



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, DECEMBER 4, 2024**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, December 4, 2024 at 9:00 a.m. for a Regular Meeting.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Bob Sanders; and Comr. Megan Lambert

Board members Absent: None (One vacancy)

Others present: Town Manager Andy Garman; Attorney John Leidy; Amy Miller; Kelly Wyatt; Joe Costello; David Ryan; Perry Hale; Chris Montgomery; Shane Hite; Nancy Carawan; Karen Snyder; Brittany Phillips; Roberta Thuman; Kevin Brinkley; Leigh Brinkley; Ed Snyder; Jonathan Kirks; Kyle Lang; Skyla Lamberto-Egan; Chad Motz; and Town Clerk Carolyn F. Morris

CALL TO ORDER

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

ADOPTION OF AGENDA

MOTION: Comr. Sanders made a motion to approve the December 4th agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

RECOGNITION

RECOGNITION OF FORMER COMMISSIONER – Kevin Brinkley

Mayor Cahoon introduced former Commissioner Kevin Brinkley who has a lot of history in the Town starting as a Police Officer; he's returning today for a more formal Goodbye. Board members and Town Manager Garman, thanked former Comr. Brinkley for the relationship they have had with him over the years and for the long-lasting positive influence he has had on the Town.

He was wished well in all his future endeavors - it was pointed out that he was recently appointed to the Wanchese Industrial Seafood Park Board. On behalf of the Board, Mayor Cahoon presented former Comr. Brinkley with a James Melvin original painting, his retirement plaque, and his "Commissioner" nameplate.

NEW EMPLOYEE – Planning Director Kelly Wyatt introduced Code Enforcement Officer Jonathan Kirks who was welcomed by the Board to Town employment.

NEW EMPLOYEE – Public Services Director Nancy Carawan introduced Sanitation Equipment Operator Kyle Lang who was welcomed by the Board to Town employment.

FIVE YEARS – Dep Fire Chief Shane Hite introduced Fire Engineer Skyla Lamberto-Egan who was recognized by the Board for five years of service.

TWENTY YEARS – Dep Fire Chief Shane Hite introduced Ocean Rescue Supervisor/Firefighter Chad Motz who was congratulated by the Board for twenty years of service.

RETIREMENT – Planning Director Kelly Wyatt introduced former Code Enforcement Officer Ed Snyder who was thanked and congratulated by the Board on his retirement.

PUBLIC COMMENT

There was no one present who wished to speak during Public Comment.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Budget Amendment #6 to FY 24/25 Budget

Consideration of Tax Adjustment Report

Approval of Minutes

Consideration of Annual Appointment of a Director to the Board of the Nags Head Leasing Corporation

Consideration of Amendment to the Nags Head Personnel Policy Per Amended NC General Statute 143-805

Request for Public Hearing to Consider Special Use/Site Plan Amendment Review for the Soundside Event Site

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

Budget amendment #6, 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".

Minutes – the minutes from the November 6, 2024 Regular Session meeting and the October 18, 2024 Retreat workshop were approved by the Board and are on file in the Town Clerk's office and on the Town's website.

The annual appointment of a Director to the Board of the Nags Head Leasing Corporation, as approved, read in part as follows:

"Nags Head Leasing Corporation is a non-profit, wholly owned subsidiary of the Town of Nags Head – it is not a Town Board/Committee. The corporation is used as a holding company and has saved considerable taxpayer money over the years. At the December 4th Board of Commissioners meeting, in accordance with the corporation's by-laws, we request that the Board re-appoint Town Manager Andy Garman as the President/CEO of the Nags Head Leasing Corporation. One of the Directors of the corporation is to be appointed by the Board of Commissioners on an annual basis. The remaining Directors are elected by the Board of Directors at their annual meeting – held each May."

The amendment to the Personnel Policy, per amended NC General Statute 143-805, as approved, is attached to and made a part of these minutes as shown in Addendum "C". The summary sheet read in part as follows:

"Effective October 1, 2024, S.L. 2024-26 amended N.C.G.S. 143-805 requiring local governments to adopt and/or update their policies governing the use of their network and devices to officially prohibit and subsequently delete pornography no later than January 1, 2025. The policy must include new prohibitions on allowing pornography to be viewed, exceptions to those prohibitions, and disciplinary actions for potential policy violations. The state will monitor compliance with an annual report submitted to the State Chief Information Officer. Per recommendation of Attorney Leidy, this amended policy is being incorporated into Personnel Policy."

The summary sheet concerning the Request for Public Hearing, as approved, read in part as follows:

"This is a request for public hearing to consider a Special Use Permit/Site Plan Amendment submitted by Albemarle & Associates Ltd on behalf of Dare County Tourism Board for the following:

'Inclusion of five additional properties as part of the approved site plan for the Designated Public Events Site:
• 6716 S. Croatan Highway (former Dairy Queen Restaurant) • 6714 S. Croatan Highway (Aerial Adventure Park) • 6708 S. Croatan Highway (former Pamlico Jacks Restaurant) • 6807 S. Croatan Highway & 6806 S. Virginia Dare Trail (former South Beach Grill Restaurant); Approval of soundside boardwalk, gazebos, platforms, and docking facilities.

'Approval of the construction of ten (10) pickleball courts located on the former Pamlico Jack's Restaurant building site.

'The property is zoned C-2, General Commercial and is within the Commercial Outdoor Recreation Overlay District, and is located at 6800 S. Croatan Highway, and also includes the properties listed above."

PUBLIC HEARINGS

Public Hearing to Consider Amendments to the Nags Head Unified Development Ordinance re: Hotel Parking Standards

Attorney Leidy introduced the Public Hearing to consider amendments to the Nags Head Unified Development ordinance re: Hotel parking standards. The time was 9:32 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, November 20, 2024 and on Wednesday, November 27, 2024, as required by law.

Planning Director Kelly Wyatt summarized her report which read in part as follows:

"At their meeting on August 7, 2024, the Board of Commissioners requested staff to review the Town's existing parking standards for hotels and restaurants to evaluate their adequacy in meeting current needs. On August 20th, Planning staff presented an analysis to the Planning Board, outlining both current and historical parking standards for hotels. The presentation also included a comparison of hotel parking regulations in other coastal communities in North Carolina. During the Planning Board's discussions on September 17th, members noted that many hotel units include multiple beds, potentially leading to more than one vehicle per unit. They recommended that any revised parking standard account for both the number of units and the number of bedrooms. The Board reached a consensus that the most appropriate standard is the one used in the late 1980s and 1990s: 1.2 parking spaces per rentable unit or one space per bedroom—whichever is greater—plus one space for every two employees on the largest shift. This standard effectively accommodates the additional parking needs for hotels offering multi-bedroom options, such as family and executive suites, as well as extended stay rooms. To illustrate, had this standard been applied to the recently approved 87-unit hotel, Inn at Whalebone, the required parking would have been 108 spaces.

'Comprehensive Land Use Plan Policy Considerations LU-23, Require sufficient parking for commercial businesses with parking area design regulations that limit impacts on neighbors and surrounding land uses. If the Board of Commissioners is inclined to adopt this proposed text amendment, please reference Appendix A for the Statement of Consistency with the Town's adopted Comprehensive Land Use Plan requirements."

In response to a question from Mayor Cahoon, Director Wyatt said that older nonconforming hotels can be maintained and repaired as long as the degree of nonconformity is not increased.

Mayor Pro Tem Siers pointed out a typo in the proposed ordinance: "100" is missing before "square feet", i.e., "...or one (1) parking space per bedroom, whichever is greater, plus one (1) parking space for every two employees on the largest shift; plus, one parking space for every square feet..." He also confirmed with Director Kelly that additional parking requirements would be required if a restaurant is included in the hotel.

Comr. Lambert confirmed with Attorney Leidy that this ordinance would be invalidated and all parking ordinances in place now would be locked in if the General Assembly adopts the proposed Senate Bill 382 re: down-zoning.

Attorney Leidy confirmed that there was no one present who wished to speak; he concluded the Public Hearing at 9:46 a.m.

MOTION: Mayor Pro Tem Siers made a motion to adopt the ordinance as presented with the correction to add "100" before "square feet". The motion was seconded by Comr. Lambert which passed unanimously.

MOTION: Mayor Pro Tem Siers made a motion to adopt the Statement of Consistency with the Land Use Plan as presented. The motion was seconded by Comr. Lambert which passed unanimously.

The ordinance, as adopted, 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 summarized her update 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 December 4, 2024. Monthly Activity Report Attached for the Board's review is the Planning and Development Monthly Report for October 2024. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, staff were involved in the following meetings or activities of note during the month of November:

- Friday, November 1st - Acceptance of sand relocation applications & Dune Management Cost Share opens
- Tuesday, November 5th - Technical Review Committee Meeting
- Wednesday, November 6th - Board of Commissioners Meeting
- Wednesday, November 13th - Committee for Arts and Culture Meeting
- Thursday, November 14th - Board of Adjustment Meeting (no hearings scheduled)
- Tuesday, November 19th - Planning Board Meeting
- Dowdy Park Holiday Markets - Saturdays, November 9th & 30th from 9am - noon.
- Saturday, November 30th - 4th Annual Tree Lighting Ceremony

'Planning Board - Pending Applications and Discussions The Planning Board's most recent meeting was held on Tuesday, November 19, 2024. The following items were heard:

'Consideration of a Special Use Permit/Site Plan Amendment for the Soundside Event Site that includes encompassing five additional properties into the approved site plan for the "Designated Public Events Site", approval of the soundside boardwalk, gazebos, platforms, and docking facilities, and approval of the addition of ten (10) pickleball courts located on the former Pamlico Jacks Restaurant building site.

'The Planning Board voted unanimously to recommend approval of the Special Use Permit/Site Plan Amendment as presented. This item is on the Board of Commissioners Consent Agenda with a request for Public Hearing on January 8th, 2025.

o Consideration of a Site Plan Review for construction of an 8,305 square foot Dare County EMS Station located at 105 W. Seachase Drive. The Planning Board voted unanimously to recommend approval of the Site Plan as presented. This item will be presented to the Board of Commissioners at their December 4th, 2024 meeting.

o Discussion of Hotel Overlay District. Action Item 2.2 under the Development Goals of the adopted 2024 Strategic Plan directed staff to identify the correct areas of land use incompatibility within the town and correct inconsistencies between the Comprehensive Plan and the Unified Development Ordinance. One area identified for review was the suitability of the current Hotel Overlay District. Following discussion and review of draft ordinance amendments, the Planning Board reached consensus to proceed with eliminating the Hotel Overlay District. Staff will prepare a formal ordinance amendment for presentation to the Planning Board at their December 17th meeting.

o Continued discussion related to Accessory Dwelling Units (ADU's). Staff presented the Planning Board with several draft definitions to address concerns that the current terminology surrounding short-term rentals and accessory dwelling units is confusing and requires clarification. Additionally, staff provided a range of potential approaches for the Planning Board's consideration regarding the allowance of ADU's. These options ranged from taking no action on ADU's and focusing solely on clarifying short-term rental regulations to allowing both detached and attached ADU's in various capacities throughout the Town. After much discussion, the Planning Board found that the proposed definitional changes were helpful and directed staff to refine the options further.

'The Board recommended pursuing a framework where ADU's would be allowed townwide, with detached ADU's/Backyard Cottages permitted only on lots larger than 16,000 square feet in area, and attached ADU's/Accessory Apartments permitted townwide. Staff will continue to refine the options and explore details with the Planning Board in upcoming meetings.

'The Planning Board's next meeting is scheduled for Tuesday, December 17th, 2024. Currently, the agenda is expected to include consideration of text and map amendments necessary to remove the Hotel Overlay District and continued discussion of Accessory Dwelling Units.

'Board of Adjustment – Recent and Pending Applications There were no items for the Board of Adjustments consideration in November 2024. There is a variance scheduled for the December 12th, 2024 Board of Adjustment meeting for the Alexander property located at 3100 S. Virginia Dare Trail.

'Additional Updates

- DWMP/Septic Health Advisory Committee - Ella Trainor, a junior at UNC-Chapel Hill has successfully completed her internship with the Town. Her contributions were invaluable and greatly appreciated. Environmental Planner Conner Twiddy and Deputy Planning Director Joe Costello are continuing the work on the septic infrastructure mapping project. Joe Costello is coordinating with OTT Hydromet to explore the potential for accessing real-time data from the Hydromet Cloud for our water quality and water level loggers to integrate into the mapping project.

- Estuarine Shoreline Management Plan - The town was awarded a \$500,000 grant through the N.C. Resilient Coastal Communities Program to support engineering and design work for estuarine marsh restoration and stabilization projects along Villa Dunes and Soundside Roads. To kick off the project, the Town hosted a stakeholder meeting with representatives from Moffatt & Nichol and BioHabitats on November 21st. The meeting included preliminary project overview and site visits to Villa Dunes Drive and Soundside Road.

'Several members of the original Estuarine Shoreline Management Committee were also in attendance. Additionally, the town received \$500,000 in funding from the NC Land and Water Fund for the design and construction of a living shoreline at the Harvey Soundside Access. Another \$50,000 has been awarded through the Community Conservation Assistance Program (CCAP) to support a living shoreline treatment along the Causeway.

- Sand Relocation and Dune Management Cost Share Program - With sand relocation and the dune management cost share program now underway, staff have been busy with an initial influx of applications and inquiries. Updates on the number of applications received and the allocation of funding will be provided as the program progresses.

- Permitting Update 1st Quarter - See below the total number of permits accepted and the average turnaround time. These numbers do not include trade permits.

2024 Total Permits	Avg	Turnaround/days
July	41	2.6
August	41	2.2
September	50	2.5

- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture - There are many Holiday Happenings coming up: - Dowdy Park Holiday Markets: Saturdays, Nov 30th, and December 14th from 9am - noon with a Holiday Night Market on Thursday, December 5th, from 4pm–7pm. Each market will feature an average of 65 vendors. - 4th Annual Tree Lighting Ceremony & Santa Visit - Saturday, November 30th from 5pm-7pm. - Candy Cane Hunt - Wednesday, December 11th beginning at 4:45pm. - Winter Market, food only - January 11th, 2025. Artist Chris Wheeler has completed the new murals at the skate park and the town hosted a Skate Park Party on Saturday, November 23rd, from 10am–1pm where youth participants could "make their mark" on a designated space at the skate park. Additionally, Manteo High School art students painted a crosswalk at the intersection of Bonnett Street and Wrightsville Ave.

'Upcoming Meetings and Other Dates

- Tuesday, December 3rd - Technical Review Committee Meeting

- Wednesday, December 4th - Board of Commissioners Meeting
- Wednesday, December 11th - Committee for Arts and Culture (No December Meeting)
- Thursday, December 12th - Board of Adjustment Meeting (Alexander Variance)
- Tuesday, December 17th - Planning Board Meeting
- Wednesday, December 18th - Board of Commissioners mid-month meeting
- Dowdy Park Holiday Markets - Thursday, December 5th from 4pm-7pm and Saturday, December 14th from 9am-noon"

Consideration of a Site Plan Review for Dare County EMS Station located at 105 W. Seachase Drive

Planning Director Kelly Wyatt summarized her report which read in part as follows:

"General Information Applicant: Timothy Oakley, of Oakley Collier Architects on behalf of Dare County

'Application Type: Site Plan Review Purpose/Request: Construction of an approximately 8,305 square foot Dare County Emergency Management Services (EMS) station and all associated site improvements. Note that "Future Additions" are not included as part of the Site Plan Review.

'Property Location: 105 W. Seachase Drive, Nags Head

'Existing Land Use: Office/Municipal Use

'Zoning Classification of Property: SPD-C Village at Nags Head, Commercial 1 District

'Zoning Classification of Surrounding Properties: Properties to the north, directly across W. Seachase Drive, and to the west are zoned SPD-C, Village Commercial-1 (OBX Mall and Rusty Crow Quilt Shop). Property to the east, directly across US Hwy 158 is zoned SPD-C, Village at Nags Head Commercial-2 (Village Realty). Property to the south is the zoned SPD-C, Village at Nags Head Institutional (Fire Station 16).

'Flood Hazard Zone of Property: Property is located in an X Flood Zone, per the Town of Nags Head local ordinance, the property is subject to an RFPE/LES of 9 ft. The proposed first floor of habitable space will be elevated to or above 13 ft. msl and is therefore compliant.

'Land Use Plan Map/Policies: The 2022 Comprehensive Plan, Future Land Use Map classifies this property as General Commercial. While the use is more institutional in nature, it remains consistent with this land use classification and stated Land Use Policies.

'Specific Information - Applicable Zoning Regulations:

- Use Regulations: Pursuant to the text amendment adopted by the Board of Commissioners at their November 6, 2024, meeting, "County EMS Station" is a permitted use within the Village at Nags Head Commercial 1 District.
- Lot Coverage: Pursuant to Section 9.21.8.5 of the UDO, Table of Development Standards within the Village at Nags Head the maximum allowable lot coverage is 80% of the district area. The Village Commercial 1 District is comprised of The Outer Banks Mall, including the outparcels for Urgent Care and Outback Restaurant, the subject property, 111 W. Seachase Drive (Rusty Crow Quilt Shop) and the 7-lot subdivision, Sandcastle Village. While we do not have an updated survey for all improvements within this district, the lot coverage proposed for the redevelopment of this property for the EMS Station is reduced from 69.7% of the total lot area, to approximately 51% of the total lot area. Lot coverage is therefore compliant.

- Height: The maximum allowable building height within the Town is 35 feet; however, pursuant to Section 8.2.1, Dimensional requirements, total height may be increased to 42 feet with the use of an 8:12 roof pitch or greater. The applicant has proposed a structure with an overall height of approximately 34 feet measured from grade, therefore height is compliant. A height certificate will be required to verify overall height compliance during construction.

- Architecture Design Standards: Section 10.82 of the UDO, Applicability, states that Commercial Design Standards shall apply to all building construction or remodeling projects requiring a special use permit or site plan review. This project must adhere to the Commercial Design Standards set forth within Part VI of the UDO. As proposed this project will comply with standards set forth in Division II – Building Design including a human scale design, various roof articulations including a watch tower, residential style window, exterior masonry with board and batten and shingle siding, workable shutters, and gable brackets. This structure is located within the Village at Nags Head and as such should be reviewed and approved by their Architectural Control Committee (ACC). The applicant has provided the Village ACC with the architectural renderings and is awaiting their review comments.

- Parking: At their November 6, 2024 meeting, the Board of Commissioners adopted a parking standard for EMS Stations of one (1) parking space per employee on duty and one (1) parking space per 200 square feet of training facility and customer service areas. The applicant has noted a maximum of 12 employees at shift change, requiring 12 parking spaces, no training areas and approximately 100 square feet of customer service area, requiring one parking space. This use is required to have a minimum of 13 parking spaces, 22 spaces have been provided. Therefore, parking is compliant.

'Section 10.92.14.4 of the UDO, Surface Materials Appropriate for use, requires that a minimum of twenty (20) percent of the surface area of the parking area and drive aisles be constructed using permeable surface materials. The applicant has proposed 22.6% of the parking area be provided in an approved permeable surface. Therefore, this requirement is compliant.

- Buffering/Landscaping: Several sections of the Unified Development Ordinance speak to Buffering and Landscaping as it applies throughout this proposed site:

'Section 9.21.7.14, General Provisions with the Village Commercial-1 District states that a buffer shall be maintained along property lines abutting any neighboring lots not a part of the shopping center (implying C-1 designation). The buffer shall be a 50-foot-wide grassed open space or a vegetated buffer of a minimum width of 5 feet that will reach a minimum height of 10 feet within five years. Sheet 2 of 5 of the Site Plan review packet demonstrates compliance with this provision, including preserving and maintaining a significant stand of mature vegetation along the southern property boundary.

'Section 10.92.6.2 of the UDO, Parking and Drive Aisle Setbacks, requires that where off-street parking is provided between the building and the street right-of-way line, a parking lot buffer of at least ten (10) feet in width shall be provided between the parking lot and the street right-of-way. A compliant buffer has been proposed along the northern property boundary, adjacent to W. Seachase Drive, and along the eastern property boundary adjacent to US Hwy 158. Note that this includes preserving and maintaining existing mature vegetation in these areas.

'Section 10.93.3.5 of the UDO, Buildings Adjacent to Street Frontage, states that building walls adjacent to a street frontage shall include foundation landscaping directly adjacent to the building to screen any crawl space, stem wall, lattice work, or open parking areas. The applicant proposed landscaping along the building foundation adjacent to US Hwy 158 and W. Seachase Drive and is therefore compliant.

'Section 10.93.3.7 of the UDO, Interior Parking Lot Landscaping, requires parking lot landscaping be provided at a minimum rate equal to ten percent of the total area of the parking spaces. The applicant has proposed

25.4% of the total area of parking spaces in compliant landscaping. Therefore, interior parking lot landscaping is compliant.

'Section 10.93.3.8 of the UDO, Vegetation Preservation/Planting Requirements, requires that new development projects either preserve a minimum of ten (10) percent of the lot's total area with existing natural vegetation and/or dune elevations or plant new vegetation in lieu of preservation. When existing vegetation cannot be preserved, the planting of a minimum of fifteen (15) percent of the lot's total area shall be required. The applicant has proposed to preserve all the existing mature vegetation onsite, resulting in 11% of the total lot area, in addition to the proposed new plantings, therefore vegetation preservation requirements are compliant.

- Lighting: A lighting plan compliant with the requirements of Article 10, Part IV of the Unified Development Ordinance will be required prior to the issuance of any development permits. In addition, a light audit will be required prior to issuance of occupancy permits.

- Signage: No additional signage is being proposed at this time.

'Water and Sewage Disposal: The Village at Nags Head is served by a wastewater treatment facility. The applicant has indicated that Carolina Water Supply has been contacted and has indicated that they would allow the continued use of the existing connection. Authorization of connection in writing will be required prior to issuance of the building permit.

'Traffic Circulation: Traffic circulation has been reviewed and approved by the Town Engineer as presented, noting that an NCDOT right-of-way encroachment agreement will be required prior to issuance of the building permit.

'Stormwater Management: Section 11.4.1 of the Unified Development Ordinance states, Redevelopment of property within existing commercial uses does not require submission of a stormwater plan under the following circumstances:

'11.4.1.1. The development is consistent with the zoning regulations of this UDO relating to redevelopment and nonconformities; 11.4.1.2. The redevelopment does not result in a net gain of built upon area; 11.4.1.3. The redevelopment does not include the importation of any fill material.

'Fire: The Deputy Fire Chief has reviewed and approved the proposed site plan as presented. The project will be required to comply with all applicable NC Fire Prevention Code requirements as part of the building permit application review and issuance. Public Services: The Public Services Director has reviewed and approved the proposed site plan as presented."

Mayor Cahoon questioned review of the site plan by the Village Architectural Committee. Director Wyatt stated that it did go through the commercial design standards review – Division 2 compliance.

Mayor Pro Tem Siers questioned if the neighboring property, the quilt shop, had been contacted with information about the site plan. Director Kelly said that she has not had any conversation with the quilt shop but would contact them.

MOTION: Mayor Pro Tem Siers made a motion to approve the site plan for the Dare County EMS Station at 105 W Seachase Drive as presented - with the approval of the Village Architectural Committee. The motion was seconded by Comr. Sanders which passed unanimously.

NEW BUSINESS

Committee Reports

Comr. Sanders – Estuarine Shoreline Management Plan Committee took a field trip with Moffat & Nichol and BioHabitats representatives and visited several sites for possible modeling and design ideas for stabilizing the south side of Nags Head Woods and the marsh areas of Villa Dunes Drive and Soundside Road. Some of the stakeholders, Village Dunes property owners, were also present. Comr. Sanders stated that everyone was optimistic for work to begin.

Mayor Cahoon – Jennette’s Pier Advisory Committee met for an annual report presentation.

Mayor Pro Tem Siers – Dare County Tourism Board (DCTB) approved the Town’s requested grants with the exception of the traffic light - additional discussions will take place with the State as they want the light at the main entrance to the Event site. He will return with additional information.

Mayor Pro Tem Siers – Dare County Housing Task Force – Chair Donna Creef has put together a great support team and will be presenting a report to each Town starting in January 2025 with more action to take place after that.

Comr. Lambert – The Septic Health Advisory Committee and the Government Access Channel Committee have not met since last month’s reports.

Presentation of the Strategic Plan Update from October 2024 Board of Commissioners Retreat

Town Manager Andy Garman presented an update on the Strategic Plan as a result of the Board’s October 2024 Retreat; He presented the web page developed by Public Information Officer, Roberta Thuman, which provides updated information on the Strategic Plan objectives and goals. Board members spoke in favor of the site and thanked Ms. Thuman and Manager Garman for the report. Mayor Cahoon was pleased with the high level of transparency provided.

MOTION: Comr. Lambert made a motion to adopt the updated version of the Strategic Plan as presented. The motion was seconded by Comr. Sanders which passed unanimously.

Consideration of Appointment/Reappointment to Boards/Committees

Planning Board

MOTION: Comr. Lambert made a motion to reappoint Meade Gwinn to another three-year term on the Planning Board. The motion was seconded by Comr. Sanders which passed unanimously.

Board of Adjustment

MOTION: Mayor Pro Tem Siers made a motion to reappoint Margaret Suppler to another three-year term on the Board of Adjustment. The motion was seconded by Comr. Sanders which passed unanimously.

Consideration of construction bids – Agenda items H-4, H-5, and H-6

Mayor Cahoon announced that agenda item H-4 re: Workforce Housing Development Project construction bids, agenda item H-5 re: S Old Oregon Inlet Road Drainage Infrastructure Improvements (Project Area #13)

construction bids, and agenda item H-6 re: S Virginia Dare Trail Multi-use Path Resurfacing construction bids are not ready for discussion today but will return for the Board's consideration at the December 18, 2024 mid-month meeting.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Garman - Update on Construction of the Public Services Facility

Town Engineer David Ryan presented the latest update on the new Public Services Facility. The Administration, Water Distribution, Equipment, and combined Fleet Maintenance/Sanitation buildings are now occupied. The new Vehicle Storage building is under construction and the fuel tank/canopy is being installed. Engineer Ryan anticipates that the majority of the work will be finished by the end of this month (December 2024) with some remaining work to be done up to mid-January 2025. He also pointed out that Pond and Lark Avenues are due to be paved shortly after completion of the facility complex.

Town Manager Garman - Consideration of Final Town Hall Campus Master Plan

Town Manager Andy Garman presented the final Town Hall Campus Master Plan; he reviewed the Facility Assessment Study – from consultant Oakley Collier – for the replacement of the Fire Station and Fitness Facility and had discussions concerning the needs of the Police Dept, replacement of the Board Room, as well as the Public Services Garage building. He asked the Board to authorize proceeding with the immediate need of working with Dare County on the EMS station and with the replacement of the Fitness Facility building.

In response to Mayor Cahoon, Manager Garman said that staff has begun design of the Fitness Facility which will be shared with staff and the Board; he confirmed including the option of a second floor (unfinished) in that facility. Director Garman said they would incorporate replacement of the wastewater system which is at the end of its useful life. Mayor Cahoon said that it would be good to see the difference in costs of tying into the Village system. Staff is to look into both possibilities.

MOTION: Mayor Pro Tem Siers made a motion to adopt the Final Town Hall Campus Master Plan as presented. The motion was seconded by Comr. Sanders which passed unanimously.

Town Manager Garman - Consideration of resolution opposing Senate Bill 382 re: down-zoning authority

Town Manager Garman summarized the proposed resolution opposing Senate Bill 382. He explained that the bill would require staff to obtain consent from any property owner involved in the down-zoning action; he stated that the bill almost takes away the Town's authority to zone making it unable to respond to the challenges of growth. He said further that much of what Nags Head has done re: zoning over the years would meet the down-zoning definition to include flood, large structure, and multi-family ordinances – these are examples of ordinances the Town has adopted that would not be possible with this bill.

Mayor Cahoon said that this is about the business of government; he summarized how the bill started as one thing and ended up being gutted with additional items added – the down-zoning item was a buried item. He feels that this type of governing needs to stop.

Comr. Lambert emphasized that this is really about protection of the community and its property; she hopes that everyone reaches out to their legislatures to let them know how they feel.

MOTION: Comr. Lambert made a motion to adopt the resolution opposing Senate Bill 382 as presented. The motion was seconded by Comr. Sanders which passed unanimously.

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

"WHEREAS, Senate Bill 382, entitled DISASTER RELIEF-3/BUDGET/VARIOUS LAW CHANGES was initially drafted as Dental Practice Act Changes and then modified for the stated purpose of prioritizing aid for Hurricane Helene recovery efforts; AND

'WHEREAS, Senate Bill 382, in addition to many other changes unrelated to Hurricane Helene recovery efforts, includes a section with changes to NCGS 160D-601 entitled *Procedure for adopting, amending, or repealing development regulations*. (d) *Down-Zoning* which would remove local government authority to initiate down-zoning amendments without the written consent of all property owners whose property is the subject of the down-zoning; AND

'WHEREAS, for the purposes of this amendment, down-zoning refers to any zoning provision that reduces development density to any degree, removes any permitted uses of land from any zoning district, or creates non-conformities in non-residential zoning districts; AND

'WHEREAS, more specifically, the statute requires that communities obtain consent from all property owners that are affected by changes to setbacks, lot coverage, height, and bulk provisions of zoning ordinances which meet the definition of down-zoning; AND

'WHEREAS, these are considered the most basic tools communities have available to maintain land use compatibility, achieve desired density, and ensure orderly growth and development; AND

'WHEREAS, this proposed statute, if enacted years ago, would have prevented Nags Head from adopting many of our longstanding regulations related to density, which the Town deems vital to protecting the character of our community. Examples include regulations related to Large Residential Dwellings, lot sizes, and commercial building size limitations; AND

'WHEREAS, many communities in North Carolina deal with growth and development challenges routinely and their zoning authority is one of the only means to balance growth with the needs of the community and constituent concerns; AND

'WHEREAS, the provisions re: down-zoning in Senate Bill 382 would effectively lock the current zoning schemes of most communities in place now and into the future, making it nearly impossible for local governments to provide land-use regulations that are in the best interest of their communities; AND

'WHEREAS, the reasons for these specific changes were not made clear and local governments were not provided an opportunity to review or comment on the proposed changes prior to its adoption by the House on November 19, 2024; AND

'WHEREAS, if Senate Bill 382 becomes law, it would apply to any local government ordinance enacting down-zoning of property during the 180 days prior to its adoption.

'NOW, THEREFORE, LET IT BE RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD, NORTH CAROLINA, that we strongly oppose the adoption of Senate Bill 382, specifically, the section which would modify GS 160D-601(d) and restrict all local governments in North Carolina and their ability to control growth and maintain a balanced community. In addition, Nags Head would request sufficient opportunities in the future to review and comment on any proposed legislation that would alter land use regulatory authority."

BOARD OF COMMISSIONERS AGENDA

Comr. Sanders – Thank you

Comr. Sanders thanked staff for the great job done with the Dowdy Park holiday decorations.

Mayor Pro Tem Siers – Removal of signage

Mayor Pro Tem Siers spoke of some complaints he has received from building contractors re: the removal of their signage in yards when working on a house/structure. He questioned how the Town goes about tagging signage for removal. Town Manager Garman is to look further into this.

Mayor Pro Tem Siers – Christmas activities in Nags Head

Mayor Pro Tem Siers noted that there are a lot of activities taking place in the Town for the holidays, in particular, the 12 Bars of Christmas and the Misfit Christmas, events started by Nags Head resident Mark Ballog. Mayor Pro Tem Siers wished all employees a very Merry Christmas; he also thanked the Board for a good year.

Comr. Lambert – Merry Christmas

Comr. Lambert wished Town staff and everyone a very Merry Christmas.

MAYOR'S AGENDA

Mayor Cahoon - Merry Christmas

Mayor Cahoon wished everyone a Merry Christmas.

Mayor Cahoon - Consideration of 2025 calendars

MOTION: Comr. Lambert made a motion to approve the Board of Commissioners Meeting Calendar and the FY 25/26 Budget Calendar as presented. The motion was seconded by Comr. Sanders which passed unanimously.

The Board of Commissioners Meeting Calendar, as approved, read in part as follows:

- | | | |
|----|---|------|
| 1. | Jan 8 BOC Regular Meeting | 9 am |
| | Jan 22 BOC mid-month meeting (if scheduled) | 9 am |
| 2. | Feb 5 BOC Regular Meeting | 9 am |
| | Feb 19 BOC mid-month meeting (if scheduled) | 9 am |
| 3. | Mar 5 BOC Regular Meeting | 9 am |
| | Mar 19 BOC mid-month meeting (if scheduled) | 9 am |
| 4. | Apr 2 BOC Regular Meeting | 9 am |
| | Apr 16 BOC mid-month meeting (if scheduled) | 9 am |
| 5. | May 7 BOC Regular Meeting | 9 am |
| | May 21 BOC mid-month meeting (if scheduled) | 9 am |
| 6. | Jun 4 BOC Regular Meeting | 9 am |
| | Jun 18 BOC mid-month meeting (if scheduled) | 9 am |

- | | | | |
|-----|--------|--------------------------------------|------|
| 7. | Jul 2 | BOC Regular Meeting | 9 am |
| | Jul 16 | BOC mid-month meeting (if scheduled) | 9 am |
| 8. | Aug 6 | BOC Regular Meeting | 9 am |
| | Aug 20 | BOC mid-month meeting (if scheduled) | 9 am |
| 9. | Sep 3 | BOC Regular Meeting | 9 am |
| | Sep 17 | BOC mid-month meeting (if scheduled) | 9 am |
| 10. | Oct 1 | BOC Regular Meeting | 9 am |
| | Oct 15 | BOC mid-month meeting (if scheduled) | 9 am |
| 11. | Nov 5 | BOC Regular Meeting | 9 am |
| | Nov 19 | BOC mid-month meeting (if scheduled) | 9 am |
| 12. | Dec 3 | BOC Regular Meeting | 9 am |
| | Dec 17 | BOC mid-month meeting (if scheduled) | 9 am |

The FY 25/26 Budget Calendar, as approved, read in part as follows:

Board adopts Budget Calendar	December 4, 2024
Capital Improvement Program/Budget Workshop	Wed. March 5, 2025; following 9 am Board of Commissioners meeting
Capital Improvement Program/Budget Workshop	Wed. April 2, 2025; following 9 am Board of Commissioners meeting
Presentation of Managers Recommended Budget	Wed. May 7, 2025; 9 am and Capital Improvement Program
Capital Improvement Program/Budget Workshop	Wed. May 21, 2025; following 9 am Board of Commissioners meeting
Budget Public Hearing	Wed. June 4, 2025; 9 am
Capital Improvement Program/Budget Workshop (If continuation is needed)	Wed. June 4, 2025; following 9 am Board of Commissioners meeting
Budget Adoption	Wed. June 18, 2025; 9 am (If not adopted June 4, 2025)

Mayor Cahoon - Request for Nominations for Lightkeeper/Nags Header Awards

Mayor Cahoon invited everyone to present their nominations for those living (Lightkeeper Award) and for those deceased (Nags Header Award) who have made significant contributions to the Town. He is putting out the

word now and asked those interested to fill out the application on the Town's website and to spread the word to others.

Mayor Cahoon - Consideration of Christmas bonus

On behalf of the Board, Mayor Cahoon stated that he was pleased to provide full-time employees a gift of \$150 and \$75 for part-time employees as a token of appreciation. As noted by Town Manager Garman, these funds are in the approved budget for this year.

ADJOURNMENT

MOTION: Mayor Pro Tem Siers made a motion to recess to the December 18, 2024 mid-month meeting. The motion was seconded by Comr. Sanders which passed unanimously. The time was 10:50 a.m.

Carolyn F. Morris, Town Clerk

Date Approved: **January 8, 2025**

Mayor: _____
Benjamin Cahoon