



**MINUTES  
TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
WEDNESDAY, MAY 4, 2022**

The Nags Head Board of Commissioners met in person at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, May 4, 2022 at 9:00 a.m. for a Regular Meeting. The Town continues to adhere to COVID state and local guidelines.

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

Board members Absent: None

Others present: Town Manager Andy Garman; Attorney John Leidy; Kelly Wyatt; Kate Jones; Amy Miller; David Ryan; Phil Webster; Randy Wells; Shane Hite; Roberta Thuman; John Wasinewski; Nancy Carawan; Ben Williams; Chad Forrester; Corvaunti Gibbs; Mike Alvarez; Kevin Ford; Fay Sims; Kylie Shephard; Candice Andrea; Robert Muller; Lyn Jenkins; Karen Reeder; Duke Geraghty; Ryan Garland; Samuel Torpy; Celina Frederick; Charles Gullett; Michelle Gray; and Town Clerk Carolyn F. Morris

**CALL TO ORDER**

Mayor Cahoon called the meeting to order at 9 am. He recognized former Nags Head Mayor Bob Muller and thanked him for his work on the Town's Decentralized Wastewater Management Plan which is on today's agenda for adoption. A moment of silence was followed by the Pledge of Allegiance.

**ADOPTION OF AGENDA**

MOTION: Comr. Brinkley made a motion to approve the May 4<sup>th</sup> agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

**RECOGNITION**

**NEW EMPLOYEES**

- Water Superintendent Nancy Carawan introduced Facilities Maintenance Technician Kevin Ford who was welcomed by the Board to Town employment.

- Dep Town Manager/Finance Officer Amy Miller introduced Payroll Specialist Fay Sims who was welcomed by the Board to Town employment.
- Water Superintendent Nancy Carawan introduced Facilities Maintenance technician Corvaunti Gibbs who was welcomed by the Board to Town employment.

#### FIVE YEARS

- Fire Chief Randy Wells introduced Firefighter/EMT Ben Williams who was recognized by the Board for five years of service.

#### FIFTEEN YEARS

- Water Superintendent Nancy Carawan introduced Facilities Maintenance Technician Chad Forrester who was recognized by the Board for fifteen years of service.

#### ADVANCED LAW ENFORCEMENT CERTIFICATE

- Police Chief Phil Webster introduced Detective Mike Alvarez who was recognized and congratulated by the Board for earning the Advanced Law Enforcement Certificate.

#### PROCLAMATION

Mayor Cahoon read the Proclamation declaring Police Officers' Week as May 11 - 17, 2022 as follows:

'WHEREAS, The Congress and President of the United States have designated May 15<sup>th</sup> as Peace Officers' Memorial Day, and the week in which May 15<sup>th</sup> falls as National Police Week; AND

'WHEREAS, The members of the Nags Head Police Department play an essential role in safeguarding the rights and freedoms of the residents and visitors of the Town of Nags Head; AND

'WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; AND

'WHEREAS, The men and women of the Nags Head Police Department unceasingly provide a vital public service; AND

'WHEREAS, Let each of us take the time to reflect on the ultimate sacrifice Sgt. Earl Murray, Jr. made for the Town of Nags Head on May 15, 2009 and the rest of the officers that have done so nationwide. And let each of us keep their family, friends, and all fellow officers in our thoughts and prayers.

'NOW, THEREFORE, the Nags Head Board of Commissioners calls upon all citizens of the Town of Nags Head and upon all patriotic, civic, and educational organizations to observe the week of May 11 - 17, 2022 as Police Week with appropriate ceremonies and observances in which all our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their community and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

'THEREFORE, we do hereby proclaim the week of May 11 - 17, 2022, as Police Week and call upon all citizens of Nags Head to observe the 15<sup>th</sup> day of May 2022, as Peace Officers' Memorial Day in honor of

those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.”

Comr. Brinkley asked the community to remember Earl Murray’s wife Kim and her daughters; he appreciated the Proclamation including mention of Nags Head Sgt. Earl Murray, Jr who lost his life in the line of duty on May 15, 2009. Mayor Cahoon thanked Comr. Brinkley for his comments and for his years of service to the Town as Police Chief.

MOTION: Comr. Brinkley made a motion to adopt the Proclamation declaring May 11 - 17, 2022 as Police Officers’ Week as presented. The motion was seconded by Mayor Pro Tem Siers.

Police Chief Webster thanked the Board for this recognition.

CONTINUATION OF MOTION: The motion passed unanimously.

### **PUBLIC COMMENT**

No one spoke during Public Comment.

### **CONSENT AGENDA**

The Consent Agenda consisted of the following items:

Consideration of Budget Amendment #12 to FY 21/22 Budget

Consideration of Tax Adjustment Report

Approval of minutes

Consideration of Vehicle Use Policy

Consideration of SCADA Redundancy proposal

Request for Public Hearing to consider citizen comment on the Town Manager’s proposed operating budget for July 1, 2022 – June 30, 2023, proposed CIP requests for FY 22/23 through FY 26/27, and updated Consolidated Fee Schedule

Request for Public Hearing to consider a text amendment to the Unified Development Ordinance submitted by George E. Goodrich to vary/increase the maximum allowable gross floor area permitted within individual dwelling units within a conforming Cottage Court

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

Budget Amendment #12, 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 Vehicle Use Policy summary sheet containing the proposed modification, as approved, read in part as follows:

"The following verbiage, added to the Town's Vehicle Use Policy re: Inclement Weather, is provided for the Board's review and approval:

*Employees will avoid driving all Town vehicles through high water entirely. Driving through high water is not only dangerous but is damaging to the vehicle. There is no way to pre-treat a vehicle for water damage but there are steps to take if driving through high water is unavoidable.*

*In the performance of their duties, employees may encounter driving through high water in the following emergency, unavoidable situations:*

- *Public safety employees in emergency response or emergency call dependent operations*
- *If the Town is in disaster recovery mode and the damage assessment team has been deployed*

*A Town vehicle that has encountered high water will immediately be reported and driven through the Town car wash after the incident. After each event it will be thoroughly rinsed and washed with soap and water. Supervisors will perform a vehicle inspection for damage and mechanical issues after high-water exposure.*

*In the event the vehicle stalls while crossing high water, do not try to restart the vehicle. Call your supervisor for assistance.*

'Attached please find the entire policy for the Board's information."

The SCADA Redundancy summary sheet, as approved, read in part as follows:

"It was recently discovered that one of the hard drives in the SCADA computer failed, which left no redundancy.

'It is recommended to upgrade the SCADA system that includes additional redundant equipment and dual server licensing.

'This system is highly specialized for the pumps at the water department. Staff recommends a backup to be in place to this specialized pump system in case something happens to the primary system. The new licensing includes remote access functionality onto the SCADA system.

'The larger problem on the redundancy solution is lead time for processors. While the redundant portion of this project is requested in the FY 22/23 budget, current lead times are through August. Signing a contract in July could push it out until next calendar year. Instrumentation Services will order the redundancy equipment now upon execution of the proposal, with implementation after the new fiscal year."

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

"Request that a Public Hearing be scheduled for the June 1, 2022 Board of Commissioners meeting to consider citizen comment on the following:

- Town Manager's proposed operating budget for fiscal year July 1, 2022 – June 30, 2023,
- Proposed Capital Improvement Program (CIP) requests for FY 22/23 through FY 26/27, and
- Updated Consolidated Fee Schedule"

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

"Applicant, George E. Goodrich, has submitted a text amendment request to the UDO Ordinance which, if adopted, would amend the supplemental regulations for conforming Cottage Courts as it pertains to the maximum allowable gross floor area and the number of stories. The current ordinance states that the maximum allowable gross floor area for individual cottages is 1,500 square feet and that cottages shall not contain more than 1 ½ stories and at least one-third of the cottage court units shall not exceed one story. The applicant's proposed revisions are as follows:

- One-third of the individual cottages shall not exceed one floor, not to exceed 1,400 square feet of gross floor area.
- One-third of the individual cottages shall not exceed one and one-half floors, not to exceed 1,700 square feet of gross floor area.
- One-third of the individual cottages shall not exceed two floors, not to exceed 2,000 square feet of gross floor area.

'A goal expressed during the Focus Nags Head Land Use Plan Update was to improve the variety of accommodations within the town, including transient uses such as hotels and cottage courts, to provide more opportunities for short-stay visitors. Following this, the Planning and Board of Commissioners adopted an ordinance adding "Cottage Courts" as an allowable use with criteria on location, lot size, lot size, architecture, etc. The adopted ordinance standards were largely designed to emulate the characteristics and function of the existing cottage courts studied during the analysis. At this time, staff recommended the maximum gross floor area be established at 2,000 square feet; however, during the Unified Development Ordinance update it was determined that this was excessive, and the maximum gross floor area was reduced to 1,500 square feet.

#### 'Staff and Planning Board Recommendation

Staff would submit that a maximum gross floor area of 2,000 sf is more in line with that of a single-family dwelling, and not that of a "cottage". Staff also has concerns that increasing the gross floor area may lend itself to a desire "condo-out" the cottages and offer them for sale, thus circumventing the Town's subdivision ordinance.

'At their April 19, 2022 meeting the Planning Board voted unanimously to recommend denial of the text amendment as proposed."

## **PUBLIC HEARINGS**

### Public Hearing to consider adoption of System Development Fee

Attorney John Leidy introduced the Public Hearing to consider adoption of a modified System Development Fee. The time was 9:15 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, April 20, 2022 and on Wednesday, April 27, 2022 as required by law. This notice was also published on the Town's web site 45 days prior to today's public hearing - on March 14, 2022.

Dep Town Manager/Finance Director Amy Miller summarized her memo which read in part as follows:

"Raftelis Financial Consultants has completed an evaluation to develop the maximum cost-justified water system development fees for Board consideration. The approach for establishing system development

fees is set forth in North Carolina General Statute 162A Article 8 – “System Development Fees.” Raftelis is qualified to perform system development fee calculations for water utilities in North Carolina.

‘System development fees are one-time charges assessed to new water customers, or developers or builders, to recover a proportional share of capital costs incurred to provide service availability and capacity for new customers. According to the statute, system development fees must be adopted in accordance with the conditions and limitations of Article 8. The Buy-In Method was used to calculate the water system development fees for the Town, since in general, the Town’s existing water treatment facilities have adequate capacity to accommodate the anticipated future growth over the near term.

‘Currently Nags Head charges System Development Fees calculated using the Buy-In Method. However, the replacement value of existing assets was not used in calculating the current \$1.77 unit cost of capacity in our fee schedule (the cost of capacity must be used with NC Administrative code 15A NCAC 02T .0114 to calculate the System Development Fee). Statute allows the book value of water fund assets to be escalated to current dollars to reflect an estimated replacement cost, or “replacement cost new less depreciation” (RCNLD). The asset values were then escalated using the Handy Whitman Index of Public Utility Construction Costs (for the South Atlantic Region). NCAC 02T.0114 states the flow rate at 120 gallons per day (GPD) per bedroom. The majority of our System Development Fees are generated from residential construction using a ¾” meter. Therefore, that will be used for comparison purposes.

System Development Fees-Residential 3/4"	Fiscal Year	\$1.77 Cost of Capacity	\$2.79 Cost of Capacity	\$ Change	% Change
	<b>2018</b>	<b>Fiscal Year 2019-Current</b>	<b>Proposed</b>	<b>\$ 1.02</b>	<b>57.63%</b>
Any residential development or redevelopment up to 3,000 square feet	\$ 3,000				
Any residential development or redevelopment up to 4,000 square feet	\$ 4,500				
Any residential development or redevelopment beyond 4,001 square feet	\$ 6,000				
One Bedroom (120 GPD)		\$ 212.40	\$ 334.80	\$ 122.40	
Two Bedrooms (240 GPD)		\$ 424.80	\$ 669.60	\$ 244.80	
Three Bedrooms (360 GPD)		\$ 637.20	\$ 1,004.40	\$ 367.20	
Four Bedrooms (480 GPD)		\$ 849.60	\$ 1,339.20	\$ 489.60	
Five Bedrooms (600 GPD)		\$ 1,062.00	\$ 1,674.00	\$ 612.00	

‘The Town must follow procedural steps to adopt a system development fee schedule upon Professional Analysis. Nags Head must post the analysis and proposed fee schedule on our web site and solicit written comments from the public for at least 45 days before the Town considers the adoption of the analysis. We must hold a public hearing to adopt the system development fee.

‘This analysis would meet the periodic update requirements of the statute, which is no less than every five years.

‘Staff is requesting Board approval to follow the next procedural steps in order to adopt the new system development fee. This would include a request for public hearing on April 6 and adoption on May 4. Thank you for your consideration.”

Attorney Leidy pointed out that the Town had to follow the statutory process with a 45-day notice on the Town's web site and a Public Hearing and is ready for Board action today. There being no one present who wished to speak Attorney Leidy closed the Public Hearing at 9:19 a.m.

MOTION: Comr. Brinkley made a motion to adopt the System Development Fee ordinance as presented. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

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

MOTION: Comr. Sanders made a motion to approve the Consolidated Fee Schedule modification as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

The CFS page change, as approved, is attached to and made a part of these minutes as shown in Addendum "D".

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

### Update from Planning Director

Planning Director Kelly Wyatt noted that Senior Environmental Planner Kate Jones has been promoted to Deputy Planning Director. Ms. Jones was congratulated on her promotion by the Board.

Ms. Kelly summarized her report which read in part as follows:

"This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on April 6, 2022.

### 'Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for March 2022*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Tuesday, April 5<sup>th</sup>, 12<sup>th</sup> & 19<sup>th</sup> – Residential Energy & Water Conservation Guide Development, NC AIA Activate Technical Assistance Project Meeting.
- Wednesday, April 6<sup>th</sup> – Board of Commissioners Meeting
- Friday, April 8<sup>th</sup> – EV Action Plan Project Meeting.
- Wednesday, April 13<sup>th</sup> – Committee for Art and Culture Meeting
- Tuesday, April 19<sup>th</sup> – Planning Board Meeting
- Tuesday, April 19<sup>th</sup> – NC Resilient Coastal Communities Project Meeting.
- Wednesday, April 27<sup>th</sup> – SolSmart Designation Recognition Event.

### 'Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on April 19, 2022 and included consideration of a text amendment to the UDO to vary/increase the maximum allowable gross floor area permitted within individual dwelling units of a conforming cottage court from 1,500 square feet to a maximum of 2,000 square feet. The request also included allowing a portion of the cottages to be 2-stories high instead 1 ½

as currently written in the supplemental regulations. The Planning Board also received an update on the Resilient Coastal Communities Program and the Electric Vehicle Action Plan.

The Planning Board's next meeting is scheduled for May 17, 2022. At this time, the agenda is expected to include a UDO text amendment request to add a new land based recreational use within the C-2 Zoning District for "Remote Control (RC) Car Rentals with outdoor track/race facilities", continued discussion of existing town ordinances regarding the regulation of tree removal and tree protection and any desire to enhance or better clarify that language, as well as updates on the Resilient Coastal Communities

Program and the EV Action Plan. Staff would note that the Planning Board has expressed an interest in revisiting conversations pertaining to the allowance of Accessory Dwelling Units (ADU's) within the Town.

Board of Adjustment – Pending Applications

There were no items for Board of Adjustment consideration in April 2022.

Additional Updates

- Decentralized Wastewater Management Plan – Adoption of the DWMP is anticipated for the Board of Commissioners May 4<sup>th</sup> meeting. No further Advisory Committee meetings are anticipated. The project website can be accessed [HERE](#).
- Estuarine Shoreline Management Plan – The next Estuarine Shoreline Management Plan (ESMP) Advisory Committee is scheduled for Thursday, May 19<sup>th</sup> from 3 – 4:30pm. Thus far the Committee has heard updates from the consultant on the engineering completed to date and the three components to the Engineering Report. They are the Wave Energy Model (WeMo), a Digital Shoreline Analysis System, and the field and remote categorization of shoreline character (e.g., wood bulkhead vs. marsh). These three elements will be used to generate a coherent scheme to characterize the entire shoreline based on typologies. From there, a technical approach will narrow down 10 potential project areas, from which 3 final project sites will be selected for concept-level development with opinion of cost. The consultant conveyed that while the prioritization will be based on a technical analysis, stakeholder values will also play a role in the prioritization. The survey that has been generated to identify values that are important to consider in project prioritization has received 51 responses thus far, is still live and accessible on the project website located [HERE](#).
- NC Resilient Coastal Communities Program – Candice Andre, Senior Project Manager with VHB, virtually attended the April Planning Board meeting to give an update on the RCCP project. Ms. Andre will be virtually attending the Board of Commissioners May 4<sup>th</sup> meeting to also provide them with an update on the RCCP project, receive feedback, and address any questions. A community engagement survey was conducted, and 157 responses were received. An analysis of the survey results will be provided at the May 4<sup>th</sup> meeting in addition to the presentation of an interactive map of critical assets and natural infrastructure in the Town. This map can currently be viewed here-[https://vhb.maps.arcgis.com/apps/webappviewer/index.html?id=b095366c43c247\\_a1b6e7114596a089f2](https://vhb.maps.arcgis.com/apps/webappviewer/index.html?id=b095366c43c247_a1b6e7114596a089f2). Phase III of the RCCP program offers funding of \$45,000 for engineering and design services of a prioritized project. More information on this opportunity will be provided to the Board of Commissioners during the May 4<sup>th</sup> presentation.
- Electric Vehicle Action Plan – Duke Masters of Environmental Management (MEM) students have completed a final draft of the EV Action Plan. The plan has been circulated to the Planning Board and staff for any final comments. The plan will then be finalized and provided to the Board of Commissioners for review at their June 2022 meeting.

- ETIPP Project/Program – No new project updates at this time.
- NC AIA Activate Technical Assistance –Representatives from NC State and AIA along with staff are finalizing the Residential Energy and Water Conservation Guide. A draft of the guide is anticipated to be available by June.
- Whalebone Park: Phase 1 Planning – Staff is currently working on the PARTF Grant Submission to be completed and submitted no later than Monday, May 2<sup>nd</sup> 2022.
- LID Stormwater Demonstration Project – This demonstration project is nearing completion. The rain garden has been excavated and graded, topsoil and soil amendments have been added and the first round of plantings has been installed. The copper gutters are slightly delayed however we are in receipt of the flowering perennials for the garden. Staff will coordinate a planting event the week of May 9<sup>th</sup>, more details will be to provided citizens, staff, and the various Boards on the specific date. Additionally, staff anticipates receiving the gutter section by mid-May to finalize the project.
- Dominion LED Amber Streetlight Pilot Project – Staff will be seeking additional citizen input on the installation of the eight (8) amber “turtle friendly” light fixtures at various beach accesses within the Town. Once complete, staff will begin to compile the comments received and provide the preferred fixture information to Dominion Energy.
- Dowdy Park Events/Farmers Market/Holiday Markets –The Committee for Art and Culture has made their selections for the 2022 Dowdy Park Farmers Market and all applicants have been notified of this status. The first Farmers Market will be held Thursday, June 16<sup>th</sup>. Event Coordinator, Paige Griffin has already generated numerous communications to the selected vendors on the rules and regulations, expectations and vendor parking requirements for market days. Additionally, Saturday, May 7<sup>th</sup> is the 33<sup>rd</sup> Annual Artrageous Kids Art Festival being held at Dowdy Park. The Committee for Art and Culture will have an activity at this event.

#### Upcoming Meetings and Other Dates

- Monday, May 2<sup>nd</sup> – PARTF Grant Submission deadline.
- Tuesday, May 3<sup>rd</sup> – Technical Review Committee Meeting.
- Tuesday, May 3<sup>rd</sup> - AIA Meeting.
- Wednesday, May 4<sup>th</sup> – Board of Commissioners Meeting.
- Saturday, May 7<sup>th</sup> – Artrageous at Dowdy Park, A&C Committee will have presence.
- Wednesday, May 11<sup>th</sup> – Committee for Art and Culture Meeting.
- Thursday, May 12<sup>th</sup> – Board of Adjustment (no hearings).
- Tuesday, May 17<sup>th</sup> – Planning board Meeting.
- Thursday, May 19<sup>th</sup> – Estuarine Shoreline Mgmt. Meeting – AC Meeting #3”

Comr. Renée Cahoon stated that she was excited to read about the upcoming Farmers Markets being planned.

## Update on Resilient Coastal Communities Program (RCCP)

The agenda summary sheet read in part as follows:

"Earlier in the year, the Town was notified that it was accepted into the NC Resilient Coastal Communities Program, a technical assistance program under the Division of Coastal Management that endeavors to "allow communities to develop an in depth understanding of their risk to coastal hazards. As a result, communities will be better prepared to take advantage of various future implementation funding opportunities." Candice Andre, Senior Project Manager from the assigned contractor VHB, will be providing an update on the project and work thus far. Staff will also provide an update on the upcoming Phase III grant opportunity.

### `Staff Recommendation

Staff would like to engage in discussion with the Board regarding progress of the project, outcomes including public feedback and list of prioritized projects, and the Phase III grant funding opportunity. Specifically, staff would like Board approval to move the #1 prioritized project forward to Phase III."

Dep Planning Director Kate Jones summarized her report which read in part as follows:

### "BACKGROUND

Earlier in the year, the Town was notified that it was accepted into the North Carolina Resilient Coastal Communities Program (RCCP), a technical assistance program under the Division of Coastal Management that endeavors to "allow communities to develop an in depth understanding of their risk to coastal hazards. As a result, communities will be better prepared to take advantage of various future implementation funding opportunities."

The objectives of the N.C. Resilient Coastal Communities Program include:

- Address barriers to coastal resilience in North Carolina at the local level, such as limited capacity, economic constraints, and social inequities.
- Assist communities with risk and vulnerability assessments and developing a portfolio of planned and prioritized projects.
- Advance coastal resilience projects to shovel-readiness, or ready for implementation; and
- Link communities to funding streams for project implementation.

"VHB has been assigned as the Town's consultant under this Program, and the Town's efforts under the development of the VCAPS Report, the Comprehensive Plan, and the Hazard Mitigation Plan, have been recognized as satisfying many of the initial requirements of the program.

### `PROJECT UPDATE

Candice Andre, Senior Project Manager with VHB, will be virtually attending the Board of Commissioners meeting to give an update on the RCCP project.

"A community engagement survey was conducted and 157 people participated in the online survey. The most concerning hazards to participants were hurricanes and tropical storms followed by beach erosion and flooding. Participants further indicated that the Town should focus on protecting infrastructure and using nature based measures when appropriate such as stormwater improvements, living shorelines, rain gardens, and beach nourishment to be more resilient. An analysis of the survey results will be provided during the meeting presentation.

"Candice will also present an interactive map of pertinent town and community information including

buildings, infrastructure, hazards, etc. Town staff have reviewed the viewer and provided feedback to the consultant in addition to the feedback provided by the Planning Board at their last meeting. The team continues to update the viewer based on feedback, and welcomes the Board's input.

'By participating in Phases I & II of the RCCP program, the Town is invited to apply for Phase III funding of \$45,000 for engineering and design services of a prioritized project. This grant does not require a match, and has a deadline of June 3, 2022. A list of the top five potential projects developed from existing plans, as well as staff and public input, will be presented at the meeting. Staff would like to receive approval from the Board to move the #1 prioritized project forward into the Phase III grant application.

'Project materials can be viewed on the Town's website under the "Resilient Coastal Communities Program" webpage.

'Staff and the consultant will be available to answer any questions or discuss concerns.'

VHB Senior Project Manager Candice Andrea provided a slide presentation via Zoom platform to include the following points:

- RCCP Program implemented by the State to help coastal communities
- Process/Timeline
- Most Important Community Assets as shown by survey
- Fire stations/Police/EMS/infrastructure/Utilities/Medical Facilities

Ms. Jones explained that the next phase is Phase III – funding for engineer and design services; Phase III will automatically be applied for since Phases I and II were completed. The top prioritized project if accepted into Phase III would be \$45,000 for the stormwater area project #12. The deadline to apply is June 3, 2022. It was Board consensus to support moving forward with the next phase.

MOTION: Comr. Renée Cahoon made a motion to authorize staff to move forward and apply for the Phase III grant in the amount of \$45,000 to be used for the Stormwater Area #12 Project engineering and design services. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

#### Consideration of adoption of the Decentralized Wastewater Management Plan

Environmental Planner Kylie Shephard summarized the agenda summary sheet which read in part as follows:

"The Board of Commissioners is being asked to consider the adoption of the Decentralized Wastewater Management Plan final document. Staff began working with the consultant, Tetra Tech, and a four-person advisory committee in March of 2021 to update the current Decentralized Wastewater Management Plan. The updated plan evaluates the overall effectiveness of the original plan and Septic Health Initiative Program, recommends additional measures as necessary, and expands and integrates the 2005 Plan.

'Staff Recommendation

Staff recommends that the Board adopt the Decentralized Wastewater Management Plan final document.'

MOTION: Mayor Pro Tem Siers made a motion to adopt the Decentralized Wastewater Management Plan as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

Staff is to return to the Board with suggestions for members of a community group that would develop details of a voluntary septic operations maintenance subscription service.

## **NEW BUSINESS**

### Committee Reports

Comr. Sanders – *Estuarine Shoreline Management* - Reported that data is still being collected for the Estuarine Shoreline Management Plan.

Comr. Renée Cahoon - *Coastal Resources Commission (CRC)* - Reported that the CRC met last week here in Dare County; the Land Use Plan process was reviewed and agencies will be required to determine which policies they want to see enforceable by CAMA - CRC staff is to return with additional data after meeting with individual communities concerning other changes they would like to see in the Plan.

Mayor Pro Tem Siers – *Dare County Tourism Board (DCTB)* - Reported that the DCTB tabled action on the Aycock Center museum so more information can be gathered; Mayor Cahoon asked Town Manager Garman to make arrangements to have Tourism Board representatives on a future agenda for an update.

Mayor Cahoon - *Offshore Wind Energy Task Force* - He will be leaving this afternoon to attend the Governor's Offshore Wind Energy Task Force meeting in Wilmington tomorrow. In addition, he will be attending the NC Beach Inlet and Waterways Association (NCBIWA) conference which meets on Friday, May 6<sup>th</sup> in Wrightsville Beach.

Mayor Cahoon – *Coastal Studies Institute (CSI)* - Reported that he recently met with Coastal Studies Institute who is engaged in wave energy. Mayor Cahoon pointed out that Virginia has taken action to colocate wave and wind energy in their permitting process which speeds it up - but North Carolina has not so there is a longer period of time to obtain a permit. He feels that this is something to keep in mind when moving forward.

### Consideration of Town Board/Committee appointments

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

"At the May 4<sup>th</sup> Board of Commissioners meeting, request Board consideration of the following:

'Appointments to Board of Adjustment

- To fill a vacancy due to John Mascaro's resignation in April 2022.
- Judy Burnette's term expires June 2022; she is interested in being reappointed.

'Appointment to Firemen's Relief Fund Board

- Rose Lay's term expires May 2022; she is interested in being reappointed.

'Attached please find updated Tracking Charts with current roster information, as well as updated Candidate Charts."

### Board of Adjustment

**MOTION:** Comr. Brinkley made a motion to appoint current Board of Adjustment Alternate, Tina Adderholdt, to a regular position on the BOA, replacing John Mascaro who recently resigned. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

**MOTION:** Comr. Renée Cahoon made a motion to reappoint Judy Burnette to another term on the Board of Adjustment. The motion was seconded by Comr. Brinkley which passed unanimously.

### Firemen's Relief Fund

**MOTION:** Comr. Brinkley made a motion to reappoint Rose Lay to another term on the Firemen's Relief Fund Board. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

### Consideration of request from Community Care Clinic

Town Manager Andy Garman summarized the agenda summary sheet concerning the request from the Community Care Clinic:

"Lyn Jenkins, Executive Director with the Community Care Clinic of Dare, has forwarded a letter to the Board describing the Clinic's plans to renovate the existing building at 425 W Health Center Drive to add a dental clinic to the facility. As the Board is aware, the Community Care Clinic of Dare leases this building from the Town of Nags Head. Ms. Jenkins states that the Clinic has identified Federal grant funds in the amount of \$420,000 to accommodate the renovation and to purchase equipment. I met with Ms. Jenkins on Monday, April 27<sup>th</sup> to review plans and fully understand the scope of this project. The necessary renovations will be interior to the building only and would not expand the square footage or footprint of the building. Since there would be a Federal grant involved, the Clinic would need an extension to the lease for a period of time which would be "appropriate to the scope of the project." Attached is a document forwarded by Ms. Jenkins which describes the conditions that would be placed on the town as a result of receiving the grant. The suggested minimum timeframe for the lease would be five years. Additionally, the town would be required to file a Notice of Federal Interest (NFI) against the property title before the project begins.

"Ms. Jenkins will provide a brief overview of the Clinic's plans at the upcoming meeting. As noted in her letter, the Community Care Clinic provides a vital service to the community and would add dental services for up to 1,500 residents, many of which reside in Nags Head. The Clinic currently receives donations from the Town of Kill Devil Hills and Dare County in the amounts of \$10,000 and \$67,500, respectively. The building is leased to the Clinic by the Town of Nags Head at well below market rate.

"In order to obtain the grant funds for the project, the Clinic would need a letter of consent from the town by June 6<sup>th</sup> agreeing to the conditions outlined in the attached document provided by Ms. Jenkins. If the Board is amenable to considering this request, staff would work with the town's attorney and the Community Care Clinic to provide the required documents for Board approval at its June 1, 2022 regular meeting. This would include an amended lease and the letter of consent.

"Attached is the letter from the Community Care Clinic, the current lease, and the conditions of the grant that would require modification to the current lease."

Community Care Clinic of Dare Executive Director Lyn Jenkins presented a slide presentation detailing what the organization does and the need for dental assistance for the many in Dare County that do not have dental insurance.

Mayor Cahoon stated that he appreciates being made aware of the work done by the organization.

Comr. Renée Cahoon confirmed with Ms. Jenkins that the phones the Town has in the building for emergency purposes are still hooked up and would remain.

Ms. Jenkins noted that there is also a location in Hatteras; she introduced new pharmacist Karen Reeder who was in the audience.

Attorney Leidy outlined the necessary steps to take if the Board is interested in supporting the request:

- The grant requires that the Town land owner support the project and agree to the terms in the letter - and agree to a five-year extension of the lease
- Public Hearing with 30-day notice is required
- No changes to the lease except the length to five years

MOTION: Comr. Renée Cahoon made a motion to issue a letter of support for the grant project for the Community Care Clinic of Dare with the qualification that the Town will extend the lease to five years, subject to the required Public Hearing. The motion was seconded by Comr. Brinkley which passed unanimously.

#### Consideration of request from Dominion Energy

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

"At the May 4<sup>th</sup> Board of Commissioners meeting, on behalf of Dominion Energy, Pike Engineering Right-of-Way Specialist, Samuel Torpy, will request that the Town grant Dominion Energy a utility easement along Old Nags Head Woods Rd. in order to run a primary underground line to the adjacent properties.

'This is under Dominion's Strategic Underground Program in which Pike Engineering provides outage prone customers increased reliability.

'The right-of-way agreement is attached for review."

Manager Andy Garman introduced representatives of Dominion Energy who are requesting an easement to install underground utilities on Old Nags Head Woods Road.

Dominion Energy Project Manager, Ryan Garland, stated that the easement would start at 2042 Old Nags Head Woods Road along the Town right-of-way to 2300 Old Nags Head Woods Road; there would be no equipment - the easement would be the highway for the line to travel underground - it would also allow for maintenance as necessary. Also present were Samuel Torpy, ROW Specialist, Celina Frederick, Project Manager, and Charles Gullett, Operations Supervisor from Pike Engineering.

Board members spoke in favor of the proposed work by Dominion Energy.

MOTION: Comr. Brinkley made a motion to approve the easement request from Dominion Energy to install underground utilities along Old Nags Head Woods Road [2042 along the Town right-of-way to 2300 ONHW Road]. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

Town Manager Garman - Request to approve Old Nags Head Cove and Nags Head Acres sidewalk projects  
- Consideration of Budget Amendment

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

"Staff requests Board consideration of two separate concrete sidewalk extensions to service the Nags Head Acres and Old Nags Head Cove Subdivisions.

'On April 5, 2022 two individual sidewalk extension projects were advertised for Adams Lane, spanning from South Croatan Hwy to South Bridge lane, and within the Old Nags Head Cove Subdivision spanning from South Croatan Hwy to South Cobia Way along West Old Cove Rd. and along South Cobia Way and West Sandpiper Terrace from West Old Cove Road through to South Pamlico Way. Three bids were received on April 26, 2022 from Hatchell Concrete Inc., Fred Smith Company, and Finley Asphalt and Concrete. Hatchell Concrete Inc. submitted the lowest responsive, responsible bid with a total bid price of \$ 186,298.75 encompassing the two project areas.

'Since this scope of work was not previously budgeted, a budget amendment is being requested to cover the lowest submitted bid price in conjunction with a 10% project contingency. The total requested amount is \$205,000.

'Staff requests Board of Commissioners approval to authorize the following:

- A budget amendment in the amount of \$205,000 to cover the proposed scope of work + 10% contingency
- Authorize the Town Manager to proceed with and execute a construction contract with Hatchell Concrete Inc.

'Attachments (3)

- April 26, 2022 Bid Tabulation
- Nags Head Acres/ Old Nags Head Cove Sidewalk Exhibit
- Budget Amendment"

Engineer Ryan noted that some in Old Nags Head Cove have voiced opposition to the proposed sidewalk project. There have been suggestions for three-way stop signs in the Cove – due to speeding in the neighborhood – also a suggestion of extension of the sidewalk – reduction in speed limit – reduction in side of sidewalk – request that the Town maintain area between the sidewalk and the pavement. He noted that Dave Masters, Jr. canvassed the Cove's HOA Board members who are in opposition to the sidewalk.

It was Board consensus to direct any traffic concerns to the Police Dept who will then evaluate the issue and report to the Board with a recommendation re: action, if any.

MOTION: Comr. Renée Cahoon made a motion to approve the Budget Amendment for the sidewalk projects as requested. The motion was seconded by Comr. Brinkley which passed unanimously.

Comr. Sanders questioned how many were against the sidewalk construction; Engineer Ryan wasn't sure of an exact number but stated that the contractor can work on Nags Head Acres sidewalk first to have time to obtain more information re: Old Nags Head Cove interest.

CONTINUATION OF MOTION: The motion passed unanimously.

MOTION: Comr. Renée Cahoon made a motion to authorize the Town Manager to execute the contract for the sidewalk projects as requested. The motion was seconded by Comr. Brinkley which passed unanimously.

Soundside Road traffic update

- Consideration of Budget Amendment

The agenda summary sheet read in part as follows:

“In response to discussion at the April 6<sup>th</sup> Board of Commissioners meeting concerning Soundside Road traffic concerns, the attached Budget Amendment is provided for review and approval. If approved, funds will be utilized for the following:

- Two sets of speed cushions and associated setups
- Four radar speed limit signs”

Town Manager Garman pointed out three things to do for Soundside Road to alleviate traffic issues: a speed cushion – a low-impact speed bump; digital speed limit signage; and lower the speed limit to 20 MPH for the portion that is not already 15 MPH. The budget amendment includes two additional setups of speed cushions and radar speed limit signage near Whalebone junction area.

MOTION: Comr. Brinkley made a motion to approve the Budget Amendment for the purchase of items to assist with Soundside Road traffic issues as presented. The motion was seconded by Mayor Pro Tem Siers.

Comr. Brinkley confirmed with staff that low profile vehicles will be safe on the low-impact speed cushions.

CONTINUATION OF MOTION: The motion passed unanimously.

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

Town Manager Garman - Consideration of adoption of updated Traffic Control Map

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

“The attached updated and GIS-digitized Traffic Control Map replaces the paper copy which has been manually updated for many years. This new version is a result of a concerted effort by the Town Clerk’s Office, staff members, and police officers who have all provided valuable input. The map will provide a baseline digital version that can easily be updated.

‘Public Works staff inventoried all parking signage in the town and that information has been used to update the map. We have found that many areas signed for No Parking were never adopted as part of the map.

‘As part of the adoption of the new map, staff is requesting a speed limit reduction in the west side neighborhoods from 25 MPH to 20 MPH. Police Chief Webster noted the following concerning this change: a request was received in 2021 to reduce the speed limit to 20 MPH and a review by staff focused on the

fact that the streets in the Village at Nags Head are well traveled by pedestrians and vehicles which present the potential for conflict.

'Staff presented data which demonstrated the increased risk of serious injury or death from pedestrian involved collisions. "In a study of U.S. pedestrian crashes, the average risk of severe injury to a pedestrian increased from 10 percent at an impact speed of 17 mph to 25 percent at 25 mph, 50 percent at 33 mph, 75 percent at 41 mph, and 90 percent at 48 mph" <https://www.iihs.org/topics/pedestrians-and-bicyclists#vehicle-speeds>.

'When considering pedestrian deaths, the National Highway Traffic Safety Administration (NHTSA) conducted a literature review which revealed the following data, "5 percent of pedestrians would die when struck by a vehicle traveling 20 mph at impact; about 40 percent would die for vehicles traveling 30 mph at impact; 80 percent at 40 mph; and nearly 100 percent would die when struck by vehicles traveling at speeds over 50 mph at impact". There is also research that demonstrates a correlation between pedestrian involved collisions and age. In general, the older a pedestrian is the greater the potential for serious injury or death.

'All of our westside neighborhoods present the same issues of pedestrian and vehicle traffic found in the Village at Nags Head. Given the data involving injuries, death, and the effect on our older population it makes lowering the speed limit a logical decision to increase the level of safety in our town.

'Additional details may be found in Police Chief Webster's attached memo.

'The Town needs to adopt uniform standards for the establishment signage, particularly for No Parking areas. In many instances, it is unclear to the public the extent of No Parking zones. Utilizing more effective sign types, such as No Parking Between Signs, would let the public clearly understand what is regulated. It will take additional time and effort to implement these changes. Police, Public Services, and the Town Clerk's office will continue to collaborate on establishing standards and implementing necessary changes."

Police Chief Webster's memo read in part as follows:

"The speed limit in the majority of our westside neighborhoods is currently set at 25 mph. In the fall of 2021, a request was received from the residents of the Village At Nags Head to lower the speed limit in their neighborhood from 25 to 20 mph.

'Staff looked the request and focused on the fact that the streets in the Village At Nags Head are well traveled by pedestrians and vehicles which present the potential for conflict.

'Staff presented data which demonstrated the increased risk of serious injury or death from pedestrian involved collisions. "In a study of U.S. pedestrian crashes, the average risk of severe injury to a pedestrian increased from 10 percent at an impact speed of 17 mph to 25 percent at 25 mph, 50 percent at 33 mph, 75 percent at 41 mph, and 90 percent at 48 mph" <https://www.iihs.org/topics/pedestrians-and-bicyclists#vehicle-speeds>.

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'There is also research that demonstrates a correlation between pedestrian involved collisions and age. In general, the older a pedestrian is the greater the potential for serious injury or death. The same NHTSA literature review above found, " pedestrians age 65 and older are more than 5 times as likely to die in crashes than pedestrians age 14 or less, and the likelihood of death increases steadily for ages in between. For vehicles traveling at speeds above 45 mph, pedestrians above age 65 die in about 5 of 8 crashes.

'All of our westside neighborhoods present the same issues of pedestrian and vehicle traffic found in the Village At Nags Head. Given the data involving injuries, death, and the effect on our older population it makes lowering the speed limit a logical decision to increase the level of safety in our town."

Town Manager Garman presented an updated and digitized Traffic Control Map for the Board's review. He thanked Public Works - Karen Heagy - and other staff for the field collection of signage. There is a hodgepodge of signage in the Town and a need for standardization and consistency. Data was input from the old map into the GIS system and updated information was input - as an example, he noted that the US 158 and Causeway highway is now a no parking - tow away zone which was not previously. In addition, the entire Beach Road multi-use path is a no parking - tow away zone. He feels that the map fairly well captures history as well as current conditions - it is a good digital version to use as a baseline.

The new map also addresses the need for 20 MPH in all west side – and north side – neighborhoods – from Carolinian Circle to the north side neighborhoods (Pond Island and Lone Cedar Village). Town Manager Garman asked that the map be adopted with an effective date of June 1<sup>st</sup> to allow time for speed limit signs to be installed and to educate the public.

MOTION: Comr. Renée Cahoon made a motion to adopt the ordinance approving the Traffic Control Map as presented with an effective date of June 1, 2022. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

The Traffic Control Map will be added to the Town's web site and maintained on file in the Town Clerk's Office.

#### Consideration of request to revise Planning Dept. Organizational Chart and Grade List

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

"The Planning and Development Department has undergone some recent staffing challenges. Looking ahead we are requesting that the Board of Commissioners give consideration to revising the Planning & Development's organizational chart and position descriptions. Specifically, the Principal Planner position recently became vacant. With the promotion of Kate Jones to Deputy Planning Director, the Senior Environmental Planner position will be vacant as of Monday, May 2<sup>nd</sup>, 2022.

'With these two vacancies we are requesting that the two specialized planner positions be backfilled with one planner position. As some Board members may recall, for many years the Planning and Development Department consisted of two Zoning Administrators: one that primarily focused on residential permit review and issuance and one that primarily focused on commercial permit review and issuance and some Board related items such as the preparation of variances, appeals, text amendments and review of commercial site plans. Over time the department lost this type of organizational flow, however, I do believe now would be an appropriate time to consider a similar internal organization by replacing the two vacant specialized planner positions with a broad planner position, to remain at the same grade as the current planner (previously titled Zoning Administrator) position. Having this position primarily focus on day-to-day issuance of commercial permits (remodels, administrative reviews, signage, etc.), reply to

inquiries concerning commercial property usage, to provide assistance when residential permitting is at high volumes, and to assist with minor Board related items will provide a higher level of customer service, more efficient and timely permit turnaround and the ability to allow the Planning Director and Deputy Planning Director to devote more time to larger, more time consuming projects and initiatives, to ensure greater oversight and management of day to day and long range efforts, and to ensure overall excellence, team work, increased morale and satisfaction within the Planning Department as it will directly impact the services provided the citizens, customers and visitors of the Town of Nags Head.”

Ms. Wyatt briefly summarized her plan for the Planning Department.

MOTION: Comr. Brinkley made a motion to approve the Planning and Development Organizational Chart - as revised and shown on the screen – and the revised Grade List as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

#### Presentation of Town Manager’s recommended budget

Town Manager Garman presented his recommended FY 22/23 Budget to the Board. He explained that the new Capital Investment Fund - and separating capital project funding from other Town funds - and seeking a bond rating will open the Town up to better financing options.

Manager Garman’s proposed budget includes an over \$33 million budget which represents a 25% increase over last year’s budget. Some of the highlights include:

- Expenditures to focus on assets and infrastructure such as the Public Services Complex
- (Comr. Renée Cahoon suggested applying for DCTB grants for lifeguard funding since the shoulder season is now being affected as the summer season starts earlier and lasts longer.)
- Replacement vehicles
- Updating the Police Dept RMS system to be compatible with the county
- Proposed cost of living allowance (COLA) of 6%
- Health Savings Account (HSA) being offered to employees
- Proposed 401K contribution by the Town of 5% (currently 2.5%) with no required match, to maintain competitiveness
- Full-time Event Coordinator position in Planning (revenues received should pay for at least half of this position)
- Increase in beach driving fee from current \$25 to \$50 (Mayor Cahoon spoke of a two-tiered fee so residents/property owners get a break - he also questioned the partnership with the Town of Kill Devil Hills - more discussion will take place during the upcoming budget workshop)

Board members spoke favorably, at first glance, of the proposed budget.

#### **BOARD OF COMMISSIONERS AGENDA**

##### Comr. Renée Cahoon - Vendor under contract with the Town

Comr. Renée Cahoon questioned the ethical practices of a vendor under contract with the Town that would hire a Town employee while working on a Town project. It was Board consensus that Mayor Cahoon write a letter to the vendor concerning the ethics of contractual arrangements.

