's).

'In addition, they will receive or be required to meet all the lifeguard training listed below:

- Run one mile in under eight minutes.
- Swim 500 meters in under 10 minutes.
- Complete the Emergency Medical Responder training (60 hours).
- Complete the USLA approved open-water lifeguard training (48 hours).
- Pass a physical examination.
- Pass a pre-employment background check and drug screening.
- Provide a completed NC Youth Certificate.

'Once the initial training and certification is complete, the employee would abide by all other requirements of the program until the age of 18.'

In response to a question from Mayor Pro Tem Walters, Mr. Motz said that he does anticipate that the trainees would eventually be on the lifeguard stand, on their own, after going through the mentoring program.

Comr. Renée Cahoon confirmed with Mr. Motz that USLA allows 16 year olds as lifeguards.

Mayor Pro Tem Walters shared her concerns: While she supports apprenticeship programs, she is concerned about a 16-year old being on the lifeguard stand on their own – it is known that the brain's frontal lobe does not completely develop until the 20's – this is the rational part of the brain; she emphasized that she feels this is very risky – for the lifeguard and for those in the water.

Mr. Motz said that these concerns can be applied to the entire range of his lifeguards but that he understands her concerns and noted that some of the 16-year olds would be right for the job and some would not, at that age. This is a pilot program to address some of the issues he deals with.

Comr. Fuller confirmed with Town Manager Ogburn that staff will be obtaining insurance coverage in writing.

MOTION: Comr. Fuller made a motion to accept the Lifeguard Apprenticeship Program proposal as presented. The motion was seconded by Comr. Renée Cahoon.

Friendly amendment: Comr. Renée Cahoon made a friendly amendment to the motion to limit attendance in the program to those who reside in Dare County and Currituck County only. Comr. Fuller concurred.

Mayor Pro Tem Walters expressed her concern about the level of supervision and the instantaneous decision-making of 16-year olds that are required on a crowded beach.

CONTINUATION OF MOTION: The motion passed 3 – 1 with Mayor Pro Tem Walters casting the NO vote (Comr. Siers was not present.).

Consideration of amendments to Traffic Control Map:

The agenda summary sheet re: amendments to the Town's Traffic Control Map read in part as follows:

'At the February 6th Board of Commissioners meeting, the Board will consider the following two (2) amendments to the Traffic Control Map:

- 1) No Parking – Tow-Away Zone designation for 7200 – 7218 on the west side of S Virginia Dare Trail

- This designation is requested to alleviate issues in an area with a lot of pedestrian and vehicle traffic - especially predominant during the summer months.
- 2) No Parking – Tow-Away Zone designation for ocean/sound public beach accesses – 12 am to 6 am
- This designation is requested for consistency of operating hours for all beach accesses; currently there are a variety of hours listed on the Traffic Control Map for various beach accesses.

'Interim Police Chief Perry Hale has concurred with these amendments. Attached please find associated map for item 1) and the associated ordinances for both 1) and 2) for your consideration."

No Parking-Tow Away Zone designation for west side of 7200 to 7218 S Virginia Dare Trail

Comr. Renée Cahoon disclosed that she has one of the properties - 7212 S Virginia Dare Trail - that is affected. She pointed out that this is a very congested area with a lot of pedestrian traffic.

MOTION: Mayor Pro Tem Walters made a motion to adopt the ordinance amending the Traffic Control Map with the No Parking-Tow Away Zone designation for the west side of 7200 to 7218 S Virginia Dare Trail as presented. The motion was seconded by Comr. Fuller which passed 4 – 0 (Comr. Siers was not present.).

The ordinance amending the Traffic Control Map for the west side of 7200 – 7218 S Virginia Dare Trail, as adopted, is attached to and made a part of these minutes as shown in Addendum "D".

No Parking-Tow Away Zone designation at all Town beach and sound accesses - from 12 midnight to 6 am

Town Manager Ogburn emphasized that the Traffic Control Map amendment to designate all Town beach and sound accesses a No Parking – Tow Away Zone from 12 midnight to 6 am would provide consistency among all accesses.

Mayor Pro Tem Walters stated that the NEST Turtle volunteers have their own vehicle permits.

MOTION: Comr. Fuller made a motion to adopt the ordinance amending the Traffic Control Map with the No Parking-Tow Away Zone designation from 12 midnight to 6:00 a.m. for all ocean/sound beach accesses as presented. The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.).

Moved from Consent Agenda – Item #E-5 - Consideration of modifications to Consolidated Fee Schedule

The agenda summary sheet re: proposed modifications to the Consolidated Fee Schedule read in part as follows:

"The following modifications to the Consolidated Fee Schedule are requested for Board consideration at the February 6th Board of Commissioners meeting:

'Administration and Fire Department – Tent inspection associated with Crowd Gathering / Special Events permit - Addition of verbiage that a permit is issued based on requirements of the NC Fire Prevention Code

'Administrative Services – Addition of Beach Equipment Vendor annual fee to reflect Board direction

Fire Department – Addition of Incident Report fee

Fire Department – Addition of New Construction sprinkler, fire alarm, hydrant, etc. fees

Public Works – Removal of Automated cart push/roll back fee to reflect Board direction

'The affected pages of the Fee Schedule, as well as a detailed memo from Interim Fire Chief Hite are attached for your review.'

The memo from Interim Fire Chief Shane Hite read in part as follows:

'The North Carolina Fire Prevention Code and the National Fire Protection Association require in depth inspections and acceptance tests of fire protection systems that may be installed in business occupancies. These tests are a mandatory requirement to ensure these systems are built according to referenced standards. A hydrant test fee is also included to reflect the man power and water usage associated with flow testing a fire hydrant for fire suppression system upgrades and installations.

'Based on the required tests, I recommend the following changes to the Consolidated Fee Schedule:

'Fire Inspection Business

New Construction - to include:

'Standpipe system inspection	\$50.00
Fire Sprinkler system inspection	\$75.00
Fire alarm system acceptance testing	\$75.00
Kitchen suppression system acceptance testing	\$75.00
2-Hr Hydrostatic test witness	\$100.00

'Fire Hydrant Testing

Flow testing required for fire sprinkler system installation or upgrades	\$250.00
Incident reports - per copy	\$5.00"

Comr. Fuller confirmed with Interim Fire Chief Shane Hite that the information related to the \$250 flow test for sprinklers was determined after a review of charges at other municipalities. Comr. Fuller also confirmed that this applies to commercial and not residential properties.

MOTION: Comr. Fuller made a motion to approve the modifications to the Consolidated Fee Schedule as presented. The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.).

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Leidy – Update on Richardson litigation

Attorney Leidy reported that the taking of the Beach Nourishment Project easement case (Richardson litigation) was tried 18 months ago and the matter is on case for appeal to the NC Supreme Court. The owners have sought discretionary review of additional issues. They are now waiting for the Court to notify the parties if the additional issues brought forward by the Richardsons will be allowed.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Ogburn - Consideration of multi-year Town fireworks contract

Town Manager Ogburn summarized the agenda summary sheet which read in part as follows:

“Attached please find a three-year contract with Zambelli Fireworks Manufacturing Co. locking in the dates of July 4th 2019 - 2021 for fireworks displays – at a cost of \$25,000 per year.

‘In addition, staff has reached out to the Outer Banks Visitors Bureau and has applied for the 2019 fireworks grant. The location has been confirmed and will graciously take place again at the Nags Head Fishing Pier.”

MOTION: Comr. Renée Cahoon made a motion to approve the multi-year (three-year) fireworks contract contingent upon attorney review. The motion was seconded by Mayor Pro Tem Walters.

Mayor Cahoon stated that he would consult with the other Mayors concerning the possibility of one fireworks display for the area.

CONTINUATION OF MOTION: The motion passed 4 – 0 (Comr. Siers was not present.).

Town Manager Ogburn – Consideration of Trash/Recycle Schedule Changes from Board Retreat

Town Manager Ogburn summarized the agenda summary sheet which read in part as follows:

“As a result of the Board’s Retreat January 24-25, 2019 attached please find a memo from staff detailing a revised trash/recycling schedule. Based on the Board’s discussion the new residential sanitation schedule would be as follows:

Green (properties west of US 158 excluding Old Nags Head Cove. Also includes properties between US 158 and NC 12 north of Bainbridge Street excluding properties fronting NC 12).	Route	Blue (properties fronting on the west side of NC 12 north of Bainbridge, all properties east of NC 12; south of Bainbridge all properties between NC 12 and US 158, and all of South Nags Head).	Route	Red (Old Nags Head Cove)	Route
Same Schedule Year Round Trash – (Tuesday) Recycling – (Wednesday)		Summer Two days of trash and recycling on the same day (Monday and Friday) Off-season Trash – (Monday and Friday) Recycling – (Monday)		Summer Two days of trash (Tuesday and Saturday) One day or recycling (Wednesday) Off-season Same as Green Route”	

Town Manager Ogburn’s memo re: recycling changes as a result of the January 2019 Board Retreat read in part as follows:

“The Town requested bids for curbside residential recycling to be submitted on January 4, 2019. The Town received one bid on the original due date and re-advertised to receive bids on January 17th. The Town received one bid on January 17th from its current provider, Bay Disposal. The bid package is attached for your review.

'The Board is aware that we requested three bid options, as described below, as well as a per ton cost to process recycling materials. Due to changes in the recycling market, the Town anticipated a significant increase in the cost to process recycling as part of the Town's next contract.

'Bid Option 1:

Collect residential curbside recycling town-wide, year-round.

'Bid Option 2:

Collect residential curbside recycling town-wide for five months during the summer season.

'Bid Option 3 (most similar to our current service):

Collect residential curbside recycling town-wide for five months on the Blue Route (Beach Road) only.

'The schedule includes two days of recycling on the Beach Road during the five-month summer season on Mondays and Fridays. The current contract includes collection on the Beach Road during this period on Friday only. As the Board is aware, the Town has been working for some time to have trash and recycling collected on the same days on the Beach Road during the summer with Monday and Friday being the optimal schedule.

'Based on staff's analysis, Bid Option 3 would be the most cost-effective method to continue services. The total price is \$195,160; with \$187,660 being for curbside collection and the remainder being for recycling collection at beach accesses and other Town properties. A \$70 per ton processing charge is included in the price which provides a fixed and predictable cost for the three-year contract period. What is not included in the cost is the processing charge for recycling tonnage collected by town forces. Staff estimates this cost to be roughly \$35,000 based on tonnages from the last full fiscal year.

'As the Board is aware from the data provided for recycling workshop in December, the Town's current recycling contract is \$77,980, which includes one day of recycling collection on the Beach Road (Friday only) and collection of recycling at Town properties. Staff believes the increased cost for services in this bid proposal can be attributed to the addition of a day, a premium for Monday service since the contractor does not currently have excess capacity on this day locally, and the cost for recycling processing which we currently do not pay.

'The current budget includes \$56,440 remaining for recycling contracted services. In order to execute this contract for the remainder of the fiscal year, the Board would need to budget approximately \$36,000 to cover these additional costs.

'The Board of Commissioners discussed the recycling bids and the Town's overall sanitation program at its January 2019 retreat. The Board consensus from the retreat is as follows:

- Continue with residential recycling services utilizing Bay Disposal based on Bid Option 3. Staff would request that the Board award the bid to Bay Disposal and authorize the Town Manager to execute a contract with Bay Disposal not to exceed the amount in Bid Option 3.
- Budget the additional revenue for the current fiscal year to fund the additional contract cost as well as the anticipated recycling processing fee. A budget amendment of \$36,000 is included in this Board packet for the Board's consideration.
- Modify the Blue Route (Beach Road) schedule to include two days of trash collection year-round on Mondays and Fridays.

- Based on data regarding tonnage collections provided at the Board's December 5th workshop, eliminate the 2nd day of trash collection in the Village at Nags Head (west of US 158) during the summer months from May 1 to September 30th.
- Re-sticker all carts where schedules have changed to include a QR code linked to the Town's website. Begin an advertising campaign to promote the new schedule.
- Work to ensure that rental properties have the required number of trash and recycling carts."

MOTION: Comr. Fuller made a motion to approve the changes to the Trash/Recycle Schedule, the Recycling Contract and the associated Budget Adjustment as presented. The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.).

It was Board consensus to agree to Town Manager Ogburn's suggestion that a "QR" code be utilized on trash/recycling carts in order to avoid having to continually place new stickers on the sanitation carts. It was noted that this may be the most cost-effective way to make schedule changes in the long-term.

The associated sanitation recycling budget adjustment, as approved, is attached to and made a part of these minutes as shown in Addendum "E".

The Recycling contract, as approved, is on file in the Town Clerk's Office.

BOARD OF COMMISSIONERS AGENDA

Comr. Renée Cahoon – Consideration of GovEd Local Programming Development Initiative Grant

Comr. Renée Cahoon summarized the request to apply for the GovEd Local Programming Development Initiative (LPDI) grant. The summary sheet read in part as follows:

"For Fiscal Year 2018-2019, the Dare County Government/Education Channel's Local Programming Development Initiative is offering a \$10,000 grant to each member. The Town would like to apply for the full \$10,000 to purchase a 98 inch display to replace the screen currently being used for projection in the Board of Commissioners Room.

'Request Board approval to apply (application attached) for a non-matching grant from the Dare County Government/Education Channel's Local Programming Development Initiative."

MOTION: Comr. Renée Cahoon made a motion authorizing the application for the GovEd Local Programming Development Initiative grant as presented. The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.).

MAYOR'S AGENDA

Mayor Cahoon - Consideration of resolution in support of naming Bonner Bridge replacement bridge after former Senator Marc Basnight

Mayor Cahoon pointed out that the naming of Bonner Bridge is now in the hands of the State. The Town's resolution, however, is offered as a statement of appreciation for Sen. Basnight and all he did for this and many other communities when he was in office.

MOTION: Comr. Renée Cahoon made a motion to adopt the resolution in support of naming the Bonner Bridge replacement bridge after former Senator Marc Basnight with one correction to the last "WHEREAS" statement to read that Sen. Basnight IS a lifelong resident. The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.).

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

"WHEREAS, the Town of Nags Head is an incorporated municipality in Dare County, North Carolina: AND

'WHEREAS, Marc Basnight was born in Manteo and graduated from Manteo High School; AND

'WHEREAS, Marc Basnight chaired the Dare County Tourist Bureau from 1974 to 1976; AND

'WHEREAS, Marc Basnight was a member of the North Carolina Board of Transportation from 1977 to 1983; AND

'WHEREAS, Marc Basnight served as a Democratic member of the North Carolina State Senate, representing the 1st District from 1984 until 2011; AND

'WHEREAS, Senator Marc Basnight held the position of President pro tempore from 1993 until his resignation due to health issues; AND

'WHEREAS, Senator Marc Basnight advocated for the replacement of Bonner Bridge, the vital life line to Hatteras Island; AND

'WHEREAS, Marc Basnight has made extraordinary contributions to the growth and strength of all of Dare County in countless recorded and unrecorded ways; AND

'WHEREAS, Marc Basnight is a life-long resident of Dare County who contributed to the economic and cultural history of the county.

'NOW THEREFORE, BE IT RESOLVED that the Town of Nags Head Board of Commissioners respectfully requests your consideration that the new bridge in Dare County be named the *Marc Basnight Bridge*."

Mayor Cahoon - Consideration of resolution in support of continued funding for the Active Routes to School Program

MOTION: Comr. Fuller made a motion to adopt the resolution in support of continued funding for the Active Routes to School Program as presented. The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.).

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

"WHEREAS, the Rural Transportation Advisory Committee (RTAC) is the duly recognized transportation planning policy board for the Albemarle Rural Planning Organization (ARPO); AND

'WHEREAS, Active Routes to School is a North Carolina Safe Routes to School (SRTS) project supported by a partnership between the North Carolina Department of Transportation and the North Carolina Division of Public Health; AND

'WHEREAS, the program focuses on providing a safe, appealing environment for walking and biking, improves the quality of children's lives, and supports national health objectives by increasing physical activity; AND

'WHEREAS, the Active Routes to School program is federally funded through June of 2019.

'NOW THEREFORE, BE IT RESOLVED that the Town of Nags Head Board of Commissioners supports the North Carolina Department of Transportation and the North Carolina Division of Public Health in their efforts to continue to fund the federal Active Routes to Schools program beyond June of 2019."

Mayor Cahoon - Authorization to forward letter to NC Insurance Commissioner in opposition to NC Rate Bureau request to increase homeowners insurance rate

The summary sheet read in part as follows:

"At the February 6th Board of Commissioners meeting, Mayor Cahoon will discuss the proposed homeowners rate increase submitted by the North Carolina Rate Bureau to the NC Department of Insurance.

'The filing reflects an overall statewide average increase of 17.4% for homeowners, renters and condominium rates. The Rate Bureau has requested a rate increase of 30% in the homeowner rate in the beach (barrier island portion) areas of Currituck, Dare and Hyde counties and a 25% increase in the homeowner rate in the inland areas of Currituck, Dare, Hyde and Pamlico counties. The filing affects condo, tenants as well as wind-only policies. The deadline to submit comments is February 26, 2019.

'Attached please find a Draft letter of opposition to the Rate Bureau's requested increase for Board review and discussion on February 6th."

MOTION: Mayor Pro Tem Walters made a motion to authorize the Mayor, on behalf of the Board, to prepare and forward a letter to the NC Insurance Commissioner in opposition to the NC Rate Bureau request to increase homeowners insurance rate. The motion was seconded by Comr. Renée Cahoon which passed 4 – 0 (Comr. Siers was not present.).

Mayor Cahoon - Request for consensus to send letter of thanks to US Rep Walter Jones

It was Board consensus to authorize Mayor Cahoon, on behalf of the Board, to prepare and send a letter of appreciation/thanks to Us Representative Walter Jones, Jr. for all he has done for the state of North Carolina.

Mayor Cahoon - Request for Closed Session

CLOSED SESSION

MOTION: Comr. Renée Cahoon made a motion to enter Closed Session to approve Closed Session minutes from Jul – Dec 2018 in accordance with GS 143-318.11(a)(1) and to consider the sale of the Town's interest in The Soundside – Outer Banks Event Site – in accordance with GS 143-318.11(a)(5). The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.). The time was 12:28 p.m.

OPEN SESSION

The Board re-entered Open Session at 12:48 p.m.

Attorney Leidy reported that during Closed Session the Board approve Closed Session minutes and approved opening those as listed and gave instructions to the Town Attorney but no other action was taken.

ADJOURNMENT

MOTION: Comr. Renée Cahoon made a motion to adjourn. The motion was seconded by Mayor Pro Tem Walters which passed 4 – 0 (Comr. Siers was not present.). The time was 12:50 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: **March 6, 2019**

Mayor: _____
Benjamin Cahoon