



**MINUTES  
TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
WEDNESDAY, APRIL 3, 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, April 3, 2019 at 9:00 a.m.

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

Board members Absent: None

Others present: Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Phil Webster; Perry Hale; Shane Hite; Michael Zehner; Amy Miller; Brie Floyd; Roberta Thuman; Holly White; Ralph Barile; Bryan Bradley; Alex Liverman; Heath Taylor; James Moseman; Christian Aguirre; Allen Massey; David Bragg; Hannah Caton; Candis George; Steve George; Marcia Johnson; Bob Oakes; Amanda Hooper; Gia Palacorolla; Shane Collins; Luke Baer; 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. Fuller made a motion to remove agenda item #E-6 (*Request for Public Hearing to consider adoption of the Unified Development Ordinance (UDO). Adoption of the UDO consolidates and updates the following sections of the Nags Head Town Code into one document: Chapter 2 Administration (portions), Chapter 22 Floods, Chapter 28 Soil Erosion and Sedimentation Control, Chapter 34 Stormwater, Fill, and Runoff Management, Chapter 38 Subdivisions, and Chapter 48 Zoning*) from today's agenda. The motion was seconded by Comr. Siers which passed 3 – 2 with Mayor Cahoon and Mayor Pro Tem Walters casting the NO votes.

**MOTION:** Comr. Fuller made a motion to approve today's agenda as amended. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

**RECOGNITION**

Police Chief Phil Webster introduced Police Officer Bryan Bradley and Police Officer Alex Liverman who were welcomed by the Board to Town employment.

Public Works Director Ralph Barile introduced Water Service Technician Heath Taylor who was recognized by the Board for five years of service.

Interim Fire Chief Shane Hite introduced Fire Captain James Moseman who was recognized by the Board for 15 years of service.

Police Chief Phil Webster introduced Police Officer Christian Aguirre who was recognized by the Board for his recent Advanced Law Enforcement Certification.

Dep Town Manager Andy Garman introduced former Information Technology Coordinator Allen Massey who was recognized and presented a plaque by the Board on his recent retirement.

## **PUBLIC COMMENT**

### PUBLIC COMMENT – DAVID BRAGG

David Bragg, Village at Nags Head resident; green stickers on garbage carts contain a bar code for trash pick-up but he questioned how older people and others not familiar with the phone app will read it – he suggested providing it on the green stickers as was done previously; he spoke against the reduced trash pick-up (from two days to one day per week) in the Village - seafood that ends up in the trash cart after sitting for several days before being picked up is not good; he questioned if the Board reviewed the cost/benefit analysis before they voted to reduce this trash pick-up; he questioned if the Board reviewed improvements to trucks and routes prior to making this change; did the Board review tonnage and cost per neighborhood to include dumpster pick-up prior to making this change; did the Board receive occupancy rate per neighborhood prior to making the decision – more people means more garbage; did the Board determine the increase of drivers; did the Board consider outsourcing; did the Board consider length of time for pick-ups in the Village; he also commented that recycling is going up \$110,000 per year and many cities are eliminating the recycling program.

### PUBLIC COMMENT – HANNAH CATON

Hannah Caton from the *Coastland Times*; she provided copies of the Outlook Section of the *Coastland Times*, which was published this past weekend, to the Town Clerk for distribution to Board members and the public; the Outlook Section included a half page ad for the Town's Dowdy Park Farmers' Market.

There being no one else present who wished to speak, Attorney Leidy closed Public Comment at 9:27 a.m.

## **CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- 1) Consideration of Budget Adjustment #10 to FY 18/19 Budget
- 2) Consideration of Tax Adjustment Report
- 3) Approval of minutes
- 4) Consideration of modification to the Consolidated Fee Schedule (Farmers Market fees)
- 5) Consideration of Amendment #6 to the Beach Nourishment Capital Project Ordinance re: sea turtle monitoring costs

**MOTION:** Comr. Fuller made a motion to approve the Consent Agenda as presented (with the previous removal of item #6 re: Request for Public Hearing). The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

Budget adjustment #10, 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 summary sheet to modify the Consolidated Fee Schedule for Farmers Market fees, as approved, read in part as follows:

"The following modification to the Consolidated Fee Schedule is requested for Board consideration at the April 3<sup>rd</sup> Board of Commissioners meeting:

'Addition of a "Drop-In" option for Dowdy Park Farmers Market vendors who may just want to attend a couple of market dates instead of the entire season (10 market dates) at \$125.00. Any vendor wanting to participate in the Farmer's Market by drop-in must come to Town Hall to register and pay the \$25 at least one day prior to the market date. The event coordinator will not accept any fees on-site.

'The affected page of the Fee Schedule, as modified, is attached for your review."

The summary sheet for Amendment #6 to the Beach Nourishment Capital Project Ordinance re: sea turtle monitoring costs, as approved, read in part as follows:

"The amendment requests additional funds for the sea turtle monitoring costs from the Beach Nourishment Capital Reserve Fund Balance. This change results in a \$33,688 decrease needed from that fund balance."

The Beach Nourishment Capital Project Ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

## **PUBLIC HEARINGS**

Public Hearing to consider the regulation of short-term rentals within the Town via a registration process

Attorney John Leidy introduced the Public Hearing to consider regulation of short-term rentals within the Town via a registration process. The time was 9:30 a.m.

Dep Town Manager Andy Garman summarized the staff report which read in part as follows:

"In February, the Planning Board concluded its discussion of the short-term rental registration ordinance. This attached draft ordinance has been provided for consideration by the Board of Commissioners. This item was initiated last year as the Town Board of Commissioners discussed the increasing proliferation of daily and weekly rentals in the Town that were being facilitated by online vacation rental platforms.

'After several months of research by the Board of Commissioners and the Planning Board, including a community survey, the Planning Board has recommended the establishment of a registration program for short-term rentals. This would provide the town with an opportunity to understand the location of short-term

rentals, to establish a point of contact with operators, to provide information regarding specific insurance and tax obligations of landlords conducting rental activities within single-family dwellings, and to inform operators of the safety requirements and other relevant provisions of the North Carolina Vacation Rental Act.

The attached ordinance includes the following provisions:

- The ordinance establishes a definition for a short-term rental. This generally includes properties that are rented for periods of 30 days or less. The ordinance also defines partial house and whole house short-term rentals.
- Partial house rentals are properties whereby a resident resides on the property and rents a portion of the dwelling. A partial house rental may include the rental of up to two bedrooms. Whole house rentals are properties whereby the whole house is rented, and owner or operator resides off-premises.
- A registration is established for both partial house and whole house short-term rentals. Hotels, motels, and properties managed by licensed real estate brokers are not required to register. The ordinance makes this distinction since there are established laws governing these types of operators. The registration would be required annually.
- As part of the registration, the property owner will be requested to provide their contact information and a point of contact (if not the owner) that would be available in a timely manner to address any concerns that may arise.
- As part of the registration, the owner will disclose whether they have liability coverage to support the short-term rental. They will also be acknowledge the requirements of the North Carolina Vacation Rental Act, and their obligation to pay sales and occupancy tax. Staff would provide registrants with information on these requirements.
- Whole house and partial house short-term rentals would be allowed in any zoning district. Registrants would specify whether they have a whole house or partial house rental.
- Whole house rentals will not be required to provide any additional parking beyond what is required for single-family dwellings since the parking calculation is designed to account for rental occupancies (number of bedrooms minus two).
- Partial house rentals will be required to have one (1) additional parking space beyond what is required for single-family dwellings. (If a partial house rental is a three or four bedroom house, only two parking spaces would have been required at C/O. The extra space is required to account for a minimum of two spaces for the owner and one space for the renter). Partial house rentals would be asked to verify how many bedrooms are rented and would acknowledge that one additional parking space is available for the rental.
- The definition of bed and breakfast will now only apply to single-family dwellings where more than two rooms are being rented on a daily or weekly basis. Bed and breakfasts are allowed only in the C-2 General Commercial zoning district.

As previously relayed to the Board, Staff has been considering how the registration process for Short Term Rentals ("STRs") would be administered. While Staff does not anticipate that the annual registration process and information required of an owner will be complex, Staff does anticipate that the identification and inventorying of STRs will be time-consuming without the use of outside resources. Additionally, once existing STRs are identified, owners will need to be contacted and provided direction on the registration process. Staff has proposed an initial registration deadline of December 31, 2019 to provide enough time to educate the public and allow for establishment of the program. Initially, the registration process will be handled with existing resources. Staff will work to establish a registration portal using the Town's website.

'Staff would propose an annual fee of \$25 for the registration to handle administrative costs. While the renting of STR units does result in sales and occupancy taxes, it is likely that at least some of these are currently submitted; therefore, any potential increase in tax revenue that could result from the registration program is unknown.

'Planning Board/Staff Recommendation

Both the Planning Board and staff recommend adoption of the attached draft ordinance establishing a registration program for short-term rentals. Staff would plan to report out to the Board on the success of the registration program after one year. Staff would ask the Board to revisit the use of a vendor to assist with this program depending upon the results of this report."

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, March 20, 2019 and on Wednesday, March 27, 2019 as required by law.

Mr. Garman's slides are attached to and made a part of these minutes as shown in Addendum "D".

Comr. Fuller confirmed with Mr. Garman that some companies are exempt from the ordinance as they list all their short term rentals on their web site.

Attorney Leidy invited those interested to speak.

Candace George, Town resident; not against Airbnb or any other privately managed rentals but against those that are in established neighborhoods; she realizes that the economy is based on those tourists, but she lives in neighborhoods that choose to live apart from tourist lodging and she feels that there is a place for everyone; she asked the Board to include the neighborhoods' position in this issue.

Amanda Hooper, lives in unincorporated Dare; she does not want one town to set a precedent for all of the county:

- Occupancy tax is required for 90 days or less – should be in line with tax regulations
- What is the benefit?
- Does parking apply across the board to include property mgrs? (Mr. Garman responded that it does)
- She has owned an Airbnb since 2012 and did so because she was unable to make ends meet
- Bed and breakfast – she only rents full homes - not partial houses/rooms - how can it be a bed and breakfast if no kitchens are shared?

Marcia Johnson, Kill Devil Hills resident; she has been sharing her home since 2005 with international students, overseen by Pathways organization; she needed that income to make ends meet; Airbnb is our pathway and place to go to; she suggested looking into this as a way to provide for the community and it is needed due to the cost of living if they don't have the extra income.

Steve George, Town resident; he questioned if the ordinance overrules HOA covenants as where he lives this use is not allowed by covenants.

Bob Oakes, Nags Head resident since 1984 and is in the property management business; at first glance this is something needed in order to be fair to everyone; he encouraged the Board to look at a voluntary census to start with; biggest thing is the effect on neighbors such as parking that should be driving the ordinance.

There being no one else present who wished to speak, Attorney Leidy closed the Public Hearing at 9:50 a.m.

Concerning neighborhood covenants, Attorney Leidy stated that if the HOA is inconsistent with the ordinance, the ordinance would control but in this situation the covenants would apply.

**MOTION:** Comr. Fuller made a motion to adopt the short-term rental ordinance as presented. The motion was seconded by Mayor Pro Tem Walters.

Comr. Siers stated that the main focus is for the safety of homeowners and visitors; focus is also with the loss of occupancy tax; he doesn't want to stop this use but needs to make sure short term rental property owners have the correct insurance and that the appropriate taxes are paid; the Board wants to get a handle on the issue before it gets out of hand.

Comr. Renée Cahoon said that this issue is partly because of neighborhood covenants; the Town has been asked about illegal tenants and the proposed ordinance does not overstep those covenants; HOA enforces their own covenants; some do not pay occupancy taxes which impacts services as they are receiving services but are not paying for them; she wants property owners to have the proper coverage for the safety of those in the homes; this is not an ordinance to try to regulate - it is an ordinance to understand where and what is being rented and to make sure the homeowner is doing the right thing.

Mayor Pro Tem Walters said that no Board member wants to be heavy-handed – the main focus is on public safety and legal responsibilities; the survey the Town did received 581 responses; this has been a two-year process and worked on by the Planning Board, staff, as well as the Board and is to benefit all parties; it is largely about public safety and education.

Comr. Fuller stated that he owns a VRBO in another area and he was required to change his insurance – this ordinance gives the Town a handle on what needs to be done for homeowners to safely rent out their homes/rooms.

Mayor Cahoon reiterated that the Board is concerned about the safety of homeowners as well as renters.

**CONTINUATION OF MOTION:** The motion passed unanimously.

The short-term rental ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "E".

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

### Project Updates

#### Planner Holly White - FOCUS Technical Committee – Unified Development Ordinance (UDO)

Planner Holly White summarized work on the FOCUS UDO as reported on the summary sheet which read in part as follows:

"The Technical Committee met on Thursday, March 7, 2019 to discuss comments made by the Technical Committee, Planning Board, and Board of Commissioners that required further discussion. Committee members provided Planning Staff with direction on specific comments where additional feedback was needed. A comprehensive list of comments is attached. The Technical Committee has reviewed all of the comments and provided additional recommendations or actions where necessary. The comments are shown in black text, Planning Staff responses or suggestions are shown in green text, and Committee recommendations, feedback, or actions are shown in red text.

Staff is working to make all suggested changes, including the development of diagrams, for the final draft. Additionally, the Town Attorney is reviewing specific sections of the draft and providing staff with any suggested modifications.

Also attached is an updated schedule focusing on the remaining tasks and adoption. One option for the Board to consider is establishing an effective date for the UDO beyond the adoption date; Planning Staff believes that establishing an effective date may be preferred, thereby allowing applicants and property owners to appropriately plan for a transition into new processes (namely the Sketch Plan process for Site Plan Review), and allow staff the opportunity to finalize the Development Manual and checklists, as well as conduct educational outreach to specific stakeholder groups.

<b>Task</b>	<b>Date</b>
Effective Date of UDO – <i>Optional</i>	<b>7/8</b>
Preparation of development manual & public education	<b>5/1-6/30</b>
Board of Commissioners- Public Hearing/Adoption	<b>5/1</b>
Planning Board	<b>4/16</b>
Community Meeting <ul style="list-style-type: none"> <li>• Advertise for Community Meeting</li> </ul>	<b>Week of 4/8</b>
Publicize Final Draft	<b>Week of 4/1</b>
Conduct final review and make final changes. <ul style="list-style-type: none"> <li>• <i>Incorporate Technical Committee, Planning Board, and Board of Commissioners feedback.</i></li> <li>• <i>Incorporate all recent text amendments</i></li> <li>• <i>Finalize and insert diagrams "</i></li> </ul>	<b>Ongoing</b>

Mayor Cahoon questioned when the Board could expect to have the final document; Ms. White estimated within the next week or two. Mayor Pro Tem Walters pointed out that Board members have already provided their comments; Comr. Fuller disagreed stating that he will speak further on this under his agenda.

Mayor Cahoon asked Town Manager Ogburn to advise Board members, at the earliest opportunity, when the Board will be able to have the UDO document in hand.

Town Manager Cliff Ogburn – Stormwater Projects

Town Manager Ogburn, noting that Town Engineer David Ryan was unable to attend today’s meeting, updated the Board on the construction progress for Project Area #1 – the upstream replacement of the “Red Drum” ocean outfall. A photo of the project was displayed; Town Manager Ogburn stated that, at this time, the project is ahead of schedule.

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

From Feb 6<sup>th</sup> BOC meeting – Discussion of no-wake zone 600’ from shoreline in Commercial Outdoor Recreational Uses Overlay District

Planning Director Michael Zehner summarized the staff memo which read in part as follows:

"During consideration of the amendments to the Zoning Ordinance to allow docking facilities with transient boat slips as accessory uses to restaurants, members of the Board expressed an interest in addressing potential future conflicts between watercraft operating in the area of the Commercial Outdoor Recreational Uses Overlay District; the Board was specifically concerned about conflicts with users of public accesses adjacent to a future docking facility. While the potential for conflicts was addressed by the use standards adopted as part of the amendments and could be addressed in the consideration of a specific Conditional Use Permit application for a docking facility, Planning Staff suggested that the Board may also wish to consider the extension of a No Wake Zone within the area of the Commercial Outdoor Recreational Uses Overlay District, as recommended by the *1999 Water Use Recreational Carrying Capacity Study*.

#### 'Current Provisions

The recent amendments to the Zoning Ordinance placed the following applicable minimum requirements on docking facilities accessory to a restaurant:

- Piers and slips shall be limited in length to 200 feet measured perpendicular to the shoreline from the normal water line. This distance is not inclusive of the platform at the end of the facility.
- There shall be 30 inches of water depth relative to the normal water level adjacent to all boat slips and boat access areas.
- The docking facility shall include a designated No Wake Zone that shall be extended 600 feet measured perpendicular to the shoreline from the normal water line. There shall be a No Wake Zone sign conspicuously posted on the facility.

'Additionally, there are several applicable provisions in the Town's Code of Ordinances and the State General Statutes relating to the Board's consideration of an expanded No Wake Zone and/or the potential for conflicts between watercraft."

Mayor Pro Tem Walters confirmed that staff recommendation only applies to personal watercraft/jet skis and would be enforced via code enforcement rather than with police power.

Comr. Renée Cahoon felt it was better to deal with specific site conditions individually rather than with a blanket change throughout the ordinance.

Mayor Pro Tem Walters expressed her concern about implementing the ordinance piecemeal; she is also concerned about passive recreation along with boating, etc. in the same waters.

**MOTION:** Comr. Siers made a motion to take no action on the ordinance re: a 600' no-wake zone for personal watercraft as presented. The motion was seconded by Comr. Fuller which passed 4 – 1 with Mayor Pro Tem Walters casting the NO vote.

#### From Mar 6<sup>th</sup> BOC meeting – Discussion of proposed Accessory Dwelling Unit ordinance

Comr. Fuller pointed out that what was requested at the last meeting was an ordinance re: accessory dwelling units but he does not see an ordinance in the backup material.

Mayor Pro Tem Walters indicated that she would like to see what is agreed upon today by the Board into an ordinance for the Board's upcoming review and consideration.

Planning Director Michael Zehner summarized the agenda summary sheet which read in part as follows:

"At the March 6, 2019 meeting of the Board of Commissioners, it was the consensus of the Board that they be provided the opportunity to offer guidance related to how Accessory Dwelling Units ("ADUs") were to be addressed in the pending Unified Development Ordinance ("UDO"). Members of the Board expressed an interest in discussing minimum lot size requirements, maximum unit size, adequacy of septic systems, parking requirements, allowable locations, and impacts on density. Following this meeting, the UDO Technical Committee further discussed and reviewed the treatment of ADUs in the draft UDO; additional items for consideration raised by the Technical Committee and Planning Staff include restrictions on the length of stay, height limits, the location of units on lots, and restrictions on utility service. A memo has been provided offering considerations for each of these items, along with recommendations, as applicable, from Staff and the Technical Committee.

'Staff Recommendation: Staff would recommend that additional recommended provisions related to maximum unit size, height, location of units on lots, adequacy of septic, utility service, and length of stay be incorporated into the draft UDO to be reviewed by the Planning Board and eventually considered for action by the Board of Commissioners. Staff would welcome feedback related to these items, especially with respect to the location of units on lots, as well as regarding minimum lot size, parking requirements, allowable locations, and density.

'Planning Board Recommendation:  
Pending review of the draft UDO."

Mayor Cahoon reported that he has served on the FOCUS Technical Committee and has been involved in discussions on the Comprehensive Plan also. His preference would be for this to become a part of the UDO – He concurs with what staff has recommended.

Comr. Siers said that septic and lot coverage will regulate the use.

Comr. Renée Cahoon expressed her concern about the size of dwelling and then density – she is also concerned about parking and does not believe the use would fit in every zoning district; also noted were stormwater issues and while she understands in-law suites, she does not feel every district needs it. She expressed concern that not all issues have been met with this proposal. Short-term rentals are 90 days or less based on the Vacation Rental Act. She doesn't see that the proposed ordinance addresses specific needs.

Mayor Pro Tem Walters noted that this was discussed at the January 2019 Board Retreat and with this we can address the needs of people needing additional income, granny pods, workforce housing. She would like to see an ordinance and that it be included in the UDO as it's a use that is already happening anyway; adding it onto a house or adding an accessory dwelling makes no difference to her.

Comr. Fuller said that as he saw no ordinance in the backup, he did not review what was provided; he questioned what is to be accomplished; he pointed out the following possible issues: 1) lot size 2) setbacks 3) parking 4) location 5) density 6) unintended consequences.

Mayor Cahoon stated that when they get to a point where the Board could address all issues raised by the Board, it will be debated at that time - until then it should be put in ordinance form.

Comr. Renée Cahoon stated that the first question and driving force is to have the location for the use answered.

Comr. Fuller stated that in accordance with the Town's Land Use Plan, ADU's should not be permitted; he expressed his concern about doubling density and adding ADU's is an increase in density.

**MOTION:** Mayor Pro Tem Walters made a motion that staff draft an Accessory Dwelling Unit (ADU) ordinance for consideration at the April 2019 Planning Board - and to return to the Board of Commissioners for consideration. The motion was seconded by Mayor Cahoon.

Comr. Renée Cahoon said that for discussion she would like to see the ordinance require ADU's to contain its stormwater on-site – such as by guttering into a rain garden, etc.

**CONTINUATION OF MOTION:** The motion passed 3 – 2 with Comr. Fuller and Comr. Renée Cahoon casting the NO votes.

## **LUNCH RECESS / RECONVENE**

Mayor Cahoon recessed the Board meeting at 12:05 p.m. for lunch and reconvened at 1:10 p.m.

### From Mar 19<sup>th</sup> CIP Workshop – Consideration of Police Dept Office Manager job description

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

“At the March 19<sup>th</sup> Capital Improvement Program (CIP) Workshop, discussion took place concerning a reorganization of the Town’s Information Technology Department.

‘The Police Dept. Office Manager will work full-time as Information Technology (IT) Coordinator on the Town Hall second floor until the end of 2019; Shoshin Technology will provide vendor support.

‘A new job description for the Police Dept. Office Manager position is attached for Board review and consideration at the April 3<sup>rd</sup> Board of Commissioners meeting.”

Comr. Fuller confirmed with Town Manager Ogburn that the request is for a reclassification of an existing position to include reclassification of salary grade. Town Manager Ogburn also noted that this is a reduction in grade and salary – to a Grade 7.

**MOTION:** Comr. Renée Cahoon made a motion to approve the Police Dept Office Manager job description as presented with the proposed grade of 7. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

## **NEW BUSINESS**

### Committee Reports

Comr. Renée Cahoon – Government Education Access Channel Committee – the committee met and the GEACC Chair for the upcoming year is the representative from the ECU Coastal Studies Institute.

Mayor Cahoon – Offshore Oil Drilling - Mayor Cahoon and Dare County Chair Woodard met with Sen. Tillis’ staff last week concerning offshore oil drilling and testing; they viewed the beaches and effectively presented the business case for no offshore drilling; Sen. Tillis’ staff left with the full understanding of the issue that will be conveyed to Sen. Tillis; Mayor Cahoon said he expects to be working with Sen. Tillis’ office on this issue.

Mayor Cahoon – Offshore Oil Drilling - Sec. Michael Reagan from NC DEQ will join a Mayors’ Roundtable discussion on May 8, 2019; invitation will be to all the mayors from all counties to include Board Chairs if no

mayors; they expect approximately 54 people to be invited; purpose will be to encourage them to be more vocal re: opposition to offshore oil drilling.

Mayor Cahoon – NCDOT and stormwater – Local mayors will discuss stormwater in coordination with NCDOT officials to include the DOT District Engineer on April 12, 2019; specifically cost-sharing re: the S Nags Head projects and more assistance from NCDOT on all drainage projects will be discussed; Comr. Fuller said that the lack of maintenance from NCDOT is causing the Town issues with ditches, culverts, etc.

Mayor Cahoon – Various issues discussed in Raleigh - issues such as tree-cutting and wastewater are being discussed in Raleigh and Mayor Cahoon has spoken with Rep. Hanig re: making a trip to Raleigh to highlight some of these issues. It was Board consensus to prepare letters to our representatives/senators re: issues facing the Town.

Comr. Fuller – Dare County Tourism Board – each month he leaves a package at Town Hall of the DCTB meeting and there is also a summary of the DCTB meeting prepared by Executive Director Lee Nettles; he noted that the county will close on the Dairy Queen site soon. In addition, the Tourism Board has acquired another consulting firm for an analysis of what can be done with the property.

#### Consideration of Board/Committee appointments

- Appointment to Dare County Land Transfer Tax Appeals Board

Comr. Siers volunteered to serve in the capacity as representative on the Dare County Land Transfer Tax Appeals Board.

**MOTION:** Comr. Renée Cahoon made a motion to appoint Comr. Siers to serve on the Dare County Land Transfer Tax Appeals Board, replacing former Comr. John Ratzenberger whose term expires June 2019. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

### **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER**

#### Town Manager Ogburn - Report on Planning and Development Dept. Permitting Processes

Planning Director Michael Zehner summarized the agenda summary sheet which read in part as follows:

“Planning and Development Department Staff will provide a report to the Board of Commissioners at the April 3<sup>rd</sup> meeting on progress and improvements in the Department’s permitting processes and the use of MUNIS software.”

His slides are attached to and made a part of these minutes as shown in Addendum “F”. By the end of April 2019 Mr. Zehner expects a kiosk for public interaction to be established in the Town Hall lobby to allow for the public to obtain building permit information.

Mayor Cahoon confirmed that the software should be able to track the variety of permits issued.

In response to Board questions, Director Zehner stated that new construction permits would take the longest amount of time and he stated that he is comfortable with the proposed decrease of turnaround time as listed.

Town Manager Ogburn - Report on 2019 Beach Nourishment Project

Town Manager Ogburn reported that the contractor Great Lakes will start the drop off of the Beach Nourishment Project equipment today with staff arriving next week; arrival of the first dredge is May 7<sup>th</sup> – weekly updates and weekly construction meetings will be provided during the project.

Town Manager Ogburn stated that the static line established at the 2011 project will not have to be re-established; he anticipates in the next week to see some equipment/piping on the beach; progress will be charted online for the public to view as the project progresses.

Public Information Officer Roberta Thuman stated that people are more prepared for the project and more aware this time around.

Town Manager Ogburn said that the only re-bid is for the sand fencing task – It was confirmed with Town Manager Ogburn that the online map will be updated on a daily basis.

Town Manager Ogburn – Consideration of participation in Dominion Power Program

Town Manager Ogburn requested authorization to apply for the Dominion No-Residential Lighting Systems and Controls Rebate Program to allow the Town to retrofit its lighting fixtures. He expressed concern that the program may be terminated before the start of the next fiscal year which has already occurred in Virginia. Staff has identified funding in the current budget from savings in health insurance in Police and from lapse salaries in the Water Dept.

**MOTION:** Comr. Renée Cahoon made a motion to approve the Town’s participation in the program and to not exceed the amount shown of \$49,349 [total from both General and Water Funds]. The motion was seconded by Comr. Siers which passed unanimously.

Town Manager Ogburn – Short-Term Rentals follow-up

The Board considered the request for a Consolidated Fee Schedule addition of \$25 for annual Short-Term Rental fee.

**MOTION:** Mayor Pro Tem Walters made a motion to approve the addition to the Consolidated Fee Schedule of \$25 for an annual Short-Term Rental fee. The motion was seconded by Comr. Fuller which passed unanimously.

**BOARD OF COMMISSIONERS AGENDA**

Comr. Webb Fuller – Discussion of workshop on Unified Development Ordinance (UDO)

Comr. Fuller discussed with Board members the possibility of a workshop to discuss the Unified Development Ordinance - after being presented to the Board. He believes that it has been noted at previous Board meetings and at the January 2019 Board Retreat that a workshop would be scheduled for Board discussion of the completed UDO. He requested that the full Board hold a workshop when the UDO is received.

Mayor Cahoon indicated that a date for a workshop can’t be scheduled since when the final UDO will be distributed to the Board is not yet known.

It was Board consensus to have a Board Workshop with completed UDO prior to meeting to adopt the UDO.

Comr. Fuller - Budget process

Comr. Fuller suggested that a one-year budget be approved this year – he suggested that in the future budgets should be coordinated with elections so future Boards can operate freely and not have to adhere to a two-year budget the previous Board approved.

Comr. Fuller asked that staff develop proposed revenue and expenditure charts that extend 5, 10, 15 years to provide the Board more guidance. He would also like to see how the tax rate has developed.

Comr. Renée Cahoon questioned where the budget stands after the previous Budget Workshop – with expenditures and what impact it would have; Mayor Pro Tem Walters asked for a spreadsheet similar to what was provided at last year's Budget Workshop.

Mayor Cahoon asked staff to provide for the April 23<sup>rd</sup> Budget Workshop a spreadsheet detailing what was approved at the CIP Workshop and what was still under review.

Town Manager Ogburn – ADU clarification

Town Manager Ogburn clarified with the Board that:

- ADU Public Hearing date has not yet been established
- ADU ordinance is going to the Planning Board at their April meeting
- ADU ordinance is to be provided for BOC review at the May 1<sup>st</sup> meeting and the BOC may call for a Public Hearing at the mid-May or the first meeting in June

Mayor Pro Tem Walters – Stop Offshore Drilling in the Atlantic (SODA)

Mayor Pro Tem Walters reported on some important points made by SODA (Stop Offshore Drilling in the Atlantic) at their presentation at Waveriders Restaurant last week: the area is 60 – 90 days out from seismic testing which could happen as early as this summer; the US is the #3 exporter of oil; she commended Rep. Hanig in his letter to his colleagues opposing offshore drilling. She stated that the US Manteo Prospect is 45 miles off our coast and the US is the #3 exporter of oil. She also reported that the oil found on the Atlantic Coast will be sold to India and China for the next 20 years – it won't be for the benefit of the United States.

Mayor Cahoon noted that at his meeting last week with Sen. Tillis' staff, he was informed that the next step is to find structures that are likely sources of oil – and then to apply for a drilling permit.

**ADJOURNMENT**

**MOTION:** Mayor Cahoon recessed the meeting to Tuesday, April 23, 2019 at 9:00 a.m. in the Board Room for a Budget Workshop. The time was 2:35 p.m.

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

Date Approved:          **May 1, 2019**    

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