



**BOC ACTIONS  
WEDNESDAY, MAY 6, 2020**

1. Call to order – Mayor Cahoon called the meeting to order at 9 am.
2. Agenda – the May 6<sup>th</sup> agenda was approved as presented.
3. Public Comment – Dan Hudson, property owner since 2003 – he feels that too much attention has been paid to COVID-19 projections and models which have been inaccurate; people should shelter in place if they don't feel safe; it is time to get the economy on track and open everything up.
4. Public Comment – Clint Sorrell – he would like Dare County opened as soon as possible; those that utilize the beach know it is not difficult to maintain six foot distance from other people; with all of the additional measures in place at retail stores he does not know why Dare County is preventing visitors.
5. Public Comment – David Bragg, Village at Nags Head resident – he feels that unless the town's recycling program will result in a net zero cost or a net gain for the town then its contract with the recycling company should be terminated and the town should focus on providing essential services to residents/visitors during these financially difficult times; a final vote on this matter should be taken today.
6. Proclamation – The Board adopted the proclamation declaring May 10-16 as Police Week as presented; Comr. Brinkley asked everyone to keep the Murray family in their thoughts and prayers (Nags Head Sgt. Earl Murray died in the line of duty in 2009) as they usually attend the ceremony held in Washington DC but is cancelled this year due to the pandemic.
7. Consent agenda – The Board approved the Consent Agenda as presented which consisted of the following:

Consideration of Tax Adjustment Report

Approval of minutes

Request for Public Hearing - citizen comment on the Town Manager's proposed budget for FY 20/21

Request for Public Hearing - to allow "Tutoring Facility/Learning Center" as a permitted use in C-2 District

8. Public Hearing to consider a text amendment to the Unified Development Ordinance submitted by a property owner to expand the principal sale items from outdoor stands to include reservations and tickets for events/activities - Applicant Kate Creef spoke on behalf of Outlets Nags Head.

The Board tabled the text amendment discussion concerning outdoor stands and referred the proposal, along with issues expressed by Board members [re: visual impact, signage, and parking] back to the Planning Board for review and recommendation.

9. Public Hearing to consider a text amendment to the Unified Development Ordinance to correct identified errors – The Board adopted the ordinance amending the Unified Development Ordinance to correct identified errors as presented.
10. Public Hearing to consider numerous text amendments to the Unified Development Ordinance as it pertains to updated Flood Maps and update of the Flood Damage Prevention Ordinance

The Board unanimously passed two motions – one to table the Flood Map and the Flood Damage Prevention ordinance discussions to the June 3<sup>rd</sup> Board of Commissioners meeting. The other motion was that the motion made at the June 3<sup>rd</sup> Board of Commissioners meeting concerning Flood Maps be a standalone motion and not tied to the Flood Damage Prevention ordinance.

**11.** Update from Planning Director - Planning Director Michael Zehner summarized his monthly Planning Dept update for the Board.

**12.** Continuance to the June 3<sup>rd</sup> Board meeting: Consideration of a Major Site Plan for Gone Coastal Shopping Center, 7531 S Virginia Dare Trail, submitted by Jim and Stephanie Selckmann.

**13.** Continuance to the June 3<sup>rd</sup> Board meeting: Consideration of a Preliminary Plat for a Major Subdivision, known as Coastal Villas, for an approximately 9.86 acre property, zoned R-2, Medium Density Residential, owned by Nags Head Construction (Applicant), located on the west side of US 158, approximately 300 feet south of the intersection of W. Soundside Road and US 158 (Parcel # 006749004; PIN # 989108886987); the revised Preliminary Plat proposes to create 17 lots, along with an associated street and other required improvements.

**14.** From Mar 4<sup>th</sup> Board meeting - Beach Nourishment Coastal Engineering and Design Services presentation from Moffatt & Nichol – the remote presentation by Johnny Martin and Brian Joyner of Moffatt & Nichol was well received.

**15.** From Apr 15<sup>th</sup> Board meeting – The Board passed a motion to notify the Town’s fireworks vendor to cancel this year’s Fourth of July fireworks display – with a return to fireworks in 2021. Mayor Cahoon cast the NO vote.

**16.** From Apr 15<sup>th</sup> Board meeting - The Board unanimously passed a motion to suspend the recycling program to be revisited at a future date. It was confirmed with the Board that this is a suspension of the program and not an elimination of the program. Trash schedule was also discussed and Town Manager Ogburn is to make sure everyone is aware of the two sites (Town Hall and Public Works) available for people to take their recycling; property managers are to be notified of these changes.

**17.** Committee Reports – Comr. Fuller - Dare County Tourism Board (DCTB) – Grants Committee – the Tourism Board sent the grants back to the Grants Committee to be reduced; a lot of people won’t get the grants they thought they were going to receive due to the COVID-19 impacts. Comr. Fuller said that he would like to tell the Grants Committee to take the fireworks funds that the town won’t be using to more fully fund other grants.

Mayor Cahoon – Dare County Bulletin – Mayor Cahoon reported on a just-received email with the latest Bulletin announcing that visitors would be allowed entry into Dare County on 12:01 a.m. on Sat, May 16<sup>th</sup>.

Comr. Brinkley – Jennette’s Pier Advisory Committee – Comr. Brinkley stated that he would be following up on an upcoming meeting via Zoom with the Jennette’s Pier Advisory Committee.

Comr. Renée Cahoon – She thanked Mayor Cahoon for providing information concerning the COVID-19 updates from the Dare County Control Group in a very timely manner to Board members.

**18.** Board/Board/Committee appointments – The Board unanimously passed the following motions:  
- To reappoint David Elder to another three-year term on the Planning Board.  
- To reappoint Don Milbrath to another three-year term as an Alternate on the Board of Adjustment.  
- To reappoint Jean Flanigan to another three-year term as an Alternate on the Personnel Grievance Panel.

- To reappoint Annette Ratzenberger and Rose Lay to additional terms on the Firemen's Relief Fund Board.
- 19.** Attorney Leidy – New legislation re: regulation of remote participation in open meetings – during State of Emergencies – House Bill 1043/Senate Bill 704 – The legislation, signed by Governor Cooper on May 4<sup>th</sup>, becomes effective immediately; is only effective during statements of emergency declared by the Governor or Legislature; requires all votes to be by roll call vote; and requires the meeting notice to include that comments on public hearings will be allowed to be submitted up to 24 hours AFTER the public hearing.
- 20.** Town Manger Ogburn – He summarized plans for summer 2020 for tents on the beach, lifeguards, and the enforcement of social distancing on the beach which he has coordinated with appropriate staff – he also noted that lifeguards will have some responsibility to communicate social distancing; in addition, emphasis will be placed on making sure lifeguards stay healthy.
- 21.** Town Manager Ogburn – He requested a Closed Session to discuss personnel matters.
- 22.** Comr. Renée Cahoon – She noted that since more people are now starting to come back to the area that it would be smart to continue to encourage everyone to wear their face masks. The Town should encourage this via its social media pages as should others such as the Chamber of Commerce.
- 23.** Comr. Renée Cahoon – She thanked the community for their response in opposition to the letter that was being placed on out of town vehicle windshields, posted on Facebook, etc. with rude comments re: out of town property owners. She appreciated that people realized that the letter does not define the character of those living on the Outer Banks.
- 24.** Mayor Pro Tem Siers – He stated that he has not received any emergency alerts from the County – his cellular phone company is Verizon - Mayor Cahoon said that he would follow up on this with the County.
- 25.** Mayor Cahoon – The potential in the near future may be for restaurants to be allowed to re-open with minimal indoor dining and the ability to establish outdoor dining. It was Board consensus to agree to have Planning staff provide some information concerning flexibility in accommodating outdoor dining for restaurants to include food trucks at the June 3<sup>rd</sup> Board meeting.
- 26.** Closed Session - The Board passed a motion to enter Closed Session to discuss personnel issues in accordance with GS 143-318.11(a)(6). The time was 12:43 p.m.
- 27.** Open Session – The Board re-entered Open Session at 1:00 p.m.
- 28.** Adjournment - The Board recessed to the May 20<sup>th</sup> mid-month meeting. The time was 1:03 p.m.