
**Town of Nags Head
Planning Board
May 18th, 2021**

The Planning Board of the Town of Nags Head met on Tuesday May 18th, 2021, in the Board Room at the Nags Head Municipal Complex.

Planning Board Vice Chair Kristi Wright called the meeting to order at 9:00 a.m. as a quorum was present.

Members Present

Kristi Wright, David Elder, Molly Harrison, Gary Ferguson

Members Absent

Megan Vaughan, Megan Lambert, Meade Gwinn

Others Present

Michael Zehner, Kelly Wyatt, Holly White, Lily Nieberding

Approval of Agenda

Vice Chair Wright asked for a motion to approve the agenda. David Elder moved to approve, Molly Harrison seconded, and the motion passed unanimously via roll call vote.

Public Comment/Audience Response

None

Approval of Minutes

Vice Chair Wright asked for a motion to approve the minutes of the April 20, 2021, meeting. David Elder moved to approve the minutes as presented, Molly Harrison seconded, and the motion passed unanimously.

Action Items

None

Report on Board of Commissioners Actions – May 5th, 2021

Planning Director Michael Zehner gave a report on the Actions from the Board of Commissioner's May 5, 2021, Meeting. Of note: on the consent agenda, a request for public hearing regarding lot coverage for dumpster conversions; a public hearing was held, and the BOC adopted the ordinance related to electric vehicle battery charging; there was a discussion on the adoption of the LID manual and Standard Details Manual/Stormwater Reference Manual – this item was continued until the July meeting to allow for discussion with the Homebuilders Association; a public hearing was held regarding 160D and the item was continued to the June meeting to allow for more review time; Mr. Zehner presented his Director's Report, and the Board passed a motion supporting the issuance of

temporary use permits for restaurants allowing outdoor dining through November 2021; the Board further discussed and then adopted the ordinance pertaining to outdoor lighting and signage.

Town Updates

Mr. Zehner updated the Board on the hiring of the new Town Manager.

Discussion Items

Discussion of Scope for Electric Vehicle Action Plan

Mr. Zehner explained that there has been ongoing discussion of the promotion and advancement of electric vehicles and infrastructure in the Town for some time. The Planning Board initiated discussion of electric vehicle charging stations in June 2019, and Staff prepared a detailed memo the following month to initiate discussion. These initial discussions led to the inclusion of an Electric Vehicle Action Plan as part of the Planning & Development Department and Septic Health FY2020-2021 Strategic Work Plan, with the general goal being to support the increasing prevalence of electric vehicles.

Since that time, the Town has pursued several avenues to promote and advance electric vehicle infrastructure. In 2020, Staff pursued research and grant opportunities for funding of Level 2 charging stations (page 1, VW Settlement Phase 1 - Level 2 Charging Program). After discussion at the Board of Commissioners meeting on January 20, 2021, the Board directed Staff to work directly with potential vendors where the charger equipment is provided by the vendor at no up-front cost to the Town beyond installation of electrical service to the charger location. While a vendor arrangement has not been secured at this time, Staff continues to work towards the goal of securing the location of charging equipment on Town property, possibly leasing the equipment rather than buying it and having to maintain it.

Staff also determined that modifications to the UDO regulations would be necessary to accommodate charging infrastructure. The Planning Board considered these text amendments at their March 15, 2021 meeting and recommended approval, and the Board of Commissioners approved the text amendments at their May 5, 2021 meeting. The amendments allow electric vehicle charging stations as an accessory use to residential and commercial uses in all zoning districts.

While the discussion around electric vehicles and infrastructure has been ongoing, Mr. Zehner explained that an Electric Vehicle Action Plan would allow the Town to undertake a proactive and holistic approach to electric vehicles and supporting infrastructure. The Town was recently accepted into the ETIPP Program from the Department of Energy. When that news went out someone from Duke University reached out to see if there were any opportunities for one of their Master's Student to engage with a Town project. The development of the EV action plan may be a good project for that student, but Staff won't know until August or September.

Mr. Zehner noted that to initiate the plan process, Staff has developed an initial problem statement and project scope for the Board's consideration. With the numbers and use of electric vehicles increasing, is there sufficient charging and other supporting infrastructure in the community to accommodate this increase and Town, resident, business, and visitor needs? What steps can the Town take to improve any deficient or less than adequate conditions?

Staff is requesting the Board's feedback and direction on the scope and objectives of the Electric Vehicle Action Plan, as well as any related thoughts regarding stakeholder engagement and the timeline of the project.

Ms. Wright inquired about the charging stations at Jennette's Pier. Mr. Zehner explained that Principal Planner Holly White had reached out to the Pier and found that they were never put into operation due to budget issues.

Mr. Zehner noted that there are chargers at the Outlet Mall and at Harris Teeter. Mr. Zehner reminded the Board and shared the website where you can see the available chargers in the area (www.pluginnc.com).

Mr. Zehner also noted that the Board may wish to review the Electric Vehicle Action Plan for the City of Westminster, Colorado and shared that website as well.

Mr. Zehner confirmed for Ms. Wright and the Board that some charging stations are free and some charge a fee.

Mr. Zehner stated that Staff will come back to the Board as soon as they have an update.

Preliminary Discussion on Updating and Amending Article 10, Part III, Sign Regulations, of the Unified Development Ordinance

Mr. Zehner explained that as identified on the Department's Work Plan, Staff is beginning to work on the update and amendment of the Town's sign regulations, which are contained in Article 10, Part III, Sign Regulations, of the Unified Development Ordinance (the "Sign Ordinance").

Mr. Zehner noted that the last major revision to the Sign Ordinance occurred in 2016, with the focus on ensuring that the regulations were "content-neutral" consistent with the U.S. Supreme Court's 2015 decision in *Reed v. Town of Gilbert*. While Staff believes that these amendments achieved the goal of making the Sign Ordinance content-neutral, incorporation of these amendments, to some degree, have made interpretation, administration, and understanding of some aspects of the regulations difficult.

The focus of the updates and amendments will be on the general improvement of the Sign Ordinance, to add clarity to the provisions, improve internal consistency, and to make the Ordinance more "user-friendly" for Staff and the public; in short, it is hoped that the update will modernize the format of the Sign Ordinance, including providing for sign allowances in tabular form and incorporating more visual guidance for Staff and the public. Generally, amendments are not intended to focus on regulatory changes (i.e., changes to the type, number, or size of signs allowed), but in working on updates, Staff or the Board may wish to consider whether such changes may be warranted in some circumstances. Mr. Zehner gave as an example – the regulation of banners as something they may want to revisit. Mr. Zehner would also like to clarify the sign permit submittal process and what information is and isn't required.

As part of the Board packet Mr. Zehner presented the existing Sign Ordinance along with examples of ordinances from the Town of Wellesley, Massachusetts and the City of Sandy Springs, Georgia for the Board's review and comparison.

Staff is looking for initial thoughts, concerns, and feedback from the Board before proceeding with the development of a draft revised Sign Ordinance, to be brought back to the Board at a later meeting.

Ms. Harrison inquired about the Town of Wellesley's Design Review Board and Mr. Zehner discussed it in further detail.

Mr. Elder brought up the issue of flags and how they are regulated. Mr. Zehner noted that this was partially addressed in the UDO re-write but agreed that there needs to be some clarity added to the flag regulation. Mr. Elder expressed concern over large flags and the up-lighting of those flags as well as some safety concerns with regards to flag poles.

Mr. Zehner confirmed for Ms. Wright that banners and flags are not the same thing, and it is something else that should be clarified.

Mr. Zehner and the Board discussed residential vs. commercial signs and flags noting that the Town cannot regulate non-commercial speech more stringently than they regulate commercial speech.

Mr. Zehner, Mr. Elder and the Board also discussed how intent plays in and what actually constitutes a sign. Some examples discussed was art, the use of light and even people as signs.

Mr. Zehner confirmed for Ms. Wright that you can have one commercial banner (up to a certain size) placed on the principal building indefinitely.

Mr. Zehner confirmed for Mr. Ferguson that while the Town does not allow billboards, off-site advertising signs are allowed. The town does not regulate/interpret content so a business owner who also has a business in another town could advertise that business on their property as long as they met the other sign regulations (size, location, etc.).

April 29th, 2021, Director's Report

Mr. Zehner presented his Director's Report to the Board. This report was shared with the Commissioners at their May 5th Meeting. The report included: update on the Dune Vegetation Cost-Share Program which runs until the end of May; final version of the P&D and Septic Health Work Plan, CAMA Land Use Plan Update; Outdoor Lighting – the Town was recently contacted by Dominion Power to convert the Town's streetlights to LED; update on the Town Workforce Housing Study; Skate Park Renovations – Staff will compile a summary report of the responses to provide as part of the next Director's Report; Art Masts; Decentralized Wastewater Plan; Dowdy Park Farmer's Market – the first one of the season will be held next Thursday, May 27th; Draft for Estuarine Shoreline Management Plan; GIS Platform RFI update; as well as an update on several grants.

Planning Board Members' Agenda

Mr. Elder inquired if there was a way to get updated population numbers. Mr. Elder noted that having a growing population will have an impact on year-round services and a better understanding on population growth & spikes might help with some other issues (i.e. transportation) that have come up. Staff showed the Board a video of one data solution that had been used for Nantucket <https://www.youtube.com/watch?v=TCpckTg7ATc>

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:26 AM.

Respectfully submitted,
Lily Campos Nieberding