



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, OCTOBER 2, 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, October 2, 2019 at 9:00 a.m.

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

Board members Absent: Mayor Ben Cahoon and Comr. Michael Siers

Others present: Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Phil Webster; Perry Hale; Randy Wells; Shane Hite; Michael Zehner; David Ryan; Amy Miller; Brie Floyd; Roberta Thuman; Joy Greenwood; Michael Tillett; Michael Flynn; Valerie Netsch; Samuel Felton; Billy Moseley; Lauren Nelson; Megan Lambert; Michelle Smith; Kevin Brinkley; and Town Clerk Carolyn Morris

CALL TO ORDER

Mayor Pro Tem Walters called the meeting to order at 9:00 a.m. She noted that Mayor Cahoon was on a planned trip and Comr. Siers was at a conference.

Mayor Pro Tem Walters reported on the recent loss of Town employee Todd Krafft and asked that he be remembered during a moment of silence. The Pledge of Allegiance followed the moment of silence.

ADOPTION OF AGENDA

MOTION: Comr. Renée Cahoon made a motion to adopt the October 2nd agenda as presented. The motion was seconded by Comr. Fuller which passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.).

RECOGNITION

Introduction of Fire Chief - Town Manager Ogburn thanked Dep Chief Shane Hite for all his efforts in maintaining the Town's Fire Dept; Fire Chief Randy Wells was introduced by Town Manager Ogburn who was welcomed by the Board to Town employment. Chief Wells began employment with the Town at the start of Hurricane Dorian in early September.

Recognition of Police Dept – Garage Band Charities/OBX Rod and Custom Festival - Michael Tillett summarized the recent event and thanked the Town’s Police Dept for their support during the event. He reported that \$15,000 was raised and was split between the two charities – Children and Youth Partnership and the Dare County Motorsports Charity Group.

Jockey’s Ridge State Park Update

Superintendent Joy Greenwood presented a powerpoint presentation with updates on Jockey’s Ridge State Park. Her report included information on the Sand Relocation Project which was substantially completed in May 2019, the rebuilt Ranger Residence in the Northridge Subdivision, and the upcoming Bond Project which encompasses the Visitor Center upgrades as well as Exhibits upgrades/replacement. She proudly reported that Jockey’s Ridge State Park is the most visited Park in the State of North Carolina.

Attorney Leidy arrived at 9:20 a.m.

Proclamation – Fire Prevention Week

Fire Chief Randy Wells read the proposed 2019 Fire Prevention Week Proclamation as follows:

“WHEREAS, the Town of Nags Head is committed to ensuring the safety and security of all those living in and visiting Nags Head; and

‘WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

‘WHEREAS, home fires killed 2,630 people in the United States in 2017, according to the National Fire Protection Association, and fire departments in the United States responded to 357,000 home fires; and

‘WHEREAS, the majority of US fire deaths (4 out of 5) occur at home each year; and

‘WHEREAS, when the smoke alarm sounds, Nags Head residents may have less than two minutes to escape to safety; and

‘WHEREAS, Town of Nags Head residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

‘WHEREAS, Nags Head residents should teach children to escape on their own in case adults can’t help them; and

‘WHEREAS, Nags Head residents should practice using different ways out and stay out, never going back inside the home for people, pets, or things; and

‘WHEREAS, Nags Head residents are responsive to public education measures and are able to take action to increase their safety from fire, especially in their homes; and

WHEREAS, the 2019 Fire Prevention Week theme, "Not Every Hero Wears a Cape. Plan and Practice Your Escape!" effectively serves to remind us that we need to take personal steps to increase our safety from fire.

THEREFORE, I, Susie Walters, Mayor Pro Tem of the Town of Nags Head do hereby proclaim October 6–12, 2019, as Fire Prevention Week throughout this town, and I urge all the people of Nags Head to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and to support the many public safety activities and efforts of Nags Heads' fire and emergency services during Fire Prevention Week 2019.

I also take this opportunity to invite all the Town's residents and visitors to attend the annual Nags Head Fire Department Youth Night Open House, held at the Douglas A. Remaley Fire Station 16 on Tuesday, October 8, 2019 from 5:30 PM to 8:00 PM."

MOTION: Comr. Fuller made a motion to adopt the Fire Prevention Week proclamation as presented. The motion was seconded by Comr. Renée Cahoon which passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.).

PUBLIC COMMENT

There being no one 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:

- Consideration of Budget Adjustment #3 to FY 19/20 Budget
- Consideration of Tax Adjustment Report
- Approval of minutes
- Consideration of Computer Equipment Lease Financing Agreement
- Consideration of resolution with intention to pay off interfund balance using Fire Facility Fee Revenues
- Consideration of amendment to Town Rules of Procedure
- Affirmation of September 12, 2019 Board Retreat Actions

Comr. Fuller asked to remove Consent Agenda Item #6 re: amendment to Town Rules of Procedure for separate discussion.

MOTION: Comr. Fuller made a motion to approve the Consent Agenda with the removal of item #E-6 re: Rules of Procedure for separate discussion during New Business. The motion was seconded by Comr. Renée Cahoon which passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.).

Budget Adjustment #3, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

The Tax Adjustment Reports, as approved, are attached to and made a part of these minutes as shown in Addendum "B".

The Computer Equipment Lease Financing Agreement was approved as presented. The agenda summary sheet information read in part as follows:

"As the Board is aware, staff is proposing to begin leasing rather than purchasing computer equipment. Generally, we are proposing to replace workstations every four years. Infrastructure such as servers, switches and storage devices would be replaced every five years. The lease/replacement schedule would be consistent with the manufacturer's equipment warranty. Once the equipment reaches the end of the lease, it may be returned to the vendor or it can be bought back by the town at 5-10% of the original purchase price. Leasing has significant advantages for agencies that want to keep IT equipment up to date on a fixed life cycle. This allows for easier disposal since the equipment is not a fixed asset and does not have to be tagged or auctioned. Leasing also allows for more predictable costs for replacing infrastructure.

'Staff has contacted three vendors and is recommending that the town enter into a lease agreement with Trinity3 Financial Services. Not only was Trinity3 the lowest responsible bidder, they came highly recommended from the Dare County Schools Finance Officer as Town staff followed up with her as one of their references. Staff is asking the board to approve the agreement with a not to exceed amount of \$152,871 which would result in an annual lease cost of \$37,812 for four years (four-year warrantied items) and \$11,424 for one additional year (five-year warrantied items). The actual cost of the lease will be based on the final cost of items purchased and is expected to be slightly less than this amount. The total proposed lease payment is within the budgeted amount for this year and in the financial plan year.

'The purchase of this equipment would allow the town to overhaul its critical IT infrastructure including two servers, a storage area network (SAN) device, firewalls, switches, battery backups and other devices. The town will also be replacing most workstations."

The Resolution declaring the intention to pay off interfund balance using Fire Facility Fee Revenues, as adopted, read in part as follows:

"WHEREAS, The Town of Nags Head carries an interfund balance representing a reimbursement of funds collected in the Capital Reserve Fund originally intended to offset the cost of the municipal complex. Instead, these funds were used to pay off the higher interest rate Fire Station debt. This amount is to be paid back from the General Fund to the Capital Reserve Fund with fire facility fee revenues.

'WHEREAS, The amounts and timing of the repayments will be determined by availability of collected fees and decided by the Board of Commissioners.

'WHEREAS, The use of appropriations established for Capital Reserve may be accomplished only with the approval of the Board of Commissioners.

'WHEREAS, Interfund transfers, not established in the budget document, may be accomplished only with prior authorization from the Board.

'WHEREAS, July 2019 Budget Amendment 1 recorded a transfer of \$16,000 to bring the interfund balance down to \$69,029.

'WHEREAS, Upon consultation with the Town auditor, it is recommended to continue to bring this balance to zero in the most efficient and transparent way through a resolution approved by the Board declaring the intention to pay off the interfund debt.

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

'Section 1. Any accumulated fire facility fees will be used to repay the interfund balance until paid in full.

'Section 2. Once the interfund balance is zero, this resolution will expire, and fire facility fees will accumulate for the purposes for which they are collected in accordance with the Capital Reserve Fund Ordinance and Chapter 10 Article VII of Town Code.

'Section 3. This Resolution shall become effective immediately upon the date of its adoption."

Affirmation of the September 12, 2019 Board Retreat actions – the actions from the September 12, 2019 Board Retreat, as approved, read in part as follows:

"Review of previous goals – Stormwater drainage - Staff to provide the Board with timeline of all stormwater projects. Nags Head Acres – Make sure contractor is being held accountable; Town Hall/Fire Station #16 – Culvert is to be cleaned out; S Nags Head projects - Bid in Nov/Dec 2019 timeframe

'Leave a smaller footprint (environmental goals) – Each Town department is to prepare a written Sustainability Goals and Plan of Action for a more sustainable Town (for the January 2020 Retreat).

'Reopen swales – Staff is to provide a swale maintenance plan/schedule to the Board; the new Public Works work order system provides details about the projects and time to complete. Staff is to research options for Albatross Street.

'Community Care Clinic lease of former OBMC building – Staff is to prepare a new lease with CCC without reimbursement for building improvements that CCC initiated.

'2019 Hurricane/Storm Response evaluation – County's actions have consequences and their actions cause many to not leave during an evacuation; Discussion is to take place with the county concerning future events that may allow more time between visitors and residents evacuations.

'Pavement Condition Survey – SEPI - Need to schedule a pavement review. Concern about piece-mealing roadway projects – Staff is to request funds if necessary in order to have projects in operation quicker. Make sure drainage improvement and street improvement work are compatible to lessen piece-mealing roadway projects.

'The Board wants a Comprehensive Plan for streets and stormwater and a timeline to include funding scenarios with details so the Board can make good decisions – plus GIS level with street signs/no parking-tow-away zone areas, etc. (for the January 2020 Retreat)

'Town Manager is to inform the Board as projects/issues develop and is to prepare matrix/spreadsheet.

'2019 Beach Nourishment Maintenance and Monitoring Plan - Other possibilities/opportunities for beach nourishment such as offshore reefs, reef balls, etc. are to be examined; Staff is to prepare two separate RFQ's – one for design and one for monitoring. Workshop was scheduled to consider modifications to the existing MSD for Monday, November 18, 2019 at 9 am in the Board Room.

'Fill and Grading Ordinance - Staff is to time the changes of the Fill and Grading Ordinance with the Flood Ordinance – continue communication with Homebuilders so they are aware of the changes.

'Parking values - Building uses change which can alter parking requirements. Staff is to prepare bicycle standards using a national standard based on amount of parking spaces, for mandatory conditional use. The Board emphasized making sure that there is safe and easy access to the site.

'Communication among Board members and among Board members and staff - Comr. Fuller opted out of any response the Mayor provides on the Board's behalf, i.e., he is no longer in agreement with the January 2019 Board Retreat consensus that the Mayor speak on behalf of the entire Board.

'Trash carts – Most cart issues are reported from those in the Village – Town Manager is to look at several options to include providing a franchise agreement to address cart rollback, address it with Town employees, any other option available.

'Discussion of Little Bridge crosswalk - Mayor Cahoon stated that he would report at upcoming Board meeting response received from NCDOT to the Town's inquiry concerning Little Bridge crosswalk."

PUBLIC HEARINGS

Public Hearing to consider conditional use/site plan amendment submitted by Michael Morway of Albemarle & Associates, Ltd. on behalf of John Harris, You Can Fly, LLC for substantial site improvements to Kitty Hawk Sports located at 7517 S Virginia Dare Trail (The scope of work includes construction of a new principal retail structure with accessory 2nd story residential, additional parking areas and new observation deck and boardwalk)

Mayor Pro Tem Walters stated that the Public Hearing concerning the You Can Fly, LLC site improvements was postponed to the November 6th Board of Commissioners meeting.

Public Hearing to consider proposed text amendment to the Zoning Ordinance/UDO to eliminate the minimum lot size required for the development of "large residential dwelling" and/or address other aspects of this regulation

Mayor Pro Tem Walters stated that after today's Public Hearing the Board will consider continuing the item to the November 6th Board meeting when all commissioners are expected to be present.

Attorney Leidy introduced the Public Hearing to consider a text amendment to the Zoning Ordinance/UDO to eliminate the minimum lot size required for the development of "large residential dwelling" and/or address other aspects of this regulation. The time was 9:30 a.m.

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

“As the Board is aware, it was the consensus of the Board of Commissioners at their meeting on June 5, 2019 that Planning Staff work with the Planning Board to develop an amendment to the Zoning Ordinance to eliminate the minimum lot size requirement for Large Residential Dwellings. As referenced in a memo to the Board of Commissioners dated May 29, 2019, Large Residential Dwellings (defined as a “single-family dwelling or two-family dwelling (duplex)...that has 3,500 or more square feet of enclosed habitable living space.”) are permitted in all districts, with the exception of the C-3, *Commercial Services District*, with a minimum required lot area of 16,000 square feet; such dwellings may only exceed 5,000 square feet in size when located within the SED-80 district¹. The regulation of Large Residential Dwellings began with the original adoption of Zoning Ordinance provisions in 2003; specific standards are contained in Section 7.4, Dwelling, Large Residential, of the newly adopted Unified Development Ordinance.

‘In general, the request of the Board of Commissioners was to remove the minimum lot size requirement so that a home containing 3,500 square feet or more of habitable living area (but not exceeding 5,000 square feet, except as allowed in the SED-80 district) could be constructed on lots of any size, as long as the dwelling complied with all other dimensional requirements and Dare County Health Department requirements for on-site wastewater. In general, members of the Board of Commissioners indicated that the provision was obsolete and no longer served any purpose².

‘The Planning Board discussed this matter at their meeting on June 18, 2019; as outlined in the minutes for the meeting, members of the Planning Board were opposed to and/or questioned the basis for such a change. Staff suggested, and the Planning Board supported, continuing the discussion and consideration until the Board’s July meeting, where Staff could present further information on alternatives (such as a Floor Area Ratio restriction), as well as the amendments consistent with the Board of Commissioner’s Requests.

‘The Planning Board discussed the proposed amendment further at their meeting on July 16, 2019. As noted in the minutes for the meeting, the Board was unanimous in their lack of support for any change to regulations concerning Large Residential Dwellings, including an alternative presented by Staff that would reduce the minimum lot size from 16,000 sq. ft. to 15,000 sq. ft., but cap the maximum habitable area for such dwellings on lots less than 16,000 sq. ft. at 4,000 sq. ft. The Planning Board agreed to discuss the amendment further at their meeting on August 20, 2019 to allow consideration of a written recommendation to the Board of Commissioners opposing any amendment.

‘At their meeting on August 20, 2019, the Planning Board voted 6-0 to recommend that the Board of Commissioners take no action on the proposed amendments; the Board’s complete commentary on the amendment is provide below under the heading “Planning Board Recommendation.”

‘BACKGROUND

As noted above, Zoning Ordinance provisions defining and regulating Large Residential Dwellings were originally adopted by the Board of Commissioners in 2003, specifically Ordinance No. 03-08-040, Large Residential Structure Ordinance, on August 20, 2003. Based upon a review of records, efforts to develop such regulations commenced approximately 17 months prior, on April 3, 2002, when the Board of Commissioners re-designated a previously established Parking Committee as the Large Structure Committee; according to a memo from the Large Structure Committee and Planning and Development Staff, dated September 13, 2002, “The charge of the Committee as set forth at the April 3rd BOC

¹ The minimum lot area requirement of 16,000 square feet does not apply to Large Residential Dwellings located within the SPD-C, Village at Nags Head Zoning District.

² Wagner, Michelle “Nags Head moves to drop lot size restriction.” Outer Banks Sentinel, 11 June, 2019. https://www.obsentinel.com/news/nags-head-moves-to-drop-lot-size-restriction/article_ef33bbfa-8be6-11e9-aad7-13e644502d97.html

meeting was: It was Board consensus that the Committee's charge be expanded to bring back for Board review a consensus, if possible, on the limits on the size of houses, how size is defined, and aesthetics to encourage (or require) Nags Head style architectural design."

'Following the establishment of the Large Structure Committee, on June 5, 2002 the Board of Commissioners enacted a moratorium on accepting development plans for houses over eight bedrooms and for duplexes with a combined total of 12 bedrooms ("Moratorium Ordinance;" previously distributed). Based upon records, Staff understands that the moratorium was extended several times, finally expiring in September 2003 following the adoption of the Large Residential Dwelling provisions. The following findings included in the Moratorium Ordinance provide some context for the purpose and intent of the regulations to be adopted later:

The Town of Nags Head has a long standing history and reputation of being a family oriented beach resort community with tourism being the principal economic base of the Town. To complement this family beach environment and to continue its attractive image the Town places great value on natural resources, open space, and visual image of the built environment. In recent years there has been a progressive change in the visual image of properties within the Town. As stated in the town's Vision Statement: "The Town of Nags Head is working to build a community with an economy based on family vacation tourism. The base of that economy is a diverse supply of accommodations, primarily single-family homes but including hotel and multi-family dwelling units." The base of that economy is the rental of single family homes. The Town does not wish and will not develop as other ocean resort communities, which promote a high impact visual commercial "strip" appearance.

As construction and development in the Town continues there is no assurance that architectural styles will be pleasing to the eye, nor are there any assurances that future development and growth will not jeopardize the Town's vision.

It is possible that additional regulations may be needed to ensure the continued survival of the Town's economy-based family vacation tourism and to stabilize and enhance property values for all property owners.

Therefore, because of the above stated concerns and reasons, the Town of Nags Head deems it significantly important and crucial to comprehensively research and review various methods, incentives and regulatory mechanisms to ensure that the Town's vision is preserved and that residential buildings and structures are preserved, built, and repaired in an aesthetically pleasing manner characteristic of the Town.

The Town, in order to comprehensively review concerns associated with large residential structures shall not accept development plans for homes over eight (8) bedrooms or for duplexes with a combined total of twelve (12) bedrooms not already in the system, i.e., for which some government fee or application has been made prior to June 5, 2002.

This moratorium shall apply to all residential development in the Town. This moratorium shall be in full force and effect through the Board of Commissioners first meeting in December 2002.

This moratorium is necessary to enable the Town to consider the development of appropriate regulations and standards for addressing architectural style and aesthetics of buildings in the Town.

With regard to the minimum 16,000 square foot lot size requirement, the record does not appear to contain much information as to the rationale for this requirement, except that it seems that the Large Structure Committee, Planning Board, and Board of Commissioners were considering regulatory options that imposed no minimum lot size, a minimum lot size requirement of 15,000 square feet, or a minimum lot size that was conforming to the underlying zoning district (a memo dated March 14, 2003, and minutes of the August 6, 2003 and August 20, 2003 Board of Commissioners meetings referencing these discussions were previously distributed). Staff believes that the established minimum lot size of 16,000 square feet was a compromise between no minimum lot size (or 15,000 square feet) and 20,000 square feet, the minimum conforming lot size within the R-1 and R-2 zoning districts.

POLICY CONSIDERATIONS

While there are undoubtedly other policies included in the Comprehensive Plan related to the regulation of Large Residential Dwellings provision, Policy 14 as contained in the Land Use Element ("LU-14"), and the two associated actions, as follows, are specifically relevant:

- Policy LU-14: Limit the scale and mass of single family residential dwellings to support the town's vision for low density and intensity residential neighborhoods.
 - Action LU-14 a: Maintain current regulations that control maximum house size based on lot size.
 - Action LU-14b: Review the town's development standards to address proportionality of residential structures to lot size and to address the overall character of residential development. At a minimum, this review should examine:
 - Building height requirements as they relate to setbacks.
 - Alternative approaches to the current building to lot size ratio (i.e. floor area ratio or consideration of lot width as a factor in limiting building sizes).
 - Overall approaches to regulating height.
 - Current standards for regulating the length-to-width ratio of buildings.
 - Factoring decking and/or porches and other unheated spaces in the building to lot size ratio and/or the building length-to-width ratio.
 - Existing lot coverage incentives for providing engineered stormwater management.
 - Methods to discourage monotony in building design, particularly for residential dwellings.

Parts A. and B., of Section 3.2.4., Site Development Characteristics, of the Town of Nags Head Comprehensive Plan, which includes this policy and related discussion, are attached for the Board's review and consideration.

ADDITIONAL CONSIDERATIONS

During their review, the Planning Board considered the following:

1. While other dimensional requirements (i.e. lot coverage, setbacks, height, etc.) as well as on-site wastewater requirements will undoubtedly restrict the maximum square footage of a dwelling that can be constructed on a lot, Staff does believe that it would be reasonable to

expect Large Residential Dwellings to be constructed on lots as small as 10,000 square feet in area, if not smaller. For consideration, the Town Engineer developed an exhibit (Residential Single-Family Dwelling Site Development Exhibit; attached) demonstrating the potential to construct a hypothetical 4,000 sq. ft. 6-bedroom dwelling on a 10,200 square foot lot in the R-2 zoning district. The Town Engineer noted that the controlling factor in this exhibit was lot coverage, requiring the use of pervious pavers throughout the project, but that the exhibit is representative of the maximum permissible site development coverage per local and state regulations.

- As identified in the consideration of Accessory Dwelling Units, the majority of lots within the Town are less than 16,000 square feet. Removing the minimum lot size requirement would allow the opportunity for significantly more Large Residential Dwellings to be constructed. In the C-2, CR, R-1, R-2, and R-3 districts alone, the total number of lots not excluded because of lot size would increase from 697 to 3,204.

Lots Greater than or Equal to 16,000			
Zone	<16000	>=16000	Grand Total
C2	561	68	629
C3	0	2	2
C4	3	5	8
CR	250	102	352
R1	55	55	110
R2	1,828	465	2,293
R3	510	7	517
SED80	1	18	19
SPD20	137	80	217
Grand Total	3,345	802	4,147

- Regardless of the amendment, should consideration be given to calculating total floor area (inclusive of non-heated areas) versus total habitable living space? It is possible, and likely, that two homes could be constructed, both with identical total habitable space, but substantially different total floor areas, resulting in a home that may have greater mass and scale not being subject to the standards for Large Residential Dwellings, whereas the smaller home would be subject to such standards. While Staff believes that such a change has merit, it is recommended that a change such as this be considered separate from the current effort to avoid confusion (i.e. where the triggering threshold may change along with the calculation methodology).
- In addition to limiting the size of dwellings based on conventional dimensional requirements, many communities also impose a Floor Area Ratio ("FAR") requirement (<https://www.planning.org/pas/reports/report111.htm>), a consistent ratio limit of floor area to the area of the lot. As opposed to the current restriction, this would allow for maximum dwelling size to adjust based on actual lot area and may be a tool worth considering.

FAR was considered by Staff, but may not prove to be a viable option in these circumstances. Currently, a home with a livable floor area of 3,499 square feet is able to be constructed on a lot with an area of 15,999 square feet; this equates to an FAR of approximately 0.218. If an FAR of 0.21 or 0.22 were instituted that applied to lots equal to or greater than 16,000 square feet in area, this would reduce the size of a home from what can currently be constructed; this would also be the case for lots less than 16,000 square feet in area. It may be possible to

establish a greater FAR, for example 0.31, for lots smaller than 16,000 square feet; however, this would allow a home greater than 3,500 square feet to be built on a lot with an area as small as 11,300 square feet.

5. Another potential tool could be the use of an administrative adjustment provision where Staff could allow for Large Residential Dwellings to be constructed on lots slightly less than any minimum lot size required, thereby allowing greater flexibility in the current regulation. Similarly, perhaps a Conditional Use Permit could also serve this function.
6. Given the potential development of more dwellings with an increased number of bedrooms, based on the assumption that the subject Ordinance is adopted, the Board may wish to give greater consideration to the relationship of septic systems, stormwater, and groundwater. Perhaps one aspect to consider would be the allowance of shared or cluster septic systems, which may serve to reduce the potential for negative impacts.
7. An alternative to Ordinance Option A, provided in the attached Ordinance Option B, would be to lower the current 16,000 square foot lot area threshold to 15,000 square feet and institute a reduced maximum livable area size of 4,000 square feet for lots less than 16,000 square feet. There was no expressed interest for this Option when discussed at the Planning Board's July meeting, and the Board did eventually recommend adoption of this Option.

PLANNING BOARD RECOMMENDATION

At their meeting on August 20, 2019, the Planning Board voted 6-0 to recommend that the Board of Commissioners take no action on the proposed amendments. As part of their action, the Planning Board issued the following comments on the proposed amendment:

Pursuant to the Zoning Ordinance and newly adopted Unified Development Ordinance, the Planning Board is to provide its recommendation to the Board of Commissioners on any proposed text amendment, commenting on whether the proposed amendment is consistent with the Comprehensive Plan. In short, the Board is of the opinion that the proposed amendment is inconsistent with the Comprehensive Plan and recommends that the Board take no action. Further, the Board recommends that no action to amend provisions concerning Large Residential Dwellings is warranted without thorough consideration of the issues and effects of such changes.

With respect to consistency with the Comprehensive Plan, Policy LU-14 supports the limitation of "the scale and mass of single-family residential dwellings to support the town's vision for low density and intensity residential neighborhoods." The associated action to this Policy, LU-14 a, indicates that the Town should "Maintain current regulations that control maximum house size based on lot size." The Board is of the opinion that there is no nuance here, that the Comprehensive Plan does not include policies or actions recommending or supporting any change to regulations controlling maximum house size based on lot size.

For further consideration, in their discussions members of the Board raised the following additional points:

1. The reason for this change, or the problem intended to be addressed, is not apparent; the Board is unaware of the rationale for the proposed amendment.

2. This amendment will allow for larger houses to be constructed on smaller lots, exacerbating existing stormwater issues.
3. This amendment will allow for larger homes to be constructed that are inconsistent with the character of their neighborhoods and the vision for the Town.
4. The amendment will likely result in widespread redevelopment for the purposes of creating additional rentals, resulting in a reduction of housing opportunities for year-round residents; generally, these larger homes will not be used as primary residences.
5. Assuming that ADU's are not permitted, it seems illogical to disallow a 600 sq. ft. ADU because of density concerns, but to allow an increase in square footage more than 2x that amount in many cases.
6. How would this amendment, if it allows for more larger homes, improve the community's viewsheds?
7. It seems that we are struggling with what we want to do versus what we are allowed to do.
8. If this amendment results in larger homes and the potential for more visitors, what would the economic impacts be? Do we have sufficient resources to provide services for these additional visitors?
9. It would be more consistent with our vision and expectations to see more small homes, as opposed to larger homes.
10. Do we have enough municipal resources and infrastructure to support increased occupancy?

Based upon the cited inconsistency with the Comprehensive Plan, as well as the Planning Board's uncertainty regarding the additional questions and points raised, the Planning Board recommends that the Board of Commissioners take no action on the proposed amendments.

STAFF RECOMMENDATION

Staff concurs with the recommendation of the Planning Board that no action to amend provisions concerning Large Residential Dwellings be taken at this time, and not without thorough consideration of the issues and effects of such changes."

Notice of the Public Hearing was published in the *Coastland Times* on Sunday, September 22, 2019 and on Sunday, September 29, 2019 as required by law.

Michael Flynn, NC Coastal Federation; the Federation supports the Planning Board and staff's recommendation that no changes be made; he is in favor of nature based solutions and asked that no action be taken at this time. He read from a sheet that he provided to the Town Clerk which is attached to and made a part of these minutes as shown in Addendum "C".

Lauren Nelson, Realtor; she asked the Board to vote NO to the proposed text amendments as she feels they would move the Town in the wrong direction and are in contrast with the Town's vision; she asked that the following be considered: the environmental impact on smaller lots, stormwater pollution, changes to landscape and increased runoff; increased septic systems which may cause displacement of groundwater; stormwater has become more of a problem in the Town and costs have doubled in the past few years in managing it; increased traffic and services for larger homes; sustainability lies in diversity and increased costs to the Town; she spoke in favor of the Planning Board/staff's recommendation to take no action.

Megan Lambert, resident and business owner in Nags Head; she feels that allowing smaller lots with larger homes would make things worse - vacation rentals will not help affordable housing issues; speaking as a business owner, it has gotten worse for the affordable housing issue; stormwater problems have been battled by the Town and improvements made the past few years; water drainage has improved - why add larger buildings when the Town is still trying to get hold of the stormwater issue which may undue the progress already made; the accessory dwelling unit (ADU) ordinance was not adopted at the last meeting; she is looking for the commissioners to have consistency as the ADU proposal and this proposal go hand-in-hand.

Michelle Smith, Nags Head resident; she supports those that have already spoken re: community, stormwater, and density; she is not in agreement with the proposal which goes against the Town's vision which is why people come here; she appreciates what everyone has already done here.

Valerie Netsch; she spoke in support of those who have already spoken; last night while working at the Nags Head Pizza Company a family from Ohio indicated that they came to this area because the Town is different than other areas – it's not as dense/crowded; the restrictions put in place by the Town are good ones and are for public safety and environmental reasons.

There being no one else present who wished to speak, Attorney Leidy concluded the Public Hearing at 9:55 a.m.

Attorney Leidy explained that the Board can take action now or can table action - the Board can also continue the Public Hearing to another date/time in order to allow for further comment.

Comr. Renée Cahoon said that she would like to continue the Public Hearing to the November 6, 2019 Board meeting; this will allow everyone who would like to speak to be present for the Public Hearing – all comments made will be included into the record at that time.

MOTION: Comr. Renée Cahoon made a motion to continue the Public Hearing concerning minimum lot size required for development of large residential dwellings to the November 6th Board of Commissioners meeting. The motion was seconded by Comr. Fuller which passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.)

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

Consideration of site plan for construction of beach access improvements at Jacob Street Beach Access

Dep Planning Director Kelly Wyatt summarized her memo concerning improvements to the Jacob Street Beach Access which read in part as follows:

"GENERAL INFORMATION

'Applicant: Town of Nags Head.

'Application Request: Site Plan Review.

'Purpose: Development of Jacob Street as a Public Beach Access to include concrete drive aisle with turfstone parking stalls, stormwater management measures, wooden walkway and ADA compliant ramp, observation deck, and stairs to the beach. These improvements are partially funded through a grant from the North Carolina Division of Coastal Management.

'Property Location: 0 E. Jacobs Street.

'Existing Land Use: Vacant, unimproved pedestrian path.

'Zoning Classification of Property: R-2, Medium Density Residential Zoning District.

'Zoning Classification of Surrounding Properties: All properties surrounding this site are zoned R-2, Medium Density Residential and are developed residentially.

'Flood Hazard Zone of Property: VE 11; the regulatory flood protection elevation is 12 ft. msl. The proposed elevation of the first floor is shown on the site plan at 13.5 ft.

'Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as Residential and is located within the South Nags Head Character Area Development Plan. Below is the description of the Residential classification and pertinent excerpts from the Character Area:

'The Residential designation is intended to accommodate low-density, single family residential. Section 2.7.2A Appropriate Land Uses states, "Appropriate land uses in South Nags Head are predominately single-family residential development. Certain institutional and municipal areas are also appropriate under the right conditions such as the Nags Head Fire Station and municipal beach access facilities".'

'Staff finds this proposal to be consistent with the Residential Land Use Classification.

'SPECIFIC INFORMATION

'Applicable Zoning Regulations:

- Use Regulations: Pursuant to Town Code Section 48-403(b)(4) "Municipally owned public access facilities" are a permitted use within the R-2, Medium Density Residential Zoning District.
- Lot Coverage: Total allowable lot coverage for this site is 55%. Proposed lot coverage is 44.9% therefore lot coverage is compliant.
- Height: The scope of work involves construction of parking facilities, elevated wooden walkways, an observation deck and stairs to the beach. There are no proposed structures to be regulated by the maximum height.
- Architecture Design Standards: No architectural design standards apply to this proposed scope of work.

- Parking: There is no minimum parking requirement for this use; however, 13 parking spaces have been proposed, including 2 handicap accessible parking spaces.

Additionally, Town Code Section 48-407(d)(3)(b)(iii) requires a minimum of 20% of the surface area of the parking area and drive aisles to be constructed using permeable surface materials. This standard has been adequately met.

- Buffering/Landscaping: A compliant five-foot-wide Buffer Yard C has been provided along the perimeter of the northern and southern property lines adjacent to residential uses.
- Lighting: One light fixture has proposed at the eastern extent of the parking area. A light audit will be conducted to ensure that light intensity does not exceed medium level activity illumination standards.
- Signage: This access will be signed in compliance with Town and CAMA standards as with all other public beach access.

`Water and Sewage Disposal: No facilities requiring water and sewage disposal are being proposed.

`Stormwater Management: Adequate stormwater management measures have been designed by the Town Engineer.

`Traffic Circulation: Compliant traffic circulation has been designed by the Town Engineer.

`Fire: The Project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance.

`Public Works: Public Works has reviewed and approved the proposed site plan as presented.

`CAMA: A CAMA Minor Permit is required for this proposed use and must be issued prior to zoning or building permit issuance.

`ANALYSIS & STAFF RECOMMENDATION

Staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant land use policies. Staff recommends approval of the site plan as presented. Staff notes that the comments/questions raised by the Planning Board are reasonable, but that the Town Engineer's responses highlight the design constraints associated with the subject property; Staff would recommend that these comments be taken into consideration when planning for future access improvement projects.

`PLANNING BOARD RECOMMENDATION

At their September 17, 2019 the Planning Board voted unanimously to recommend approval of the Site Plan as presented with the following comments/questions for consideration; responses to these comments have been provided by Town Engineer, David Ryan.

`Q. Can the ramps run more "longitudinal" with the length of the lot, rather than the width? The Planning Board felt this might result in less coverage, but also provide for access for an emergency drive-over. Also, where is the nearest access that allows for emergency vehicle access?

- 'A. Due to the fact that funds for the project are partially covered by a grant from DCM, the dune walkover should be an ADA-accessible route. ADA ramp specifications are as follows:
- 1:12 ramp slope
 - 30' maximum run of ramp before a rest or turn platform
 - 5'x5' minimum turn platform size
 - 5'x5' unobstructed landing at the top and bottom of the ramp

Other design considerations include, but are not limited to:

- Provision of vertical clearance between the lowest horizontal structural cross member and existing dune grade.
- Existing grade elevation difference of 11' +/- between the parking lot and end of walkway ramp landing.
- Development limitation beyond the first line of vegetation.

Please note that a majority of the walkway width is due to providing ADA accommodations and that a direct route is centered for "able bodied" pedestrian traffic.

The nearest emergency vehicle drive over access is the Juncos Street Public Beach Access.

- 'Q. Could more accessibility accommodations be made, such as a Mobi-Mat, etc., especially if there is room for a drive over?

- 'A. Due to the lot and regulatory constraints, it is infeasible to accommodate vehicular and pedestrian access at this location.

Mobi-Mats have been provided at public beach accesses in Nags Head where it is appropriate. Based upon the transition grades between the end of the walkway and the existing grade in association with the dune slope from the top of the newly constructed dune to the dry sand beach exceeding maximum permissible ADA grades it currently appears that a Mobi-mat may not be appropriate for this location. Juncos Street may be a more appropriate location.

- 'Q. Where is the nearest lifeguard stand? If we are providing more opportunity for public access at this location, then a lifeguard stand should be visible.

- 'A. This question is better suited for Deputy Fire Chief, Shane Hite. Deputy Chief Hite is looking into this question and staff will have a response at the time of the meeting."

MOTION: Comr. Renée Cahoon made a motion to approve the site plan for improvements at the Jacob Street Beach Access as presented. The motion was seconded by Comr. Fuller which passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.).

NEW BUSINESS

Committee Reports

No committee reports were presented.

Consent Agenda item – Town Rules of Procedure

Comr. Fuller asked Attorney Leidy if the proposed modification to the Town Rules of Procedure to allow the Mayor to cancel a meeting is in harmony with the NC General Statutes. Attorney Leidy stated that the modification is in compliance with the State Statutes by allowing the Mayor to cancel a meeting – not just because there aren't enough members to have a meeting but also to cancel anyway.

MOTION: Comr. Fuller made a motion to approve the amendment to the Town Rules of Procedure as presented (to allow the Mayor to cancel a meeting). The motion was seconded by Comr. Renée Cahoon which passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.).

Rule 7 in the Rules of Procedures, as amended, read in part as follows:

“Rule 7: Office of Mayor/Chair *

The Mayor shall preside at all meetings of the Board of Commissioners and may vote in all cases and make and second motions. In order to address the Board of Commissioners, a member must be recognized by the mayor. Chair of each committee or board shall have the same powers as the mayor respective to their committee or board.

The mayor or other presiding officer shall have the following powers:

- a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- b) To determine whether a speaker has gone beyond reasonable standards of courtesy and time in his remarks and to entertain and rule on objections from other members on this ground;
- c) To entertain and answer questions of parliamentary law or procedure;
- d) To call a brief recess at any time;
- e) To adjourn in an emergency;
- f) **To call for meeting cancellation in an emergency.**

A decision by the presiding officer under (a), (b), or (c) may be appealed to the Board of Commissioners upon motion of any member. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.”

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Leidy - Review/Discussion of Code of Ethics Resolution/Policy

Attorney Leidy summarized his summary sheet which read in part as follows:

“N.C.G.S. §160A-86 (adopted in 2009) requires that the Town's Board of Commissioners “adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties”. The statute requires that such resolution or policy address at least all of the following:

1. The need to obey all applicable laws regarding official actions taken as a board member;
2. The need to uphold the integrity and independence of the board member's office;
3. The need to avoid impropriety in the exercise of the board member's official duty;
4. The need to faithfully perform the duties of the office; and

5. The need to conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

'There is no case law interpreting any of these provisions, although they are pretty straight forward and concise.

'Shortly after the statute was adopted, the Town adopted Resolution 10-12-023 on December 1, 2010 entitled "Code of Ethics for the Board of Commissioners of the Town of Nags Head, North Carolina" (the "Code of Ethics"). The Code of Ethics properly incorporates and sets forth each of the 5 requirements from N.C.G.S. 160A-86 set forth above. The Code of Ethics also elaborates/expands on each of these ethical requirements.

'As such, the Code of Ethics provides proper, helpful and instructive guidance on how board members should conduct themselves in their offices in order to comply with applicable law.

'Neither the statute nor the Code of Ethics require that Board members sign a copy of the Code of Ethics or take any other action to acknowledge or agree to the Code of Ethics. Rather, it is automatically imposed on all members of the Board of Commissioners (as well as members of all Boards of the Town) by its very terms and statutory mandate.

'Because of the comprehensive nature of the Town's Code of Ethics, I do not have any changes to recommend to it.'

The report was provided by Attorney Leidy and no action was taken nor needed to be taken.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Consideration of update to "On-Call" Policy to include Water Operations and Facilities Maintenance

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

"In order to supply service on demand we request that these critical positions be included in the On-Call Duty Policy. Having these departments participate in this policy guarantees critical issues can be remedied quickly by rotating staff.

'The following positions are requested to be added to serve "on call":

'Water Operations
Facilities Maintenance'

The On Call Duty Policy, in its entirety, read in part as follows:

"Section 2. On Call Duty Policy

'The following applies to employees who serve "on call".

- A. All Water Distribution, Public Works Fleet Maintenance, Building Inspectors and police officers (while assigned to CID duties) will serve "on call" duty on a rotating basis as required.
- B. Employees should respond within a maximum of 30 minutes of receiving a call. Response time is measured as the time between when a call is received by phone to when the employee

- begins to travel to the site of the call. Employees should make their best efforts to report to the call scene as promptly as possible after responding.
- C. If, for any reason, the "on call" employee is unable to meet the requirements of No. 2 above, or the callout is of an immediate emergency nature, the "on call" employee will call other members of the department, division or unit as applicable. Calling should start with the immediate Supervisor and follow the chain of command up to the department head until someone is reached.
 - D. Employees must carry either/or a town provided wireless telephone or a personal phone at all times when "on call". The employee is responsible for any such equipment until it is transferred to the next "on call" employee.
 - E. The employee who is "on call" will respond to all emergencies with no regard to date, time or extent of emergency.
 - F. To be considered a legitimate "call out" for purposes of the compensation called for under this policy, an employee must be called out after his normal workday has ended. A minimum of two "hours worked" will be credited for each call out. To be considered a "call out", the employee must physically report to the scene of the call.
 - G. Changes in the "on call" schedule are subject to prior approval by the appropriate supervisor.
 - H. Employees who use their personal vehicle to respond while on call will be reimbursed at the current IRS mileage rate from point of residence to their Duty Station. "Duty Station" is defined as the job location at which the employee spends the majority of his or her working hours.
 - I. An employee who is "on call" must remain in a physical, mental and emotional condition that allows him to respond to a call within the time frames required by this policy. For example, the use of impairing substances is prohibited while an employee is "on call". Otherwise, the employee's activities are not restricted (29 CFR 785.17).
 - J. An employee who is "on call" will receive 4 hours of compensatory time for each week served "on call". All maximum compensatory time guidelines and use of compensatory time are outlined in Article IV, Section 9. Employees are required to use their compensatory time before using any other form of paid time off.
 - K. Where an employee has worked less than 40 hours in the workweek before being on call, any time actually spent responding to a call will be considered as working hours until the employee has met the 40 hour mark for the week. The time spent in responding to the call for hours over 40 will be subject to FLSA overtime guidelines.
 - L. Only hours actually worked are counted in determining whether the employee has worked 40 or more hours. As such, hours not worked due to vacation leave, sick leave, holidays or otherwise during the week are not counted as "hours worked".
 - M. The employee may elect whether to receive overtime pay or to accrue compensatory time off subject to the approval of the appropriate supervisor."

MOTION: Comr. Renée Cahoon made a motion to approve the amended On-Call Policy [to include Water Operations and Facilities Maintenance positions] as presented. The motion was seconded by Comr. Fuller.

Comr. Fuller confirmed with Town Manager Ogburn that employees added will receive comp time and not a monetary amount.

CONTINUATION OF MOTION: The motion passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.).

Consideration of revised Essential Personnel Roster

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

"I am requesting that the Board designate three additional positions as essential during storm events; IT Coordinator, Deputy Finance Officer and Code Enforcement Officer. In post event reviews we have discovered that we need additional staff to assist with ensuring that the town is prepared before the storm, maintains essential operations during the storm, and to assist with recovery post storm. Non-essential personnel are permitted to evacuate and are not required to be present during adverse weather conditions.

"Each person presently in these positions agree with the essential designation being added to their job description. Employees whose positions are designated as essential have the following language as part of their job description. I am requesting the language be added to these three positions.

'Storm Duties

This position is classified as essential personnel and must maintain duty assignment in adverse conditions.

"Town Staff is currently in the process of revising our current Emergency Operations Plan. As part of the process, duties for these positions will be formalized and included in the plan. An example of the duties for each position are listed below.

'Deputy Finance Officer

- Assist preparedness activities of Accounting & Finance.
- Print hard copies of year-to-date financial reports for removal off site.
- (bank information, insurance information, etc.).
- Have available emergency purchase orders.
- Identify funds for potential liquidation to fund damage recovery.
- Manage "emergency" petty cash.

'Code Enforcement Officer

- Serves as the lead staff person for administering damage assessment tracking through liaison with Dare County Crisis Track Damage Assessment Software

'IT Coordinator

- Supply and maintain all technical infrastructure and equipment needs before, during and after an event to ensure continuity of services.
- Supply and maintain IT needs for the Town's Incident Command Center
- Ensure that all data and financial information is backed up and supported off-site

"The budgetary impact of this designation is difficult to determine. However, two of the three positions are exempt from the requirement to pay overtime."

MOTION: Comr. Fuller made a motion to approve the request to add IT Coordinator, Deputy Finance Officer and Code Enforcement Officer as essential personnel. The motion was seconded by Comr. Renée Cahoon which passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.).

Town Manager Ogburn – NC Beach, Inlet and Waterways Association (NCBIWA)

Town Manager Ogburn reported that at yesterday's quarterly NCBIWA Board meeting a resolution was presented (for the second time) opposing offshore drilling; there was a motion to table it for a second time; attempts for discussion were not successful. The Town is a member of NCBIWA and their mission is to work on behalf of the North Carolina coast by seeking to encourage funding and to facilitate sound solutions for our threatened waterways. The Town is opposed to offshore oil exploration/drilling but the Town's membership in the NCBIWA may need to be reconsidered.

Comr. Renée Cahoon stated that Nags Head, as well as most of the towns/counties in eastern North Carolina, have voted against offshore oil drilling/exploration and she finds it amazing that the NCBIWA Board of Directors has not taken action yet.

Mayor Pro Tem Walters noted that there have been concerns about where NCBIWA was headed and she agreed it should be brought forward to the full Board; it is hard to vote to expend funds for an organization that fails to stand up to coastal issues when that is their mission.

It was Board consensus to add a discussion of the Town's membership in the NCBIWA organization to the November 6th Board meeting agenda.

Town Manager Ogburn – Coffee With A Cop

Coffee With A Cop has been scheduled for Thursday, October 3rd from 4 to 6 pm at Waveriders Restaurant in Pirate's Quay shopping center. Town Manager Ogburn invited all those interested to attend and speak with a Police Officer about any issue of interest.

Town Manager Ogburn – Meet And Greet

Town Manager Ogburn invited those interested to attend the Meet And Greet with new Fire Chief Randy Wells on October 10th from 4 to 6 pm at Waveriders Restaurant in the Pirate's Quay shopping center.

Town Manager Ogburn – Beach driving

Town Manager Ogburn reported that even though beach driving started on October 1st staff has had to install some barricades and prepare a new beach driving map due to the tides causing water to travel up to the dune line. The Town has spent considerable funds to install sand fencing/vegetation to protect the Town's Beach Nourishment Project and wants to do everything possible to maintain the beach. Comr. Renée Cahoon stressed the importance of not driving on the recently installed sand fencing/vegetation.

BOARD OF COMMISSIONERS AGENDA

Mayor Pro Tem Walters – Consideration of resolution to request that Dominion Energy replace power/utility poles on the Nags Head/Manteo Causeway

Mayor Pro Tem Walters brought forward a proposed resolution which she briefly reviewed with Board members.

MOTION: Comr. Renée Cahoon made a motion to adopt the resolution requesting Dominion Energy replace the power/utility poles on the Nags Head/Manteo Causeway as amended - with "and Nags Head" added to the first WHEREAS statement. The motion was seconded by Comr. Fuller which passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.).

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

"WHEREAS, The wooden utility poles along the Manteo/Nags Head Causeway are a major component of power delivery to Mainland Dare County, Roanoke Island, and Nags Head, and have repeatedly been damaged or broken during storms, including Hurricane Michael in 2018, Hurricane Matthew in 2016, Hurricane Irene in 2011, and most recently, Hurricane Dorian; AND

'WHEREAS, Damaged and broken wooden utility poles pose a risk to public safety by causing road closures, hindering or preventing emergency response; impeding or preventing traffic flow, and creating power outages to a significant portion of the county; AND

'WHEREAS, Power outages resulting from these broken poles pose a safety risk to those with power-dependent medical devices, cost residents and businesses lost wages and revenue, cause refrigerated and frozen food loss, disrupt communications systems, disrupt traffic signals and postpone and delay response and recovery; AND

'WHEREAS, because of Dare County's load capacity on current wooden utility poles along the Manteo/Nags Head Causeway, their ongoing use will continue to present Nags Head and the surrounding area with continued threat of interrupted electrical services during heavy winds and storms, with problems associated with such interrupted power services; AND

'WHEREAS, North Carolina Dominion Power has repeatedly performed significant replacement and repair of the multiple broken poles along the Manteo/Nags Head Causeway in order to restore power to the County's citizens; AND

'WHEREAS, Replacement of the wooden utility poles with steel or concrete power poles or the use of underground utility lines would provide Nags Head and all Dare County citizens with a lower risk of interrupted electrical service in the event of heavy winds and storms, have significant positive impacts on response and recovery and reduce the manpower and repeated extensive infrastructure repair for North Carolina Dominion Power.

'NOW, THEREFORE BE IT RESOLVED THAT the Nags Head Board of Commissioners requests North Carolina Dominion Power make a commitment to customers to install a safer, more reliable and more resilient electric system along the Manteo/Nags Head Causeway by placing the power lines in this area underground or replacing the wooden poles with concrete or steel poles."

ADJOURNMENT

MOTION: Comr. Fuller made a motion to adjourn. The motion was seconded by Comr. Renée Cahoon which passed 3 – 0 (Mayor Cahoon and Comr. Siers were not present.). The time was 10:40 a.m.

Carolyn F. Morris, Town Clerk

Date Approved: **November 6, 2019**

Mayor: _____
Benjamin Cahoon