



**TOWN OF NAGS HEAD  
BOC ACTIONS  
WEDNESDAY, JUNE 3, 2020**

1. Call to order - Mayor Cahoon called the meeting to order at 9:00 a.m.
2. Agenda - The Board approved the June 3<sup>rd</sup> agenda as presented.
3. Public Comment - Mayor Cahoon confirmed with the Town Clerk that there were no items submitted for public comment.
4. Consent Agenda - The Consent agenda consisted of the following items:
  - Consideration of Tax Adjustment Report
  - Approval of minutes
  - Consideration of resolution authorizing water payment plans
  - Request for Public Hearing to consider UDO amendments re: outdoor stands

The Consent Agenda was approved as presented with the amendment to the resolution re: water payment plans per the Governor's Executive Order #142.

5. Public Hearing - to consider citizen comment on the Town Manager's proposed operating budget for July 1, 2020 – June 30, 2021 and the updated Consolidated Fee Schedule - Town Manager Ogburn provided an update to the proposed budget per last week's budget workshop; highlights of the proposed budget include the following: No tax rate increase, No water rate increase, No use of Fund Balance, Add back to the proposed budget Part-time bath house cleaner, Part-time Office Assistant, Employee COLA, among other items.
6. Public Hearing - to consider a text amendment to the UDO submitted by Kim Cowen and Megan Dixon to allow "Tutoring Facility/Learning Center" as a permitted use within the C-2, General Commercial Zoning District - the Board adopted the ordinance amendment as presented.
7. Public Hearing - to consider a text amendment to the UDO pertaining to temporary uses or temporary alteration of uses related to declared emergencies - the Board adopted the ordinance amendment as presented. In addition, the Board waived associated fees for the next 45 days.
8. Update from Planning Director - Director Zehner's report was well received by the Board.
9. Flood Damage Prevention Ordinance - The Board modified the Flood Damage Prevention Ordinance by removing "by 25%" from Section 11.44.2.7.9.2. The Board then adopted the Flood Damage Prevention Ordinance with the Local Elevation Standard (LES) modified from 10' to 9' for areas west of NC 12 and SR 1243.
10. Beach Nourishment - The Board authorized the Town Manager to enter into professional service contracts with Moffat & Nichol for Tasks 1 (Beach Monitoring/Analysis), 2 (Master Plan), and 3 (Coastal Storm Damage Mitigation Grant application support) at a cost not to exceed \$279,499; and with McKim & Creed for the Annual Beach Condition Survey in accordance with the Town's Beach Monitoring and Maintenance Plan at a cost not to exceed \$63,100 - upon review by the Town Attorney.

**11. Continuances** - The following continuances were noted by Mayor Cahoon:

- Consideration of a Major Site Plan for Gone Coastal Shopping Center, 7531 S Virginia Dare Trail, submitted by Jim and Stephanie Selckmann

- Consideration of a Preliminary Plat for a Major Subdivision, known as Coastal Villas, for an approximately 9.86 acre property, zoned R-2, Medium Density Residential, owned by Nags Head Construction (Applicant), located on the west side of US 158

**12. Committee reports** - Comr. Brinkley - Jennette's Pier - He reported that Jennette's Pier is ready to open; Director Mike Remige has no specific date yet.

Mayor Cahoon - Dare County Control Group - He reported that the Control Group now meets as necessary.

**13. Attorney Leidy** - He requested a Closed Session, at the appropriate time, to discuss with the Board the Blackburn lawsuit against the County/Towns re: no entry for non-resident property owners.

**14. Town Manager Ogburn** - It was Board consensus to authorize the Town Manager to take the appropriate action as necessary to accommodate the Board's request that a point of contact for curbside recycling be identified and that a request for volunteers to serve on a Recycle Committee to collect further input on the future of the Town's recycling program be advertised (for Board appointment at an upcoming meeting). Staff is also to make sure the public is informed re: actual costs of recycling and the reasoning behind the Board's decisions. The public is to be notified of the placement of the additional recycle co-mingle trailer at Public Works.

**15. Town Manager Ogburn** - It was Board consensus that a proposed ordinance be prepared for Board consideration at the June 17<sup>th</sup> mid-month meeting to allow an additional hour for tent vendors to remove their equipment from the beach.

**16. Comr. Renée Cahoon** - Town Manager Ogburn responded to Comr. Renée Cahoon's request for an update on the US 158 multi-use path construction. He stated that he and staff met yesterday with the contractor, RPC Contracting - With the contractor providing additional resources to the project, the substantial completion date of June 19<sup>th</sup> still stands.

**17. Mayor Cahoon** - Mayor Cahoon held a moment of silence for former Town firefighter Ryan Dodson who died tragically in an accident and for Kill Devil Hills resident Ravann and her son, Sebi, who died tragically in a house fire.

**18. Closed Session** - The Board entered Closed Session to discuss a personnel matter and to consult with the Town Attorney to protect attorney/client privilege (re: Blackburn litigation). The time was 11:48 a.m.

**19. Open Session/Adjournment** - The Board re-entered Open Session and recessed to a Budget Workshop on Tuesday, June 9<sup>th</sup> at 10 am in the Board Room.