



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, FEBRUARY 5, 2025**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, February 5, 2025 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; David Ryan; Perry Hale; Randy Wells; Chris Montgomery; Nancy Carawan; Joe Costello; Roberta Thuman; Karen Snyder; Former Town Clerk Carolyn F. Morris; Jim Morris; Former Tax Collector Linda Bittner; Jackie Szymanski; Dana Roepcke; Frank Roepcke; Paulette, Anna Sadler; Bob Muller; Brooke Norris; David Thompson; Vicky Wright; Nancy Shambaugh; Kathy Boyt; Jackie Hart; Malcolm Fearing; Donna Creef; Megan Vaughan; Webb Fuller; Duke Geraghty; Mary Kelley; Christian Aguirre; Evan Zadd; Tanner Mann; Chad Motz; John Kenny; Renée Cahoon; Chris Braddy; Dave Scott; Sue Scott; Terrance Flaughner; Hayden Poulin; Kana Hashigami; Tim Armstrong; Jose Ramirez; James Moseman; Will Roepcke; Molly Greenwood; Elizabeth Moran; JC Mitchell; Bobby Outten; William Nash; Wayne Umphlett; Linda Umphlett; and Town Clerk Brittany A. Phillips

CALL TO ORDER

Mayor Cahoon recognized Anna Sadler, Renée Cahoon, Bob Muller, Webb Fuller, and then called the meeting to order at 9:03 a.m. A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

MOTION: Mayor Pro Tem Siers moved to approve the February 5th agenda with an amendment to the order moving the Annual Safety Week Proclamation and Livesaving Awards ahead of the retirement presentations. The motion was seconded by Comr. Sanders, which passed unanimously.

RECOGNITION

PROCLAMATION - Annual Safety Week

Deputy Fire Chief Shane Hite reviewed next month's Annual Safety Week activities scheduled for March 3 – 7, 2025.

Mayor Cahoon read the Proclamation as follows:

"WHEREAS, the Town of Nags Head Board of Commissioners, employees and citizens are committed to the maintenance of a safe and healthful workplace; AND

'WHEREAS, the Town has assumed an active role in the promotion of a safe and healthful work environment by a program of regular occupational worksite evaluations and employee safety education; AND

'WHEREAS, the Town strives to stimulate and maintain an interest in loss control and accident prevention and recognizes past and future services to the employees and citizens of Nags Head; AND

'WHEREAS, the Town seeks to guide and encourage the adoption and institution of safe work practices by all employers and employees in Nags Head.

'NOW, THEREFORE, the Town of Nags Head Board of Commissioners does hereby proclaim March 3 - 7, 2025, as SAFETY WEEK in the Town of Nags Head and commends this observance to our citizens.

'FURTHERMORE, in recognition of this proclamation, I invite all Nags Head employees to attend the annual Nags Head Safety Luncheon on Thursday, March 6, 2025, from 12:00 Noon to 2:00 p.m. at the Douglas A. Remaley Fire Station #16."

MOTION: Mayor Pro Tem Siers moved to adopt the Proclamation declaring Annual Safety Week as March 3 -

7, 2025 as presented. The motion was seconded by Comr. Sanders, which passed unanimously.

PRESENTATION OF LIFESAVING AWARDS - Police Chief Perry Hale and Fire Chief Randy Wells described the response by the Town's team on December 23, 2024, to US 158 near W Seachase Dr where Mr. Umphlett suffered cardiac arrest and was unconscious; the team's combined efforts saved Mr. Umphlett's life. Mr. and Mrs. Umphlett were present, and Mr. Umphlett spoke to these heroes that turned into his angels. He expressed that there was no gratitude in the world that could say how much he appreciates what was done. Police Chief Hale read the citations and presented lifesaving awards to Officer Kana Hashigami and Officer Terrance Flaughter. Fire Chief Randy Wells read the citations and presented lifesaving awards to Captain James Moseman, Lieutenant Hayden Poulin, Firefighter Will Roepcke, and Firefighter Jose Ramirez.

On behalf of the Board, Mayor Cahoon showed appreciation for the Town's first responders.

Fire Chief Randy Wells detailed a second response just 29 days after the December 23rd event. The crew of Captain James Moseman, Lieutenant Hayden Poulin, and Firefighter Jose Ramirez responded on January 20, 2025, to a resident in cardiac arrest at a skilled nursing facility. Their efforts stabilized and ultimately saved the life of the resident. Chief Wells read the citations and presented a second lifesaving award to Captain James Moseman, Lieutenant Hayden Poulin, and Firefighter Jose Ramirez.

Mayor Cahoon, on behalf of the Board, expressed again how proud they are of our first responders.

NEW EMPLOYEE - Dep. Town Mngr./Finance Director Amy Miller introduced Tax Collector Jackie Szymanski who was welcomed by the Board to Town employment.

FIVE YEARS - Police Chief Perry Hale introduced Police Officer First Class Terrance Flaughter who was recognized by the Board for five years of service.

FIVE YEARS - Dep. Town Mngr./Finance Director Amy Miller introduced Deputy Finance Officer Brooke Norris who was recognized by the Board for five years of service.

RETIREMENT - Dep. Town Mngr./Finance Director Amy Miller introduced former Tax Collector Linda Bittner who was thanked and congratulated by the Board on her retirement. Linda mentioned that she really enjoyed working here with the staff and thanked everyone for all her accolades. She was presented with a retirement plaque and a retirement gift card.

RETIREMENT - Town Manager Andy Garman introduced former Town Clerk Carolyn Morris expressing his appreciation and gratitude for the work she has done in her 30 years of service to the Town. He noted that the Town is forever indebted to her for her service and that Carolyn made sure things were done correctly and on time.

Carolyn expressed her gratitude to those who hired her – Webb Fuller, Connie Hardee, Bob Muller, Renée Cahoon, and Anna Sadler. She shared that she truly enjoyed her time with the town and the staff she worked with.

Bob Muller highlighted the improvement in tax collection rates, which rose from 87% in 1985 to the low 90s by 1990. Under Mayor Renée Cahoon's leadership in 1991, the focus on collections increased, reaching 96-97%, surpassing the County and sustaining individual tax collection. He praised Linda's exceptional work, with collection rates at 99% and higher, and thanked her on behalf of Nags Head taxpayers.

Bob Muller noted that before Carolyn was hired, her position had high turnover. However, he quickly realized that she was the one who would bring stability to the role. She was a tremendous help to him as both Commissioner and Mayor, always reliable and discreet, especially with closed sessions. She also supported him as Chairman of the Firemen's Relief Board. He thanked her for all she had done for him and, more importantly, for the citizens of Nags Head.

Renée Cahoon thanked Carolyn and Linda, praising Carolyn for her outstanding work and dedication. She highlighted Carolyn's reliability, positive attitude, and strong relationships with others. On behalf of the citizens, she expressed gratitude and wished Carolyn well in her retirement.

Webb Fuller praised Carolyn for a job well done and thanked her from the bottom of his heart and on behalf of the town. He highlighted her crucial role in transforming record-keeping from hoarding to transparency, making a significant impact on government operations.

Mayor Cahoon praised Carolyn for her excellence, grace, and invaluable institutional knowledge, noting that she will be deeply missed. During COVID, in his first term as Mayor, he relied on her to ensure the town adhered to ordinances and laws, which in turn made him a better leader. He described Carolyn as the embodiment of the town's mission to serve citizens and visitors with openness, respect, and responsiveness — suggesting she may have even inspired the statement.

Comr. Sanders highlighted Carolyn's ability to work with six bosses over 30 years, showcasing her strong

relationships and reliability. She was always there for everyone, and the town deeply appreciates and thanks her for her dedication.

Mayor Pro Tem Siers thanked Carolyn for always being there for the Board.

Comr. Lambert thanked Carolyn for her dedicated service, recognizing her positive impact on everyone she encountered in the town. She acknowledged the many people, including herself, whom Carolyn had sworn in and helped start their journeys. She wished Carolyn well in her well-earned and much-deserved retirement.

Atty. Leidy praised Carolyn as an outstanding Clerk who performed her important role exceptionally well. He remarked that it was a pleasure working with her, noted that she would be missed, and wished her well in retirement.

Carolyn was presented with a Retirement Resolution from the NC Association of Municipal Clerks, a retirement plaque, a retirement gift card, and the Order of the Long Leaf Pine from the NC Governor's Office.

PRESENTATION - Donna Creef, as Chair of the Dare Community Housing Task Force (DCHTF), presented a PowerPoint presentation of the 2024 report *Housing for Now and Future Generations*. Mrs. Creef recognized other Task Force members in attendance: Malcolm Fearing, Duke Geraghty, Mayor Pro Tem Siers, and Mngr. Garman.

Her slides are attached to and made a part of these minutes as shown in Addendum "A". Some key takeaways follow:

- DCHTF is one of 14 teams selected to participate in a UNC sponsored program, *Our State Our Homes*. The core team consists of Malcolm Fearing, Andy Garman, Matt Neal, Anthony Fletcher, and Donna Creef. Travel expenses are covered by UNC SOG.
- Housing needs to meet four components: It needs to be available, attainable, sustainable, and acceptable
- Of the approximately 35,000 houses in Dare County- 53% vacant or not occupied full-time including vacation rentals
- Nags Head Median Sales Price of \$661,250 would reflect a total monthly payment of \$5,171.00 and would require a household income of \$221,632 to qualify. Nags Head's Adjusted Median Household Income is \$94,704 which only qualifies buyers for a sales price of \$287,000.
- Current monthly rental listings range from \$1,195 for a 1 bed, 1 bath apartment to \$3,200 for a 4 bed, 3 bath single family residence.
- Housing options to consider include Accessory Dwelling Units, Duplexes and Small Scale Multifamily, Workforce Housing at Commercial Sites, Deed Restrictions to Ensure Tenure and Employment
- 2004 legislation authorized Dare County Board of Education and Non-Profit to construct and provide affordable housing for teachers and local government employees.
- Outreach efforts include an ECU study on Workforce Housing Community Attitudes. Community meetings are planned for early this year.

Mrs. Creef introduced Malcolm Fearing, who discussed the development history of Nags Head and the long-standing issue of affordable housing in Dare County. He referenced studies from the 1980s highlighting the housing shortage for low- to moderate-income families and the competition between permanent and seasonal residents. With the county's population growing from 17,000 in 1985 to 38,000 today, nearly 12,000 residents are now cost-burdened. Fearing provided current housing cost examples and called for a generational plan to address the issue. Citing past successes in tackling major challenges like drinking water access and beach nourishment, he urged the Board to prioritize affordable housing for the county's economic sustainability.

Mayor Cahoon acknowledged Board participation in the DCHTF from Mayor Pro Tem Siers and Town Manager Andy Garman.

Comr. Lambert asked Mrs. Creef if the DCHTF had identified any housing sites in Nags Head. Mrs. Creef responded that none had been identified in Nags Head, though there are some on Roanoke Island and Hatteras Island. The focus is currently on public land, with the only identified site in Nags Head being where the Ocean Rescue Housing is under construction.

Comr. Sanders recognized the significant housing issue affecting the community and thanked Mrs. Creef for her efforts. He was encouraged by the small-scale successes. Mrs. Creef noted that changes to the NC Residential Building Code have helped reduce costs for property owners and developers.

RECESS/RECONVENE

The Board took a brief recess at 10:42 a.m. and reconvened at 10:52 a.m.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Garman - Update on Dare County Water Main Repair from Pirate's Cove to Pond Island

Time Specific - 10:30 a.m.

The agenda summary sheet read in part as follows:

"Dare County Board of Commissioners held a Special Meeting on December 18, 2024 to approve a project to repair the damaged County water main that runs beneath the sound between Pirate's Cove and Pond Island. The Dare County Commissioners approved a budget amendment and Capital Project Ordinance for the project at that meeting. This waterline is important to Nags Head and other northern beach communities, especially during the summer to meet seasonal demand. During the non-peak months, the Town receives most of its water from the reverse osmosis plant in Kill Devil Hills.

'County Manager Bobby Outten will attend the upcoming meeting to present an overview of this project which includes the schedule, construction methods, impacts to Town residents, and contingency plans if the work is not completed in time."

Dare County Manager Bobby Outten and Public Utilities Director William Nash updated the Board on the \$16 million water main repair from Pirate's Cove to Pond Island, funded through the County's Water Fund. The biggest delay was the lead time for the pipe, which has now arrived. A contractor is on-site, and work has begun. Since the repair cannot be paused without disrupting the system, crews will work from both sides to meet in the middle. The contractor and county staff are confident the repair will be completed by the April 30th deadline. If the project is not finished by mid-June, when summer demand increases, contingency plans are in place, with water conservation as a last resort.

Mayor Pro Tem Siers requested an explanation of the process and expected noise levels. Director Nash explained that the pipe will be bored at an angle from both sides, with the most noise occurring in the initial stages. A steel casing will be hammered in, similar to pile driving, lasting about three weeks on each side (Pirate's Cove and Pond Island). He has spoken with Pond Island homeowners and noted that noise levels will range between 80-90 decibels during normal working hours, with a planned 10-12-hour workday.

Mayor Cahoon asked if any other projects were upcoming in Nags Head. Director Nash said none are expected. The broken pipe, originally designed for a 100-year lifespan, deteriorated prematurely due to sand, silt, and saltwater erosion. Manager Outten added that the old pipe was not bored in but simply placed on the sound's bottom, allowing sediment to settle on top and accelerate erosion.

Mayor Cahoon, representing the Board, voiced appreciation to Mngr. Outten and Director Nash for attending the meeting and sharing the update.

NEW BUSINESS

Presentation of Fall Beach Monitoring Survey - Moffatt & Nichol Time Specific - 11:00 a.m.

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

"Annually, the Town subcontracts surveying and engineering services to perform an annual beach condition survey and engineering data analysis in accordance with the Town's Beach Monitoring & Maintenance Plan. The survey scope of work includes measuring the shoreline and volume change analysis of 112 profiles along the Town of Nags Head shoreline with the objective of capturing the effects of storms that have occurred during the 2024 late Summer and Fall season.

'At the October 2, 2024 meeting, authorization was given by the Board to proceed with a Fall survey to monitor the beach conditions. The monitoring results from the Fall survey will be presented at the February 5, 2025 meeting.

'The results of the beach surveys aid with the planning and design of the next beach nourishment maintenance project. Supplemental information will be presented on a tentative beach nourishment project design and permitting schedule.

'Beth Sciaudone, Ph.D., PE and Ayse Karanci, PhD, PE from the consulting firm of Moffatt & Nichol will present the findings of the condition surveys and will be available to answer questions from the Board."

A copy of the 2024 Annual Beach Monitoring Survey Evaluation document was distributed to all Board members.

Ms. Sciaudone summarized her presentation slides which are attached to and made a part of these minutes as shown in Addendum "B".

The "Key Takeaways" slide from Ms. Sciaudone's presentation follows:

- The beach showed some recovery from the summer conditions in the region of the sandbar, however, south reaches conditions are still a cause for concern.
- Substantial shoreline erosion is observed at Reach 3S since the summer survey

- Dune scarping continues at Reach 3S and Reach 4.

The 2026 or 2027 Beach Nourishment Project is in the preliminary design phase. Looking to have everything ready for 2026 with the option to wait until 2027 if needed.

Project Schedule:

- Permit Applications Submittal end of March 2025
- Permit Review Process ~ six months to end of September 2025
- Bid Advertisement October 2025
- Award and Contract Negotiations November to December 2025
- Construction Summer 2026 or Summer 2027

Mayor Cahoon asked about recent pricing per yard for a comparable project. Ms. Sciaudone said estimators are currently working on an opinion of probable cost and they will report back once figures are available. She noted that mobilization costs have been higher in projects in the southern part of the state.

Mayor Pro Tem Siers asked how target areas for the project are identified. Ms. Sciaudone explained that the entire previously nourished oceanfront would be included. When asked if one end of town would receive more focus, she clarified that areas with higher erosion rates would receive more materials and dune rebuilding, while areas with stable dunes would receive berm-only nourishment.

Town Manager Garman explained that the nourishment is based on properties receiving the same level of protection across the project.

PUBLIC COMMENT

Town Attorney John Leidy opened Public Comment at 11:24 a.m.

Mary Kelley, Nags Head resident, expressed concerns about the Town's and community's preparedness for potential Immigration and Customs Enforcement (ICE) actions following the Executive Order signed on January 20, 2025. She questioned whether the town has a plan in place and emphasized the importance of being respectful, supportive, kind, and protective of the local immigrant community.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 11:27 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of Budget Amendment #10 to FY 24/25 Budget
- Consideration of Tax Adjustment Report
- Request to Advertise Delinquent Taxes
- Approval of Minutes
- Consideration of Multi-Year July 4th fireworks Contract with Zambelli
- Request for Public Hearing to Consider Proposed Financing for FY 25 projects (Ocean Rescue Housing and Purchase of 4222 S. Croatan Highway Nags Head, NC)

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

Budget amendment #10, as approved, is attached to and made a part of these minutes as shown in Addendum "C".

The Tax Adjustment Report, as approved, is attached to and made a part of these minutes as shown in Addendum "D".

The memo to advertise delinquent taxes, as approved, read in part as follows:

"In accordance with NCGS 105-369 advertisement of tax liens on real property for failure to pay taxes, The municipal tax collector shall advertise municipal tax liens by posting a notice of the liens at the city or town hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period of March 1 thru June 3. The posted notice and newspaper advertisement shall set forth the following information: The name of the record owner as of the date the taxes became delinquent for each parcel on which the taxing unit has a lien for unpaid taxes; in alphabetical order; a brief description of each parcel of land to which a lien has attached and a statement of the principal amount of the taxes constituting a lien against the parcel; a statement that the amounts advertised will be increased by interest and costs and that the omission of interest and costs from the amounts advertised will not constitute waiver of the taxing unit's claim for those items; a statement that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes; costs – each parcel of real property advertised

pursuant to this section shall be assessed an advertising fee to cover the actual cost of the advertisement.

'With your approval, staff intends to advertise the liens in the newspaper on March 19, 2025 in accordance with NCGS 105-369 for all amounts outstanding as of the close of business on March 14, 2025. Request for Authorization to Begin Foreclosures on 2024 Taxes: In accordance with NCGS105-374, "Foreclosure of tax lien by action in nature of action to foreclose a mortgage" and/or NCGS 105-375, "In Rem method of foreclosure..." "docketing certificate of taxes as judgment - in lieu of following the procedure set forth in NCGS 105-374, the governing body of any taxing unit may direct the tax collector to file with the clerk of superior court, no earlier than 30 days after the tax liens were advertised." With your direction, staff will begin the foreclosure process where necessary on the 2024 delinquent taxes thirty days after advertising."

The minutes from the January 8, 2025, Regular Session meeting and the January 23, 2025, Special meeting were approved by the Board and are on file in the Town Clerk's office and on the Town's website.

The Zambelli contract, for Fourth of July fireworks for the next three years, was approved as presented. The agenda summary sheet read in part as follows:

"Staff would like to lock in the dates and prices for the July 4th fireworks for the next three years. The July 4, 2024, fireworks was our last year under contract with Zambelli. That was also a three- year contract. A multi-year contract allows for advanced planning and sets expectations for all involved parties. This is also obviously a popular and busy date for Zambelli, so locking in a contract will allow for continuity with the same operator for the next three years. Staff has applied for a July 4th, 2025, fireworks grant from the Outer Banks Visitors Bureau. Staff is available to answer any questions.

'This is a three-year contract. This will require Board approval in order for the contract to be pre- audited. Request Board approval of contract"

The Request for Public Hearing to consider Proposed Financing for FY25 projects (Ocean Rescue Housing and Purchase of 4222 S. Croatan Hwy, Nags Head, NC), as approved, read in part as follows:

"A public hearing is required on financing contracts approved by the Local Government Commission. The amount financed will not exceed \$3.1 million and will be borrowed to finance the construction of Ocean Rescue housing and the purchase of 4222 S. Croatan Highway, Nags Head, NC.

'Reimbursement resolutions have been completed for these items. The financing agreement with the actual amount financed will be presented for Board approval at the March 5, 2025, meeting. The financing contract will be approved by the LGC in April. Request Public Hearing for March 5, 2025."

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 Wednesday, February 5, 2025.

Monthly Activity Report

Attached for the Board's review is the Planning and Development Monthly Report for December 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 January:

- Tuesday, January 7th - Technical Review Committee Meeting
- Wednesday, January 8th - Board of Commissioners Meeting
- Wednesday, January 8th - Committee for Arts and Culture Meeting (no January meeting)
- Thursday, January 9th - Board of Adjustment Meeting (no hearings scheduled)
- Tuesday, January 21st - Planning Board Meeting
- Monday, January 27th - Septic Health Advisory Committee Meeting
- Dowdy Park Winter Market - Saturday January 11th from 9 a.m. - noon.

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, January 21st. The following items were heard:

'Election of Chair and Vice-Chair for Calendar Year 2025: Megan Vaughan was elected as Planning Board

Chair; Meade Gwinn was elected as Vice-Chair.

'Planning Staff provided the Planning Board with an update on the Planning and Development 2025 Workplan.

'Planner Chris Trembly provided a presentation and facilitated a conversation about the Dark Skies, Bright Stars Initiative.

'The Planning Board reviewed and approved their 2025 Submittal Calendar.

'Continued discussion of Accessory Dwelling Units (ADU's) within the Town. Based upon the areas of consensus reached, staff will be preparing an ordinance amendment for the Planning Board's consideration that includes the following provisions:

New definitions:

- *Attached Accessory Dwelling Unit (Accessory Apartment)* and *Detached Accessory Dwelling Unit (Backyard Cottage)* - both types of ADU's will require that a long-term resident occupy the property.
- *Short-Term Rental, Partial Home* - the definition was amended to create some alignment between the proposed ADU use and the existing partial home short-term rental use.
- *Sleeping Room* - clarity on what constitutes a sleeping room.

Allowances and Restrictions:

- Attached ADU's (Accessory Apartments) will be permitted townwide.
- Detached ADU's (Backyard Cottages) will be allowed only on lots larger than 16,000 square feet (large residential).
- Both types, attached and detached, may be rented on a short-term or long-term basis.

Development Standards:

- ADU's must be subordinate to the principal structure, with a maximum size of 800 square feet or 50% of the principal structure's area, whichever is less.
- Parking requirements will be set at one parking space per ADU, plus one additional space for each bedroom beyond one.

'The Planning Board's next meeting is scheduled for Tuesday, February 18, 2025. Currently, the agenda is expected to include a text amendment request submitted by Nags Head 87, LLC to increase the number of fuel dispensers allowed at fueling stations and to increase the size of any convenience store associated with any fueling station in the C-2, General Commercial District, a text amendment submitted by Chris Greening of TW's Bait and Tackle to allow Outdoor Stands as an accessory use to General Retail Establishments, and staff anticipates presenting the Planning Board with the draft Accessory Dwelling Unit (ADU) ordinance for their consideration.

'Board of Adjustment – Recent and Pending Applications

There were no items for the Board of Adjustments consideration in January 2025.

'Additional Updates

- DWMP/Septic Health Advisory Committee - The Septic Health Advisory Committee (SHAC) met on Monday, January 27, 2025. Planning staff provided an update on program activity for the current fiscal year, reporting that 92 septic tank inspections have been completed, 42 pump-out credits have been issued, and 5 septic loans have been initiated. It was the consensus of the committee that staff should explore new marketing strategies to increase participation in the program, as recommended in the Decentralized Wastewater Management Plan. Additionally, the SHAC recommended considering an increase in the pump-out credit from \$150 to \$250, given that the average cost of pumping a residential septic tank is approximately \$500. Staff also updated the committee on the location of the four new water quality loggers which will be installed in the coming months: S. Colony Drive (north end), Old Cove Road adjacent to the dead-end canal, Bonnett Street Bathhouse and Dowdy Park.
- Estuarine Shoreline Management Plan - Mailers have been sent to all property owners adjacent to the two estuarine marsh stabilization projects along Villa Dunes Drive and W. Soundside Road. These mailers outlined the purpose of the Estuarine Shoreline Management Plan and provided details about the timing and location of the survey work. Survey work is currently underway and is expected to continue through early February 2025 as part of the data collection and modeling process for the Basis of Design report.

'Additionally, the Public Engagement Plan has been approved, and Town staff, along with consultants have created a dedicated webpage to the projects that is now live and can be viewed [HERE](#). Town staff and the consultants have a scoping meeting with all relevant permitting agencies for the two shoreline stabilization projections scheduled for Thursday, January 30th.

- Sand Relocation and Dune Management Cost Share Program - As of January 30, 2025, staff have received and processed 90 Sand Relocation Authorizations and approximately \$87,500 has been allocated for sand relocation and stabilization efforts under the Dune Management Cost Share Program.
- Permitting Update 2nd Quarter - See below for the total number of permits accepted and the average turnaround time. These numbers do not include trade permits.

2024	Total Permits	Avg Turnaround/Days
October	43	2.5
November	50	2.0
December	66	2.25

- Outer Banks Regional Hazard Mitigation Plan Update - The final HMP committee meeting and public meeting for Dare County was held on January 28th, 2025. The draft plan is now available and evaluates our communities hazard risks and vulnerabilities and established goals, objectives, and actions for reducing risk and building local resilience. You can review the plan at <https://obx-hmp.com> to learn more. Staff expects to bring this plan forward for the Board of Commissioners review and adoption in the coming months.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture - The Winter Market in January was very well attended, despite the bitter cold weather, and our next Winter Market is scheduled for February 8th. These markets are held on Saturdays from 9:00 a.m. - noon on the following dates: February 8, March 8, and April 12. Event Coordinator Paige Griffin is already preparing for summer activities including developing a music line-up for the Summer Concert Series and planning for the 2025 Dowdy Park Farmers Market. The Committee for Art and Culture is scheduled to meet next on Wednesday, February 12, 2025, to plan for the upcoming 2025 season. An update on their discussions and plans is expected to be presented to the Board of Commissioners at their meeting on March 5, 2025.

'Upcoming Meetings and Other Dates

- Monday, February 3rd - OTT Hydromet Virtual Meeting
- Tuesday, February 4th - Technical Review Committee Meeting
- Wednesday, February 5th - Board of Commissioners Meeting
- Wednesday, February 12th - Committee for Arts and Culture Meeting (no January meeting)
- Thursday, February 13th - Board of Adjustment Meeting (no hearings scheduled)
- Tuesday, February 18th - Planning Board Meeting
- Wednesday, February 19th - Board of Commissioners mid-month meeting
- Friday, February 21st - Town-wide Staff Meeting
- Dowdy Park Winter Market - Saturday, February 8th from 9 a.m. - noon."

Mayor Cahoon asked for clarification on TW's Bait and Tackle text amendment request to allow Outdoor Stands as an accessory use to General Retail Establishments. Director Wyatt confirmed that the amendment would allow for an ice cream cart.

Mayor Cahoon opened up an opportunity for the Board to ask questions or give input on Accessory Dwelling Units (ADUs). It was Board consensus that the requirements for ADUs focus on long-term rentals. Other items discussed were attached versus detached units, the handling of existing units once the new requirements are in place, including those that may be considered duplexes, deed restrictions or other tools that could restrict long-term versus short-term rentals, setbacks, perceived density issues and the impact on neighboring properties.

Mayor Pro Tem Siers inquired about the efficiency of the online permitting portal. Director Wyatt explained that its capabilities are limited due to the Town not having a cloud-based version of the software. She will compile a report and provide further details to the Board.

Comr. Lambert suggested holding a workshop with the Planning Board and Commissioners as the ADU ordinance amendment neared completion. Mayor Cahoon agreed it could be a good opportunity for public input, and Manager Garman noted that the timing was approaching when a workshop would be beneficial.

Mayor Cahoon thanked Kelly for her update.

Presentation of Background Information Related to Residential Yard Signage

Planning Director Kelly Wyatt summarized her presentation slides which are attached to and made a part of these minutes as shown in Addendum "E".

Director Wyatt reviewed the current regulations for temporary and permanent signs, providing examples of each. A request was received to allow additional commercial signage regardless of the property's distance from the road, whereas current rules permit it only if the home is more than 100 feet from the public right-of-way. She clarified that while regulations must remain content neutral, the town can differentiate between commercial and non-commercial signage.

Atty. Leidy confirmed that our current ordinance is consistent with the Reed vs. Town of Gilbert case which regulates based on time, place, manner, size, and location without regard to content. He would like to research any new case law in the NC Fourth Circuit.

The Board has requested that Atty. Leidy report back on the distinction sign ordinances may make between commercial and non-commercial signage.

NEW BUSINESS CONT.

Committee Reports

Comr. Sanders - Town staff put together a nice report regarding the Estuarine Shoreline Management Plan on the Town's website. To find out more information visit this link. [Estuarine-Shoreline-Management-Plan](#)

Mayor Pro Tem Siers – There are no updates from the Dare County Tourism Board and Donna Creef presented earlier on behalf of the Dare Community Housing Task Force.

Comr. Lambert - Kelly Wyatt gave an excellent update on the Septic Health Advisory Committee. The Hazard Mitigation Committee meeting conflicted with the Government Access Channel Committee which met at the same time, but Planning Director Wyatt also gave an update on that in her report. The Government Access Channel Committee discussed partnering the film festival with another pre-existing festival. They welcomed two new members, Kevin Lingard from the Town of Duck and Michael Burrus from Dare County. They approved three LPDI grants (COA, Kitty Hawk, and Kill Devil Hills).

Mayor Cahoon - The Jennette's Pier Advisory Committee has not met. He was appointed by Governor Cooper to the Offshore Wind Energy Taskforce, but with the change in administration, Governor Stein does not intend to continue the Taskforce, and its members have been dismissed. Governor Stein's office has reached out to him for a potential meeting with the Governor to prepare for another offshore oil pushback.

Consideration of Pay Plan Update to Increase Ocean Rescue Lifeguard Starting Rate

- Budget Amendment 10.A

The agenda summary sheet read in part as follows:

"Staff is recommending a \$.50 increase to the Ocean Rescue Lifeguard rates. This would bring the starting rate to \$19.50 / hour. Kitty Hawk and Kill Devil Hills are in the process of increasing their rates to \$19.50 for the upcoming 2025 summer season and this increase would allow us to be competitive with our local market. The cost of the increase would be approximately \$17,500 for the season, spread over 2 fiscal years.

'Staff would recommend increasing the starting rate for Ocean Rescue Staff to \$19.50 per hour. This would keep us consistent with other northern beach communities.

'Requesting adoption of updated pay plan to increase Ocean Rescue Lifeguard rates by \$.50/hour and associated budget amendment."

Ocean Rescue Captain Chad Motz let the Board know that he was notified that other local towns were raising their starting lifeguard rates to \$19.50/hr. He is requesting that the Board vote to at least match the local towns that we compete with for staff.

Mngr. Garman and Captain Motz both agree that the ability to offer housing will help immensely with recruitment.

MOTION: Mayor Cahoon moved to adopt an increase in the starting rate for Ocean Rescue Staff to \$20.00 per hour. The motion was seconded by Comr. Lambert which passed unanimously. The associated pay plan update and budget amendment will be brought back to the Board on the March 5, 2025, Consent Agenda.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Atty. Leidy reported on Senate Bill 382. Several bills have been introduced in the legislature to reverse the restriction created by SB 382, which prevents local governments from initiating down-zoning without the consent of affected property owners. These bills are currently in committee.

Mayor Cahoon reported that the NC League of Municipalities had provided updates on productive leadership negotiations, with hopes for a statewide resolution by summer.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Consideration of Amendment to Town Code Sec 44-35 re: Payment of Bills

The agenda summary sheet read in part as follows:

"The proposed ordinance amending Town Code Chapter 44 UTILITIES modifies when water services can be disconnected due to nonpayment is attached.

'Staff recommends adding language to allow for seven days from when water non-payment fee is applied to when the water is cut off. This will allow for a final grace period to receive payment before water service is disconnected. Once water is disconnected, the entire amount of the bill must be paid, including late fee, non-payment fee, and if applicable, meter deposit deficiency, in order for the water service to be turned back on. These fees will also apply during the grace period."

Dep. Town Mngr./Finance Director Amy Miller presented the recommended change to the Town Code, highlighting the extensive efforts made to remind residents to pay their water bills, including bills, second notices, calls, text messages, and emails. The proposed change serves as a compromise, recognizing the importance of maintaining water service while ensuring Town staff consistently follow ordinances.

MOTION: Comr. Lambert moved to approve the amendment as presented. The motion was seconded by Comr. Sanders, which passed unanimously.

The ordinance amending Town Code Sec 44-35, as adopted, is attached to and made a part of these minutes as shown in Addendum "F".

Update on Construction of the Public Services Facility

Town Engineer David Ryan provided an update on the new Public Services Facility. Only a small portion of site work remains, including the wash bay and its front concrete area. The washout building is nearing completion. While weather delays have impacted progress, contractors have been on-site daily to keep the project moving forward.

Paving is scheduled for Pond/Lark Ave starting this week.

Mayor Cahoon asked Engineer Ryan and Public Services Director Nancy Carawan about the northernmost drop-off location for cardboard when the bulk drop-off at Public Services is closed. Nancy confirmed that it is located at Town Hall. Manager Garman added that with the opening of the new facility, the drop-off availability has expanded from three to five days a week. He explained that the previously unmanned location had become difficult to manage, and that relocating it to Town Hall allows for better oversight.

Review of Town Legislative Priorities

The agenda summary sheet read in part as follows:

"Staff met virtually with our lobbying firm, Ward and Smith, P.A. on January 9, 2025 to create our proposed Legislative Agenda. We created a "Long List" which includes both Appropriations and Policy Goals. Staff has reviewed the list and offers the following suggestions for prioritization (see attached) to be presented at the February 5, 2025 BOC meeting. Once Board approval is received, our list will be presented to our legislators. The 2nd attached document outlines the process the lobbyist will use to move our priorities through the legislature. Board members and staff will have opportunities to meet in person with legislators this coming Spring. We will also receive regular updates on the progress of our requests as well as any legislation that may be of interest to the Town.

'Staff has generated a draft list of legislative priorities. The lobbyist has asked that we prioritize our top five items. The attached list includes our suggested top priorities which are highlighted in yellow. There are also unhighlighted items under the key priorities section which represent our 2nd tier of priorities. Finally, I put everything else in an "other priorities" section. Staff would ask the Board to provide guidance on staff's priority list. We should likely limit our list to no more than one page front and back. We have highlighted those items in red that we would suggest removing from the list. Requesting Board review and approval"

Mngr. Garman presented the list of legislative priorities that were developed and prioritized by staff and requested Board input. The list of legislative priorities is attached to and made part of these minutes as shown in Addendum "G".

Mayor Cahoon requested clarification on how priorities would be addressed when presented. He asked whether, if the Town shares priorities with another Ward and Smith client but in a different order, they would still receive support. He also inquired whether the Town could amend its priorities if SB 382 is reversed quickly during this legislative session.

Mngr. Garman let the Board know that they will get an opportunity to meet with the legislators in person and that it would be beneficial to create a dialogue with them and learn what the hot topics are.

The Commissioners commended staff for their work on the list and prioritization. It was the Board's consensus to proceed with the proposed list.

MOTION: Mayor Pro Tem Siers moved to recess for lunch. The motion was seconded by Comr. Sanders, which passed unanimously. The time was 12:41 p.m.

The Board reconvened at 12:41 p.m.

CLOSED SESSION

MOTION: Mayor Cahoon moved to enter Closed Session during the Board's lunch break to confer with the Town Attorney re: a personnel matter pursuant to GS 143-318.11(a)(6) and for the Board to consider Dec 2023-Dec 2024 Closed Session minutes and their disposition pursuant to GS 143- 318.11(a)(1). The motion was seconded by Comr. Sanders, which passed unanimously. The time was 12:41 p.m.

OPEN SESSION

The Board re-entered Open Session at 1:22 p.m. Attorney Leidy reported that Board took action to approve the closed session minutes from Dec 2023-Dec 2024 meeting and to seal or open them based on the disposition schedule provided.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER CONT.

Update on Town Fitness Center

The agenda summary sheet read in part as follows:

"As you know, the Town is working on the design of a new fitness center that will replace the current facility at 105 W Seachase Drive. This past year we completed a Town Hall Campus Master Plan which was approved by the Board of Commissioners in December. The master plan evaluated our current and future space needs for several of our facilities here and across the street to include the Board of Commissioners room, the Police Station, Fire Station, Public Services Garage, and of course the fitness facility. A link to the final master plan can be found here. The study recommends the placement of a new fitness facility in the vicinity of the old building but in a slightly different configuration.



'Recently we pulled together representatives from each department to design the new facility. Thanks to the following individuals who contributed valuable time and input to this process: Skyla Lamberto-Egan, Seth Gray, Ben Jadoff, Trey Simmons, Brandon Stallings, Vicky Wright, Christian Aguirre, Shane Hite, Perry Hale, Chad Motz, and David Ryan.

'After several discussions a draft design was generated which is attached. This was generated by David Ryan and depicts our existing equipment as well as a few new items laid out in the new space. Our architect then generated a final draft sketch of the floor plan (see 2nd attachment). Our working group has now blessed this sketch and we are ready to move into the next phase of design.

'The new building is roughly 3,200 sq. ft. and includes two main rooms; a large multi-purpose room to serve as the primary exercise space and a smaller space for cardio exercises. This large room will contain most of our existing equipment and will be large enough to support individual and group exercises. Interestingly, the group requested that a strip of artificial turf be placed in the center of the room to allow for various types of training.

'Finishing out the building will be several unisex bathrooms, two showers, lockers, and mechanical space. The building will also be designed with an unfinished 2nd floor that could be utilized in the future for potential staff housing. Staff will update the Board on the process and request feedback at the upcoming meeting."

Mngr. Garman thanked the staff committee, mentioned in the summary above, that helped develop the initial plan for the Fitness Center. He then presented an update on the Town Fitness Center/potential housing project, which is part of our Town Hall Master Plan, to the Board. He informed them that construction may not begin until after July 1st and, if that is the case, this project may be re- budgeted into next year. He will work with the architects to bring back two options, one with the 2nd floor unfinished and one with the 2nd floor complete. The Board was pleased with the presentation of the facility. A site plan will be presented in the coming months.

BOARD OF COMMISSIONERS AGENDA

Mayor Pro Tem Siers - Requested that the Town explore bicycle safety by considering education, infrastructure, and signage improvements. He also suggested collaborating with groups such as the Tourism Bureau or the Bicycle Safety Taskforce. As an avid cyclist, Mayor Cahoon expressed his willingness to serve in these efforts.

MAYOR’S AGENDA

Update on Appointment Process to Fill the Vacant Board of Commissioners Seat

Mayor Cahoon thanked and named, in alphabetical order, all the applicants for the vacant Nags Head Board of Commissioners seat. He then reviewed the statute regarding the vacant seat, confirming that the appointed applicant would serve until the November 2025 election. He also explained the nominating procedure.

MOTION: Comr. Lambert moved to accept the nomination/2nd/vote process presented by the Mayor. The motion was seconded by Mayor Pro Tem Siers, which passed unanimously.

MOTION: Mayor Pro Tem Siers nominated David Thompson to fill the vacant Nags Head Board of Commissioners seat. Mayor Cahoon seconded. The vote failed 2-2 with Comr. Lambert and Comr. Sanders casting the nay votes.

MOTION: Comr. Lambert nominated Megan Vaughan to fill the vacant Nags Head Board of Commissioners seat, thanked all the applicants, and explained why she was nominating Mrs. Vaughan. Comr. Sanders seconded. The vote failed 2-2 with Mayor Cahoon and Mayor Pro Tem Siers casting the nay votes.

MOTION: Mayor Pro Tem Siers nominated Basil Belsches to fill the vacant Nags Head Board of Commissioners seat. Mayor Cahoon seconded. The vote failed 2-2 with Comr. Lambert and Comr. Sanders casting the nay votes.

Mayor Cahoon asked if the Board wished to continue or rest this item for a month.

MOTION: Comr. Sanders nominated Megan Vaughan to fill the vacant Nags Head Board of Commissioners seat, including reasons why he felt she was the best candidate. He acknowledged that all the applicants were great candidates. Comr. Lambert seconded. The vote failed 2-2 with Mayor Cahoon and Mayor Pro Tem Siers casting the nay votes.

Mayor Cahoon asked if the Board wished to continue or to regroup.

MOTION: Comr. Sanders moved to regroup on this issue. Comr. Lambert seconded. The motion passed unanimously.

ADJOURNMENT/RECESS TO FY 25/26 BUDGET (WATER RATES) WORKSHOP

MOTION: Mayor Pro Tem Siers moved that the Board recess to the FY 25/26 Budget (Water Rates) Workshop. The motion was seconded by Comr. Lambert, which passed unanimously. The time was 1:44 p.m.

Brittany A. Phillips, Town Clerk

Date Approved: March 5, 2025

Mayor: _____
Benjamin Cahoon



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
BUDGET WORKSHOP (WATER RATES)
WEDNESDAY, FEBRUARY 5, 2025**

The Nags Head Board of Commissioners met in the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, February 5, 2025, for a FY 25/26 Budget Workshop (Water Rates) that followed the 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; Amy Miller; David Ryan; Nancy Carawan; Perry Hale; Megan Vaughan; Bart Kreps (Zoom); Ford Moriarty (Zoom); and Town Clerk Brittany A. Phillips

CALL TO ORDER

Town Manager Andy Garman called the Budget Workshop to order at 1:45 p.m.

Amy Miller introduced Raftelis staff and let the Board know that this is a philosophical view to consider in addition to just the revenue.

WATER RATES PRESENTATION

Bart Kreps and Ford Moriarty, from Raftelis, presented a PowerPoint presentation via Zoom of the Nags Head Cost of Service and Rate Study. Their slides are attached to and made a part of these minutes as shown in Addendum "A". The agenda consisted of:

Rate Setting Process
Pricing Objectives
Current Rates and Alternatives
Questions and Next Steps

Mayor Cahoon asked for clarification on what the classes would be in the Town of Nags Head. The response was Residential, Non-Residential, and Institutional (School, Hospital).

Staff will send today's presentation to Board members, and they will provide questions for staff to relay to Raftelis.

ADJOURNMENT

The Board adjourned at 2:40 p.m.

Brittany A Phillips, Town Clerk

Date Approved: March 5, 2025

Mayor: _____
Benjamin Cahoon