



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, APRIL 6, 2022**

The Nags Head Board of Commissioners met in person at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, April 6, 2022 at 9:00 a.m. for a Regular Meeting. The Town continues to adhere to COVID state and local guidelines.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Renée Cahoon; and Comr. Kevin Brinkley

Board members Absent: Comr. Bob Sanders

Others present: Town Manager Andy Garman; Attorney John Leidy; Kelly Wyatt; Eric Claussen; Amy Miller; David Ryan; Phil Webster; Randy Wells; Shane Hite; Roberta Thuman; Cabot Gavin; Megan Vaughan; Molly Vaughan Howard; Michelle Chimento; Nancy Herman; Jeff Hale; Jason Berry; Paul Barbosa; Bobbie Murray; Mike Adderholdt; Tina Adderholdt; Robin Rector; Maja Holy; Chris Winstead-Derlega; Michelle West; Erica Arnold; John Cece; Robert Muller; and Town Clerk Carolyn F. Morris

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9 am. A few moments of contemplation/prayer for Ukraine was held followed by the Pledge of Allegiance. Mayor Cahoon noted that Comr. Sanders was excused as previously requested.

ADOPTION OF AGENDA

MOTION: Comr. Renée Cahoon made a motion to approve the April 6th agenda with the removal of Consent Agenda item #4 re: multi-year DebtBook contract for separate discussion. The motion was seconded by Comr. Brinkley which passed 4 – 0 (Comr. Sanders was not present.).

RECOGNITION

NEW EMPLOYEES

Public Services Director Eric Claussen introduced Brush Yard technician David Pickens who was welcomed by the Board to Town employment.

Public Services Director Eric Claussen introduced Sanitation Equipment Operator Logan Cuthrell who was welcomed by the Board to Town employment.

FIVE YEARS

Fire Chief Randy Wells introduced Firefighter/EMT Scott Hooper who was recognized by the Board for five years of service.

FIFTEEN YEARS

Police Chief Phil Webster introduced Police Sergeant Chase Tadlock who was recognized by the Board for 15 years of service.

TWENTY-FIVE YEARS

Public Services Director Eric Claussen introduced Fleet Maintenance Superintendent Charlie Bliven who was recognized by the Board for 25 years of service.

PROCLAMATION - Child Abuse Prevention Month

Mayor Cahoon read the proclamation as follows:

“WHEREAS, children are vital to our state’s future success, prosperity and quality of life as well as being our most vulnerable assets; AND

‘WHEREAS, all children deserve to have safe, stable, nurturing homes and communities they need to foster their healthy growth and development; AND

‘WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; AND

‘WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development and resources they need to cope with stress and nurture their children ensure all children grow to their full potential; AND

‘WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

‘THEREFORE, we, the Town of Nags Head Board of Commissioners do hereby proclaim April 2022 as **Child Abuse Prevention Month** and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.”

MOTION: Comr. Brinkley made a motion to approve the Child Abuse Prevention Month Proclamation as presented. The motion was seconded by Mayor Pro Tem Siers which passed 4 - 0 (Comr. Sanders was not present.).

PROCLAMATION - Fair Housing Month

Mayor Cahoon invited those interested to speak re: Fair Housing Month – Doug Brindley president of OBAR spoke and introduced Wilo Kelly, CEO of OBAR, and several others (Jimmy Anderson and Public Affairs

person); Mr. Brindley distributed several issues of *On Common Ground - addressing the Housing Shortage* from the National Association of Realtors magazine - Fall 2021 issue. He read the proposed proclamation declaring April 2022 as Fair Housing Month.

MOTION: Mayor Pro Tem Siers made a motion to approve the Fair Housing Month Proclamation as presented. The motion was seconded by Comr. Brinkley which passed 4 - 0 (Comr. Sanders was not present.).

The Fair Housing Month Proclamation, as approved, read in part as follows:

"WHEREAS, The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; AND

'WHEREAS, The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; AND

'WHEREAS, The Town of Nags Head is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; AND

'WHEREAS, Our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; AND

'WHEREAS, More than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; AND

'WHEREAS, Acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness.

'NOW THEREFORE BE IT RESOLVED that the Nags Head Board of Commissioners does hereby declare the month of April 2022 as **Fair Housing Month** in the Town of Nags Head as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of the Town of Nags Head."

PUBLIC COMMENT

Attorney Leidy opened Public Comment.

Mayor Cahoon read emails received by the Board for Public Comment from the following persons which area attached to and made a part of these minutes as shown in Addendum "A":

Jim Arnold re: Traffic and other safety issues on Soundside Road/Jockey's Ridge State Park

Hilarey Ball re: Traffic and other safety issues on Soundside Road/Jockey's Ridge State Park

Karen Reeder re: Traffic and other safety issues on Soundside Road/Jockey's Ridge State Park

Carole Hoffman re: Traffic and other safety issues on Soundside Road/Jockey's Ridge State Park

Attorney Leidy asked those interested persons present to speak:

CABOT GAVIN – SOUNDSIDE ROAD/JOCKEY’S RIDGE STATE PARK

Cabot Gavin, Nags Head resident, spoke re: traffic and parking issues re: Jockey’s Ridge State Park – his handout was distributed to Board members and is attached to and made a part of these minutes as shown in Addendum “B”.

MEGAN VAUGHAN - SOUNDSIDE ROAD/JOCKEY’S RIDGE STATE PARK

Megan Vaughan, Soundside Road resident; very dangerous situation - thousands of vehicles on narrow residential street traveling to the access off of Soundside Road; MOA modified and disregarded over the years; working group was formed but nothing came from it for the residents of both Soundside Road and Southridge Subdivision; existed before the Town was incorporated; non-residents access the park in this area year-round; traffic study from last year averaged 451 vehicles per day for a 23-vehicle parking lot; request the town address this important safety issue before someone is injured or worse; the new 3-way stop is not adhered to; speed limit is too high for the amount of traffic; please reduce speed limit and implement any measures to make the neighborhood safer.

MICHELLE WEST - CONCERNED ABOUT AMOUNT OF TREES BEING CUT DOWN

Michelle Wes, W Danube Street resident; she expressed concern about the number of trees being cut down; allowance she was told was authorized except for the one time she did not call the town about the number of trees being cut down; more stronger penalties put into play such as \$10,000; lack of education to those moving here without any knowledge of the island; something must be done about these issues with many moving here at such a rapid rate; is this a future that is wanted for the future; changing site plans after initial approval; is this what is wanted for our place.

ERICA ARNOLD - SOUNDSIDE ROAD/JOCKEY’S RIDGE STATE PARK

Erica Arnold, lives on Soundside Road; since they moved there in 2018; mailbox hit; not a safe area anymore; need to manage the safety of the area for their children and feels the traffic is out of control right now; for now and for the future of the area.

MAJA HOLY - SOUNDSIDE ROAD/JOCKEY’S RIDGE STATE PARK

Mija Holy, Soundside Road resident; new residents from last year; love neighborhood and in that period of time noticed issues re: traffic and no enforcement of stop signs; also a lot of trash; conservation issue also; would like to see reduced speed limit.

BOBBIE MURRAY - SOUNDSIDE ROAD/JOCKEY’S RIDGE STATE PARK

Bobbie Murray, Soundside Road resident; high volume of traffic on Soundside Road; parking being allowed on both sides of the drive aisle to the park doubled the number of vehicles parking; the letter from the State indicates that they will not be doing much and she does not want to hear about that anymore; what can the Town do; this is a year-round problem; their neighborhood pays the price of all the vehicles traveling to the access.

MICHELLE SMITH - SOUNDSIDE ROAD/JOCKEY’S RIDGE STATE PARK

Michelle Smith, Soundside Road resident for past 18 years; proposed expansion to JR and its impact on the neighborhood; she spoke re: safety of the roadway; she emphasized the dangerous situations of drivers on the roadway to her and her children; tiny little resources of the JR beach is being exploited and reduced at the expense of her neighborhood.

BRIAN HARVEY - SOUNDSIDE ROAD/JOCKEY’S RIDGE STATE PARK

Brian Harvey, 18-year resident of Soundside Road; sign states “neighborhood access” for the JRSP access off of Soundside Road; he feels it is a zoning issue which is R-2 in his neighborhood; he questioned the

access being used to attract visitors to the Soundside beach; increasing access to the beach will not increase anything for the town/park.

JOHN CECI - LINKS DRIVE SHUT DOWN EVERY WEEKEND FOR RUNNING EVENT

John Ceci, Village at Nags Head resident; he is speaking re: a public company shuts down a public road; on Links Drive it is shut down every weekend – what if any control does the town have in this situation. He asked that the Town revoke whatever permission was given to these companies.

MOLLY VAUGHAN HOWARD - SOUNDSIDE ROAD/JOCKEY'S RIDGE STATE PARK

Molly Vaughan Howard; 510 Deering Street – grew up on Soundside Road; kids in neighborhood at that time did not have to deal with vehicles and the dangers on that roadway; the park allows whatever parking can make it work rather than preserving this fragile resource; she asked the Board to take action to prevent further expansion of the access.

MICHELLE CHIMENTO - SOUNDSIDE ROAD/JOCKEY'S RIDGE STATE PARK

Michelle Chimento, Soundside Road resident; agrees with what the others stated; asks the Board to represent the neighborhood when dealing with the state park; Soundside Road resident; very dangerous area on Soundside Road; amazed to go 15 miles per hour; would love to see signs to bring attention to how fast people are traveling; asked the Board to be representative of the neighborhood and not give the State everything.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 10:16 a.m.

RECESS/RECONVENE

Mayor Cahoon called for a brief recess at 10:16 a.m. and reconvened at 10:30 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Tax Adjustment Report
Approval of minutes

Consideration of adoption of updated State Records Retention Schedule for the following records: Local General Standards (Administrative, HR, Budget, etc.) and Local Program Standards (Police, Fire, Planning, etc.)

Request for Public Hearing to consider adoption of System Development Fee Analysis

MOTION: Comr. Renée Cahoon made a motion to approve the Consent Agenda as amended – with the removal of item #4 re: the multi-year DebtBook Contract for separate discussion. The motion was seconded by Mayor Pro Tem Siers which passed 4 - 0 (Comr. Sanders was not present.).

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

Consideration of adoption of updated State Records Retention Schedule for the following records: Local General Standards (Administrative, HR, Budget, etc.) and Local Program Standards (Police, Fire, Planning, etc.)

The agenda summary sheet, as approved, read in part as follows:

"The North Carolina Department of Natural and Cultural Resources has revised the Records Retention Schedules for local governments. There are two Schedules that apply to municipalities and that supersede the previously-adopted "Municipal" Retention Schedule (from 2012). The State Archives is recommending adoption of the schedules via the attached resolution.

'The **2021 General Schedule**, which was last updated in 2019 now includes items that any kind of local government agency may create, such as budgets, personnel files, and correspondence.

'The **2021 Program Records Schedule: Local Government Agencies** is a new retention schedule created from the former Municipal Retention Schedule that was last updated in 2012. This new schedule contains specific departmental records like parks and recreation, planning, tax records, and municipal law enforcement.

'State Statutes require a municipality to approve the current schedules in order to conduct routine disposal of records which must otherwise be retained without specific permission for disposal by the Division of Archives and Records."

The two 2021 Schedules, as adopted, are on file in the Town Clerk's Office.

The agenda summary sheet for the Request for Public Hearing to consider adoption of System Development Fee Analysis, as approved, read in part as follows:

"The Town contracted with Raftelis Financial Consultants who has completed an evaluation to develop the maximum cost-justified water system development fees. Their evaluation has been done in accordance with NCGS 162A Article 8 "System Development Fees".

'Staff is following the necessary procedural steps to adopt a system development fee schedule upon Professional Analysis. This includes posting the analysis and proposed fee schedule on our web site and soliciting written comments from the public for at least 45 days before the Town considers adoption of the analysis.

'Staff is requesting Board approval to follow the next procedural step in order to adopt the new system development fee which is a Request for Public Hearing on April 6th followed by a Public Hearing on May 4th. Please see attached memo from Finance Officer Amy Miller with additional details."

Separate discussion of Consent Agenda Item Removed - Consideration of multi-year DebtBook Contract

The agenda summary sheet read in part as follows:

"At the April 6th Board of Commissioners meeting, staff is requesting approval of the attached contract with DebtBook for GASB (Government Accounting Standards Board) Statement 87 implementation. This new lease accounting standard is effective with the 6/30/22 audit services. GASB 87 changes the financial reporting requirements for organizations that enter into leasing transactions. All lease arrangements will need to be identified and inventoried for compliance with the new standard. Lease management software

is a solution that can assistance with current and ongoing compliance including financial reporting compliance and financial statement disclosures. No budget amendment is needed as DebtBook is currently budgeted. We have been working with DebtBook on our 6/30/22 GASB 87 lease schedule which is almost complete. A multi-year contract is requested to maintain the most competitive pricing. This will also ensure continuity for future GASB 87 compliance requirements."

Comr. Renée Cahoon questioned the definition of "hereto" - she feels the contract should reference or include the amount for "hereto".

MOTION: Comr. Renée Cahoon made a motion to adopt the DebtBook Contract in the amount of \$6,500 for fiscal year 22/23. The motion was seconded by Mayor Pro Tem Siers.

Board members clarified that any further increases should come back to the Board – the contract amount should be included with the actual contract.

CONTINUATION OF MOTION: The motion passed 4 - 0 (Comr. Sanders was not present.).

The contract, as approved, is on file in the Town Clerk's office.

PUBLIC HEARINGS

Public Hearing to consider rezoning the property located at 2110 S Pond Avenue (Nags Head Water Plant) from SED-80, Special Environmental District, to C-3, Commercial Services in advance of the design process for the Public Services Master Plan

Attorney Leidy opened the Public Hearing to consider the rezoning of the property located at 2110 S Pond Avenue (Nags Head Water Plant) from SED-80, Special Environmental District, to C-3, Commercial Services in advance of the design process for the Public Services Master Plan. The time was 10:36 a.m.

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

"At their January 18, 2022, meeting Planning Staff requested that the Planning Board consider initiating the zoning map amendment process for the property located at 2110 S. Pond Avenue, this is location of the Town of Nags Head Water Plant (aerial attached). The requested map amendment would rezone this property from SED-80, Special Environmental District to C-3, Commercial Services. The Planning Board voted unanimously to initiate the map amendment request.

'The Town of Nags Head is in the process of developing a facilities master plan for the Public Works Department which involves conducting a facility needs assessment for the department, reviewing the existing buildings and facilities, and developing a capital planning tool for the department for future budgeting purposes. This would consider physical improvements that would better serve existing and future staff needs, allow for improved services to the public, and provide acceptable facilities for the storage and maintenance of equipment assets.

'The Public Works department uses several contiguous sites located along S. Lark and S. Pond Avenue as well other sites throughout the town. Many of these buildings are aging and may be reaching the end of their useful life within the next 10 to 30 years. Additionally, some of the existing facilities may not be

adequate to support current operations. This project would provide guidance for future capital planning decisions when considering building/facility replacement/renovations in light of current and future needs.

'The consultant selected for this project, Oakley Collier, is now beginning to work on the schematic plan design for the proposed Public Works Facility redevelopment project.

'In review of the various properties to be encompassed in this design process, it was noted that the Water Department, located at 2110 S. Pond Avenue is zoned SED-80, Special Environmental District, while the remaining public works facilities are located within the C-3, Commercial Services District (zoning map attached).

'When considering a rezoning it is helpful to review the intent of both the giving and receiving zoning classification.

'Section 6.2.5.2 of the UDO, Special Zoning Districts, notes that the intent of the SED- 80, Special Environmental District, is to protect Nags Head Woods, an irreplaceable maritime forest occupying the northwest corner of the Town.

'Section 6.2.4.3 of the UDO, Zoning Districts, notes that the intent of the C-3, Commercial Services District is to provide for higher intensity land uses that are not compatible with other areas of the Town. The C-3 District accommodates utilities, light industrial uses, warehousing, bulk storage, municipal facilities, etc. It is noted that due to the proximity of this district to Fresh Pond, allowed uses shall not be detrimental to adjacent uses, the environment, and other sources of potable water.

'The historical and current use of this property as the Water Department facility is consistent and compatible with the C-3, Commercial Services District as noted above. It is important to note that should the rezoning be approved, the intensity of the use of the property as a town facility, would not be increased. While Fresh Pond no longer functions as the Town's potable water supply, it is an important resource to protect, and the property is located within the Fresh Pond AEC Buffer as it relates to septic capacity. The water plant facility currently operates as a chlorination and distribution facility and monitoring site for the water levels of the Town's water tanks.

'As such, staff is requesting to extend the C-3, Commercial Services Zoning designation from the eastern boundary of 2110 S. Lark Avenue (Coastal Ready Mix) and the northern boundary of 2200 S. Lark Avenue (Town of Nags Head Public Services, Fleet Maintenance), to encompass 2110 S. Pond Avenue. If approved, the C-3, Commercial Services zoning designation would result in consistency in the zoning designation among the town's municipal facilities located on S. Lark and S. Pond Avenue as well as consistency with the application of dimensional requirements such as setbacks and lot coverage for these municipal service facilities and sites.

'2017 Comprehensive Plan Considerations

'LU-10a, pg. 3-20 states, "Evaluate land uses specified in each zoning district and further clarify which uses are appropriate based on the intent of each district, their overall compatibility with current land uses, and desired and future development patterns".

'LU-10b, pg. 3-20 states, "Maintain the current boundaries of the C-3 district and do not expand these uses to other parts of the town".

'MS-12, pg. 3-193 states, "Proactively provide maintenance of facilities including streets, rights-of-way, drainage, infrastructure, public buildings, multi-use paths and beach accesses, and other town facilities".

'STAFF & PLANNING BOARD RECOMMENDATION

Based upon the evaluation of the intent of SED-80 District and the C-3 District, and the policies noted in the 2017 Comprehensive Plan, staff recommends approval of the proposed zoning map amendment as presented.

'At their February 15, 2022 meeting, the Planning Board voted unanimously to recommend approval of the proposed map amendment as requested.

'Based upon the evaluation of the intent of each district and the policies noted in the 2017 Comprehensive Plan staff recommends approval of the proposed zoning map amendment as presented."

Notice of the Public Hearing was published in the Coastland Times on Wednesday, March 23, 2022 and on Wednesday, March 30, 2022 as required by law.

There being no one present who wished to speak, Attorney Leidy concluded the Public Hearing at 10:40 a.m.

MOTION: Comr. Brinkley made a motion to approve the rezoning of the property located at 2110 S Pond Avenue (Nags Head Water Plant) from SED-80, Special Environmental District, to C-3, Commercial Services in advance of the design process for the Public Services Master Plan. The motion was seconded by Mayor Pro Tem Siers which passed 4 – 0 (Comr. Sanders was not present.).

Public Hearing to consider the permanent closing of a portion of Eighth Street as follows: The approximate 300' portion of Eighth Street located between Pond Avenue and Fresh Pond in the Fresh Pond Beaches Subdivision - adjacent to Lots 1 - 6 in the Town of Nags Head - Resolution of Intent adopted at the March 2, 2022 Board of Commissioners meeting

Attorney Leidy opened the Public Hearing to consider the permanent closing of a portion of Eighth Street as follows: The approximate 300' portion of Eighth Street located between Pond Avenue and Fresh Pond in the Fresh Pond Beaches Subdivision - adjacent to Lots 1 - 6 in the Town of Nags Head. The Resolution of Intent was adopted at the March 2nd Board meeting. The time was 10:43 a.m.

Town Manager Andy Garman summarized the agenda summary sheet which read in part as follows:

"At the March 2, 2022 Board of Commissioners meeting the Board adopted the Resolution of Intent to permanently close a portion of Eighth Street. The Town of Kill Devil Hills adopted a similar resolution at their March 7th meeting.

'The portion of Eighth Street requested to be closed is located in the Fresh Pond Beaches Subdivision adjacent to Lots 1-6 of the Town's Public Services (Public Works) site. Please see attached map. This property is expected to be utilized for the Public Services Department Master Plan Project.

'Pursuant to State Statute the following actions have been successfully completed:

- Four (4) consecutive weeks of advertisement in the Coastland Times newspaper to include Public Hearing notice
- Notice of the Public Hearing was posted on the identified street portion in two (2) places
- Notice of the Public Hearing was mailed certified to surrounding property owners"

Notice of the Public Hearing was published in the Coastland Times on Wednesday, March 23, 2022 and on Wednesday, March 30, 2022 as required by law.

Attorney Leidy made the recommendation that the Board's resolution should be amended to be effective April 11th - the date when the Town of Kill Devil Hills is considering a similar resolution. Comr. Renée Cahoon clarified that it should be effective when the Town of Kill Devil Hills takes similar action.

There being no one present who wished to speak, Attorney Leidy concluded the Public Hearing at 10:47 a.m.

MOTION: Comr. Renée Cahoon made a motion to adopt the resolution to permanently close a portion of Eighth Street as follows: The approximate 300' portion of Eighth Street located between Pond Avenue and Fresh Pond in the Fresh Pond Beaches Subdivision - adjacent to Lots 1 - 6 - with the addition of verbiage indicating that the resolution is to be effective simultaneously with the Town of Kill Devil Hills taking similar action. The motion was seconded by Comr. Brinkley which passed 4 – 0 (Comr. Sanders was not present.).

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

"WHEREAS, on the 2nd day of March 2022 the Board of Commissioners of the Town of Nags Head directed the Town Clerk to publish the resolution of intent of the Board of Commissioners of the Town of Nags Head to consider closing a portion of Eighth Street in the *Coastland Times* newspaper once each week for four consecutive weeks and posting said resolution in two locations along said street advising the public that a public hearing would be conducted in the Town Hall at 9:00 a.m. on the 6th day of April 2022; AND

'WHEREAS, the Town's Board of Commissioners further directed the Town Clerk to notify by certified mail, all persons owning property abutting on that portion of Eighth Street, proposed to be closed, enclosing with such notification a copy of the resolution of intent; AND

'WHEREAS, the Town Clerk has advised the Board of Commissioners that on the date directed she sent a notice to each of said abutting property owners by certified mail return receipt requested advising them of the day, time and place of the meeting, enclosing a copy of the Board of Commissioner's resolution of intent, and advising said abutting property owners that the question as to the closing of said portion of Eighth Street would be acted upon; AND

'WHEREAS, the Town Clerk has advised the Board of Commissioners that none of the letters so sent has been returned undelivered; AND

'WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street; AND

'WHEREAS, it now appears to the satisfaction of the Board of Commissioners that the closing of said street is not contrary to the public interest and that no individual owning property either abutting the street or in the vicinity of said street or in the subdivision in which said street is located, will as a result of said closing be thereby deprived of a reasonable means of ingress and egress to his property; AND

'WHEREAS, it appears to the satisfaction of the Board that the closing of said street will be in the public interest.

'NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Nags Head, meeting in regular session, that the portion of Eighth Street as more particularly described hereafter, is hereby ordered closed and all right, title and interest in those persons owning lots adjacent to the street; such

title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street in accordance with the provision of GS 160A-299(c): All that portion of Eighth Street identified as follows:

The approximate 300' portion of Eighth Street located between Pond and Fresh Pond Avenues in the Fresh Pond Beaches Subdivision - adjacent to Lots 1 - 6 in the Town of Nags Head

The Town Clerk is hereby ordered and directed to file in the office of the Register of Deeds of Dare County a certified copy of this resolution.

Upon motion duly made by _____ and duly seconded by _____, the above resolution was duly adopted by the Board of Commissioners at a regular meeting held on the 6th day of April 2022. Upon call for a vote all Commissioners voted in the affirmative. This the 6th day of April 2022."

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

Update from Planning Director

Planning Director Kelly Wyatt summarized her report 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 April 6, 2022.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for February 2022*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Monday, February 28th – Grant training
- Week of March 1st – Discuss Town's energy related projects with Dominion.
- Wednesday, March 2nd – Board of Commissioners Meeting
- Thursday, March 3rd - OBX CRS Users Group
- Thursday, March 3rd – Whalebone Park Public Meeting
- Monday, March 7th – Estuarine Shoreline Mgmt. Meeting – AC Meeting # 2
- Tuesday, March 8th – Meeting with Brittany Shipp re: Whalebone Park PARTF
- Wednesday, March 9th – Committee for Art and Culture Meeting
- Thursday, March 10th – Energy and Resiliency Project Meetings
- Friday, March 11th – EV Action Plan Meeting
- Tuesday, March 15th – Planning Board Meeting
- Wednesday, March 23rd – Present DWMP at WRRRI
- Friday, March 25th – EV Action Plan Meeting

'Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on March 15, 2022 and included a presentation of the Whalebone Park Conceptual Designs and update on the input received via the Public Meeting held on March 3rd, discussion of the current regulations pertaining to tree removal and preservation within the Unified Development Ordinance, and an update on the Resilient Coastal Communities Program.

The Planning Board's next meeting is scheduled for April 19, 2022. At this time, the agenda is expected to include a UDO text amendment request to increase the habitable space allowed for each dwelling unit within a conforming cottage court, continued discussion of existing town ordinances regarding the regulation of tree removal and tree protection and any desire to enhance or better clarify that language, as well as updates on the Resilient Coastal Communities Program and the EV Action Plan.

'Board of Adjustment – Pending Applications

There were no items for Board of Adjustment consideration in March 2022.

'Additional Updates

- **Decentralized Wastewater Management Plan** – The Board of Commissioners received a presentation of the Draft DWMP at their March 2nd, 2022 meeting, along with a hard copy and digital version for their review. Staff and Tetra Tech Representative, Holly Miller will be available at the Board of Commissioners April 6th meeting to accept any comments, respond to questions, receive any feedback, etc. Adoption of the DWMP is anticipated for the Board of Commissioners May 4th meeting. No Advisory Committee meetings are scheduled at this time. The project website can be accessed [HERE](#).
- **Estuarine Shoreline Management Plan** – The Estuarine Shoreline Management Plan (ESMP) Advisory Committee met on Monday, March 7th. The Committee heard updates from the consultant on the engineering completed to date and the consultant informed the group that there are three components to the Engineering Report. They are the Wave Energy Model (WeMo), a Digital Shoreline Analysis System, and the field and remote categorization of shoreline character (e.g., wood bulkhead vs. marsh). These three elements will be used to generate a coherent scheme to characterize the entire shoreline based on typologies. From there, a technical approach will narrow down 10 potential project areas, from which 3 final project sites will be selected for concept-level development with opinion of cost. The consultant conveyed that while the prioritization will be based on a technical analysis, stakeholder values will also play a role in the prioritization. Both the committee and the community at large will be invited to participate in a survey to identify values that are important to consider in project prioritization. The survey will help us understand how and where respondents access the shoreline, how they utilize the shoreline, what are the critical needs that should be prioritized for public access, what is the level of concern for management issues along the shoreline, what benefits of the shoreline are most important, and if/how the shoreline needs/should be protected. Understanding these values will inform the project areas and conceptual designs. The consultant invited the committee to provide feedback on the survey. Currently, staff is working with the consultant to update the survey based on the feedback received from the committee. This is the first of two surveys for the project and the consultant aims to launch the first survey in early April. The presentation from the meeting and other project materials can be viewed on the project website here- <https://nagsheadnc.gov/1057/Estuarine-Shoreline-Management-Plan>.
- **CAMA Land Use Plan Update** – The CAMA Land Use Plan has been certified.
- **NC Resilient Coastal Communities Program** – Candice Andre, Senior Project Manager with VHB, virtually attended the March Planning Board meeting to give an update on the RCCP project as well as seek feedback from the Planning Board. The project team continues to meet with Town staff and

project teams from other Town efforts and initiatives that relate to resiliency. Ms. Andre has compiled the feedback from staff and the planning board into a revised vision and goals for resilience. The team has also developed an interactive map of critical assets and natural infrastructure in the Town that can be viewed here - <https://vhb.maps.arcgis.com/apps/webappviewer/index.html?id=b095366c43c247a1b6e7114596a089f2>. The Planning Board viewed the map and made comments. The project team is planning for virtual community engagement in March – April that includes a survey. The Planning Board and Staff reviewed a draft of the survey and provided feedback prior to going live. The survey is now active on the Town’s website here-<https://www.nagsheadnc.gov/1068/Resilient-Coastal-Communities-Program> through April 6th. To date, 138 responses have been received. It is anticipated that the Planning Board will view a draft of the risk and vulnerability assessment at their April meeting.

- **SolSmart** - Nags Head is receiving a Bronze designation from the national SolSmart program for making it faster, easier, and affordable for homes and businesses to go solar. SolSmart uses objective criteria to award communities points based on the actions they take to reduce barriers to solar energy development. This designation recognizes Nags Head for taking bold steps to encourage solar energy growth and remove obstacles to solar development. Learn more about SolSmart by clicking here-<https://solmart.org/> or view the Town’s webpage on Solar Energy-[https://www.nagsheadnc.gov/1072/Solar- Energy](https://www.nagsheadnc.gov/1072/Solar-Energy).
- **Electric Vehicle Action Plan** – Duke Masters of Environmental Management (MEM) students have completed a first draft of the EV Action Plan. The plan has been circulated to the Planning Board and staff for review and feedback. Once feedback has been received, it will be incorporated in the draft. A final draft of the plan will be available for review at the end of May 2022.
- **ETIPP Project/Program** – The first portion of the ETIPP project has been completed. Town staff have worked with NREL and other partners to identify key critical infrastructure in the Town and evaluate which Town owned critical infrastructure are most important during and following a storm event. This is the first step necessary to determine where and how a micro (energy) grid could be developed for Town owned and other critical facilities. A microgrid is a local energy grid with control capability, which means it can disconnect from the traditional grid and operate autonomously. Microgrids are localized grids that can disconnect from the traditional grid to operate autonomously. Because they are able to operate while the main grid is down, microgrids can strengthen grid resilience and help mitigate grid disturbances as well as function as a grid resource for faster system response and recovery.
- **NC AIA Activate Technical Assistance** – A draft outline of the guide has been developed. Representatives from NC State and AIA along with staff are working to create the content for the guide. A draft of the guide is anticipated to be available by May.
- **Whalebone Park: Phase 1 Planning** – Staff will be providing a status update on Whalebone Park and discussion of the PARTF grant application at the Board of Commissioners April 6, 2022 meeting.
- **LID Stormwater Demonstration Project** – Public Works installed the drop inlet and drainage pipe that will connect to the downspout and gutter system. The rain garden has been excavated and graded, topsoil and soil amendments added, and the first round of plants are ready to be installed. Like many other projects, some materials are delayed, including the copper gutters and some of the flowering perennials for the garden. At this time, staff expects the remaining items to be installed by early May. Staff is hoping to coordinate a planting event for the flowering perennials close to Earth Day which volunteers will be invited to participate in.
- **Dominion LED Amber Streetlight Pilot Project** – Following the installation of eight (8) amber “turtle friendly” light fixtures at various beach accesses within the Town, Dominion Energy has

requested feedback on which fixtures and light displays that are the most desirable for the Town. The Board of Commissioners, Planning Board and various Town Staff have been provided with the beach access and streetlight fixture and cut sheet information for the designated beach accesses. Additionally, this information was placed on the Town’s website for several weeks seeking input from the public. Staff will begin to compile the comments received and provide the preferred fixture information to Dominion Energy.

- **Dowdy Park Events/Farmers Market/Holiday Markets** –The Committee for Art and Culture will be meeting on Wednesday, April 13th to discuss vendor selection for the 2022 Dowdy Park Farmers Market.

Upcoming Meetings and Other Dates

- Tuesday, April 5th, 12th & 19th – Residential Energy & Water Conservation Guide Development, NC AIA Activate Technical Assistance Project Meeting.
- Wednesday, April 6th – Board of Commissioners Meeting
- Friday, April 8th – EV Action Plan Project Meeting.
- Wednesday, April 13th – Committee for Art and Culture Meeting
- Tuesday, April 19th – Planning Board Meeting
- Tuesday, April 19th – NC Resilient Coastal Communities Project Meeting.
- Wednesday, April 27th – SolSmart Designation Recognition Event”

Comr. Renée Cahoon stated that she does not have the level of confidence needed for the UDO ease of use. Planning Director Wyatt said that she would work on getting all vegetation requirements in one place in the UDO.

Mayor Cahoon noted that he met with a contractor yesterday who was very pleased about the Town’s new stormwater drainage ordinance.

Update on Whalebone Park and discussion of PARTF grant application

Senior Environmental Planner Kate Jones summarized her memo which read in part as follows:

“Staff has been working on Whalebone Park redevelopment plans for the purposes of submitting a grant application to the North Carolina Parks and Recreation Trust Fund (PARTF) for funding. Whalebone Park has been incorporated into the Capital Improvement Plan (CIP). The proposed schedule for PARTF grant submission is below:

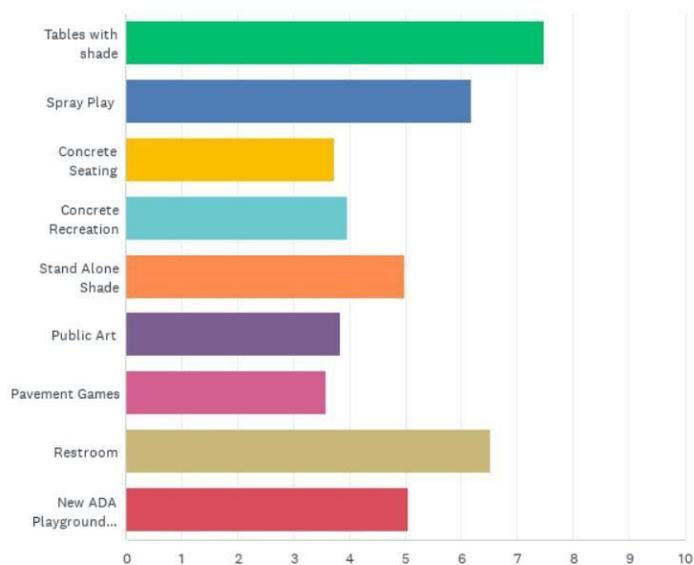
PARTF TIMELINE 2022				
BOC MEETING	FEBRUARY 2, 2022	INTRODUCE	PARK	CONCEPTS;
		FEEDBACK		
PUBLIC MEETING	MARCH 2, 2022	INTRODUCE	PARK	CONCEPTS;
		FEEDBACK		
CIVIC GROUPS MEETINGS	ONGOING	INTRODUCE	PARK	CONCEPTS;
		FEEDBACK		
PLANNING BOARD MEETING	MARCH 15, 2022	INTRODUCE	PARK	CONCEPTS;
		FEEDBACK		
PARTF REVIEW DEADLINE	MARCH 15, 2022	PARTF FEEDBACK		

BOC MEETING	APRIL 6, 2022	FINAL PLAN AND COST BREAKDOWN FEEDBACK
PARTF FINAL DEADLINE	May 2, 2022	FINAL SUBMISSION

'It is relevant to note, that the Town received a PARTF grant in 2013 for the initial development of the park. Town staff has been in touch with PARTF representatives who are aware that the Town would like to apply for this year's grant cycle.

'On March 3rd, staff held a public meeting to engage members of the wider community about the renovation of Whalebone Park. Through an interactive session, members of the public voted on their preferred park elements. The results were similar to the Board's noted preference focusing on younger children and families with spray play, shade, restrooms, and ADA playground equipment. Please see Attachment #1 for the meeting feedback. Staff also put out an online survey for those unable to attend the public meeting in person. To date, there have been 64 responses. Generally, the top elements preferred for park upgrades are as follows:

Q5 Please prioritize the following park elements from your MOST DESIREABLE to your LEAST DESIRABLE.



'Please see Attachment #2 for the comprehensive results from the public survey. On March 8th, staff met on site with Brittany Shipp, Eastern region representative from PARTF, to review the project and plans for the upcoming grant application. Staff will continue to work with Brittany to submit the most competitive grant possible.

'Staff gave a Whalebone Park update to the Planning Board at their meeting on March 15th, and received support for the spray play, restroom, and shade elements. The Planning Board also suggested public art be incorporated into the park which could focus on furthering a sense of place and include information about the unique history of the whalebone area.

'Staff has put together the key elements of the NC PARTF grant application including the following for the board's review:

- A. Basic facts and assurances
- B. Project description and justification
- C. Project funding sources
- D. Site Plan as per PARTF guidelines

'Staff would like to receive approval from the Board of Commissioners to move forward with the grant application submission with the existing site elements in their current form, or alternately, give staff direction on modifications to make before submitting the grant by May 2, 2022. The grant also requires that the chief elected official sign the grant application with express permission from the Board of Commissioners. Please advise to approve as is or approve with proposed modifications, and also to permit the chief elected official to sign the grant application.'

Mayor Cahoon asked for an estimated cost to be provided to the Board comparing the use of potable water vs treated water in the Spray Play option - in order to provide some justification for what is used. Ms. Jones is to provide this information to Board members.

MOTION: Comr. Brinkley made a motion to approve the PARTF application for the Whalebone Park redevelopment plans as presented. The motion was seconded by Comr. Renée Cahoon which passed 4 – 0 (Comr. Sanders was not present.).

Discussion of Decentralized Wastewater Management Plan

- Tetra Tech Holly Miller via Zoom Platform

Environmental Planner Kylie Shephard summarized the agenda summary sheet which read in part as follows:

"At the March 2, 2022 meeting the Board of Commissioners was provided with the draft of the Decentralized Wastewater Management Plan which was accompanied by a presentation from Tetra Tech, the consultant for the update of the Plan. With an anticipated adoption date of May 4, 2022, Planning Staff and Holly Miller, of Tetra Tech, will be available at the April 6, 2022 Board of Commissioners meeting to address any questions or concerns that the Board may have, as well as receive guidance and feedback from the Board. In order to have the final DWMP ready for the Board of Commissioners consideration for adoption, we are asking that all comments be submitted no later than April 15, 2022.

'Staff Recommendation

Staff recommends that the Board provide final feedback by April 15, 2022."

Former Mayor Bob Muller who is a member of the Management Plan Committee was present. Tetra Tech, Holly Miller, was also present via the Zoom Platform.

Mayor Cahoon encouraged a partnership with other entities, such as the Coastal Studies Institute, to get the message out to the community.

Ms. Holly Miller of Tetra Tech said that the Decentralized Wastewater Management Plan will be finalized within the next couple of weeks and be provided to the Board for consideration at their May 4, 2022 meeting.

Mayor Cahoon, on behalf of the Town, appreciated the pro-activeness; Town Manager Garman noted that the recommended budget will be presented next month where these ideas are being incorporated.

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

From March 23rd Board Meeting

- Consideration of modification to Town Code Chapter 46 *Vehicles For Hire*
re: taxicab rate increase

The agenda summary sheet read in part as follows:

"At the March 23rd Board meeting, Board members were presented with a request from Robin Rector of Lady Jane Taxi for a taxicab rate increase (attached). Board members were in favor of an increase as rates have not been modified in nine years and directed staff to prepare a proposal.

'Police Chief Webster reviewed Ms. Rector's request and confirmed rates with other taxicab companies in neighboring areas. Attached please find a memo from Police Chief Webster detailing his process. Also attached please find a proposed ordinance authorizing an increase in the taxicab rates."

Police Chief Phil Webster summarized his memo which read in part as follows:

"At the March 23rd Board of Commissioners meeting Robin Rector, owner of Lady Jane T&R Taxi Inc, came before the board to request a rate increase for taxi companies operating in Nags Head.

'Ms. Rector submitted a letter that analyzed rates in Raleigh and Wilmington to formulate an increase for our taxi industry. She is requesting a \$3.50 rental, \$2.60 per mile, and \$26.00 per hour wait fee. Our current rates are \$3.00, \$2.10, and \$21.00.

'The police department was tasked with reviewing Ms. Rector's request and submitting a recommendation to the Board of Commissioners. Upon reviewing the information and comparing the proposed rate to other areas in NC we concur with her proposal.

'We contacted the 4 other taxi companies operating in town with the proposed increase. All of the companies are in agreeance with the raise. There were concerns offered that going too far above the proposed rates might have a negative impact on our community. One operator pointed out that the \$2.60 per mile rate would be difficult to configure and he proposed \$2.70 per mile.

'Additionally, we contacted neighboring jurisdictions with the proposed increase, and they found no conflict. We recommend a new rate of \$3.50 rental, \$2.70 per mile, and a \$26.00 wait fee.

'Staff was directed to further evaluate the surcharge in the Town Code to determine if it is still financially feasible in the current world. It is currently a \$2.00 per trip increase when implemented."

MOTION: Mayor Pro Tem Siers made a motion to adopt the ordinance modifying the taxicab rates as presented. The motion was seconded by Comr. Brinkley which passed 4 – 0 (Comr. Sanders was not present.).

The ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "D".

NEW BUSINESS

Beach Nourishment/Restoration Project - Approval of Multi-Decadal Master Plan Task Order for Year 3/4 with Moffat and Nichol

- Consideration of associated Budget Amendment
- Consideration of Capital Project Ordinance Amendment #3

Town Engineer David Ryan summarized his memo which read in part as follows:

"This item is being submitted for continuation of professional consultant services to perform engineering, modeling, environmental documentation, and regulatory agency coordination needed to progress the Multi-Decadal Beach Nourishment Master Plan. Year 2 of the Master Plan focuses on engineering analyses for determining long term sand needs and the results of field investigations, sediment sand source studies, beach nourishment preliminary designs, phasing and nourishment intervals. This work is ongoing with a progress report expected to be presented to the Board of Commissioners in the upcoming months.

'The proposed scope of work associated with the submitted Moffat & Nichol fee proposal is to combine the work of Year 3 through Year 4 with a focus on environmental documentation and agency/public coordination process to pursue programmatic approvals for implementing the Master Plan. Having a programmatic permit approval in place will reduce time and expense for subsequent beach nourishment projects. Understanding that environmental permitting review and agency coordination can be a time-consuming process, the schedule associated with this task request is anticipated to extend through Fiscal Year 23/24.

'Attached for Board consideration is a budget amendment to the Beach Nourishment Capital Reserve ordinance in the amount of \$ 841,841 for Moffat & Nichol Trask Order #11. In conjunction with the budget amendment, staff requests the Board to authorize the Town Manager to execute a contract amendment with the firm of Moffat & Nichol in the amount of \$841,841 to complete the scope of work associated with years 3 and 4 of the Multi-Decadal Master Plan."

MOTION: Comr. Brinkley made a motion to adopt the Beach Nourishment/Restoration Capital Project Ordinance, amendment #3 as presented. The motion was seconded by Comr. Rene Cahoon which passed 4 - 0 (Comr. Sanders was not present.).

MOTION: Comr. Brinkley made a motion to approve the associated Budget Amendment for the Multi-Decadal Master Plan Task Order with Moffat and Nichol Task as presented. The motion was seconded by Mayor Pro Tem Siers which passed 4 - 0 (Comr. Sanders was not present.).

MOTION: Comr. Renée Cahoon made a motion to authorize the Town Manager to execute the Multi-Decadal Master Plan Task Order with Moffat and Nichol as presented. The motion was seconded by Comr. Brinkley which passed 4 - 0 (Comr. Sanders was not present.).

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Mayor Cahoon noted that the Town Attorney's request for Closed Session will be addressed at the end of the meeting.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Garman – Traffic Control Map progress

Town Manager Garman displayed for the Board the Draft Traffic Control Map. He reported that the inventory of all signs has been completed and there is now a data set to open up on top of the draft Traffic Control Map within GIS. The map will return, in digital form, to the Board for consideration at an upcoming meeting. He thanked several staff members especially Public Services Director Eric Claussen and Public Services Office Manager Karen Heagy for their work on this project.

Town Manager Garman – Meeting with NCDOT

Town Manager Garman reported that he along with Public Services Director Claussen, Engineer David Ryan, and Police Chief Webster met on March 16, 2022 with NCDOT officials concerning several topics. The summary from Manager Garman emailed to Board members is attached to and made a part of these minutes as shown in Addendum "E". Some highlights are provided:

- Pavement Markings mentioned by the Board at a recent meeting - NCDOT has a contract in place to have the markings painted before Memorial Day.
- US 158 repaving schedule ("mill and fill" project) - In the next two years complete re-paving of US 158. The first phase is from Eighth Street to Gray Eagle Street with the contract let in June 2022 and 18 months to complete. The second phase is from Gray Eagle Street to the Causeway to the Bridge with the contract let in Spring 2024 with 18 months to complete.
- Whalebone traffic and pedestrian improvements - if proposed design is agreed upon by all parties, this could be handled during the repaving work.
- Mowing – Litter collection by their contractors is to take place prior to mowing.
- Seachase and NC 12 pedestrian push button sign - Plan to be completed by late May.
- Push button signal at the Outer Banks Event Site to help with traffic control – they were amenable to the request at this meeting.

It was Board consensus to agree with Mayor Cahoon to ask that the US 158 Repaving Projects/Phases be completed in one year rather than 18 months.

Approval of Task Order/Contract with McAdams to provide American Rescue Plan Act (ARPA) grant assistance

- Consideration of associated Budget Amendment
- Consideration of Resolution authorizing execution of application by the Manager

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

"The Town recently advertised a request for qualifications for grant administration services to assist staff with upcoming grant application requests. Three proposals were received in response to this request from the first team comprised of McAdams, Moffat & Nichol, and Biohabitats, the second proposal from the team of iParametrics, CPE and McKim & Creed and a third proposal from the team of the Berkley Group, Smart Moves Consulting and Weston & Sampson. A four-person selection committee comprised of senior

level staff evaluated the proposals and determined the team of McAdams, Moffat & Nichol, and Biohabitats as the most qualified.

'A follow-up meeting was conducted with the selected team to discuss the upcoming scope of work. Two separate applications have been identified for grant funding from the Division of Water Infrastructure through the American Rescue Plan Act (ARPA) Funding for asbestos cent (AC) waterline replacement in Vista Colony, and a Town-wide AMI Smart Metering Replacement Program. The grant applications are due on May 2, 2022. A fee proposal in the amount of \$20,000 has been submitted by McAdams to assist with the grant application preparation. A copy of this fee proposal is included in the Board packet.

'No funds have been budgeted for this work and will require a budget amendment in addition to the adoption of a resolution required by governmental units applying for funding. There are three separate Board actions being requested:

- 1) Adoption of a Resolution by the Governing Body of the Grant Applicant,
- 2) Adoption of a budget amendment in the amount of \$20,000 and,
- 3) Authorization for the Town Manager to enter into agreement with McAdams in the amount of \$20,000 for the performance of grant assistance services."

MOTION: Mayor Pro Tem Siers made a motion to adopt the resolution authorizing the Town Manager to execute/file an application with the State for a loan/grant. The motion was seconded by Comr. Renée Cahoon which passed 4 - 0 (Comr. Sanders was not present.).

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

"WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and design/studies of drinking water treatment works, and/or drinking water distribution systems; and

'WHEREAS, The Town of Nags Head has need for and intends to replace:

- Asbestos Cement Pipes in a portion of the Vista Colony neighborhood in Nags Head
- Customer water meters with Advanced Meter Infrastructure (AMI) thus eliminating the need for manual meter reads; and

'WHEREAS, The Town of Nags Head intends to request State loan and/or grant assistance for the projects.

'NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD:

1. That the Town of Nags Head, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.
2. That the Town of Nags Head will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the governing body of the Town of Nags Head agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Nags Head to make scheduled repayment of the loan, to withhold from the Town of Nags Head any State funds that would otherwise be distributed to

the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

4. That the Town of Nags Head will provide for efficient operation and maintenance of the project on completion of construction thereof.

5. The Town Manager, or in absence designee, of the Town of Nags Head is hereby authorized, individually and collectively, to execute and file an application on behalf of the Town of Nags Head with the State of North Carolina for a loan and/or grant to aid in the design and construction of the projects described above.

6. That the Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

7. That the Town of Nags Head has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto."

MOTION: Mayor Pro Tem Siers made a motion to approve the associated Budget Amendment as requested. The motion was seconded by Comr. Renée Cahoon which passed 4 - 0 (Comr. Sanders was not present.).

MOTION: Comr. Brinkley made a motion to authorize the Town Manager to execute the contract with McAdams as requested. The motion was seconded by Mayor Pro Tem Siers which passed 4 - 0 (Comr. Sanders was not present.).

BOARD OF COMMISSIONERS AGENDA

Comr. Renée Cahoon - Consideration of nomination to Coastal Resources Advisory Council (CRAC)

The agenda summary sheet read in part as follows:

"At the April 6th Board of Commissioners meeting, Comr. Renée Cahoon will present the attached letter detailing a request by the NC Coastal Resources Commission (CRC) for a nomination to serve on the Coastal Resources Advisory Council (CRAC) as a local government representative.

'The attached letter from the NC CRC is seeking local government representatives, or individuals recommended by local governments as nominees.

'Also attached is the state statute pertaining to the Coastal Resources Advisory Council."

MOTION: Comr. Brinkley made a motion to nominate Webb Fuller to serve as a member of the Coastal Resources Advisory Council. The motion was seconded by Mayor Pro Tem Siers which passed 4 - 0 (Comr. Sanders was not present.).

Comr. Renée Cahoon pointed out that the next Coastal Resources Commission meeting is scheduled to take place in the Dare County Board Meeting Room on April 28, 2022; the Coastal Resources Advisory Council meeting is scheduled for April 27, 2022.

Mayor Pro Tem Siers - Jockey's Ridge State Park

Mayor Pro Tem Siers asked Town Manager Garman if he had heard any information from Jockey's Ridge State Park officials concerning an expansion of their parking lot or expansion of any of their activities. Town Manager Garman stated that he spoke with Superintendent Joy Greenwood this week and there are no plans at this time for any expansion in the park.

Board members agreed with Comr. Renée Cahoon's suggestion to invite Jockey's Ridge State Park Superintendent Joy Greenwood to present an annual report at an upcoming meeting.

Comr. Brinkley - Soundside Road/Jockey's Ridge State Park

Comr. Brinkley thanked those who came to today's meeting and those who sent emails concerning Soundside Road and Jockey's Ridge State Park. He is interested in hearing from staff concerning ways to mitigate some of the issues reported today such as any traffic calming measures recommended as well as increased speed enforcement in that area.

Comr. Brinkley - Links Drive Closed for running events

Comr. Brinkley mentioned the issue brought forward by John Ceci during Public Comment re: the closure of Links Drive on weekends for running events.

Comr. Renée Cahoon confirmed with Police Chief Webster that Village Realty has obtained permits from the Town to conduct running events for a period of eight weeks.

Board members felt they should not be allowed to close the street, Links Drive, to traffic for eight weekends in a row. They noted that permitting should be week by week - not one permit for a period of eight weeks.

Staff was directed to look into this issue as soon as possible and bring back a recommendation.

MAYOR'S AGENDA

Mayor Cahoon - Consideration of resolution in support of a Wright Brothers Tribute Museum and Observatory

Mayor Cahoon presented a resolution of support of a Wright Brothers Tribute Museum and Observatory where the Kitty Hawk Welcome Center is located.

Comr. Renée Cahoon asked how a private facility would impact the Welcome Center and if the name would change. Mayor Cahoon tabled this item until he obtained additional information from the Town of Kitty Hawk.

Mayor Cahoon - Consideration of resolution in support of the mid-Currituck Bridge Project

Mayor Cahoon presented a resolution in support of construction of the mid-Currituck Bridge project.

MOTION: Comr. Brinkley made a motion to adopt the resolution in support of the mid-Currituck Bridge as presented. The motion was seconded by Comr. Renée Cahoon.

Comr. Brinkley asked about support for those that come from Tyrrell County to this area to work and travel over the Alligator River Bridge. He asked about support for that bridge also. Board members agreed.

CONTINUATION OF MOTION: The motion passed 4 – 0 (Comr. Sanders was not present.).

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

‘WHEREAS, the Mid-Currituck Bridge Project has been in the development process for over thirty years; AND

‘WHEREAS, the popularity of Outer Banks of North Carolina, including Dare County and its towns, and Currituck County, continues to grow, resulting in an ever increasing number of residents and visitors to the Outer Banks, particularly the northern Outer Banks; AND

‘WHEREAS, the Outer Banks of North Carolina generates substantial revenue for the State of North Carolina, particularly through tourism, and also serves a role as an ambassador area for the State by introducing hundreds of thousands of visitors from all over the United States and the world to the many wonders of North Carolina; AND

‘WHEREAS, this revenue and the goodwill that visitors feel towards the Outer Banks and North Carolina is tested annually through frustrations attributed directly to traffic congestion; AND

‘WHEREAS, the purpose of the Mid-Currituck Bridge is to substantially improve traffic flow on the project area's thoroughfares, i.e. NC 12 and US 158, substantially reduce travel time for persons traveling between the Currituck County mainland and the Currituck County Outer Banks, and to substantially reduce the hurricane clearance time for residents and visitors who use US 158 and NC 168 during coastal evacuation; AND

‘WHEREAS, building the Mid-Currituck Bridge will reduce congestion and alleviate delays, thus promoting and enhancing economic development, while bolstering the tourism industry; AND

‘WHEREAS, alternatives to the Mid-Currituck Bridge project have been studied thoroughly and have been rejected in favor of the Mid-Currituck Bridge; AND

‘WHEREAS, in recognition of the viability and need of the Mid-Currituck Bridge, the North Carolina Department of Transportation has demonstrated a commitment to construction of the bridge by placing it in the State Transportation Improvement Plan based on the agency's prioritization process and strong support by local municipalities and the Albemarle Rural Planning Organization; AND

‘WHEREAS, the US District Court for the Eastern District of North Carolina ruled in December 2021 that NCDOT and the Federal Highway Administration have complied with all applicable federal laws and regulations in planning for the bridge; AND

‘WHEREAS, the court’s decision properly affirms the project's compliance with the federal National Environmental Policy Act.

‘NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD, NORTH CAROLINA, THIS 6TH DAY OF APRIL 2022 that it reaffirms its commitment to the Mid-

