



**MINUTES  
TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
WEDNESDAY, OCTOBER 5, 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, October 5, 2022 at 9:00 a.m. for a Regular Meeting.

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

Board members Absent: None

Others present: Town Manager Andy Garman; Attorney John Leidy; Kelly Wyatt; Kate Jones; Amy Miller; David Ryan; Perry Hale; Chris Montgomery; Randy Wells; Nancy Carawan; Michelle Gray; Roberta Thuman; Lauren Arizaga-Womble; Carolista Ann-Cabell Baum; Michael O'Brien; Reid Harris; David Bragg; Stan White; George Barnes; John Harris; Billy Vaughan; Basil Belsches; Jody Lewis via Zoom Platform; David Ness; Brian Sewell; and Town Clerk Carolyn F. Morris

**CALL TO ORDER**

Mayor Cahoon called the meeting to order at 9 am. Mayor Cahoon asked that thoughts of those impacted in Florida by the recent Hurricane Ian be considered during a moment of silence. This was followed by the Pledge of Allegiance.

**ADOPTION OF AGENDA**

MOTION: Mayor Pro Tem Siers made a motion to amend the October 5th agenda to include an additional Closed Session under the Town Attorney portion re: attorney/client privilege. The motion was seconded by Comr. Brinkley which passed unanimously.

**RECOGNITION**

FIVE YEARS – Police Chief Perry Hale introduced Master Police Officer Daniel Harris who was recognized by the Board for five years of service.

PROCLAMATION – Fire Prevention Week

Fire Chief Randy Wells introduced Fire Prevention Week which is scheduled for October 9 – 15, 2022.

Mayor Cahoon read the Fire Prevention Week Proclamation as follows:

'WHEREAS, The Town of Nags Head is committed to ensuring the safety and security of all those living in and visiting our town; AND

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

'WHEREAS, Home fires caused 2,580 civilian deaths in the United States in 2020, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 356,500 home fires; AND

'WHEREAS, Smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as two minutes to escape safely; AND

'WHEREAS, Working smoke alarms cut the risk of dying in reported home fires in half; AND

'WHEREAS, Residents should be sure everyone in the home understands the sounds of the smoke alarms and knows how to respond; AND

'WHEREAS, Residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; AND

'WHEREAS, Residents should make sure their smoke and carbon monoxide (CO) alarms meet the needs of all their family members, including those with sensory or physical disabilities; AND

'WHEREAS, The 2022 Fire Prevention Week theme "Fire won't wait. Plan your escape." effectively serves to remind us that it is important to have a home fire escape plan.

'NOW, THEREFORE, BE IT RESOLVED that October 9 – 15, 2022 is Fire Prevention Week and I urge all the people of the Town of Nags Head to plan and practice a home fire escape for Fire Prevention Week 2022 and to support the public safety activities and efforts of the Nags Head Fire Department.

'All Town residents and visitors are invited to attend the annual Nags Head Fire Rescue Open House, held at the Douglas A Remaley Fire Station 16 on Thursday, October 13, 2022 from 5:30 to 7:30 p.m."

MOTION: Comr. Brinkley made a motion to approve the proclamation declaring October 9 – 15, 2022 as Fire Prevention Week as presented. The motion was seconded by Comr. Sanders which passed unanimously.

PRESENTATION – Rogallo Museum Foundation

Rogallo Museum Foundation Director John Harris introduced the Rogallo Museum Foundation and Billy Vaughan. Mr. Harris' email read in part as follows:

"I am John Harris, president of the Rogallo Foundation. The Rogallo Foundation would like to be put on the October 5, 2022 agenda to make a 10 minute presentation in regards to the proposed Rogallo Museum to be located in Jockeys Ridge State Park.

'We formed the Rogallo Foundation in 1992 with one of the objectives being to build a museum. The museum would tell the story of the invention of the Rogallo Wing which led to hang gliding, paragliding, sport parachuting, delta kites, stunt kites and kite boarding. The museum would also tell the history of these air sports. As you know, the Rogallos owned a house in Southern Shores for many years and became permanent residents in 1972 after retiring from NASA.

'We have been talking to NC State Parks about this project for over 5 years. It has been interrupted by COVID-19, like so many other projects. In 2018, we worked with Jockey's Ridge State Park to select a site and an Architectural Concept. The Foundations proposal is that if the Park would give the Foundation a long-term lease at no cost, then the Foundation would raise the funds to build and operate about a 12,000 sqft museum. Our ballpark estimate is \$7 million.

'We need your support and the board's support of the Museum and the long-term lease with NC State Parks in the form of a Resolution.

'We have attached the Dare County Resolution as a template.'

Billy Vaughan was also in attendance and he is writing a book about the Rogallos; Mr. Vaughan presented a PowerPoint presentation which is attached to and made a part of these minutes as shown in Addendum "A".

### **PUBLIC COMMENT**

Attorney John Leidy opened Public Comment at 9:22 a.m. and invited those present to speak.

David Bragg, Nags Head resident; has seen what low income looks like after time; main reason he is attending today is the 90-room hotel (the Inn at Whalebone); after review of parking requirements he feels that there is not enough parking; a traffic study was done in September which should be done in July so the traffic study is not accurate; the development site for the low income housing should be used for the good of the citizens of Nags Head and not for low income housing.

Michael O'Brien, Chair of the Friends of Jockey's Ridge Board; he read a letter to State Parks Dep Director Brian Strong re: potential development in Jockey's Ridge State Park; Friends of Jockey's Ridge has concerns re: its location and questioned if this project supports the Park; they would like to learn more about how the project would impact the Park, such as will the project affect the movement of the sand as well as environmental impacts.

Michael O'Brien, Nags Head resident; From a personal standpoint, he is not against development but questions if commercial development is wanted in Jockey's Ridge State Park; he urged the Board to draft a resolution against commercial development in Jockey's Ridge State Park.

Carolista Ann Cabell-Baum, owns property in Nags Head; Her mother is Carolista Baum – she wanted to add her comments to the record and spoke against any development in Jockey's Ridge State Park – today and in the future; she spoke of the bulldozer that her mother sat in front of to prevent development on the Ridge and which began the process to preserve the Ridge for a park; Jockey's Ridge State Park carries a natural landmark designation; The Dare County Board of Commissioners supported the project via a resolution but she is asking the Board to consider a resolution that no development take place other than maintenance of the existing facilities; she asked Board members to be stewards of this landmark and uphold the designation to support, enhance, and promote JRSP as a significant geological feature of the Outer Banks by declining this and future requests that defeat the purpose of the Park.

Basil Belsches; owns property in Nags Head near Hollowell St; he spoke of the Woda Cooper affordable housing project that may be developed in this area; it's not on the agenda so he wanted to make sure he spoke during Public Comment and asked the Board to look at this carefully before any action is taken.

Stan White; property owner and resident of Nags Head; he is the applicant and spoke in support of the Inn at Whalebone; he has seen the demise of hotels on the Outer Banks - people used to be able to come and spend a few days; he feels hotels are needed as an amenity for the Outer Banks and for Nags Head.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 9:38 a.m.

Proposed Rogallo Museum at Jockey's Ridge State Park (JRSP)

Mayor Cahoon read comments from the following concerning the proposed Jockey's Ridge State Park museum development; the comments express concern about the proposed museum being developed within the State Park and are attached to and made a part of these minutes as shown in Addendum "B":

- Bob Muller, Nags Head property owner/resident
- George Barnes, Nags Head property owner/resident

Proposed Affordable Housing plans for Hollowell St parcel

Mayor Cahoon and Town Manager Garman read comments from the following concerning the proposed Woda Cooper affordable housing development at the Hollowell St parcel; the comments are in opposition to the proposed development expressing the concern that it would not be a good fit for that specific neighborhood and are attached to and made a part of these minutes as shown in Addendum "C":

- Basil and Lynn Belsches (Mr. Belsches also spoke in person), Nags Head property owners/residents
- Tom and Sharon DiLaura, Nags Head property owners
- Chess and Karen Harris, Nags Head property owners/residents
- Charles and Susan Kaylan, Nags Head property owners
- Allen and Judy C. Turner, Nags Head property owners
- Jeff and Pat Pavlak, Nags Head property owners
- Nadean and David Johnson, Nags Head property owners
- Brenda and Albert Mettley, Nags Head property owners
- Kimberly Worley, Nags Head property owner
- Cathy and Kevin Dippolito, Nags Head property owners

As no one else present wished to speak, Attorney Leidy concluded Public Comment at 10:11 a.m.

**CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- Consideration of Budget Amendment #4 to FY 22/23 Budget
- Consideration of Tax Adjustment Report
- Approval of minutes
- Consideration of ordinance amending the Traffic Control Map for forwarding to NCDOT to move 25 MPH speed limit on NC 12 from Gray Eagle Street north to Gull Street
- Consideration of Police In-Car and Body Worn camera replacement
- Request for Public Hearing to consider Special Use/Site Plan Review submitted by Michael Strader, P.E. of Quible & Associates, P.C. for the construction of a Trade Center. The property is zoned C-3, Commercial Services and is located on Lot 2a of the Charles L. Sineath Subdivision (PIN# 989317113533), vacant lot directly behind TW's Bait and Tackle
- Request for Public Hearing to consider Special Use/Site Plan Review submitted by the Town of Nags Head for the redesign and construction of various Public Works facilities as a result of the Public Services Facilities Master Plan. The properties involved are zoned C-3, Commercial Services and located at 2110 S. Pond Avenue and 2200 S. Lark Avenue
- Consideration of change of date for Fraternal Order of Eagles annual Surf Fishing Tournament from October 15, 2022 to October 22, 2022

- Consideration of resolution authorizing refund of overpayment of occupancy tax

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

Budget Amendment #4, as approved, is attached to and made a part of these minutes as shown in Addendum "D".

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

The agenda summary sheet re: the Traffic Control Map amendment for moving the 25 MPH speed limit from Gray Eagle Street to Gull Street, as approved, read in part as follows:

"At the August 3, 2022 Board of Commissioners meeting, moving the 25 MPH speed limit sign from Gray Eagle Street north to Gull Street was discussed for more safety in an already congested area.

'Attached please find an ordinance amending the Town's Traffic Control Map designating 25 MPH on NC 12 to start at Gull Street, moved north from Gray Eagle Street. If adopted, the two Municipal Declaration Forms from NCDOT – one to repeal the existing 25 MPH speed limit and one to enact the 25 MPH speed limit further north – will be processed by NCDOT.

'A map depicting the area of consideration is also attached."

The Police In-Car and Body Worn camera agenda summary sheet, as approved, read in part as follows:

"The Police Dept components that are required to upload In-Car Camera and Body Worn Camera footage - for compliance with legislation and court proceedings - are out of warranty. Replacement was approved in the current budget in the amount of \$38,295. There has since been concerns that the current vendor is phasing out current models and higher priced models are being encouraged by the vendor. The Motorola "Watch Guard" camera systems have been researched by staff and found to be reliable; this camera system is currently being used/transitioned to by DCSO, and the Towns of Manteo and Kill Devil Hills.

'Police Chief Hale is requesting authorization to purchase the Motorola "Watch Guard" camera system as part of the Motorola Communications package.

'Attached please find a memo from Police Chief Hale with additional details."

Financial information from Finance Officer Amy Miller, as approved, read in part as follows:

"The Police Department would no longer need to purchase the Rimage/DVD burner system and the body cameras included in this fiscal year's budget. Those items offset the cost of the first-year agreement by \$42,296. An additional \$19,548 is requested from Manager's Contingency for the first-year contract price of \$53,844 plus an additional \$8,000 for assistance with equipment removal/set up."

The Request for Public Hearing, as approved, read in part as follows:

"Special Use Permit/Site Plan Review submitted by Michael Strader, P.E. of Quible & Associates, P.C. for the construction of an 11,200 square foot building that includes eight (8) units operating as a "Trade Center". The property is zoned C-3, Commercial Services and is located on Lot 2a-1r of the Charles L. Sineath Subdivision (PIN# 989317113533), a vacant lot directly behind TW's Bait and Tackle located at 2230 S. Croatan Highway, Nags Head.

'By definition, "Trade Center" means a structure containing two or more individual units, primarily devoted to service and wholesale operations and the storage of materials for off-site work.

'Staff Recommendation/Planning Board Recommendation

Based upon Staff's review of the proposal and conditioned on the Town Engineer's requirement that the roadway swale on the west side of the proposed driveway apron be extended to the western property corner, staff recommends approval of the Special Use/Site Plan Review as presented.

'At their September 20, 2022, meeting the Planning Board voted unanimously to recommend approval of the Special Use Permit/Site Plan Review conditioned upon the Town Engineers request that the proposed driveway apron be extended to the western property corner."

The Request for Public Hearing, as approved, read in part as follows:

"Special Use Permit/Site Plan Review submitted by consultant Oakley Collier on behalf of the Town of Nags Head for the redesign and construction of various Public Services facilities as a result of the Public Services Facilities Master Plan. These properties are being developed under a common design scheme, are zoned C-3, Commercial Services and located at 2110 S. Pond Avenue and 2200 and 2208 S. Lark Avenue.

'Staff Recommendation/Planning Board Recommendation

Based upon Staff's review of the proposal staff recommends approval of the Special Use/Site Plan Review as presented.

'At their September 20, 2022, meeting the Planning Board voted unanimously to recommend approval of the Special Use Permit/Site Plan Review as proposed."

The Fraternal Order of Eagles annual Surf Fishing Tournament date change request agenda summary sheet, as approved, read in part as follows:

"The Fraternal Order of Eagles has requested a change of date for their approved annual surf fishing tournament from October 15, 2022 to October 22, 2022.

'Attached please find an email from FOE Ed Snyder requesting the change of date as well as a revised resolution authorizing the change."

The Fraternal Order of Eagles Resolution, as adopted, read in part as follows:

"WHEREAS, the Fraternal Order of Eagles (FOE), Aerie #4506, is sponsoring its annual Charity Surf Fishing Tournament October 22, 2022; AND

'WHEREAS, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Fraternal Order of Eagles, Aerie #4506, submitted a request on September 9, 2022 for the Town of Nags Head to issue short-term beach driving permits to the Fraternal Order of Eagles, Aerie #4506, to be distributed to participants in its annual Fishing Tournament.

'NOW, THEREFORE BE IT RESOLVED by the Town of Nags Head Board of Commissioners that the Town of Nags Head is pleased to offer its assistance for the Fraternal Order of Eagles, Aerie #4506, Charity Surf Fishing Tournament this year.

'BE IT FURTHER RESOLVED as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the FOE Tournament to be distributed to the teams participating in its annual Surf Fishing Tournament. The tournament is to be held on Saturday, October 22, 2022. Tournament officials are requesting a total of 30 short-term permits. These special permits will only be valid for Saturday, October 22, 2022. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

'The Fraternal Order of Eagles, Aerie #4506, is responsible for the distribution of all short-term beach driving permits for the 2022 FOE Charity Surf Fishing Tournament. No individual short-term permits for the tournament will be issued by Staff.

'The name of the team and town to whom a permit is issued shall appear on each permit.

'A pamphlet (to be provided by the Town) on Regulations Governing Beach Vehicular Traffic in the Town of Nags Head shall be supplied with each permit distributed by the Fraternal Order of Eagles, Aerie #4506.

'Each permit shall be displayed on the inside front windshield on the passenger side of the vehicle, even if a normal Nags Head Beach Driving Permit is already displayed.

'All beach driving permits MUST always be in the possession of the team. The permits are not transferable.

'The Town of Nags Head Beach Driving Ordinance is to be strictly enforced by the Nags Head Police Dept.

'Should the weather or high tide call for the closure of the beach or a section of the beach, the Town Manager will close the beach."

The resolution authorizing refund of overpayment of occupancy tax agenda summary sheet, as approved, read in part as follows:

"Earlier this year Dare County discovered that campgrounds within its jurisdiction have remitted overpayments of occupancy taxes.

'Attached please find a resolution for consideration at the October 5<sup>th</sup> Board of Commissioners meeting authorizing the Town Manager, after verifying the amount, to refund the Town's share of any overpaid occupancy taxes."

The resolution concerning overpaid occupancy taxes, as adopted, read in part as follows:

"WHEREAS, Dare County discovered this year that certain campgrounds within its jurisdiction have remitted overpayments of occupancy taxes; and,

'WHEREAS, all occupancy taxes are collected and remitted to Dare County and redistributed to municipalities based on a formula defined by the North Carolina General Statutes; and,

'WHEREAS, the North Carolina General Statutes do not provide a process for those who have overpaid to request a refund; AND

'WHEREAS, the Town of Nags Head desires to refund any overpayments for the period within the applicable statute of limitations as determined by Dare County.

'NOW, THEREFORE, BE IT RESOLVED, that the Nags Head Board of Commissioners hereby authorizes the Town Manager, upon verification of any sums overpaid, to refund the Town's share of overpaid occupancy

taxes for the period within the applicable statute of limitations - and to bring forward any budget amendments as are necessary to accomplish such refund.”

## **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 October 5, 2022.

#### ‘Monthly Activity Report

Attached for the Board’s review is the *Planning and Development Monthly Report for August 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:

- Tuesday, September 6<sup>th</sup> – Technical Review Committee Meeting
- Wednesday, September 7<sup>th</sup> – Board of Commissioners Meeting
- Thursday, September 8<sup>th</sup> – Board of Adjustment (Variance Request 318 Danube)
- Thursday, September 8<sup>th</sup> – Crisis Track Training with Drew Pearson
- Wednesday, September 14<sup>th</sup> – Committee for Art and Culture Meeting
- Tuesday, September 20<sup>th</sup> – Planning Board Meeting
- Friday, September 23<sup>rd</sup> – CSI Forum, OBX Leadership Workshop
- Wednesday, September 28<sup>th</sup> – VSSS Working Group Meeting

#### ‘Planning Board - Pending Applications and Discussions

The Planning Board’s most recent meeting was held on Tuesday, September 20, 2022 and included a Special Use/Site Plan Review for construction of a Trade Center located on Satterfield Landing, between TW’s Bait and Tackle and Village Realty Real Estate Rental Management Facility, and a Special Use Site Plan Review for construction of various public services facilities as part of the Public Facilities Master Plan. Staff provided an update on Whalebone Park Renovation effort and the NC Parks Accessibility for Parks grant program.

‘Staff has been working with the Planning Board on efforts to clarify and strengthen existing tree removal and preservation regulations within the current Unified Development Ordinance. Prior to drafting and presenting potential text amendments to the UDO, staff would like to request an opportunity to discuss this with the Board of Commissioners and gain consensus on how the Board would like to move forward.

‘The Planning Board’s next meeting is scheduled for October 18, 2022. At this time, the agenda is expected to include various staff updates and a request to initiate the text amendment process as it relates to provisions within the Flood Damage Prevention Ordinance that require engineered drawings and V-Zone Certifications for minor work as a result of the adoption of the local elevation standard (LES)/regulatory flood protection elevation (RFPE) of VE 12 for all properties east of NC 12 and 1243.

#### ‘Board of Adjustment – Pending Applications

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



#### 'Additional Updates

- DWMP/Voluntary Septic Subscription Service – The second meeting of the working group was held Wednesday, September 28<sup>th</sup> at 10am in the Board Room. Planning staff, Bob Muller, Planning Board member Megan Lambert, and Commissioner Kevin Brinkley attended this meeting in person. We had special guest speakers, Jimmy and Cassidy McNeil attending in person as well as the group wanted to receive a local contractor's perspective on the septic health initiative as well as the potential subscription program. Katie Hill of University of Georgia attended via Zoom. Much of the discussion pertained to education and outreach opportunities to help increase the amount of participation in the program. The group charged staff with speaking to the Town Attorney to identify any potential liability issues for the town related to the potential subscription service and look at policies and/or actions that the town could take to reduce water use at town facilities. The next meeting of the working group will be held in late October.
- Estuarine Shoreline Management Plan – Staff worked with the consultant team to review the public and advisory committee input and identify project areas to move forward with conceptual design. To position the Town for upcoming NOAA grant funding as well as study as much shoreline as possible, project areas do not focus on a single parcel but rather, offer a comprehensive view of significant shoreline areas. The project priority variables that were identified as most important by the public and the advisory committee were: 1. Erosion, 2. Infrastructure protection and 3. Scale and impact. The three areas that consultants will take a look at are: 1. Harvey Tract/OBVB Site, 2. Soundside Road area of high energy erosion, hopeful to slow wave energy down, and 3. "High Bank" area of Nags Head Woods Road where road is located, back to the Villas.
- NC Resilient Coastal Communities Program – Survey work and geotechnical work has been initiated in advance of the preliminary design work.
- Electric Vehicle Action Plan – After receiving numerous comments through the NC Planners List Serve regarding many municipalities use of electric vehicles in their fleet as well as their experiences generally with EV in the community, staff is compiling and reviewing all the information received. Several potential grant opportunities were provided, staff intends to explore each of those in detail and provide an update at a future meeting.
- ETIPP Project/Program – The project team will be meeting on October 13<sup>th</sup> and will be providing final updates and next steps.
- NC AIA Activate Technical Assistance – No new updates at this time.
- Whalebone Park: Phase 1 Planning – Staff submitted an Outer Banks Visitor's Bureau Tourism Impact Grant (TIG) on September 29<sup>th</sup> for construction of a restroom to support the proposed renovations at Whalebone Park. Staff is also working on the NCPARTF Accessibility for Parks (AFP) grant application which is due November 1<sup>st</sup>.
- LID Stormwater Demonstration Project – Staff continues to look into educational signage options.
- Dune Management Cost Share Program – The dune management cost share program application period opens on Saturday, October 1<sup>st</sup>. Staff has updated the program website, online application form and program procedures to include the activities of planting, sand fencing and sand relocation. Staff plans to closely coordinate the dune management grant program with the sand relocation process.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – We will be showing a movie in the park on Friday, October 7<sup>th</sup>, 5:30pm. Event Coordinator Paige Griffin is preparing for the upcoming Holiday Markets, the first market will be on Saturday, November 12<sup>th</sup> and the application to participate will

go live on Thursday, October 13<sup>th</sup> at 8am. The Committee for Art and Culture has been working on many exciting projects for the coming months such as a townwide Holiday Decorating Contest, a Flashlight Candy Cane Hunt for children at Dowdy Park, and the Town's 2<sup>nd</sup> Annual Tree Lighting Ceremony. In addition, the Committee for Art and Culture is actively working on identifying local artists to participate in Phase II of the Art Mast Project.

#### Upcoming Meetings and Other Dates

- Tuesday, October 4<sup>th</sup> – Technical Review Committee Meeting
- Wednesday, October 5<sup>th</sup> – Board of Commissioners Meeting
- Thursday, October 6<sup>th</sup>, CRS Users Group Meeting
- Friday, October 7<sup>th</sup> – Movie at Dowdy Park.
- Thursday, October 13<sup>th</sup> – Board of Adjustment (No items)
- Thursday, October 13<sup>th</sup> – ETIPP Project Team Meeting.
- Wednesday, October 12<sup>th</sup> – Committee for Art and Culture Meeting
- Tuesday, October 18<sup>th</sup> – Planning Board Meeting
- Friday, September 23<sup>rd</sup> – CSI Forum, OBX Leadership Workshop

Comr. Renée Cahoon stated that she would like to see a professional opinion obtained on the live oaks as she is seeing people butchering them; she agreed to a strengthening of the Town's ordinances to preserve vegetation.

Consideration of Site Plan submitted by House Engineering, P.C. for construction of a four-story, 90-unit Hotel (Inn at Whalebone). The property is zoned SPD-C, Village Hotel is located within the Hotel Overlay District and is located at 6632 W. Pheasant Avenue

Attorney Lauren Arizaga-Womble replaced Attorney John Leidy as Town Attorney due to a firm conflict of interest. Ms. Arizaga-Womble explained that Article 4 of the UDO applied and that this was not a quasi-judicial hearing. The Board will have to approve or approve with conditions acceptable to the applicant, deny the application, table the application, or return to the Planning Board for additional review.

The agenda summary sheet read in part as follows:

"Site Plan Review submitted by House Engineering, P.C. for construction of a 90-unit Hotel (Inn at Whalebone) and all necessary site improvements. The property is zoned SPD-C, Village at Nags Head Hotel District and is also located within the Hotel Overlay District. The property is located at 6632 W. Pheasant Avenue, Nags Head.

'Staff Recommendation/Planning Board Recommendation

Staff recommends approval of the Site Plan Review application with the following condition:

1. An approved subdivision plat addressing the portions of lots 24, 29, 30 and 31 and a recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26 and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits for the proposed hotel project.

'At their August 16, 2022 meeting the Planning Board voted 4 – 2 to recommend approval of the Site Plan as proposed. Following the August 16<sup>th</sup> meeting of the Planning Board, the applicant has revised their stormwater management plan to manage additional runoff and has had consultant, VHB Engineering NC, P.C. conduct a Traffic Impact Analysis."

Planning Director Kelly Wyatt summarized her report on the site plan for construction of a four-story, 90-unit hotel (Inn at Whalebone) as follows:

#### "GENERAL INFORMATION

'Applicant: House Engineering, P.C.

Application Type: Site Plan Review.

Purpose/Request: Construction of a four-story, 90-unit Hotel along with all necessary site improvements.

Property Location: 6632 W. Pheasant Avenue, Nags Head.

Existing Land Use: Vacant.

Zoning Classification of Property: SPD-C, Village at Nags Head Hotel District, and the Hotel Overlay District.

'Zoning Classification of Surrounding Properties: Property to the north is zoned SPD-C, Village Recreation (Golf Course). Property to directly to the south and across Lakeside Street is zoned C-2, General Commercial and developed commercially (Duck Thru Gas Station) and residentially. Property to the west is zoned R-3, High Density Residential and is developed residentially (Roanoke Shores Subdivision). Property to the east and across US Highway 158 is zoned C-2, General Commercial and developed commercially (gas station and Forbes Retail).

'Flood Hazard Zone of Property: Property is located in an X Flood Zone, per the Town of Nags Head local ordinance, the property is subject to an RFPE/LES of 9 ft. The proposed first floor elevation of the hotel is proposed to be at an elevation of 9.1' and is therefore compliant.

'Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as General Commercial. This proposal is consistent with this land use classification and stated Land Use Policies.

#### 'SPECIFIC INFORMATION

Applicable Zoning Regulations:

- Use Regulations: Section 9.36, Table of Uses and Activities for the SPD-C District lists "Hotel" as a Permitted Use within the Village Hotel District, with supplemental regulations set forth in Section 9.37.1. This section requires that Hotels be permitted in accordance with Section 9.36 provided that hotel suites comprise no more than thirty-three (33) percent of the total units in the building.

Section 9.24.5, Development Standards within the Hotel District states that in cases where the standards of this section conflict with standards contained in Article 10, Part VI, Commercial Design Standards, the more restrictive standard shall apply.

- Lot Coverage: Section 9.24.5.1 of the UDO, Coverage for Hotels states that for buildings with a height between 49 – 60 feet, the maximum building coverage shall not exceed 35%, maximum parking coverage shall not exceed 45% and must have a minimum landscaped area of 20%. Proposed building coverage is 12.94%, proposed parking coverage is 36.18% and there is a proposed landscaped area of 28.2%. Proposed coverage is compliant.

- Height: Section 9.24.5.5 of the UDO states that the maximum height for hotel developments is 60 feet. The proposed hotel has a height of 59.10 feet therefore height is compliant.

- Architecture Design Standards: Section 10.82 of the UDO, Applicability, states that Commercial Design Standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review. This project must adhere to the Commercial Design Standards set forth within Part

VI of the UDO, Division II – Building Design. Staff has reviewed the submittal and finds the proposal to be compliant with the standards required in Building Design, Building Size/Dimensions, Building Height, Architectural Design/Elements, Site Design and Building Footprint Orientation. The following are a few examples lending to the compliance of the proposed structure: incorporation of dormers and other roof articulations, covered porch area, screened typical rooftop installations such as mechanical equipment, exhaust vents, residential style double-hung windows, use of gable brackets, workable shutters, column trim.

- Parking: Pursuant to Article 10, Table 10-2, Required Parking by Use, Hotels shall provide parking at one parking space for each hotel unit without kitchen facilities. There are additional parking standards if hotel units have kitchens or there or conference, assembly, restaurant, or retail uses associated with the hotel. The proposed hotel units will not have kitchen facilities and there are no other uses proposed. With 90 hotel units proposed, 90 parking spaces are required. A total of 93 parking spaces have been proposed therefore parking is compliant.

In addition, Section 10.92.14.4 of the UDO, Surface Materials, requires that a minimum of twenty (20) percent of the surface area of the parking area and drive aisles shall be constructed of permeable surface materials. Approximately 22.9% has been proposed in permeable surface materials therefore the proposal is compliant.

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

- Section 10.92.6.2 of the UDO, Parking and Drive Aisle Setbacks, requires that where off-street parking is provided between the building and the street right-of-way line, a parking lot buffer of at least ten (10) feet in width shall be provided between the parking lot and the street right-of-way. A compliant buffer has been proposed along the Forrest Street, Lakeside Street and US 158 rights-of-way.

- Section 10.93.3.2 of the UDO, Commercial Transitional Protective Yards, requires increased landscaping to be provided and maintained when non-residential land uses are adjacent to a residential use or residential zoning district. Specifically, Section 10.93.3.2.2 states that where a high impact use abuts a residential district, a buffer strip of at least twenty-five (25) feet in width along the entire length of the lot shall be provided. The buffer yard shall consist of three rows of plant material. Hotel is a listed High Impact Use. The western property boundary abuts residential subdivision, Roanoke Shores and a compliant 25-foot-wide commercial transitional protective yard has been proposed along the entirety of the western property boundary.

- Section 9.24.5.3.2.3 of the UDO, Building Setback Requirements for Hotels over three stories in height states that for hotels west of NC 12, a minimum 25-foot natural or landscaped buffer shall be provided along the northern and southern boundaries. This is a Village Hotel standard that is more stringent than the Hotel Overlay standard. As noted in Section 9.24.5, the more stringent standard applies. The applicant has shown a compliant 25-foot-wide landscaped buffer along both the northern and southern property boundaries and therefore the proposal is compliant.

- Section 10.93.3.7 of the UDO, Interior Parking Lot Landscaping, requires parking lot landscaping be provided at a minimum rate equal to ten percent of the total area of the parking spaces. The minimum area necessary for compliance is 1,643 square feet of vegetation. The applicant has proposed 1,937 square feet of vegetation (approx. 12%) therefore interior parking lot landscaping is compliant.

- Section 10.93.3.8 of the UDO, Vegetation Preservation/Planting Requirements, requires that new development projects either preserve a minimum of ten (10) percent of the lot's total area with existing natural vegetation and/or dune elevations or plant new vegetation in lieu of preservation. When existing vegetation cannot be preserved, the planting of a minimum of fifteen (15) percent of the lot's total area shall be required. The applicant has provided the required calculations and notation on the landscape plan

demonstrating that the vegetation planting requirements will be met. While the applicant is proposing to preserve a small percentage of existing, mature vegetation in the northwest corner of the site, they have also proposed to provide approximately 18.8% of the site area in newly planted trees, shrubs and herbaceous plants and ornamental grasses therefore, this requirement has been met.

- Lighting: A lighting plan compliant with the requirements of Article 10, Part IV of the Unified Development Ordinance will be required prior to the issuance any development permits. In addition, a light audit will be required prior to issuance to occupancy permits.
- Signage: No additional signage is being proposed at this time.

'Water and Sewage Disposal: The applicants proposal includes the management of on- site wastewater through an advanced treatment system in combination with four (4) separate low-pressure disposal fields. The average daily design flow of 11,000 gallons per day will require approval through the NC Department of Health and Human Services, Environmental Health Section, On-Site Water Protection Branch. We request that copies of the permit approvals be submitted to the Town. Note, no development permits will be issued prior to receipt of the state permit approvals.

'Traffic Circulation: Traffic circulation has been reviewed by the Town Engineer with the following comments:

- Two points of ingress and egress are depicted along Lakeside Street. Section 10.92.2.2.7.4 of the UDO indicates curb cuts in excess of one, on streets other than US 158, NC12/US64/264 or SR1243, are allowed if the Board of Commissioners determines that more than one curb cut is necessary or desirable to facilitate traffic flow. Staff feels two separate access points from Lakeside St. is appropriate to facilitate traffic flow in conjunction with emergency vehicle access and sanitation truck access.
- A loading zone has been provided in compliance with UDO Section 10.17.2.
- A draft copy of a Traffic Impact Analysis as prepared by VHB, a traffic consultant for the applicant, has been submitted for staff review and NCDOT review. Existing traffic data was collected in early September 2022 to review existing intersection turning movements along East & West Lakeside St from both S. Croatan Hwy. and S. Virginia Dare Trail. The collected data was analyzed based on the current roadway geometrics and traffic counts with no proposed improvements recommended at full project buildout. The traffic consultant will be available to present the findings of the report at the Board of Commissioners meeting. Comments of the NCDOT review have not been received at this time.

'Stormwater Management: Stormwater management has been reviewed and approved by the Town Engineer with the following comments:

- This proposal is being reviewed under Section 11.4 General Standards for Commercial, Mixed Use, and All Non-Single Family or Non-Duplex Residential Development, Including Multi-Family Development which requires development of a property to provide stormwater control measures to retain runoff from a 4.3 inch design storm.
- Questions have arisen as to how this application should be reviewed regarding stormwater management and whether this proposal would be considered as part of the Village at Nags Head stormwater master plan approval. NC Department of Environmental Quality, Division of Energy, Mineral and Land Resources staff was contacted to discuss the matter. First and foremost, this application would NOT be viewed as a common plan of development. A common plan of development means a site where multiple and distinct development activities may be taking place at different times on different schedules but governed by a single development plan. Since this Village at Nags Head stormwater plan did not account for the subject property, it should not be considered as part of the system, and it is appropriate to review under the current state and local stormwater regulations.

- During the review process a negative easement was discovered to be applied to the subject property. The negative easement was applied in conjunction with the 1984 approval of the gas station immediately to the east of the subject property. The verbiage of the negative easement is designed for the purposes of assuring the availability of adequate drainage for the gas station property. The proposed stormwater management design for the hotel proposal accounts for rainfall runoff from the proposed improvements in addition to the gas station property. In total, stormwater management improvements for both on-site runoff and off-site runoff are designed to manage runoff volume for an approximate 5 -inch rainfall event, which is in excess of the Town design storm event of 4.3 inches.
- Review of published data, to include the National Wetland Inventory Map and on- site soil investigation do not indicate the presence of hydric soils or wetlands.
- A NCDEQ High-Density stormwater permit shall be acquired, and copies shall be submitted to the Town in advance of the issuance of a building permit. Copies of the executed operation and maintenance agreement of the stormwater control measures shall be submitted in conjunction with the approved state permit.
- An engineer's certification shall be submitted to the Town in association with construction record drawings prior to the issuance of a certificate of occupancy.

'Erosion & Sediment Control: Proposed Erosion and Sediment Control has been reviewed and approved by the Town Engineer with the following comments:

- The building permit submission for land disturbing activities shall include the ground stabilization and material handling and inspection, recordkeeping and reporting detail sheets as required by the NCG01 NPDES Construction Program.
- The applicant shall apply for a Certificate of Coverage through the NPDES Construction Program and prior to land disturbing activities occurring. A pre-construction conference shall be coordinated by the applicant to include the design engineer, contractor, and Town representatives prior to land disturbing activities.

'Fire: The project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance. Comments from the Deputy Fire Chief Hite are provided in a separate attachment. These are basic code requirements; no permit will be issued until such time that these comments are addressed.

'Public Works: The Public Works Director has reviewed and approved the proposed site plan as presented.

#### 'ANALYSIS

Staff finds that the proposal is consistent with the applicable use and development standards as well as relevant land use policies. In addition, staff finds that the proposed stormwater management plan satisfies the requirements of the negative easement via an approved alternative drainage plan which accommodates the 4.3-inch storm event for both the proposed hotel development as well as the existing improvements on the gas station property.

'Article 4 Section 4 of the Unified Development Ordinance sets forth the procedures for subdivision approvals. Records reflect that the current property owner for this hotel site owns lots 32, 33, 34, 35, 36, 22, 23, 26, and 27 in their entirety and a portion of lots 24, 29, 30, and 31. The remaining portions of lots 24, 29, 30 and 31 are owned by Harrell Acquisitions, LLC. Until 1999 all these parcels were in common ownership. To date, although boundaries are referenced in transferring deeds, there has not been a formal subdivision approved pursuant to the Unified Development Ordinance for these parcels. As such, an approved subdivision or

recombination plat addressing lots 24, 29, 30 and 31 must be approved and recorded prior to the issuance of any development permits for this project.

**STAFF RECOMMENDATION**

With the following condition, Staff recommends approval of the Site Plan Review application as presented:

1. An approved subdivision plat addressing the portions of lots 24, 29, 30 and 31 and a recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26 and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits for the proposed hotel project.

**PLANNING BOARD RECOMMENDATION**

At their August 16, 2022 meeting the Planning Board voted 4 – 2 to recommend approval of the Site Plan as proposed. Following the August 16<sup>th</sup> meeting of the Planning Board, the applicant has revised their stormwater management plan to manage additional runoff and has had consultant, VHB Engineering NC, P.C. conduct a Traffic Impact Analysis.”

Applicant engineers David Ness and Brian Sewell of House Engineering were present to answer questions.

Mayor Pro Tem Siers asked if the proposed signage has been approved; Ms. Wyatt stated that prior to any signs being installed a separate application needs to be made/approved.

Mayor Pro Tem Siers confirmed with Ms. Kelly that there is no full kitchen on site.

Comr. Brinkley confirmed with Ms. Kelly that just the standard setback is required and that no landscape requirement would be more restrictive than what is being proposed.

Comr. Sanders asked about stormwater retention. Town Engineer David Ryan explained the infiltration basin that provides connectivity to the west side of the boundary and culvert pipes and connectivity throughout and also permeable pavement is to be installed – internal and external to the site is being taken care of.

Mayor Cahoon asked about calculations for the existing service station because their stormwater has to be taken care of also; Engineer Ryan explained the management by sheet flow.

Traffic Engineer Jody Lewis of VHB Engineering was present via the Zoom Platform and presented a traffic impact analysis; his presentation via PowerPoint slides, is attached to and made a part of these minutes as shown in Addendum "F".

Comr. Renée Cahoon commented that it would behoove the developer, the Town, and NCDOT to install and jointly pay for a traffic signal as it would be beneficial to all.

Comr. Sanders expressed his concern about pedestrian activity and it was noted that a signal was not a condition of approval; Board members agreed that they would like to see a traffic signal installed in that location.

Brian Sewell, House Engineering, thanked Planning Director Kelly Wyatt and Town Engineer David Ryan for their assistance the past few months; he noted that they as they have tried to go above and beyond what was required in order to address all concerns. Mr. Sewell said he feels it will be a great accompaniment to the Soundside Event site.

**MOTION:** Comr. Renée Cahoon made a motion to approve the Site Plan for the Inn at Whalebone Hotel with staff's condition that an approved subdivision plat addressing the portions of lots 24, 29, 30, and 31 and a

recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26, and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits. The motion was seconded by Comr. Brinkley.

Ms. Arizaga-Womble noted that there is to be notation on the site plan, as presented in the memo, and both being recorded; the applicant was agreeable.

Comr. Brinkley addressed the three required items and said that the applicant has gone above and beyond what was required.

Comr. Renée Cahoon explained that many have had comments concerning the project and people need to understand that anyone that meets the Town's ordinances can't be denied no matter the situation – everyone has to live by the Town Code of Ordinances.

CONTINUATION OF MOTION: The motion passed unanimously.

### **OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS**

From Sep 7th Board meeting – Consideration of Traffic Control Map amendment in the vicinity of 4036 S Virginia Dare Trail

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

"At the August 3, 2022 Board of Commissioners meeting, moving the 25 MPH speed limit sign from Gray Eagle Street north to Gull Street was discussed for more safety in an already congested area.

'Attached please find an ordinance amending the Town's Traffic Control Map designating 25 MPH on NC 12 to start at Gull Street, moved north from Gray Eagle Street. If adopted, the two Municipal Declaration Forms from NCDOT – one to repeal the existing 25 MPH speed limit and one to enact the 25 MPH speed limit further north – will be processed by NCDOT.

'A map depicting the area of consideration is also attached."

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

"At the September Board of Commissioners meeting, I was formally asked to monitor the parking issues brought forward during public comment by several homeowners around the property located at 4036 SVDT (Nags Head Pizza Company) and make a recommendation regarding the creation of a No Parking Zone which would extend 200 hundred yards north and south of this driveway. I was made aware of parking concerns in this area the previous week. As such, I had staff monitor the area from Labor Day Weekend up until the present time.

'Since September 3, 2022, department staff completed a total of 41 field contact reports. This does not include normal patrols during a shift. After reviewing these reports, we only noted one car parked on the west side of NC12 on the shoulder however this was south of the business in front of 4038 SVDT. It is unknown if this vehicle was visiting the establishment since there were no other cars on the shoulder and the parking lot was not full. It was noted that the vehicle was not interfering with traffic flow where it was parked. There were no other violations, issues, or concerns noted during this time period. During a meeting with a homeowner, I was shown a picture of what appeared to be five vehicles that were parked on both sides of the road. This picture was black and white, but from looking at it, two of the vehicles could have been on the east side of NC12. The vehicles on the east side would be in violation of parking on the Multi-Use Path under Town Code. I was not provided a date for the picture.



'In reviewing all calls at this location from April of this year until September 27<sup>th</sup>, there were two additional F/C's however none were related to a parking violation or concern.

'Based on the information collected, we have not observed any parking issues that have interfered with traffic and/or sight distance of vehicles leaving the property. I know we are in the "off-season", and this could have played a role in numbers observed, however there were also no issues on Labor Day weekend. It is my recommendation to continue to monitor this situation into next season and follow up with a recommendation at a later date once we collect more data.

'If the Board is inclined to establish a no parking zone now, we would recommend this be designated 100' north and south of the driveway at 4036. This would be for the purpose of keeping sight distance clear for vehicles entering and exiting the driveway. This is consistent with other situations in town where we have known sight distance issues caused by parking in the shoulder. I will be available at the Board meeting to answer questions or address comments."

Staff was directed to bring back further information after additional review of the situation after April 2023 – and to take no action at this time.

## **NEW BUSINESS**

### Committee Reports

Comr. Renée Cahoon – at the last Coastal Resources Commission meeting, staff was directed to bring back additional information concerning a ruling on septic tanks on the oceanfront.

Comr. Kevin Brinkley - He noted that Ms. Wyatt presented a thorough update on the Voluntary Septic Subscription Service during her monthly report. This report included discussion concerning education and outreach opportunities.

Comr. Bob Sanders – He noted that Ms. Wyatt presented a thorough update on the Estuarine Shoreline Management Plan during her monthly report. Project areas the consultant will review are the Harvey Tract, Soundside Road area, and the "High Bank" area of Nags Head Woods Road.

Comr. Renée Cahoon – the first Pedestrian Project Advisory Committee meeting took place where background was provided by Manager Garman and Engineer Ryan. Town Manager Garman stated that he would like to have a report ready for the Board in the January 2023 timeframe.

## **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER**

### Town Manager Andy Garman - Project updates

Town Manager Garman provided some brief project updates:

- Legislation for dangerous holes on beach – staff is to begin the process of drafting legislation.
- Public Services Complex Project – staff is planning for review at the November meeting; the bid opening is scheduled for November 1<sup>st</sup>; Engineer Ryan stated that they are maintaining the schedule and moving forward as planned. To allow additional time after a possible re-bid, it was Board consensus to change the Board Retreat dates to Thursday/Friday, November 17-18. Awarding the bid is scheduled for the

December regular Board meeting. Manager Garman stated that all permits are needed in hand prior to going to the Local Government Commission in January 2023.

- Beach Nourishment Project – Town Engineer Ryan provide an update on the post-Dorian Restoration Project which was completed August 27, 2022 with demobilization taking place two weeks after that time; the only thing remaining is sand fencing and sprigging. He stated that the additional amount of sand placement required a change order and he is asking the Board to adopt the budget amendment to the Beach Nourishment Capital Project Ordinance for the additional beach fill placement.

MOTION: Comr. Renée Cahoon made a motion to adopt the Beach Nourishment Capital Project Ordinance, amendment #5, as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

The Capital Project Ordinance, amendment #5, as adopted, is attached to and made a part of these minutes as shown in Addendum "G".

### **CLOSED SESSION**

MOTION: Comr. Renée Cahoon made a motion to enter Closed Session pursuant to GS 143-318.11(a)(1) to approve Jan – Jun 2022 Closed Session minutes and pursuant to GS 143-318.11(a)(3) to confer with the Town Attorney re: attorney/client privilege matters to include the Town vs Cherry, Inc. condemnation easement. The motion was seconded by Comr. Brinkley which passed unanimously. The time was 11:40 a.m.

### **OPEN SESSION**

The Board re-entered Open Session at 12:20 p.m. Attorney Leidy reported that during Closed Session the Board did take action to approve the Closed Session minutes and to open/close those minutes as identified on the disposition sheet; the Board also consulted on attorney/client matters but no other actions were taken.

#### Request for Public Hearing to enact moratorium

MOTION: Comr. Brinkley made a motion to schedule a Public Hearing for the October 19<sup>th</sup> Board of Commissioners meeting at 9 am to consider enacting a moratorium on non-residential (commercial) building permits in the C-2 Commercial District for a period of time not to exceed 150 days for the area between Danube and Hollowell Streets so that staff can conduct a detailed review of the Town's Zoning Map and its consistency with the Town's Land Use Plan. The motion was seconded by Mayor Pro Tem Siers.

Comr. Renée Cahoon clarified that the moratorium would be appropriate in order to have some breathing room for staff to review the Town's Zoning Map.

CONTINUATION OF MOTION: The motion passed unanimously.

### **BOARD OF COMMISSIONERS AGENDA**

#### Comr. Renée Cahoon – Discussion of electric bikes (speed)/pathways

Comr. Renée Cahoon expressed her concern about electric bikes, especially with their speed, on the Town's multi-use paths. She asked the Police Dept to look at these bikes so the Board can take the next steps as necessary to keep the public safe.

Comr. Renée Cahoon – Jockey’s Ridge State Park

Comr. Renée Cahoon would like to see Jockey’s Ridge State Park officials exercise more community involvement; a lot of people care about the park and she would like to see more involvement - such as with the Rogallo Museum process.

Mayor Pro Tem Siers – Thank you for speaking out

Mayor Pro Tem Siers thanked the public for speaking out today during Public Comment.

Mayor Pro Tem Siers – Thank you to staff

Mayor Pro Tem Siers also thanked Town Staff – Kelly Wyatt, Kate Jones, Connor Twiddy, David Ryan, Andy Garman, and Mayor Cahoon for their presentation on septic to the College of the Albemarle as it was well received and represented the Town well. Manager Garman said that staff and the Coastal Studies Institute are working on a joint press release.

Comr. Brinkley – Thank you for speaking out

Comr. Brinkley thanked those who came out today and speak and to those who took the time to write letters and emails to express their opinions.

Comr. Sanders – Thank you for speaking out

Comr. Sanders agreed with Comr. Brinkley and thanked those for their community involvement.

**MAYOR’S AGENDA**

Mayor Cahoon – Elections

Mayor Cahoon has heard comments re: not trusting election poll workers in the past and some are now reluctant to serve; he wanted to express his support for them as they are everyone’s neighbors and friends. Board members agreed with Mayor Cahoon's statements.

Mayor Cahoon - Consideration of resolution in support of replacement of Alligator River Bridge

The agenda summary sheet read in part as follows:

“At the October 5<sup>th</sup> Board of Commissioners meeting, Mayor Cahoon will request Board consideration of the attached resolution in support of replacing the Lindsay C. Warren Bridge (Alligator River Bridge) which crosses the Alligator River.

‘The Bridge was constructed in 1960 and links eastern North Carolina’s coastal communities to the rest of the state via the NC 64 corridor. Bridge replacement is being supported due to its age and structural deficiency.”

MOTION: Comr. Brinkley made a motion to adopt the resolution in support of replacement of the Alligator River Bridge as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously

Mayor Cahoon directed staff to forward the adopted resolution to the appropriate agencies, NCDOT and the representatives in Washington DC encouraging them to move the funds forward.

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

'WHEREAS, The Lindsey C. Warren Bridge is a swing-span style of drawbridge that crosses the Alligator River in eastern North Carolina; and

'WHEREAS, The bridge was constructed in 1960, and serves as the main transportation link along United States Highway 64 from areas west of Dare County; and

'WHEREAS, The Alligator River is part of the Intercoastal Waterway and is used by numerous commercial shipping and recreational vessels, with delays and back-ups caused by the bridge's operations; and

'WHEREAS, The Lindsey C. Warren Bridge is an essential hurricane evacuation route for the residents of Dare, Currituck, and Hyde Counties, and the millions of seasonal Outer Banks visitors, and the continuous functionality of the bridge is imperative to ensure the safety of our residents and visitors; and

'WHEREAS, The draw-bridge infrastructure of the bridge is obsolete and was closed for repairs in 2017 and 2019, resulting in lengthy delays and detours for residents, visitors, and commerce to and from Dare, Currituck, Hyde and Tyrrell Counties; and

'WHEREAS, The Lindsay C. Warren Bridge has been rated by the North Carolina Department of Transportation (NCDOT) as "structurally deficient," which indicates that the span is reaching the end of its useful life, and must be regularly monitored, inspected, and maintained.

'WHEREAS, An estimated 200 - 400 local residents regularly traverse the bridge to report to their employment, demonstrating the continued necessity for a safe and dependable transportation infrastructure for the local economy, including its workers; and

'WHEREAS, The bridge is being utilized by an ever-increasing level of commercial and visitor traffic, it is a critically vital economic link for eastern North Carolina and its citizens; now, therefore, be it

'NOW, THEREFORE, BE IT RESOLVED That the Town of Nags Head Board of Commissioners urgently requests a new bridge to replace the existing span for the Alligator River in recognition of the essential role this span plays in the transportation and commerce needs of Nags Head, Dare County, and Eastern North Carolina."

#### Mayor Cahoon - Southern Albemarle Association annual meeting

The agenda summary sheet read in part as follows:

"Attached please find a letter dated September 20, 2022 from the Southern Albemarle Association requesting that Mayor Cahoon be a delegate to the annual meeting on October 20<sup>th</sup> at the Vernon James Center in Plymouth. Mayor Cahoon will be out of town on October 20<sup>th</sup> and is requesting someone else represent the Town at the annual meeting."

October 20, 2022 is the annual meeting of the Southern Albemarle Association and Mayor Cahoon is the Town's representative; he would like another Board member to attend on his behalf as he will be out of town.

MOTION: Mayor Cahoon made a motion to appoint Comr. Brinkley as the Town’s delegate to the Southern Albemarle Association annual meeting on October 20, 2022. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

**ADJOURNMENT**

MOTION: Comr. Brinkley made a motion to recess to Wednesday, October 19th at 9 am for a mid-month Board meeting. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

Date Approved:      November 2, 2022

Mayor:                      \_\_\_\_\_  
Benjamin Cahoon