



AGENDA

**TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM
WEDNESDAY, MAY 1, 2024, 9:00 A.M.**

A. CALL TO ORDER / MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

B. ADOPTION OF AGENDA

C. RECOGNITION

D. PUBLIC COMMENT

E. CONSENT AGENDA

1. Consideration Of Budget Amendment #11 To FY 23/24 Budget

Documents:

[5 E1 BUD AMEND TO FY 23-24 SUMMARY.PDF](#)
[5 E1 BUD AMEND TO FY 23-24 WORKSHEETS.PDF](#)
[5 E1 BUD AMEND POLICE MEMO.PDF](#)

2. Consideration Of Tax Adjustment Report

Documents:

[5 E2 TAX ADJ REPORT SUMMARY.PDF](#)
[5 E2 TAX ADJUST REPORT MSD.PDF](#)
[5 E2 TAX ADJUST REPORT TOWN-WIDE.PDF](#)

3. Approval Of Minutes

Documents:

[5 E3 MINUTES SUMMARY.PDF](#)
[5 E3 MINUTES APR 3 2024 BOC MINS.PDF](#)
[5 E3 MINUTES APR 3 2024 BUD WORK MINS.PDF](#)

4. Consideration Of Modification To Consolidated Fee Schedule

Documents:

[5 E4 CFS MODIFICATION SUMMARY.PDF](#)
[5 E4 CFS MODIFICATION WRECKER MEMO.PDF](#)
[5 E4 CFS MODIFICATION.PDF](#)

5. Request For Public Hearing To Consider Citizen Comment
on the Town Manager's proposed operating budget for July 1, 2024 - June 30, 2025,

proposed CIP requests
for FY 24/25 through FY 28/29, and updated Consolidated Fee Schedule

Documents:

[5 E5 RPH ON FY 24-25 BUDGET SUMMARY.PDF](#)

6. Request For Public Hearing To Consider Text Amendment To Prohibit driving or parking on residential septic systems

Documents:

[5 E6 RPH PARKING ON SEPTIC SUMMARY.PDF](#)

7. Request For Public Hearing To Consider Text Amendment Submitted By Jordan Harrell of Jernigan Oil Company, Inc. to allow LED, digital displays for Fueling Stations

Documents:

[5 E7 RPH LED DIGITAL SIGNAGE TEXT SUMMARY.PDF](#)

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

1. Update From Planning Director

Documents:

[5 F1 PLANNING DIRECTOR SUMMARY.PDF](#)

[5 F1 PLANNING DIRECTOR REPORT.PDF](#)

G. NEW BUSINESS

1. Committee Reports

Documents:

[5 G1 COMMITTEE REPORTS SUMMARY.PDF](#)

2. Consideration Of Appointment/Reappointment To Boards/Committees
 - Firemen's Relief Fund Board
 - Arts and Culture Committee

Documents:

[5 G2 BD-COMM APPOINTMENTS SUMMARY.PDF](#)

[5 G2 BD-COMM CURRENT FIREMENS RELIEF.PDF](#)

[5 G2 BD-COMM CURRENT ARTS-CULTURE.PDF](#)

[5 G2 BD-COMM CANDIDATE ARTS-CULTURE.PDF](#)

3. Discussion Of Changes To The Town Code Of Ordinances
 - to incorporate a ban on the release of balloons on Town property;
 - Discussion of resolution opposing the release of balloons within the Town

Documents:

[5 G3 BALLOON RELEASE SUMMARY.PDF](#)
[5 G3 BALLOON RELEASE ORD.PDF](#)
[5 G3 BALLOON RELEASE RES.PDF](#)

4. Discussion Of Multi-Use Path Signage

Documents:

[5 G4 MUP SIGNAGE REQUEST SUMMARY.PDF](#)
[5 G4 MUP SIGNAGE REQUEST POLICE MEMO.PDF](#)

5. Request For Installation Of Security Dash Cameras Inside/Outside Sanitation Vehicles

Documents:

[5 G5 CAMERAS IN SANITATION VEHICLES SUMMARY.PDF](#)

H. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

I. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

1. Consideration Of Requests For Public Services Dept Sanitation Equipment Operator and Part-time/Seasonal Planning and Development position

Documents:

[5 I1 TM PUBLIC SVCS - PLNG DEPT POSITIONS SUMMARY.PDF](#)
[5 I1 TM PUBLIC SVCS - PLNG DEPT POSITIONS PAY SCALE.PDF](#)
[5 I1 TM PUBLIC SVCS ORG CHART.PDF](#)
[5 I1 TM PLNG AND DEV ORG CHART.PDF](#)

2. Update On Construction Of The Public Services Facility

Documents:

[5 I2 TM PUBLIC SVCS FACILITY UPDATE SUMMARY.PDF](#)

3. Presentation Of Town Manager's Recommended Budget

Documents:

[5 I3 TM RECOMMENDED BUDGET SUMMARY.PDF](#)

J. BOARD OF COMMISSIONERS AGENDA

K. MAYOR'S AGENDA

L. CLOSED SESSIONS

1. Request For Closed Session To Discuss Possible Acquisition of real property located at 4222 S Croatan Hwy pursuant to GS 143-318.11(a)(5)

Documents:

[5 L1 CS PROPERTY SUMMARY.PDF](#)

2. Request For Closed Session To Consult With Town Attorney regarding matters protected by the attorney/client privilege and to preserve that privilege, to include the Cherry, Inc litigation and the pending litigation re: Dare County municipalities vs the State of NC zoning authority pursuant to GS 143-318.11(a)(3)

Documents:

[5 L2 CS LITIGATION SUMMARY.PDF](#)

M. OTHER BUSINESS

N. ADJOURNMENT

1. Adjournment/ RECESS TO May 15, 2024 Mid-Month Meeting

**5401 S. Croatan Hwy, Nags Head, NC 27959
252-441-5508**



Agenda Item Summary Sheet

Item No: **E-1**
Meeting Date: **May 1, 2024**

Item Title: Consideration of Budget Amendment #11 to FY 23/24 Budget

Item Summary:

Attached please find Budget Amendment #11 to the FY 23/24 Budget which is provided for Board review and approval at the May 1st Board of Commissioners meeting. Budget Amendment #11 is in accordance with the FY 23/24 Budget Ordinance, adopted at the June 21, 2023 meeting.

Number of Attachments: 2

Specific Action Requested:

Request Board approval of attached Budget Amendment #11.

Submitted By: Administrative Services

Date: April 23, 2024

Finance Officer Comment:

Request Board approval of attached Budget Amendment #11.

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: April 23, 2024



**BUDGET AMENDMENT REQUEST
FY 2023-2024**

BUDGET AMENDMENT NO. 11
Amendment 11.1
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
610-520700	General Fund Police Expenditures Group health insurance	20,069.00		610-543300	General Fund Police Expenditures Department supplies	20,069.00
TOTAL CHARGES		\$ 20,069.00		TOTAL CREDITS		\$ 20,069.00

JUSTIFICATIO

Memo attached - grant not received and active shooter kits are out of warranty.
Excess health insurance funds used due to lapse salaries.

ADMINISTRATIVE SERVICES
RECOMMENDED BY _____ DATE 4/23/2024

APPROVED BY BOC: _____ DATE _____

POSTED TO GENERAL LEDGER:

INITIALS _____



Nags Head Police Department

5401 S. Croatan Hwy.
Post Office Box 99
Nags Head, North Carolina 27959
Telephone (252) 441-6386
Fax (252) 441-7335
www.nagsheadnc.gov

Perry Hale
Chief of Police

Chris Montgomery
Deputy Chief of Police

Service - Professionalism - Integrity - Strength

MEMORANDUM

TO: Amy Miller, Finance Director
FROM: P. Hale, Chief of Police
DATE: April 23, 2024
RE: Budget Amendment Request

The police department purchased “active shooter” kits back in 2017 through the NCGCC grant to include rifle rated ballistic vests and helmets for each officer. These kits come with a 5-year warranty which has expired. Therefore, the kits are not guaranteed by the manufacturer if the department needed to use these for an active shooter type incident. The department applied for the same grant last year. This was denied due to the increasing popularity of this grant and funds being restricted to smaller agencies to purchase camera systems for officers. I am requesting a budget amendment in the amount of \$20,068.85 so we can replace these kits for our staff. Funds for this request will come from savings in group health insurance within the department.



Agenda Item Summary Sheet

Item No: **E-2**
Meeting Date: **May 1, 2024**

Item Title: Consideration of Tax Adjustment Reports

Item Summary:

Attached please find the list of adjustments to the 2023 Tax Levy (per information received from Dare County) for the monthly Property and MSD valuations.

These reports are submitted for your approval at the May 1st Board of Commissioners meeting.

Number of Attachments: 2

Specific Action Requested:

Tax reports provided for Board review and approval.

Submitted By: Linda Bittner, Tax Collector

Date: April 23, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Andy Garman

Date: April 23, 2024

Town of Nags Head, North Carolina
Schedule of Ad Valorem 2023-2024 Taxes Receivable
2023 Tax Levy As of April 24, 2024 for the May 1, 2024 BOC Mtg

	BEACH NOURISHMENT DISTRICT			MSD Excluding	Registered
	MSD		Total	Registered	Motor
	Valuation	Rate	Levy	Motor Vehicles	Vehicles
Original MSD Levy:					
MSD Beach Nourishment at Current 2023 Dist 1 Rate	578,093,598	0.00143	826,674.06	826,674.06	
MSD Beach Nourishment at current 2023 Dist 2 Rate	473,945,007	0.00143	677,741.67	677,741.67	
MSD Beach Nourishment at Current 2023 Dist 3 Rate	1,053,729,707	0.00005	52,687.93	52,687.93	
MSD Beach Nourishment at Current 2023 Dist 4 Rate	665,352,580	0.00010	66,535.07	66,535.07	
MSD Beach Nourishment at Current 2023 Dist 6 Rate	374,308,126	0.00005	18,716.25	18,716.25	
Registered Motor Vehicles at Current 2023 Dist 1 Rate	1,060,981	0.00143	1,517.23		1,517.23
Registered Motor Vehicles at Current 2023 Dist 2 Rate	1,359,743	0.00143	1,944.45		1,944.45
Registered Motor Vehicles at Current 2023 Dist 3 Rate	4,140,667	0.00005	207.05		207.05
Registered Motor Vehicles at Current 2023 Dist 4 Rate	3,323,179	0.00010	332.34		332.34
Registered Motor Vehicles at Current 2023 Dist 5 Rate	417,625	0.00000	0.00		0.00
Registered Motor Vehicles at Current 2023 Dist 6 Rate	2,611,861	0.00005	127.49		127.49
Registered Motor Vehicles at 2022 Dist 1 Rate	272,667	0.00143	389.90		389.90
Registered Motor Vehicles at 2022 Dist 2 Rate	354,796	0.00143	507.37		507.37
Registered Motor Vehicles at 2022 Dist 3 Rate	1,312,015	0.00005	65.65		65.65
Registered Motor Vehicles at 2022 Dist 4 Rate	899,152	0.00010	89.99		89.99
Registered Motor Vehicles at 2022 Dist 5 Rate	59,870	0.00000	0.00		0.00
Registered Motor Vehicles at 2022 Dist 6 Rate	1,159,114	0.00005	58.00		58.00
Registered Motor Vehicles at 2021 rate	22,000	0.00143	5.28		5.28
Penalties			0.00		
Total	3,162,422,688		1,647,599.73	1,642,354.98	5,244.75
Discoveries & Adjustments:					
Current year discoveries & adjustments	8,221		7.64	7.64	
Total	8,221		7.64	7.64	
Releases & Adjustments:					
DMV Current year valuation adjustments	0		0.00	0.00	0.00
DMV Current year tax releases	0		(0.12)	0.00	(0.12)
Real/Personal Current year releases & adjustments and circuit breakers	127,576		(6.73)	(6.73)	
Total	127,576		(6.85)	(6.73)	(0.12)
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total MSD Valuation	3,162,558,485				
Net levy		1,647,600.52		1,642,355.89	5,244.63
TOTAL UNCOLLECTED MSD AS OF 04/24/24:		(10.00)		(10.00)	0.00
CURRENT YEAR MSD COLLECTED:		1,647,590.52		1,642,345.89	5,244.63
CURRENT MSD COLLECTION PERCENTAGE:		99.999%		99.999%	100.000%

Dist.3&6

Town of Nags Head, North Carolina
Schedule of Ad Valorem 2023-2024 Taxes Receivable
2023 Tax Levy As of April 24, 2024 for the May 1, 2024 BOC Mtg

	Town-Wide Tax			Total Levy	
	Property Valuation	Rate	Total Levy	Property Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original levy:					
Property taxed at current 2023 rate	3,057,530,927	0.003300	10,089,869.38	10,089,869.38	
Registered Motor Vehicles at current 2023 rate	33,977,865	0.003300	112,109.96		112,109.96
Registered Motor Vehicles at 2022 year's rate	12,941,717	0.002875	37,207.44		37,207.44
Registered Motor Vehicles at 2021 year's rate	102,612	0.002875	295.01		295.01
Penalties	0		7,355.82	7,355.82	
Total	3,104,553,121		10,246,837.61	10,097,225.20	149,612.41
Discoveries & Adjustments:					
Current year discoveries & adjustments tax	1,837,704		5,032.44	5,032.44	
Town wide beach nourishment tax			463.16	463.16	
Corporate Utilities discoveries & tax	22,654,828		69,097.22	69,097.22	
Corporate Utilities town wide beach nourishment			5,663.71	5,663.71	
Penalty Discoveries			1,746.31	1,746.31	
Total	24,492,532.00		82,002.84	82,002.84	
Releases & Adjustments:					
Current year releases/adjustments/circuit breaker	(1,001,129)		(4,469.84)	(3,876.95)	(592.89)
Town wide beach nourishment/circuit breaker			(205.37)	(205.37)	
Penalty Releases			(241.03)	(241.03)	
Total	(1,001,129)		(4,916.24)	(4,323.35)	(592.89)
Write-offs (under \$1.00) or Adjustments:			(4.13)	(4.13)	
Total Property Valuation	3,128,044,524				
Net levy		10,323,920.08		10,174,900.56	149,019.52
Uncollected Taxes & Penalties		(10,382.90)		(10,382.90)	0.00
Uncollected Town Wide Beach Nourishment		(766.81)		(766.81)	0.00
TOTAL UNCOLLECTED TAXES AS OF 04/24/24:		(11,149.71)		(11,149.71)	0.00
CURRENT YEAR TAXES COLLECTED:		10,312,770.37		10,163,750.85	149,019.52
CURRENT LEVY COLLECTION PERCENTAGE:		99.892%		99.890%	100.000%



Agenda Item Summary Sheet

Item No: **E-3**
Meeting Date: **May 1, 2024**

Item Title: Approval of minutes from Board of Commissioners meetings/workshops

Item Summary:

Attached for Board review and approval are the following DRAFT Board of Commissioners meeting/workshop minutes:

April 3, 2024 Regular Board of Commissioners meeting
April 3, 2024 Budget Workshop

Number of Attachments: 2

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Carolyn F. Morris, Town Clerk

Date: April 23, 2024

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: April 23, 2024



***DRAFT* MINUTES**
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, APRIL 3, 2024

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 3, 2024 at 9:00 a.m. for a Regular Meeting.

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

Board members Absent: None

Others present: Town Manager Andy Garman; Attorney John Leidy; Amy Miller; Kelly Wyatt; Joe Costello; David Ryan; Perry Hale; Chris Montgomery; Randy Wells; Shane Hite; Nancy Carawan; Jan Mielke; Will Jones; Alex Liverman; James Moseman; Brittany Phillips; Roberta Thuman; Jackie Hart; Paulette Matthews; John DeLucia; Courtney Gallop; John Kenny; Bob Muller; Donna Creef; Duke Geraghty; Leor Golasa; and Town Clerk Carolyn F. Morris

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9 a.m. A moment of silence was followed by the Pledge of Allegiance. Mayor Cahoon recognized former Mayor Bob Muller in the audience.

ADOPTION OF AGENDA

MOTION: Comr. Brinkley made a motion to approve the April 3rd agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

RECOGNITION

Public Services Director Nancy Carawan introduced Facilities Maintenance Custodian William (Will) Jones who was welcomed by the Board to Town employment.

Police Chief Perry Hale introduced Master Police Officer Alex Liverman who was recognized by the Board for five years of service.

Fire Chief Randy Wells introduced Fire Captain James Moseman who was recognized by the Board for 20 years of service.

PROCLAMATION – April 2024 - Child Abuse Prevention Month

Mayor Cahoon read the proclamation designating Child Abuse Prevention Month 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 the 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 the resources they need to cope with stress and nurture their children will help to ensure that 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 2024 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: Mayor Pro Tem Siers made a motion to adopt the Proclamation declaring April 2024 as Child Abuse Prevention Month as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

PUBLIC COMMENT

Attorney John Leidy opened Public Comment at 9:10 a.m.

PUBLIC COMMENT – BOB MULLER

Bob Muller, Nags Head resident, spoke concerning three issues:

- 1) Red light running; he thanked Police Chief Hale for his response; it is still an issue that he witnesses every day; anything that can be done would be appreciated; he suggested speaking to the District Attorney to make sure that people who get tickets for this are not allowed to plead them down.
- 2) Accessory Dwelling Units (ADU); this issue is being discussed again on today's agenda; he spoke against them due to the increase in density, sanitation, parking, and wastewater they would cause; things are good as it is now; continue working on the multi-family ordinance and make sure a rule is noted in the body of the ordinance, not the definition, so it can be enforced; in addition, impact fees would need to be modified if approved.
- 3) Jockey's Ridge; he is strongly in support of the rules surrounding Jockey's Ridge designating it as an Area of Environmental Concern (AEC) – rules which the NC Coastal Resources Commission has reinstated; the

rules now go before the NC Rules Commission – there is a meeting of the Commission on April 8th; the Town’s email broadcast sent out yesterday addressed the issue and encouraged public comment; he thanked the Town for the broadcast.

PUBLIC COMMENT – COURTNEY GALLOP

Courtney Gallop, Nags Head resident; she spoke on behalf of and as a board member of the Dare County League of Women Voters which is a non-partisan political organization which encourages education and knowledge of the political process; she reminded the Board that the candidates for Nags Head commissioner participated in last year’s League of Women Voters Forum; she introduced the 2024 annual Citizens Guide, prepared by the LWV and provides a comprehensive phone listing of all the civic, political and associated phone numbers in Dare County; she presented five copies of the booklet to the Town which is a very popular guidebook. Ms. Gallop also thanked Police Chief Perry Hale for helping with funeral processions whenever necessary for the Gallop Funeral Home.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Budget Amendment #10 to FY 23/24 Budget

Consideration of Tax Adjustment Report

Approval of minutes

Consideration of ordinance changes to Chapter 30 *Solid Waste Management* and Franchise Agreement

Consideration of resolutions supporting conservation easements:

- Nags Head Woods and Soundside Event Site

Consideration of Capital Project Ordinances

- Consideration of Capital Project Ordinance, amendment #3, for Public Services Complex

- Consideration of Water Capital Project Ordinance, amendment #1, for Public Services Complex

Consideration of request to increase Dune Management Cost Share Program

Consideration of change order to Old Nags Head Place Stormwater Project

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

Budget Amendment #10, as approved, is attached to and made a part of these minutes as shown in Addendum “A”.

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

The ordinance modifying Chapter 30 *Solid Waste Management*, as adopted, is attached to and made a part of these minutes as shown in Addendum “C”. The associated Franchise Agreement, as approved, is on file in the Town Clerk’s Office.

The resolution supporting conservation easements in Nags Head Woods, as adopted, read in part as follows:

"WHEREAS, the Town is the owner of parcels 026404001, 005946000, and 006114000 located in Dare County, North Carolina; and

'WHEREAS, the Town recognizes the need for and the benefits to the public by setting aside and protecting the Nags Head Woods Natural Area; and

'WHEREAS, the Town desires to dedicate this addition to Nags Head Woods for use in perpetuity as a nature preserve; and

'WHEREAS, the Nature Conservancy is dedicated to preserving unique and unusual areas in their natural state and desires to establish such a natural area for educational study and for the enjoyment of the public; and

'WHEREAS, the Town and the Nature Conservancy have entered into a natural area lease agreement plan with the Nature Conservancy managing the property; and

'WHEREAS, the Town and the Nature Conservancy are joint property owners on an adjoining parcel that has a recorded conservation easement.

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

1. That the Town of Nags Head supports a conservation easement on parcels 026404001, 005946000, and 006114000 located in Dare County, North Carolina; and
2. That the Town of Nags Head has applied for an NC Land and Water Fund acquisition grant where upon grant award, The Nature Conservancy would hold and monitor the conservation easement on the aforementioned three parcels. If awarded, the Town will comply with the NC Land and Water Fund grant requirements for The Nature Conservancy to hold and monitor said conservation easement."

The resolution supporting conservation easements at the Soundside Event site, as adopted, read in part as follows:

"WHEREAS, the Town is a joint owner with the Dare County Tourism Board of parcels 008854000, 012422000, 012422001, and the primary owner of parcel 026487000 located in Dare County, North Carolina; and

'WHEREAS, the Town is in favor of grant funding from the NC Land and Water Fund Restoration Program to support the Town's estuarine shoreline project; and

'WHEREAS, the Town is committed to working towards solutions and techniques to address the ongoing shoreline erosion within the estuarine shoreline area; and

'WHEREAS, the Town and the Dare County Tourism Board are working together to ensure the success of a living shoreline project.

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

1. That the Town of Nags Head will work with the NC Land and Water Fund and the Dare County Tourism Bureau to develop a conservation easement for the required property buffer for the purposes of environmental protection and recreational uses of the estuarine shoreline environment on following parcels located in Dare County, North Carolina: 008854000, 012422000, 012422001, jointly owned with the Dare County Tourism Board and 026487000 primarily owned by the Town; and
2. That the Town of Nags Head supports this project as an important example that other North Carolina coastal communities could use as a model for managing and restoring their shorelines."

The summary sheet for the Capital Project Ordinances, as approved, read in part as follows:

"At the April 3rd Board of Commissioners meeting, staff is requesting Board consideration of the following Capital Project Ordinances:

- Consideration of Capital Project Ordinance, amendment #3, for Public Services Complex Project. This ordinance falls within the not-to-exceed amount the Board approved.
- Consideration of Water Capital Project Ordinance, amendment #1, for Public Services Complex Project and Advanced Metering Infrastructure Projects. This ordinance falls within the not-to-exceed amount the Board approved."

The Capital Project Ordinances, as adopted, are attached to and made a part of these minutes as shown in Addendum "D".

The memo requesting an increase in the Dune Management Cost Share Program, as approved, read in part as follows:

"To better assist oceanfront property owners with overall dune management, staff requests an additional \$80,000 funding allocation towards the cost share program which includes dune vegetation, sand fence installation, and ocean sand relocation activities in the upcoming season.

'As a point of reference, the Town processed the below number of sand relocation permits the past three years:

- FY 20-21, 155 sand relocation permits.
- FY 21-22, 190 sand relocation permits.
- FY 22-23, 266 sand relocation permits.
- FY 23-24 (year to date), 243 sand relocation permits.

'Dune vegetation stabilization is required for sand relocation reimbursement, with a cap of \$3,500. If sand is not being moved, \$1,000 is the cap for plants and fencing, which does include labor and materials. Currently the application interval for planting and sand fence installation is every year, and the application interval for the sand relocation is once every three years. FY 23-24 is the second year of the three-year cycle for the sand relocation reimbursement program.

<i>Activity</i>	<i>FY 20-21</i>	<i>FY 21-22</i>	<i>FY 22-23</i>	<i>FY 23-24</i>	Application Interval	Application Dates
Planting	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	Every Year	Oct. 1 - June 30
Sand Fence Installation	<i>No</i>	<i>Yes (Mid-Way)</i>	<i>Yes</i>	<i>Yes</i>	Every Year	Oct. 1 - June 30
Sand Relocation	<i>No</i>	<i>No</i>	<i>Yes</i>	<i>Yes</i>	Once Every Three Years	Nov. 15 – April 15
Max. Funding Amount per Parcel	<i>\$500</i>	<i>\$1,000</i>	<i>\$3,500</i>	<i>\$3,500</i>		
Total Program Funding	<i>\$20,000</i>	<i>\$20,000</i>	<i>\$320,000</i>	<i>\$320,000</i> <i>\$400,000 Proposed</i>		

Total Amount Disbursed	\$4,000	\$9,931	\$217,152	\$84,209 (requests still being processed)	
Total Amount Remaining	N/A	N/A	\$102,848	\$235,791 <i>\$315,791 Proposed</i>	

'If program funding is increased to \$400,000, a budget ordinance will not be necessary. Since the funding source is the beach nourishment multi-year capital project fund, unspent funds from the prior year's program are automatically carried over without an amendment. Initial funding request discrepancies may occur when the actual cost is less than the approved allocation. Additionally, if a homeowner is approved but does not submit their required paperwork for reimbursement by the June deadline (this year it is by June 24th), they are not eligible for reimbursement. The \$400,000 allocation would allow us to initially approve up to that amount of requests contingent upon reimbursement requirements being met. We are receiving up to seven sand relocation requests a day with three of those also requesting dune management cost share money.

'Homeowners initially do not have to have paperwork in place when their funding is set aside. Currently the full \$320,000 has been accounted for and we have homeowners on a waitlist. We are requesting to set aside up to \$400,000 as requests come in.

'Staff is available to answer any questions."

The summary sheet for the Old Nags Head Place Stormwater Project Change Order, as approved, read in part as follows:

"Please find attached Change Order #6 to the Old Nags Head Place Stormwater Drainage Project. Staff is seeking Board of Commissioners authorization for the implementation of an underdrain system along Curlew St. and the southern portion of Linda Lane to mitigate elevated groundwater conditions. The additional construction cost associated with this request is \$93,492.50."

The Change Order to the Old Nags Head Place Stormwater Project, as approved, is attached to and made a part of these minutes as shown in Addendum "E".

PUBLIC HEARINGS

Mayor Cahoon announced that the Public Hearing advertised for this meeting re: Parking on Septic Systems will not be held today and will be rescheduled after additional Planning Board review.

Public Hearing to consider text amendments submitted by Albemarle & Associates, PE on behalf of Golasa Holdings, LL to allow the long-term rental of units within existing hotels and motels

Attorney John Leidy introduced the Public Hearing to consider text amendments submitted by Albemarle & Associates on behalf of Golasa Holdings, LL to allow the long-term rental of units within existing hotels and motels. The time was 9:18 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, March 20, 2024 and on Wednesday, March 27, 2024, as required by law.

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

"Albemarle & Associates, Ltd, on behalf of Golasa Holdings, LLC has a request for a text amendment to the Unified Development Ordinance (UDO), which, if adopted, would permit the long-term rental of existing hotel units within existing older hotels and motels.

'While such conversions are common in urban areas, they have not been previously addressed in the UDO. Over the past four (4) months the applicant has collaborated with the Planning Board and planning staff to fine tune the use and develop a proposed ordinance for the Board of Commissioners review.

'The current definition of hotel is provided below and states that units are intended for transient guests on a rental basis. The UDO goes on to define transient occupancy as occupancy that is no longer than 30 days combined, see below:

'Hotel means a structure containing hotel units, hotel suites, and or efficiency units with 24- hour, on-site management and intended for transient guests on a rental basis.

'Transient occupancy means occupancy by the same individual or owner for a combined period of no greater than 30 days in any single calendar year.

'Other definitions that are relevant to this discussion are provided below for convenience.

'Hotel efficiency unit means a lodging unit having living and cooking facilities and also meeting the following requirements:

- *Efficiency units shall be limited to one bedroom.*
- *The kitchen area shall comprise no more than ten percent of the entire unit.*

'Hotel suite means lodging unit having living and cooking facilities within a hotel and also meeting the following requirements:

- *Units shall be limited to two bedrooms.*
- *The kitchen area shall comprise no more than ten percent of the entire unit.*

'Hotel unit means a lodging unit which does not contain independent cooking facilities and is designed and intended for transient guests on a rental basis. This definition shall include rental units customarily found in motels, hotels, inns and motor lodges.

'The proposed ordinance has been drafted with the following considerations in mind.

- Creation of a new use category "Long-Term Rental of Hotel Units", permitted via the Special Use Permit process, with proposed supplemental regulations in Section 7.12 of the Unified Development Ordinance.
- The applicant's initial request suggested the term "legacy hotel/motel" be established as a means to define and limit the number of existing hotel and motel structures that this new use category would be available to. The proposed definition stated a legacy hotel or motel would be one built before 1975 that is still functional to support both transient, and long-term occupancy by guests or tenants. Staff recommends setting the cutoff date to November 10, 1972, aligning with the pre-FIRM date for flood insurance regulations. Pre-FIRM structures are likely to be constructed on grade and non-conforming with regard to

current FEMA requirements. Therefore, to enhance their preservation, it may be warranted to provide some additional flexibility with respect to the uses allowed given these additional nonconformities. This language is supported by the applicant.

- Noting that this proposed new use is likely not economically viable in an oceanfront setting, staff would further recommend narrowing this proposed use to existing hotels and motels located within the C-2, General Commercial Zoning District. Except for the majority of South Nags Head which is R-2, and excluding the Village at Nags Head, the remainder of Nags Head oceanfront areas are zoned CR – Commercial Residential. Staff would also recommend that this use be considered via the Special Use permit process.

‘By applying these proposed regulations, the following hotels and motels would be eligible to utilize this proposed new use:

- Roadway Inn/Seahorse Inn at 7218 SVDT (zoned C-2, constructed in 1970)
- Owens Motor Court at 7122 SVDT (zoned C-2, constructed in 1960)
- Tarheel at 7010 SVDT (zoned C-2, constructed in 1950)
- First Colony at 6715 SCH (zoned C-2, constructed in 1932)
- Nags Head Beach Inn at 303 Admiral (zoned C-2, constructed in 1960)

‘Note: Staff did send an email to these businesses to inquire about their average room size and, should this ordinance be adopted, if they would be interested in taking advantage of this option. Tarheel Motel responded and stated their rooms are approximately 264 square feet in area, including the bathroom and that they would be interested in long-term rentals, specifically for traveling nurses and other professionals for shoulder and winter months. First Colony Inn stated that they would not have any interest in offering their units for long-term rentals. We have not yet heard back from Seahorse Inn and Nags Head Beach Inn.

- Requirement that “all” units within the development must be converted to long-term rental occupancy, that the development could not have both short – and – long term occupancies within the same development. While the applicant concurs and stated that this is their preference, this language would preclude Tarheel Motel from utilizing the ordinance as written as their response indicates that they would prefer combined short- and long-term occupancy options and only for the off-season.

- Requirement that any hotel operating under this new use category lease/rent units on a long-term basis only and define long-term lease/rent as occupancy for a period of ninety (90) consecutive days or more. This would be consistent with the proposed definition of “Long Term Occupancy/Tenancy” in the draft multi-family development amendments and consistent with the NC Vacation Rental Act. The applicant concurs with this proposed requirement.

- Definitions of “*Long Term Tenancy/Occupancy*” and “*Workforce Housing*” have been proposed as staff is recommending a condition that all long-term rental units under this use category be subject to a lease restriction requiring that the unit be used exclusively for workforce housing. As part of the Planning Board’s recent effort to craft draft ordinance language for multi-family dwelling developments within the town, and consistent with the Board of Commissioners comments during their August 2, 2023 Joint Workshop, it was the consensus of both boards that any new multi-family dwelling developments within the town should be for the purpose of providing workforce housing, and not for the purpose of adding additional vacation rentals/short term rentals. Based upon this, staff believes the restriction that these units be for workforce housing only is warranted. The applicant was not amenable to having all units restricted to workforce housing, however they did agree to language that would require a minimum of 50% of the units being lease restricted to long-term occupancy.

- As a method of enforcement of the lease/rental restriction staff will request any development operating with Special Use Approval for long term rental of hotel units to provide copies of all active lease agreements ensuring that all contain language requiring long-term occupancy and in addition, that 50% of the lease agreements are restricted to workforce housing.
- Requirement that each unit meets the minimum requirements of the North Carolina Building Code regarding interior space dimensions for efficiency dwellings. This portion of the current NC Building Code is provided as an attachment and incorporated into the proposed ordinance language. The applicant has indicated that the existing units within their development meet this requirement.
- A requirement that any existing hotel development transitioning to long-term rental adhere to the current NC Fire Prevention Code Requirements. Note that while a new hotel or multi-family development would be required to install a sprinkler system the conversion of an existing non-sprinklered hotel/motel to a multi-family development would not necessitate the installation of a sprinkler system.
- Consider requiring this new use be parked using the same parking standard as single-family, two-family, and multi-family dwelling units at the number of bedrooms minus two, with a minimum of two (2) spaces per dwelling unit. While the applicant would prefer a reduced parking standard, they have agreed to this requirement noting that they will document and/or keep parking analysis should a request for a reduction be made in the future.
- Requirement that would prohibit utility meters of any type for individual units and require that this proposed new use operates under a single, unified rental management operation. Similar language is found within the supplemental regulations for cottage courts and is intended to discourage circumventing the subdivision ordinance and creating condominium ownership of the individual dwelling units. The applicant concurs with this requirement.
- While discussing this item, both the Planning Board and staff have expressed concern about the amount of space available for the storage of long-term tenants' belongings. To address this concern, a condition has been proposed that would require all storage to be located indoors or in an approved location that is not visible from public rights-of-way or neighboring properties.
- Language that would allow a hotel operator to transition from the long-term rental of units back to the prior transient hotel use via an administrative review provided that no alternations had been made to the site or to the structure and units themselves that would result in an increase in the degree of nonconformity.

'Through the discussions there were several concerns mentioned that should be noted as part of this request. Planning Board members were generally concerned that, should this amendment be adopted, it would conflict with various aspects of the recently drafted amendments for multi-family development.

'The primary differences are briefly outlined below:

- Minimum site requirements and dimensional standards such as lot width, lot area, setbacks, open space requirements, lot coverage and architectural design may not be met.
- Density allowances would be affected. For instance, Owens Motor Court at 7122 S. Virginia Dare Trail is 68,000 square feet in area. Under the Large Multi-Family standards, this site would accommodate approximately 12 units. The applicant noted that 29 units exist.

➤ The proposed minimum unit size in the draft multi-family amendments is 800 square feet, we are discussing a minimum 220 square feet for this proposed new use.

'Concerns were raised about lighting and how this proposed new use, if adopted, may be regulated. Hotels are considered to have a medium level of activity. This means that parking lot lighting associated with a hotel cannot exceed 7.0 footcandles and shall be a minimum of 0.5 footcandles. Acknowledging that in many ways, this proposed new use is most like a multi-family use, it is considered to have a low level of activity. This means that parking lot lighting associated with multi-family use cannot exceed 3.0 footcandles and shall be a minimum a 0.2 footcandles. All parking lot lighting fixtures must be cutoff fixtures and the maximum maintained horizontal footcandle level at any point on a common property line of improved residential property shall not exceed 1.5 footcandles.

'Keeping in mind that this new use category would be applicable to a handful of existing hotel properties, staff has not proposed nor has the Planning Board recommended any changes to the lighting standards applicable to this new use category.

'Concerns were raised about these units operating as Single Resident Occupancies. Single Resident Occupancies (SROs) are a type of housing arrangement where each individual or household occupies a single room within a larger building. These rooms typically serve as both living and sleeping spaces and may include a private or shared bathroom and kitchen facilities. In review of SRO's, they are often utilized in urban areas to provide affordable housing options, especially for individuals with limited incomes. SRO's are a subject of discussion in urban planning and housing policy debates as they play a role in addressing housing needs of vulnerable populations, but they also raise concerns about living conditions and tenant rights. Staff would submit there are aspects of this proposed new use that resemble the characteristics of SRO's such as individual compact rooms or small living spaces, providing basic amenities designed to meet essential housing needs in a more affordable and space-efficient manner. Ensuring that this proposed housing arrangement, or any housing arrangement for that matter, maintains quality living conditions is of utmost importance.

'Potential ways to address this is to provide clear zoning regulations to ensure that it meets the needs of families and individuals by providing adequate living spaces, bedrooms, common areas and amenities to promote family friendly environments and to closely monitor and enforce any established use regulations.

'POLICY CONSIDERATIONS

The 2017 Comprehensive Land Use Plan provides the policies and actions which would guide the Town's zoning and development actions. Due to the nature of this request, there are numerous pertinent policies that have been provided in separate attachment for the Board of Commissioners' consideration.

"STAFF RECOMMENDATION

While there are several unknowns associated with this request as this is a use that we have never contemplated within the town, staff finds that the proposed use is consistent with the 2017 Comprehensive Land Use Plan with the incorporation of the recommended supplemental regulations.

'PLANNING BOARD RECOMMENDATION

At their March 19, 2024 meeting the Planning Board voted 5-1 to recommend adoption of the proposed text amendment as presented. While the majority of Planning Board members are supportive of the proposed text amendment noting that it has potential to provide for workforce housing opportunities, they are also concerned about the inconsistencies with the proposed multi-family dwelling development ordinance currently under consideration.

'If the Board of Commissioners is inclined to adopt this proposed text amendment, please reference Appendix A for the Statement of Consistency with the Towns adopted Comprehensive Land Use Plan requirements.'

John DeLucia, Albemarle & Associates, spoke on behalf of the applicant; Mr. Golasa recently purchased and renovated the Owens Court hotel/motel; re: the 50% regulation, Mr. Golasa has a list of 75 people waiting for housing; this allows them some flexibility for retirees, etc; the intention was to provide long-term housing for local folks; if workforce housing ends up being provided elsewhere, then it would be converted back to a hotel full-time.

Bob Muller, Nags Head resident; he doesn't oppose this ordinance but wants to make sure the Town takes note that it has no mechanism in place to enforce the housing requirements; the Town needs to look at finding a mechanism or organization that can make sure these units are being rented as intended; the applicant intends to do that but there are other businesses/buildings that could be converted to this use and others may not be as diligent as Mr. Golasa may be; a rental agreement doesn't mean that the applicant didn't lie; it's difficult to enforce a limited set of uses.

There being no one else present who wished to speak, Attorney Leidy closed the Public Hearing at 9:34 a.m.

Town Manager Garman stated that staff can enforce the regulations with the normal zoning procedures the Town has in place; Attorney Leidy said that this would likely be complaint-driven as to whether tenants and the owner are in compliance – which he feels would be difficult but not impossible. Town Manager Garman also spoke of internal procedures which could be created outside of the ordinance.

Mayor Cahoon understands the concern about 50% of the units being used for workforce housing; he would like to see the Town try it as it does make a move toward providing some workforce housing.

Other Board members agreed but did mention concern about enforcement; Comr. Lambert suggested an annual audit or a semi-annual audit.

Mayor Cahoon suggested a change to the ordinance where an audit can be required once per year and requested at other times if needed.

Applicant Leo Golasa stated that he has a list of applicants that are all interested in workforce housing – more than enough for annual leases.

Mayor Pro Tem Siers expressed his concern that other property owners may not be as diligent and the amendment would apply to more than just Mr. Golasa's property.

MOTION: Mayor Cahoon made a motion to adopt the ordinance with the additional verbiage providing for an audit to take place not less than annually and which can also be requested by the Town at any time for cause. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

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 3, 2024.

'Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for February 2024*. 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, March 5th - Technical Review Committee Meeting
- Wednesday, March 6th - Board of Commissioners Meeting
- Saturday, March 9th – Winter Market at Dowdy Park from 9am – noon
- March 11th – 15th – Joe Costello at NFIP Training
- Wednesday, March 13th – Committee for Arts and Culture Meeting
- Thursday, March 14th – Board of Adjustment Meeting (no hearings)
- Thursday, March 14th – CAMA Land Use Planning Webinar
- Tuesday, March 19th – Planning Board Meeting
- Wednesday, March 20th – Board of Commissioners mid-month meeting (if needed)
- Thursday, March 27th – Living Shoreline Meeting

'Planning Board - Pending Applications and Discussions

'The Planning Board's most recent meeting was held on Tuesday, March 19, 2024, and included the following:

- Consideration of text amendments that if adopted would allow the long-term rental of units within existing hotels and motels. The Planning Board voted 5-1 to recommend adoption of the proposed amendments as presented.
- Consideration of a text amendment submitted by Jordan Harrell of Jernigan Oil Company, Inc. to allow the use of digital LED price signage at gas stations. The Planning Board voted 5-1 to recommend adoption of the proposed amendment as presented. Staff is working with the Town Attorney to ensure these proposed amendments are consistent with recent content neutral sign regulations.
- Discussion and initiation of text amendment related to the installation of netting as a barrier to prevent golf balls from leaving the boundaries of Nags Head Golf Links golf course and causing damage to private property.
- Discussion of text amendment to prohibit driving over and/or parking on septic systems when adjacent to driveways, drive aisles, and parking areas. Planning Board members concurred that staff should explore drafting language that minimizes the impact on properties that would be unnecessarily affected by the new regulations.

'The Planning Board's next meeting is scheduled for Tuesday, April 16th, 2024. Currently, the agenda is expected to include consideration of revised ordinance language prohibiting driving and/or parking on septic systems adjacent to driveways, drive aisles, and parking areas.

'Board of Adjustment – Recent and Pending Applications

There were no items for the Board of Adjustments consideration in March 2024.

'Additional Updates

- DWMP/Septic Health Advisory Committee – The Septic Health Advisory Committee's next quarterly meeting will be scheduled for late April 2024. Prior to the meeting, staff will collaborate with the committee to develop another version of the draft ordinance aimed at prohibiting driving over and/or parking in septic areas. In response to concerns about the potential impact of the previously proposed amendment on property owners who do not currently face issues with parking on their septic areas, staff is preparing an alternative option for consideration. This alternative ordinance will explicitly prohibit driving over and/or parking in septic areas. If a violation is observed, a Notice of Violation will be issued, and the installation of a physical barrier may be required to prevent future violations. This approach seeks to address parking on septic systems through a formal violation of the Unified Development Ordinance with a clear remedy, rather than the more proactive but potentially overreaching language of the current draft.
- Estuarine Shoreline Management Plan – Town staff continues to focus on applying for the necessary grants to continue the implementation of the Estuarine Shoreline Management Plan. Currently, staff are preparing a pre-proposal for a grant from the National Fish and Wildlife Foundation's National Coastal Resilience Fund. This grant is for the design phase of the Villa Dunes and Soundside Road pilot sites. Should we be invited to submit a full proposal, the deadline for submission will be July 2, 2024.
- Electric Vehicle Action Plan – As we proceed with the purchase and installation of two Level 2 EV Chargers, we have discovered that the underground geothermal system for Town Hall is situated near the intended location for the chargers. We are currently examining the geothermal plans and will provide an update on the next steps at your May 2024 meeting.
- Sand Relocation and Dune Management Cost Share Program – As of March 28, 2024, the entire \$320,000 allocated to the Dune Management Cost Share Program has been distributed among 107 applicants. Staff has proposed that additional funding be allocated to this program (see Item E-7). We have also received 235 Sand Relocation Applications, with 230 approved and authorization letters issued. The sand relocation program allows for sand to be moved until April 30th. Staff plans to stop accepting new applications for sand relocation around April 15th to begin doing final inspections and closing them out.
- Public Beach and Coastal Waterfront Access Grant Program – Staff are working on the pre-application for this Public Beach and Waterfront Access Grant through the Division of Coastal Management (DCM) for renovations to the June Street Beach Access. The pre-application is due April 15, 2024.
- Permitting Update 2nd Quarter – See below the total number of permits accepted and the average turnaround time. These numbers do not include trade permits.

2023	Total Permits	Avg Turnaround/days
October	75	4.0
November	63	3.0
December	45	2.2

- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – Vendor applications for the 2024 Dowdy Park Farmers Market were open from March 26th to March 28th. Due to various constraints, we were only able to accept approximately ten new vendors this season, in addition to welcoming back our returning vendors. We received over 50 applications, which the Committee for Art and Culture will review and make selections from at their April 10th meeting. Event Coordinator Paige Griffin has finalized the lineup for the upcoming 2024 Summer Concert Series, with an announcement and poster distribution throughout the town coming soon. Paige is also finalizing the schedule for this season's Family Fun Nights. The final Winter Market of the season will be held on Saturday, April 13, 2024, from 9 am to noon at Dowdy Park.

'Upcoming Meetings and Other Dates

- Tuesday, April 2nd - Technical Review Committee Meeting
- Wednesday, April 3rd - Board of Commissioners Meeting
- Wednesday, April 10th – Committee for Art and Culture Meeting
- Thursday, April 11th – Board of Adjustment Meeting (no hearings)
- Saturday, April 13th – Winter Market at Dowdy Park from 9am – noon
- Monday, April 15th – June Street CAMA Grant Pre-Application Due
- Monday, April 15th – Multi-Family Working Group Meeting
- Tuesday, April 16th – Planning Board Meeting
- Wednesday, April 17th – Board of Commissioners mid-month meeting (if needed)
- Wednesday, April 24th – CRS 2024 Cycle Verification Meeting (in-person)"

Comr. Brinkley questioned the action plan for the Electric Vehicle chargers; Ms. Wyatt explained that they are looking at an additional two parking spaces at Town Hall with no additional funds needed.

Discussion of potential Accessory Dwelling Unit ordinance per Strategic Plan

Planning Director Kelly Wyatt summarized the agenda summary sheet re: the Accessory Dwelling Unit ordinance which read in part as follows:

"In November 2023, during their retreat, the Board of Commissioners directed planning staff to explore the development of an Accessory Dwelling Units (ADU) ordinance, incorporating a range of optional provisions and regulatory standards to determine whether this type of use could be supported by the community under certain circumstances. This is Action Item #2.2 under the Development Goals within the most recently adopted version of the Board's Strategic Plan. This menu of options for consideration would cover various aspects, including permitted zoning districts, geographic areas, minimum lot size requirements, maximum unit size limitations, height restrictions, deed restrictions, and parking considerations.

'The Planning Department previously conducted research, prepared, and presented a draft ADU ordinance to the Board of Commissioners in September 2019, which was not adopted at that time. The previous ordinance is included as an attachment. The recent discussion surrounding ADU's related to whether they could serve to provide workforce or long-term housing, most likely incorporating deed restrictions. Staff will provide a brief presentation on ADUs at the Board's April meeting with the goal of creating discussion and seeking direction from the Board on how to proceed with this initiative."

Mayor Cahoon questioned if the other localities mentioned have a history of complaints and did they have to take any enforcement actions? He also asked Attorney Leidy to review the Greensboro short-term rental ordinance and restrictions.

Comr. Lambert said her biggest concern is that the unit not be used for vacation rentals.

Mayor Pro Tem Siers said that he is interested in discussing the nonconforming illegal ADU's the Town currently has. He also noted that the Dare County Housing Task Force has had no discussion on ADU's yet.

Mayor Cahoon suggested polling current ADU property owners to see if they have had any issues.

Comr. Brinkley stated his interest in incentivizing for long-term rentals; he also agreed with Mayor Pro Tem Siers' comments about obtaining information about the existing ADU's in Town.

Comr. Sanders agreed with the points brought up by other Board members and said that a lot of localities are not going to be able to check the boxes required for lot coverage and septic systems.

It was Board consensus that additional research by staff be done re: the following:

- 1 – Survey what is out there re: existing nonconforming ADU's
- 2 – Question existing ADU owners and what, if any, issues they have had
- 3 – Review available lots in terms of where they are, what size, and how many there are
- 3 – How to incentivize property owners to go from short-term to long-term rentals
- 4 – Enforcement history from other towns that have these units in effect now

Consideration of appointment to Hazard Mitigation Plan Update Committee

Planning Director Kelly Wyatt summarized the agenda summary sheet which read in part as follows:

"In 2019, Dare County, Currituck County, and the towns of Manteo, Nags Head, Kitty Hawk, Kill Devil Hills, Southern Shores, and Duck collaborated to update their Hazard Mitigation Plan, an effort known as the Outer Banks Regional Hazard Mitigation Plan. This plan was adopted by the Board of Commissioners on July 1, 2020. Dare County Emergency Management is preparing for the update of this plan and, as was done in the 2019 process, is requesting that in addition to town staff, that the town appoint two citizen representatives to participate in the update effort. For Nags Head, the team will include Deputy Fire Chief Shane Hite, Director of Planning and Development Kelly Wyatt, Deputy Director of Planning and Development Joe Costello, Code Enforcement Officer Ed Snyder, and two citizen representatives. Megan Lambert and Meade Gwinn served as the citizen representatives for the 2019/2020 planning process. Staff is requesting the Board of Commissioners reappoint Megan Lambert and consider appointing Planning Board member David Thompson to the committee for the upcoming Hazard Mitigation Plan Update. While Meade Gwinn has indicated his inability to participate in the update, Mr. Thompson has expressed his availability and interest in joining the effort."

MOTION: Comr. Brinkley made a motion to appoint Comr. Megan Lambert and Planning Board member David Thompson to the Hazard Mitigation Plan Update Committee formed with representatives from Dare and Currituck counties as well as local municipalities. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

NEW BUSINESS

Committee Reports

Comr. Brinkley – the Septic Health Advisory Committee meeting is coming up in mid-April; Jennette's Pier update concerning wind turbines was forwarded to Board members; and the first Town Multi-Family Ordinance Working Group meeting took place on March 25th with the next meeting scheduled for April 15th.

Mayor Pro Tem Siers – he attended the March 21st Dare County Tourism Board meeting; Manager Garman attended the Dare County Housing Task Force meeting last month and will be reporting on that meeting on today's agenda.

Comr. Lambert – the next Government Education Access Channel Committee meeting will take place at the end of this month.

Mayor Cahoon – It was Board consensus that the Mayor send a letter to the NC Rules Commission on behalf of the Board re: Jockey's Ridge and the regulation concerning the area of environmental concern (AEC). Mayor Cahoon also encouraged comments from the public to be forwarded to the Commission prior to their meeting on Monday, April 8, 2024. He reported that the next meeting of the Coastal Resources Commission (CRC) is in Dare County on April 24-25 if anyone is interested in attending.

Consideration of amendment to Traffic Control Map re: Oneto Lane and Gallery Row

The agenda summary sheet read in part as follows:

"Please find attached a memo from Police Chief Perry Hale requesting to amend the Traffic Control Map to designate Oneto Lane and E Gallery Row as "No Parking Between Signs - Tow Away Zone". Town sanitation trucks have difficulty negotiating Oneto lane to pick up trash carts due to vehicles parking on both sides of the street. In addition, residents would prefer to maintain curbside sanitation collection in that area.

'The "No Parking Between Signs – Tow Away Zone" designation is also requested for Gallery Row to allow sanitation trucks to navigate the route.

'Attached please find a memo from Police Chief Hale, a map depicting the area as well as an ordinance amending the Traffic Control Map for Board review and consideration on April 3rd."

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

"East Gallery Row and Oneto Lane have become congested over the past few years with the number of vehicles arriving at each residence and visitors have been parking along the right of way and street on both Oneto Lane and E. Gallery Row. This in return has caused issues with the town's trash trucks having access to the carts located at each property. A solution for a centralized dumpster was put in place earlier this year but was not popular with property owners. For the town to operate the trash trucks in this area, I am recommending both streets be deemed "No Parking Between Signs" / "Tow Away Zone" on both sides of Oneto Lane and "No Parking Between Signs / Tow Away Zone" on E. Gallery Row from NC12 to Oneto Lane.

'I will be available at the Board meeting to respond to questions or comments."

MOTION: Comr. Brinkley made a motion to adopt the ordinance amending the Traffic Control Map re: *No Parking Between Signs – Tow Away Zone* on Oneto Lane and Gallery Row as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Mayor Cahoon confirmed with Attorney Leidy that the status of the lawsuit with the State re: local zoning regulations and affordable housing will be discussed in Closed Session.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Garman - Update on Public Services Facility

Town Engineer David Ryan provided the following update on the new Public Services Facility construction:

- Final site work is in progress in the Administration Building – Both the Administration and the Water Distribution buildings have been energized.
- Strong progress has been made in the last month on the Sanitation and Vehicle Storage buildings
- Occupation of the Admin Building is being targeted for the last week of April 2024 to be followed by the Water Distribution Building in the first couple of weeks of May 2024.

In response to a question from Mayor Cahoon, Engineer Ryan said that there will probably be a couple of weeks lag time after the Admin Building is occupied before the bulk/brush yard opens up.

Town Manager Garman - Discussion of proposed modifications to brush/bulk yard operations

Town Manager Garman provided the following update concerning the brush/bulk yard operations:

- Office space will be provided for the attendant to the brush/bulk yard; the yard will be easier for the public to utilize; the site will be open five days/week instead of the current three days/week, to close on Wednesdays and be open on Saturdays. In general, services will be increased for the public.
- The recycling container that was on the Public Services site and was not manned – Manager Garman stated that he would like to move it into the brush/bulk yard for more control.

Manager Garman wanted to make sure the Board and the public were aware of these planned modifications to the brush yard operations.

Town Manager Garman - Update on Dare County Housing Task Force

Town Manager Garman provided an update on the most recent meeting of the Dare County Housing Task Force: A mission statement was adopted and there is a dedicated page to this effort. There was discussion about target markets and what is trying to be accomplished; the group talked about the towns and what barriers might be in place and if legislative action is necessary. They also spoke of examples from Colorado which may

not be allowed by NC state law and how to incentivize short term into long term units. The Chair is working to provide more structure for the meetings and may be hiring a consultant to help with this very complex problem. He said that the Task Force meets every third Tuesday of the month.

MAYOR'S AGENDA

Mayor Cahoon - Consideration of NCLM Board of Directors Voting Delegate

The agenda summary sheet read in part as follows:

"Mayor Cahoon has requested appointment as the Town's Voting Delegate for the North Carolina League of Municipalities (NCLM) upcoming election for Board of Directors. Please find attached the information provided by the League for this purpose."

MOTION: Comr. Brinkley made a motion to appoint Mayor Cahoon to represent the Town as NCLM Board of Directors Voting Delegate. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

BOARD OF COMMISSIONERS AGENDA

Comr. Brinkley – Buxton beach contamination

Comr. Brinkley asked if it was appropriate for the Town to write a letter calling on the federal government to take action in the ongoing Buxton beach and water contamination issue. Contamination has occurred in the area of Buxton's Old Lighthouse Beach at the site of the former Navy and Coast Guard Station. Mayor Cahoon agreed with Comr. Brinkley and it was Board consensus that a letter be prepared on behalf of the Board to this effect. Mayor Cahoon noted that he sent an email on his own after first reading the report.

Comr. Brinkley – Red light running issue

Comr. Brinkley said that he appreciates former Mayor Muller speaking today concerning the red light running issue. He appreciates the Police Department's strong enforcement of the law/violators and he thanked the Police Dept Administrative Assistant for providing information concerning this issue on social media. He also noted that unless things have changed since he was a member of law enforcement, in Administrative Court/Traffic Court proceedings, officers would be unable to obtain a reduction or alter a District Attorney ruling.

Mayor Cahoon - Request for nominations for Lightkeeper/Nags Header Awards

Mayor Cahoon requested and encouraged nominations for both the Town's Lightkeeper (honoring those that are living) and Nags Header (honoring those who have passed) Awards – due to the Town Clerk by May 1st. Application forms can be found on the Town's web site and in the Town's offices.

Mayor Cahoon – No anticipated need for an April mid-month meeting

Mayor Cahoon stated that he does not anticipate a need for an April mid-month meeting.

CLOSED SESSION

MOTION: Comr. Brinkley made a motion to enter Closed Session to discuss an honorarium in accordance with GS 143-318.11(a)(2); to consult with the Town Attorney re: pending State litigation under attorney/client privilege and to preserve that privilege in accordance with GS 143-318.11(a)(3); and to discuss the possible acquisition of property located at 4222 S Croatan Highway in accordance with GS 143-318.11(a)(5). The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 10:40 a.m.

OPEN SESSION

The Board re-entered Open Session at 11:26 a.m. Attorney Leidy noted that the Board did discuss what it went into Closed Session to discuss but no actions were taken.

ADJOURNMENT

MOTION: Mayor Pro Tem Siers made a motion to adjourn to the FY 24/25 Budget Workshop. The motion was seconded by Comr. Sanders which passed unanimously. The time was 11:27 a.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon



***DRAFT* MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
BUDGET WORKSHOP
WEDNESDAY, APRIL 3, 2024**

The Nags Head Board of Commissioners met in the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, April 3, 2024 for a FY 24/25 Budget Workshop that followed the Regular Meeting.

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

Board members Absent: None

Others present: Town Manager Andy Garman; Amy Miller; Kelly Wyatt; Joe Costello; David Ryan; Nancy Carawan; Brittany Phillips; Andrew Carter of DEC Associates via Zoom; and Town Clerk Carolyn F. Morris

CALL TO ORDER

The Budget Workshop was called to order at 11:28 a.m.

BEACH NOURISHMENT

Town Manager Garman opened the Budget Workshop with a Beach Nourishment discussion – Andrew Carter with DEC Associates provided the Board with an overview of the Town’s financial model for Beach Nourishment projects and discussed considerations for future projects.

Andrew Carter, DEC Associates, summarized his Beach Nourishment project financing slides which are attached to and made a part of these minutes as shown in Addendum “A”. Some highlights include:

Agenda

- History of Shoreline Protection in Nags Head
- Dare County involvement
- Projects completed since 2011 and the “Master Plan”
- Current funding of Shoreline Protection Financial Plan
- Looking ahead – 2027 projected project

Origins of Shoreline Protection

- Town identified potential need for a shoreline protection project in 2009
- Dare County involvement
- Two cents from Occupancy Tax collected by Dare County dedicated (by law) to be used for shoreline protection projects – for projects throughout the County

Each town to raise same equivalent revenues to dedicate to projects (\$7.82 cents)
Nags Head, Kitty Hawk, Kill Devil Hills, Southern Shores, and Duck all raise this equivalent revenue
2011 Initial Shoreline Protection project
2019 Renourishment project
"Master Plan" being developed to look at more long-term planning

Current Funding Plan

Town continues to raise \$7.82 cents equivalent revenue

Looking Ahead – 2027 Projected Project

Current estimates put the project at approximately \$38,200,000
Similar hydraulic fill amounts as 2018 project (amt of sand needed)
Engineering continues to study amt of sand needed
Part of "Master Plan" that looks at this project and projects into the future based on current sand movements and projected need
Studies conducted at regular intervals to provide good data
Projects have tended to last longer than originally projects – a positive!
Continuing to look at costs and funding sources
Town funding being leveraged through cash and borrowed sources
May need adjustment in FY28 as project costs get defined
Further discussions with the County on their amount of support of the project

Mr. Carter commended the Town for taking the lead on beach nourishment.

Mayor Cahoon thanked him for his encouragement of "Staying the Course".

RECESS / RECONVENE

The Board recessed for lunch at 11:55 a.m. and reconvened at 1:02 p.m.

CAPITAL IMPROVEMENT PROGRAM (CIP) WORKSHOP

Town Manager Garman conducted the CIP Workshop with Board members and asked for their questions/input.

Ocean Rescue Housing at Outer Banks Medical Center

Would overlap with the Community Care Clinic about four months of the year – beneficial for the public to know this as well. Town Manager Garman said staff continues to research modular housing – more research to be done on this. Mayor asked if the CCC could provide an annual report to the Town.

Town Hall Campus Master Plan (Fitness Center)

Plans to do something next year with the Fitness Center assuming we have until 2025 with the current building.

Software as a Service migration (SAAS) – Tyler Technologies

Dep Town Manager/Finance Office Amy Miller explained that in 2017 we went with Tyler; most now host software in the cloud.

A cyber security grant has been applied for; staff is trying to plant the seed for what is coming down the line which is not hosting on physical servers to look into what exactly our IT infrastructure will look like in the future.

Performance Management Software

The Board spoke positively of this employee evaluation software.

Harvey Sound Access/Soundside Event Site living shoreline project

Assuming the Town receives grants applied for – in the waiting mode right now.

Whalebone Park

Enhancements are to be constructed in a couple of years after completion of a parks and rec plan update.

Public Services Administration

Pedestrian Plan moved up to FY 2025 and Windjammer in Northridge moved back to the first intersection.

Beach Road Multi-use Path maintenance

Asphalt portion of the path which starts at Lakeside - From Lakeside to Epstein

Next year would be Epstein and one mile north – in one-mile increments each year

The northern-most section of Town is the most difficult section

Also there are some concerns once in the Historic District from an ADA standpoint

Beach Accesses Holden and Juncos – FY 2025

Juncos parking lot paving to be combined with the S Nags Head drainage project in the Fall of 2024

Police Dept - Message Board

Another one is needed

Public Services Dept - Replacement Sanitation truck and additional Knuckle Boom truck

Public Services Director Carawan summarized the request to keep truck for brush yard use

Planning - Streets, Stormwater, and Water

David Ryan brought up and reviewed with Board members the annotated project map provided in the CIP package. It describes proposed roadway resurfacing, watermain replacement/install, stormwater projects, dune walkover replacements, and multi-use path repair from FY 24/25 through FY 28/29.

Police Dept - Traffic Light alternative power

Will help when traffic lights go out during a storm event

Police Chief Hale presented – two generators have been acquired – now he can power any traffic light as necessary – pricing includes equipment and wiring; system will have twist lock generator switches; it was consensus that that it is a good price for what is included.

Police Dept – Pedestrian Light at the Event Site

Police Chief Hale presented – in conjunction with the Outer Banks Visitors Bureau and the NC Dept of Transportation; Mayor Cahoon said that getting officers out of the middle of the road in heavy traffic would be great.

Fire Dept – Replacement Fire Pumper

Town Manager Garman reported that it now takes three – four years for the building of a new fire pumper; needs to be ordered earlier in the process. Board members spoke in favor of the request.

Liquid Chlorine Conversion at Gull Street

Public Services Director Carawan presented; this was put in the Master Plan in 2018.

This project replaces the existing gas chlorine feed system with a liquid sodium hypochlorite feed system.

New AMI Water Meters

Some are already in place on a test basis.

Meeting next week to discuss installation in all areas; Dep Town Clerk Phillips provided some additional information on the new water meters – FAQ's will be prepared.

STAFFING REQUESTS

Town Manager Garman reported that two departments are requesting staff in FY 2024/2025. The Public Services Department is requesting an additional Sanitation Equipment Operator. The Fire Department is requesting additional staff as part of the recent Fire Staffing Working Group presentation.

Public Services Dept – Request for one position

Public Services Director Nancy Carawan said that she is requesting one additional Sanitation Equipment Operator. There is increased service for the brush yard, another driver as backup to run the routes through the Town is needed; and from Jun to Sep a driver for picking up extra bags of trash and utilizing the dumpster is needed. She provided the following figures:

In 2009 – we collected 8,500 tons of trash and we had 11 full-time employees

In 2019 – we collected 8,800 tons of trash with 10 drivers

In 2024 – we pick up 9,240 tons of trash with 9 drivers – we are doing a lot more with less people – the sanitation crew are very dedicated and proud of the work they do. Compared to last year's budget, this would be a new position. Board members praised the sanitation staff for the great work they do.

Fire Dept – Request for three positions

Fire staff requested three positions in their Fire Staffing Working Group presentation at a recent Board of Commissioners meeting.

Manager Garman said that the budget he presents at the May 1st meeting will include a recommendation on the staffing requests. Some of the requests will be bound by the Town's financial capacity.

Town Manager Garman - Next Step

Town Manager Garman explained that the next step in the budget process is his presentation of the proposed budget to the Board at the May 1st Board of Commissioners meeting.

ADJOURNMENT

Mayor Cahoon thanked staff for all the work done on the budget; he spoke highly of the budget process which he feels is well done and he appreciates that it starts early in the year.

The Board adjourned at 2:15 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon



Agenda Item Summary Sheet

Item No: **E-4**
Meeting Date: **May 1, 2024**

Item Title: Consideration of modification to Consolidated Fee Schedule

Item Summary:

At the May 1st Board of Commissioners meeting, request Board consideration of the following changes to the Consolidated Fee Schedule:

Police Department

Chief Perry Hale is requesting consideration of modification to the *Towing of Automobiles, vans, pick-ups trucks, motorcycles* portion of the Consolidated Fee Schedule. Due to the increased cost of insurance and operational supplies in the industry, it is realized an increase in the fee is necessary. This increase will bring the Town of Nags Head in line with other agencies in the Troop A-1 area who have already approved the increase. Police Chief Hale's memo with additional details is attached.

Town Manager

Manager Garman is requesting consideration of modification to the *Public Services: Miscellaneous* portion of the Consolidated Fee Schedule. He would like to add "Keep Off the Dunes" signs for purchase; residents/property owners have requested the signage to assist with trespassers.

Attached please find the applicable pages from the Consolidated Fee Schedule.

Number of Attachments: 2

Specific Action Requested:

The police department is requesting to modify the consolidated fee schedule, entitled "Towing of Automobiles, vans, pick-ups trucks, motorcycles". The Town Manager is requesting to add "Keep Off the Dunes" signs for purchase to the consolidated fee schedule.

Submitted By: Police Department – Town Manager

Date: April 26, 2024

Finance Officer Comment:

Fiscal impact includes the requested increase of \$25 – for a total fee of \$300 for a Collision Tow and adding "Keep Off the Dunes" signs for a purchase price of \$30 + tax.

Signature: Amy Miller

Date: April 26, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 26, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: April 26, 2024



Nags Head Police Department

5401 S. Croatan Hwy.
Post Office Box 99
Nags Head, North Carolina 27959
Telephone (252) 441-6386
Fax (252) 441-7335
www.nagsheadnc.gov

Service - Professionalism - Integrity - Strength

Perry Hale
Chief of Police

Chris Montgomery
Deputy Chief of Police

MEMORANDUM

TO: Andy Garman, Town Manager

FROM: P. Hale, Chief of Police

DATE: April 5, 2024

RE: Recommended Consolidated Fee Schedule Modification

The police department is requesting to change the consolidated fee schedule, entitled "Towing of Automobiles, vans, pick-up trucks, motorcycles, etc.". We currently allow four wrecker companies to be listed on the Police Department's rotation list which was adopted under the Town's administrative "Towing Policy". After having an inquiry from one of the allowed companies, I reached out to review the North Carolina Highway Patrol's towing list for Troop A-1 which includes Dare County and spoke with other agencies who also follow the NCHP list for their towing requirements. It was learned these agencies have already agreed to the requested increase.

The department met with area wrecker companies that are listed on the department's rotation list and is requesting an increase to the fee schedule for wrecker services due to operational cost. It was learned that the cost of insurance and operational supplies has increased in this industry and therefore they are requesting a \$25.00 increase to the \$275.00 fee in place which would bring the new fee total to \$300.00. The afterhours fee will increase by no more than 10% from the listed price for a Collision Tow. This fee was last increased by the Board in January 2023 due to fuel and other related costs.

I will be available at the Board meeting to respond to questions or comments.

Police Department (cont.)

Towing of automobiles, vans, pick-up trucks, motorcycles	\$275 <u>\$300</u> (during business hours) + 10% (after-hours)
Responding to tow request where no hook-up is rendered	1/2 the corresponding rate above
Storage charges until owner/operator takes possession	\$50 per day
Excavation application permit	\$50
Police Escort to move house/commercial building	\$100 first 2 hours
	\$50/hour additional hours

Public Services**Sanitation Dept.****Dumpsters**

4 yd side load	\$1830 + tax
6 yd front load	\$1705 + tax
8 yd front load	\$2095 + tax

Trash Carts

Trash cart	\$75 + tax
<u>Trash cart repair parts</u>	
Lid (Toter lids only)	\$30 + tax
Thru hole Town wheel system	(2 wheels, 1 rod) \$45 + tax
Wheel	Separate \$15 + tax
Rod	Separate \$15 + tax
300-gallon trash cart	\$770 + tax

Rental

Trash carts	\$15 / day
4 yd side load dumpster	Minimum 1-week rental fee \$366 / week
6 yd front load dumpster	Minimum 1-week rental fee \$341 / week
8 yd front load dumpster	Minimum 1-week rental fee \$419 / week
30 yd roll-off dumpster	Minimum 1-week rental fee \$887 / week
40 yd roll-off dumpster	Minimum 1-week rental fee \$1,715 / week

Miscellaneous

"No Trespassing" signs	two (2) styles	\$30 + tax
<u>"Keep Off the Dunes" signs</u>		<u>\$30 + tax</u>
Town Parks reservation	Refundable clean-up deposit	\$50
Electricity at parks	Upon request	\$5
Review of plans for improvements for existing streets		\$200 < 250 linear ft
		\$200 > 250 linear ft
		+ \$50 per linear ft over 250



Agenda Item Summary Sheet

Item No: **E-5**
Meeting Date: **May 1, 2024**

Item Title: Request for Public Hearing to consider citizen comments on the Town Manager's proposed operating budget for July 1, 2024 – June 30, 2025, proposed CIP requests for FY 24/25 through FY 28/29, and updated Consolidated Fee Schedule

Item Summary:

Request that a Public Hearing be scheduled for the June 5, 2024 Board of Commissioner's meeting to consider citizen comment on the following:

- Town Manager's proposed operating budget for fiscal year July 1, 2024 – June 30, 2025,
- Proposed Capital Improvement Program (CIP) requests for FY 24/25 through FY 28/29, and
- Updated Consolidated Fee Schedule

Number of Attachments: 0

Specific Action Requested:

Schedule the Public Hearing for the June 5th Board of Commissioners meeting.

Submitted By: Administration

Date: April 23, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

I am pleased to present the Town Manager's Recommended budget for FY 2024/25. Thanks for all the hard work of those who prepared this budget – Amy Miller, Deputy Town Manager/Finance Officer, Brooke Norris, Deputy Finance Officer, Jan Mielke, Director of Human Resources, Roberta Thuman, Public Information Officer, staff in Administrative Services, all Department Heads, Deputies, Town Engineer, Supervisors, Office Managers, etc. I don't want to leave anyone out although I'm sure I did. This is a team effort. Also, thank you for the continued support and engagement of our Board of Commissioners!

Signature: Andy Garman

Date: April 23, 2024



Agenda Item Summary Sheet

Item No: **E-6**
Meeting Date: **May 1, 2024**

Item Title: Request for Public Hearing to consider text amendments to the Unified Development Ordinance to prohibit driving or parking on septic systems

Item Summary:

At their February 20, 2024, meeting, the Planning Board reviewed and recommended adoption of a proposed amendment to the Unified Development Ordinance that would stipulate when a physical barrier must be installed to prohibit driving and parking on residential septic system areas. However, both staff and the Planning Board recognized that the original proposal would likely impose an unnecessary burden on many property owners who would not/do not have issues with parking on their septic areas. In light of this, staff developed a revised amendment that aligns with septic protection goals discussed by the Septic Health Advisory Committee (SHAC), while only mandating physical barriers for properties if found to be in violation of the ordinance.

The revised amendment expressly prohibits parking on designated septic system areas. Should staff become aware of any violations, either through complaints or proactive monitoring by town staff, a Notice of Violation will be issued to the property owner, and if applicable, provided to the rental agency managing the property. This notice will require the installation of a physical barrier to prevent future infractions. Additionally, when evaluating and issuing permits for residential development where this is a potential for excessive or overflow parking, staff will recommend installation of a physical barrier at the outset.

Planning Staff and Planning Board Recommendation

At their April 16, 2024, meeting the Planning Board voted unanimously to recommend adoption of the proposed text amendment as presented.

Number of Attachments: 0

Specific Action Requested:

Schedule the Public Hearing for the Board of Commissioners June 5, 2024, Meeting.

Submitted By: Planning and Development

Date: April 22, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: April 22, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 22, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: April 22, 2024



Agenda Item Summary Sheet

Item No: **E-7**

Meeting Date: **May 1, 2024**

Item Title: Request for Public Hearing to consider text amendments to the Unified Development Ordinance as it pertains to LED, digital displays for Fueling Stations

Item Summary:

At their meeting on March 19, 2024, the Planning Board reviewed and recommended the adoption of proposed text amendments that would permit the use of LED digital signage exclusively for displaying fuel prices, provided certain supplemental regulations are met. Following the meeting, the Town's attorney expressed concerns after reviewing the amendments, particularly in light of the Supreme Court decision in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). This ruling has significantly influenced how local governments regulate signage, emphasizing the need for content-neutral sign codes that do not favor one type of speech over another. Attorney Leidy noted that the Town's current prohibition on LED and digital signs is a valid content-neutral regulation of speech, as it does not differentiate based on the content of the speech. However, creating an exemption specifically for fuel price displays would likely introduce content-based discrimination, as it would allow certain messages while continuing to restrict others conveyed through LED and digital signs. Considering these concerns, staff, in consultation with the attorney and the applicant, proposed an alternative approach. The revised ordinance language would incorporate the LED digital display standards into the use regulations for fueling stations within Section 7.20 of the UDO. These standards would govern the maximum dimensions of the display, the number of character panels allowed, and the frequency of rotation.

Planning Staff and Planning Board Recommendation

The town has valid concerns about signs with rotating, flashing, moving, or alternating lights. However, it may be worth revisiting the possibility of allowing digital signs exclusively for fuel price displays. Although we cannot specify that the display area is solely for gas price digits, we have proposed a set of narrow restrictions, expecting that they will primarily be used for fuel pricing. With the recommended supplemental standards, staff believes the proposal is generally consistent with the Town's adopted Comprehensive Plan, however Policy LU-19 does state that the Town will not permit signs that are digital.

At their April 16, 2024, meeting the Planning Board voted 5-1 (1 member absent) to recommend adoption of the text amendment as proposed and requested that staff provide additional restriction on lighting levels for the digital characters. One member cast a Nay vote and stated a concern that if gas stations are allowed to have digital signs other businesses will likely follow.

Number of Attachments: 0

Specific Action Requested:

Schedule the Public Hearing for the Board of Commissioners June 5, 2024, Meeting.

Submitted By: Planning and Development

Date: April 23, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: April 23, 2024



Agenda Item Summary Sheet

Item No: **F-1**
Meeting Date: **May 1, 2024**

Item Title: Update from Planning Director

Item Summary:

Please find attached a monthly update, with attachments, from Planning Director Kelly Wyatt.

Number of Attachments: 1

Specific Action Requested:

Provided for Board information and update.

Submitted By: Planning and Development

Date: April 23, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: April 23, 2024



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director

Date: April 26, 2024

Subject: Planning and Development Director's Report (F-1)

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 May 1st, 2024.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for March 2024*. 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, April 2nd - Technical Review Committee Meeting
- Wednesday, April 3rd - Board of Commissioners Meeting
- Wednesday, April 10th - Committee for Art and Culture Meeting
- Thursday, April 11th - Board of Adjustment Meeting (no hearings)
- Saturday, April 13th - Winter Market at Dowdy Park from 9am - noon
- Monday, April 15th - June Street CAMA Grant Pre-Application Due
- Monday, April 15th - Multi-Family Working Group Meeting
- Tuesday, April 16th - Planning Board Meeting
- Wednesday, April 17th - Board of Commissioners mid-month meeting (if needed)
- April 22 - 24 - Planner Chris Trembly attending E&S Local Programs Workshop
- April 22 - 25 - Enviro Planner Conner Twiddy attending Onsite Wastewater Operator Training
- Wednesday, April 24th - CRS 2024 Cycle Verification Meeting (in-person) *Postponed*.
- Monday, April 29th - Multi-Family Working Group Meeting

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, April 16, 2024, and included the following:

- Consideration of text amendments submitted by Jordan Harrell of Jernigan Oil Company, Inc. to allow the use of LED, digital displays for Fueling Stations. Staff revised the ordinance in light of concerns raised by the Town Attorney related to content neutrality. The Planning Board voted 5-1 to recommend adoption of the proposed amendments as presented and requested additional feedback on light measurements for LED, digital characters.
- Consideration of text amendments prohibiting driving or parking on residential septic system areas. The Planning Board voted unanimously to recommend adoption of the proposed

amendments as presented.

- Staff provided the Planning Board with an update on previous discussions related to a request to install netting along a residential property boundary as a barrier to prevent golf balls from leaving the boundaries of the golf course and causing damage to private property. Staff spoke with Mr. John Hammond, Fish and Wildlife Biologist with US Fish and Wildlife who generally expressed concern with impacts netting may have on bird flight patterns but noted that a thick netting with a tight weave should make the net visible and conspicuous to birds and would have limited impact with proper precautions. Staff will work with the property to obtain a resolution within our existing code allowances.

The Planning Board's next meeting is scheduled for Tuesday, May 21st, 2024. Currently, the agenda is expected to include a Site Plan Amendment (3rd Submittal) for Inn at Whalebone, 87-unit Hotel on Lakeside Street for major deviations to the site plan as well as a request to consider amending or eliminating a condition imposed on the previous Site Plan Approval as it pertains to the expansion of W. Lakeside Street.

Board of Adjustment – Recent and Pending Applications

There were no items for the Board of Adjustments consideration in April 2024.

Additional Updates

- **DWMP/Septic Health Advisory Committee** – The Septic Health Advisory Committee met on April 17th, 2024 and discussed several items including the revised proposed ordinance amendment prohibiting parking on septic system areas and staff efforts in the coming year to carry out the recommendations of the Updated DWMP such as using GPS to map the location of septic systems within the Town and creating tool to analyze all of the water quality sampling and ground water level information to help aid in outreach and education. Staff also updated committee members on the Septic Health Initiatives' performance so far this fiscal year with 6 loans being issued, 90 septic tank inspections completed and 98 water credits awarded.
- **Estuarine Shoreline Management Plan** – Town staff continues to focus on applying for the necessary grants to continue the implementation of the Estuarine Shoreline Management Plan. Currently, staff are preparing a pre-proposal for a grant from the National Fish and Wildlife Foundation's National Coastal Resilience Fund. This grant is for the design phase of the Villa Dunes and Soundside Road pilot sites. Should we be invited to submit a full proposal, the deadline for submission will be July 2, 2024.
- **Electric Vehicle Action Plan** – Public Services staff were able to locate and mark the outer periphery of the geothermal lines and wells along the southern portion of the parking area at Town Hall. Staff are now exploring other feasible locations for the two Level 2 EV Chargers.
- **Sand Relocation and Dune Management Cost Share Program** – As of April 26, 2024, a total of \$361,000 from the Dune Management Cost Share Program has been allocated to 124 applicants. As of April 15, the deadline for submitting Sand Relocation Applications, we had received 280 applications. Although we are no longer accepting new applications, the sand relocation program permits the movement of sand through April 30th. Our staff is currently conducting final inspections and finalizing project closures.
- **Public Beach and Coastal Waterfront Access Grant Program** – Staff have submitted the pre-application for this Public Beach and Waterfront Access Grant through the Division of Coastal Management (DCM) for renovations to the June Street Beach Access.

- **Outer Banks Regional Hazard Mitigation Plan Update** – The Hazard Mitigation Planning Committee, comprised of representatives from Dare County EM, Dare County staff, staff from each town and members of the public from each community, met on Monday, April 22nd to discuss the timeline and process for the HMP Update, the aspects of the update that would be undertaken in order to have the HMP qualify for Community Rating System (CRS) points, and the expectations and deliverables needed from each participating community including various forms of outreach efforts.
- **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – At their April meeting, the Committee for Art and Culture selected the new vendors to participate in the 2024 Dowdy Park Farmers Market and all applicants have been notified. These markets will be held on Thursday, June 13th – August 15th from 9am to 1pm. Event Coordinator Paige Griffin has finalized the 2024 Summer Concert Series (poster attached) as well as the schedule of fitness events for the season including Yoga on the Lawn every Tuesday May 7th – October 29th from 7:30 – 8:30am and Fitness Friday's every Friday June 21st – August 16th from 7:30 – 8:15am. Paige has also booked two storytelling events on Tuesday July 2nd and August 6th from 5:30-7:00pm. We are also in receipt of two new art panels created by local artists participating in our Art Mast Project. Artist Jackie Koenig has created an art panel with surfers and artist Kate Lawrence has created another with birds. Public Services will be erecting the art masts and installing these new panels soon.



Upcoming Meetings and Other Dates

- Wednesday, May 1st - Board of Commissioners Meeting
- Tuesday, May 7th – Technical Review Committee Meeting
- Wednesday, May 8th – Committee for Art and Culture Meeting
- Thursday, May 9th – Board of Adjustment Meeting (no hearings)
- Saturday, May 11th – Artrageous Kids Art Festival 10am – 2pm @ Dowdy Park
- Wednesday, May 15th – Board of Commissioners mid-month meeting
- Tuesday, 21st – Planning Board Meeting

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
MARCH 2024**

DATE SUBMITTED: April 7, 2024

	Mar-24	Mar-23	Feb-24	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	2	1	2	13	12	1
New Single Family, 3000 sf or >	0	1	1	4	7	(3)
Duplex - New	0	0	0	1	0	1
Sub Total - New Residential	2	2	3	18	19	(1)
Miscellaneous (Total)	49	77	47	372	413	(41)
<i>Accessory Structure</i>	3	8	3	30	34	(4)
<i>Addition</i>	3	5	1	25	21	4
<i>Demolition</i>	0	0	1	5	1	4
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	18	11	10	92	105	(13)
<i>Repair</i>	25	53	32	220	252	(32)
Total Residential	51	79	50	390	432	(42)
BUILDING PERMITS ISSUED - COMMERCIAL						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	1	0	0	2	(2)
Subtotal - New Commercial	0	1	0	0	2	(2)
Miscellaneous (Total)	9	11	7	63	61	2
<i>Accessory Structure</i>	3	6	3	24	22	2
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	1	1	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	5	2	3	19	20	(1)
<i>Repair</i>	1	3	1	19	18	1
Total Commercial	9	12	7	63	63	0
Grand Total	60	91	57	453	495	(42)
SUB-CONTRACTOR PERMITS						
Electrical	62	45	50	424	405	19
Gas	2	1	2	29	25	4
Mechanical	40	38	27	264	294	(30)
Plumbing	14	7	8	100	71	29
Fire Sprinkler	0	0	0	3	3	0
VALUE						
New Single Family	\$1,915,500	\$867,000	\$1,349,213	\$7,592,995	\$6,459,026	\$1,133,969
New Single Family, 3000 sf or >	\$0	\$1,235,000	\$1,507,945	\$2,642,945	\$7,233,733	(\$4,590,788)
Duplex - New	\$0	\$0	\$0	\$711,000	\$0	\$711,000
Misc (Total Residential)	\$1,726,871	\$1,899,507	\$1,273,570	\$14,147,156	\$13,873,971	\$273,185
Sub Total Residential	\$3,642,371	\$4,001,507	\$4,130,728	\$25,094,096	\$27,566,730	(\$2,472,634)
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$0	\$0
Business/Govt/Other - New	\$0	\$11,562,356	\$0	\$0	\$17,988,350	(\$17,988,350)
Misc (Total Commercial)	\$829,926	\$397,955	\$123,645	\$4,041,563	\$2,252,129	\$1,789,434
Sub Total Commercial	\$829,926	\$11,960,311	\$123,645	\$4,041,563	\$20,240,479	(\$16,198,916)
Grand Total	\$4,472,297	\$15,961,818	\$4,254,373	\$29,135,659	\$47,807,209	(\$18,671,550)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
MARCH 2024**

DATE SUBMITTED: April 7, 2024

	Mar-24	Mar-23	Feb-24	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	64	101	62	494	493	1
Soil & Erosion	1	N/A	2	16	N/A	N/A
Stormwater Plans	6	N/A	3	28	N/A	N/A
CAMA						
CAMA LPO Permits	5	4	1	30	23	7
CAMA LPO Exemptions	13	10	8	50	51	0
Sand Relocations	67	51	42	250	164	N/A
CODE COMPLIANCE						
Cases Investigated	25	96	28	248	543	(295)
Warnings	4	7	3	28	78	(50)
NOVs Issued	20	19	24	216	126	90
Civil Citations (#)	0	0	0	1	10	(9)
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$23,150	(\$23,150)
SEPTIC HEALTH						
Tanks inspected	10	14	6	86	100	(14)
Tanks pumped	10	11	13	95	68	27
Water quality sites tested	2	46	1	69	166	(97)
Personnel Hours in Training/School	44	52	16	319	200	119



Kelly Wyatt, Planning Director

Summer

CONCERT SERIES

Dowdy Park - 3005 S. Croatan Hwy

JUNE 19 - AUGUST 21

Wednesday Evenings 6:30 - 8:00 pm

JUNE 19 - Black Pearl

JUNE 26 - Uphill

JULY 3 - SOUL One

JULY 10 - The Bee Keepers

JULY 17 - Troy Breslow Band

JULY 24 - Will Overman Band

JULY 31 - Rob Oliver Trio

AUG 7 - Bar Catz Duo

AUG 14 - Haze & Dacey

AUG 21 - Intangible Catz

Brought to you by



TOWN OF
NAGS HEAD



Agenda Item Summary Sheet

Item No: **G-1**
Meeting Date: **May 1, 2024**

Item Title: Committee Reports

Item Summary:

At the May 1st Board of Commissioners meeting, Board members will provide reports from meetings they have attended on behalf of the Town.

Number of Attachments: 0

Specific Action Requested:

Provided for Board information and update.

Submitted By: Administration

Date: April 23, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: April 23, 2024



Agenda Item Summary Sheet

Item No: **G-2**
Meeting Date: **May 1, 2024**

Item Title: Consideration of appointments/reappointments to Boards/Committees

Item Summary:

At the May 1st Board of Commissioners meeting, request Board consideration of the following appointments/reappointments to Boards/Committees:

Firemen's Relief Fund Board

- Rose Lay's term expires May 2024; she is interested in being reappointed.

Arts and Culture Committee

- The terms of both Ginny Flowers and Samantha Lock expire June 2024; They are both interested in being re-appointed.

Attached please find the current roster of the Firemen's Relief Fund Board of Trustees as well as the current roster/candidate list for the Arts and Culture Committee.

Number of Attachments: 3

Specific Action Requested:

Provided for Board appointment/reappointment.

Submitted By: Administration

Date: April 17, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: April 17, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 17, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: April 17, 2024

**Town of Nags Head CURRENT
Firemen's Relief Fund Board of Trustees**

Meeting Date: May 1, 2024

<i>Name of Board/Committee</i>	<i>Current members</i>	<i>Contact Info</i>	<i>Last appointed date</i>	<i>Seat expires</i>	<i>Eligible for Re-appointment</i>	<i>Notes</i>
Firemen's Relief Fund Board of Trustees	Dorie Fuller (Chair)	Phone/email on file	2024		Awaiting paperwork from the State	Appointed by State Comr. of Insurance
	Rose Lay	Phone/email on file	05/2022	05/2024	Interested in being reappointed	Appointed by Governing Body
	Anne Farmer	Phone/email on file	01/2024	01/2026	Not expired	Appointed by Governing Body
	Phil Wolfe	Phone/email on file	08/2023	08/2025	N/A	Appointed by Fire Dept
	Scott Hooper	Phone/email on file	08/2023	08/2025	N/A	Appointed by Fire Dept

Nags Head **CURRENT** - Arts and Culture Committee

Meeting Date: May 1, 2024

<i>Name of Board/Committee</i>	<i>Current members</i>	<i>Contact Info</i>	<i>Last appointed date</i>	<i>Seat expires</i>	<i>Eligible for Re-appointment</i>	<i>Notes</i>
Arts and Culture Meets 2 nd Wednesday of each month 7 members (including one staff) no more than 9 members	Peggy Saporito	Phone/email on file	12/7/22	12/7/25	Term not expired	
	Ginny Flowers	Phone/email on file	6/2/21	6/2/24	Yes- is interested in being reappointed	
	Kerry Oaksmith-Sanders	Phone/email on file	12/7/22	12/7/25	Term not expired	
	Samantha Lock	Phone/email on file	6/2/21	6/2/24	Yes- is interested in being reappointed	
	Shelli Gates	Phone/email on file	9/7/22	9/7/25	Term not expired	
	Jeremy Russell	Phone/email on file	9/7/22	9/7/25	Term not expired	
	Molly Vaughan	Phone/email on file	9/7/22	9/7/25	Term not expired	
	Kelly Wyatt, Staff					

CANDIDATES Characteristic Chart – Arts & Culture Committee

Meeting Date: May 1, 2024

Applicant Name	Bd/Comm Interested in Serving	Yrs of Residency	Location of Residency	Role in Community	Attributes to offer Bd/Comm	Special Interest in Bd/Comm	Currently serving on Town Bd/Comm
Barbara Ayars (12/1/22)	Arts & Culture Planning Board BOA	11 yrs.	Gallery Row	Retired attorney	Knowledge of environmental law	Assist w/maintaining a balance between ecosystem protection and use	No
Robert T. Snyder (1/18/24)	Planning Board BOA Arts & Culture PGP	14 yrs	Dune Lantern	Condo Assoc President 23 yrs. Served on Tourism Board, Board of Tourism and Maritime Museum Board of Governors in MD.	Previously served 12 yrs as Commissioner in St. Michaels, MD.	Would like to serve community by participating in town government	Dangerous Animal Appeal Board

Agenda Item Summary Sheet



Item No: **G-3**

Meeting Date: **May 1, 2024**

Item Title: Discussion of changes to the Town Code of Ordinances to incorporate a ban on the release of balloons on Town property

Discussion of resolution opposing the release of balloons within the Town

Item Summary:

At the March 20th Board of Commissioners meeting, Board members mentioned the proposal presented during the March 6th public comment period from the *Ban Balloon Releases in North Carolina* organization. It was Board consensus that an ordinance banning balloon releases from Town property and public trust areas be discussed/considered at the May 1st Board meeting.

Attached please find a proposed ordinance adding Sec. 26-17 to Town Code Chapter 26 *Offenses and Miscellaneous Provisions* banning the release of balloons.

In addition, attached please find a proposed resolution opposing the release of balloons town-wide.

Number of Attachments: 2

Specific Action Requested:

Proposed ordinance and resolution are provided for Board discussion and consideration.

Submitted By: Administration

Date: April 23, 2024

Finance Officer Comment:

Insufficient information to determine precise fiscal impact.

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: April 23, 2024



**AN ORDINANCE ADDING SEC. 26-17 TO CHAPTER 26
OFFENSES AND MISCELLANEOUS PROVISIONS
BANNING THE RELEASE OF BALLOONS**

WHEREAS, pursuant to North Carolina General Statutes §160A-174 a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; AND

WHEREAS, in furtherance of the public’s health, safety and welfare it is necessary to regulate certain activities upon the lands, waterways, beaches, and dune areas of the Town which degrade or cause harm to these areas or the waters of the Atlantic Ocean, Roanoke Sound, and tributaries of same; AND

WHEREAS, it is further necessary to regulate certain activities to protect the well-being of the natural environment and the wildlife present in this environment.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina:

The Code of Ordinances, Town of Nags Head, North Carolina, is hereby amended by adding a section, to be numbered 26-17, Unlawful to Release Balloons on Town-owned property, which section shall read as follows:

Sec. 26-17. Unlawful to Release Balloons on Town-owned property.

- A. It shall be unlawful for any person, firm, nonprofit organization, or corporation to knowingly and intentionally release, participate in the release of, intentionally cause to be released, to litter by abandoning and not properly disposing of all waste material, any type of balloon inflated with a liquid, air, or gas on any Town-owned property, any waters within the zoning jurisdiction of the Town, or the beach and/or dune areas within the Town.
- B. The following are not violations of this Section:
 - (1) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
 - (2) Hot air balloons that are recovered after launching.
 - (3) Balloons released inside a building or structure do not make their way into the open air.
- C. The following definitions apply to this Section:

“Balloon” means a flexible, nonporous bag made from materials such as, but not limited to, rubber, latex, polychloroprene, mylar, or nylon fabric that can be inflated or filled with gas or fluid, such as helium, hydrogen, nitrous oxide, oxygen, air, or water, and then sealed at the neck of the bag. The Town does not recognize any balloon as “biodegradable or photodegradable”.

“Litter” includes all waste materials resulting from the outdoor release or abandonment of a balloon.
- D. Penalty for violations of this Section:

Any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$50 to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within ten days after having been cited for violation of the ordinance.

This ordinance shall be effective upon its adoption.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

Date adopted: May 1, 2024

Motion to adopt by: _____

Motion seconded by: _____

Vote: _____ AYES _____ NAYS



**RESOLUTION OF THE TOWN OF NAGS HEAD, NORTH CAROLINA,
OPPOSING THE RELEASE OF BALLOONS WITHIN THE TOWN**

WHEREAS, The Town of Nags Head’s Vision Statement emphasizes preservation of our unique coastal community built upon a legacy rooted in shared values. The Town’s Vision includes the preservation and protection of the Nags Head character and environment for present and future generations; AND

WHEREAS, one of the principles in the Town’s Legacy is to ensure access to a well-protected natural coastal environment consistent with the community’s vision; AND

WHEREAS, the release of helium and other lighter-than-air balloons poses a significant environmental threat; AND

WHEREAS, mylar and latex balloons, found littered along the shoreline, contribute to pollution, detract from the Town’s aesthetics, and endanger marine and animal life; AND

WHEREAS, balloons frequently land in the Atlantic Ocean and the Roanoke Sound, becoming prevalent sources of floating debris; AND

WHEREAS, research suggests that marine life and animals mistake balloons for edible resources, leading to ingestion and potential harm, risking choking or intestinal blockages; AND

WHEREAS, government intervention is crucial for mitigating environmental harm and safeguarding public health and safety.

NOW, THEREFORE, LET IT BE RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD, NORTH CAROLINA, that the Town strongly opposes the release of helium or lighter-than-air balloons within Nags Head to preserve the Town's air, land, and water from contamination, and to protect the well-being of wildlife.

Adopted this 1st day of May 2024.

Benjamin Cahoon, Mayor

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **G-4**
Meeting Date: **May 1, 2024**

Item Title: Discussion of multi-use path signage

Item Summary:

At the May 1st Board of Commissioners meeting, Police Chief Perry Hale will discuss with the Board the installation of signage on the multi-use path. Due to the increased use of the path by pedestrians and cyclists, Chief Hale is requesting the additional visual aid of signage to reduce conflicts.

Please see attached memo from Chief Hale.

Number of Attachments: 1

Specific Action Requested:

Provided for Board discussion and consideration.

Submitted By: Administration

Date: April 23, 2024

Finance Officer Comment:

If approved, minimal fiscal impact related to the cost of signage.

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: April 23, 2024



Nags Head Police Department

5401 S. Croatan Hwy.
Post Office Box 99
Nags Head, North Carolina 27959
Telephone (252) 441-6386
Fax (252) 441-7335
www.nagsheadnc.gov

Service - Professionalism - Integrity - Strength

Perry Hale
Chief of Police

Chris Montgomery
Deputy Chief of Police

MEMORANDUM

TO: Andy Garman, Town Manager
FROM: P. Hale, Chief of Police
DATE: April 17, 2024
RE: Signage Request for Multi-Use Path

The police department is requesting to add signage to the town's multi-use path in an effort to help with the increasing use of both pedestrians and cyclists. Over the past few years, we have seen an increase in yearly population and vacationers during the summer months which has led to congestion with pedestrians and cyclists. The addition of signage would provide a visual aid in hopes of reducing potential conflicts between pedestrians and cyclists and controlled speeds. Pedestrians will be encouraged to stay to the right to allow for other faster users to pass on the left. We would be requesting signage for speed limits and walk on the right / pass on the left. In future years, we may also consider striping the path to define travel lanes and provide directional information.

At the upcoming meeting, the Police Department will provide visuals of suggested measures and request discussion and feedback from the Board.



Agenda Item Summary Sheet

Item No: **G-5**
Meeting Date: **May 1, 2024**

Item Title: Request for installation of security dash cameras inside/outside sanitation vehicles

Item Summary:

Public Services is requesting the installation of dual cameras on the Sanitation trucks in addition to the GPS system we currently have before July 1, 2024. This would allow us to take advantage of a promo for a month of free service for fifteen trucks (\$790.50) and the cameras could be installed in June 2024 at the beginning of our busy season. This will not result in a budget amendment/increase for the current fiscal year. The cameras provide valuable footage that can help protect the town, particularly when documentation is necessary in the event of a crash or incident.

Attachments: 0

Specific Action Requested:

Request Board approval of security dash camera purchase for use in sanitation vehicles.

Submitted By: Public Services Dept

Date: April 24, 2024

Finance Officer Comment:

No additional funds are needed in FY 23/24, however \$12,648 will be in the Recommended Budget for this initiative in FY 24/25.

Signature: Amy Miller

Date: April 24, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 24, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: April 24, 2024



Agenda Item Summary Sheet

Item No: **I-1**
Meeting Date: **May 1, 2024**

Item Title: Town Manager Garman - Consideration of requests for additional Sanitation Operator in the Public Services Dept and part-time/seasonal position in the Planning and Development Dept

Item Summary:

Public Services Dept

Public Services is requesting an additional Sanitation Operator in the FY 24/25 budget. This new position will increase the level of service by contributing to weekend work, bulk-yard coverage and day-to-day high-volume operations. We are requesting to fill this position prior to the start of the fiscal year in order to provide support at the beginning of the busy season. This will not result in a budget amendment/increase for the current fiscal year. Attached please find an updated organizational chart reflecting an additional operator.

Planning and Development Dept

The growing popularity and increasing demands of our Town sponsored events, including the Dowdy Park Farmers Market, Summer Concert Series and Movie Nights, has significantly increased the scope of work and responsibilities of our current Event Planner, Paige Griffin. The addition of a seasonal/part-time position would greatly enhance our ability to maintain the high standards that our community expects and deserves while allowing Paige Griffin the ability to focus on providing quality customer service, detailed event organization, and the ability to have the direct interaction with guests and vendors that make our events special.

Paige Griffin, who has been instrumental in managing and growing these events, has experienced a noticeable increase in workload, which affects her ability to maintain the unique atmosphere and ensure safety at our Town events. To alleviate this strain and continue providing exceptional service and event management, we are requesting that the Board of Commissioners consider hiring a part-time, seasonal employee for approximately 10 hours per week during the peak season (approximately 10 weeks).

The financial implication of this request is minimal, with the total cost for the requested seasonal position not exceeding \$4,200 for the 2024-2025 Fiscal Year. We are seeking approval to hire this position immediately to provide necessary support to Paige Griffin and our Town events starting before July 1, 2024.

Number of Attachments: 3

Specific Action Requested:

Approval of attached updated organizational chart.

Submitted By: Administration

Date: April 18, 2024

Finance Officer Comment:

No fiscal impact for the current fiscal year.

Signature: Amy Miller

Date: April 18, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 18, 2024

Town Manager Comment and/or Recommendation:

These positions are being recommended in the proposed FY 2025 Nags Head budget. We would request that the Board consider approval now to augment staffing for the upcoming season. We will be presenting a balanced budget with no tax increase.

Signature: Andy Garman

Date: April 18, 2024

Town of Nags Head
Salary Schedule 2023-2024

Town of Nags Head Salary Schedule July 1, 2023 - June 30, 2024

GRADE	HIRING RATE	MINIMUM	MID POINT	MAXIMUM	GRADE
1	38,236	40,147	49,706	59,264	1
2	40,147	42,156	52,193	62,229	2
3	42,156	44,264	54,803	65,341	3
4	44,264	46,477	57,543	68,608	4
5	46,477	48,800	60,420	72,039	5
6	48,800	51,240	63,440	75,639	6
7	51,240	53,802	66,612	79,422	7
8	53,802	56,492	69,943	83,393	8
9	56,492	59,317	73,440	87,563	9
10	59,317	62,283	77,112	91,941	10
11	62,283	65,397	80,968	96,539	11
12	65,397	68,667	85,017	101,367	12
13	68,667	72,101	89,268	106,434	13
14	72,101	75,706	93,731	111,756	14
15	75,706	79,492	98,418	117,344	15
16	79,492	83,466	103,339	123,212	16
17	83,466	87,639	108,506	129,373	17
18	87,639	92,021	113,931	135,841	18
19	92,021	96,622	119,628	142,633	19
20	96,622	101,454	125,610	149,766	20
21	101,454	106,528	131,892	157,255	21
22	106,527	111,854	138,486	165,118	22

Nags Head Grade List
2023-2024

Town of Nags Head Grade List July 1, 2023 - June 30, 2024				
GRADE	CLASSIFICATION	HIRING RATE	MINIMUM	MAXIMUM
1	Seasonal Events Assistant	38,236	40,147	59,264
2		40,147	42,156	62,229
3	Customer Services Representative Office Assistant	42,156	44,264	65,341
4	Administrative Specialist Facilities Maintenance Technician Sanitation Equipment Operator Trainee Water Distribution Technician Water Plant Operator	44,264	46,477	68,608
5	Accounts Payable Specialist Permit Specialist Water Billing Specialist	46,477	48,800	72,039
6	Deputy Town Clerk Payroll Specialist Permitting Coordinator Sanitation Equipment Operator Senior Facilities Maintenance Technician Stormwater Technician	48,800	51,240	75,639
7	Event Planner Facility Maintenance Crew Leader Fire Fighter/EMT Fleet Mechanic Office Manager Sanitation Crew Leader Stormwater Crew Leader Water Distribution Crew Leader	51,240	53,802	79,422
8	Police Officer Fire Engineer Senior Fleet Mechanic Administrative Supervisor	53,802	56,492	83,393

Nags Head Grade List
2023-2024

Town of Nags Head Grade List July 1, 2023 - June 30, 2024				
GRADE	CLASSIFICATION	HIRING RATE	MINIMUM	MAXIMUM
9	Code Compliance Officer	56,492	59,317	87,563
	Environmental Planner			
	Fire Lieutenant			
	Fleet Crew Leader			
	Police Detective			
	Police Systems Administrator			
	Tax Collector			
10	Building Inspector I	59,317	62,283	91,941
	Planner			
11	Building Inspector II	62,283	65,397	96,539
	Facilities Maintenance Superintendent			
	Fire Captain			
	Fleet Maintenance Superintendent			
	Police Sergeant			
	Sanitation Superintendent			
	Water Distribution Superintendent			
	Water Operations Superintendent			
12	Building Inspector III	65,397	68,667	101,367
	IT Administrator			
	Ocean Rescue Supervisor/Firefighter			
	Public Information Officer			
13	Town Clerk	68,667	72,101	106,434
14	Chief Building Inspector	72,101	75,706	111,756
	Police Lieutenant			
15		75,706	79,492	117,344
16	Deputy Finance Director	79,492	83,466	123,212
	Deputy Fire Chief			
	Deputy Planning Director			
	Deputy Police Chief			
	Deputy Public Services Director			
	Human Resources Officer			
17		83,466	87,639	129,373

Nags Head Grade List
2023-2024

Town of Nags Head Grade List July 1, 2023 - June 30, 2024				
GRADE	CLASSIFICATION	HIRING RATE	MINIMUM	MAXIMUM
18		87,639	92,021	135,841
19	Town Engineer	92,021	96,622	142,633
20	Fire Chief	96,622	101,454	149,766
	Planning and Development Director			
	Police Chief			
	Public Services Director			
21		101,454	106,528	157,255
22	Deputy Town Manager/Finance Officer	106,527	111,854	165,118

Nags Head Class List
2023-2024

Town of Nags Head Class List July 1, 2023 - June 30, 2024

GRADE	CLASSIFICATION	HIRING RATE	MAXIMUM
5	Accounts Payable Specialist	46,477	72,039
4	Administrative Specialist	44,264	68,608
8	Administrative Supervisor	53,802	83,393
10	Building Inspector I	59,317	91,941
11	Building Inspector II	62,283	96,539
12	Building Inspector III	65,397	101,367
14	Chief Building Inspector	72,101	111,756
9	Code Compliance Officer	56,492	87,563
3	Customer Services Representative	42,156	65,341
16	Deputy Finance Director	79,492	123,212
16	Deputy Fire Chief	79,492	123,212
16	Deputy Planning Director	79,492	123,212
16	Deputy Police Chief	79,492	123,212
16	Deputy Public Services Director	79,492	123,212
6	Deputy Town Clerk	48,800	75,639
22	Deputy Town Manager/Finance Officer	106,527	165,118
9	Environmental Planner	56,492	87,563
7	Event Planner	51,240	79,422
7	Facilities Maintenance Crew Leader	51,240	79,422
11	Facilities Maintenance Superintendent	62,283	96,539
4	Facilities Maintenance Technician	44,264	68,608
11	Fire Captain	62,283	96,539
20	Fire Chief	96,622	149,766
8	Fire Engineer	53,802	83,393
9	Fire Lieutenant	56,492	87,563
7	Fire Fighter/EMT	51,240	79,422
9	Fleet Crew Leader	56,492	87,563
11	Fleet Maintenance Superintendent	62,283	96,539
7	Fleet Mechanic	51,240	79,422
16	Human Resources Officer	79,492	123,212
12	IT Administrator	65,397	101,367

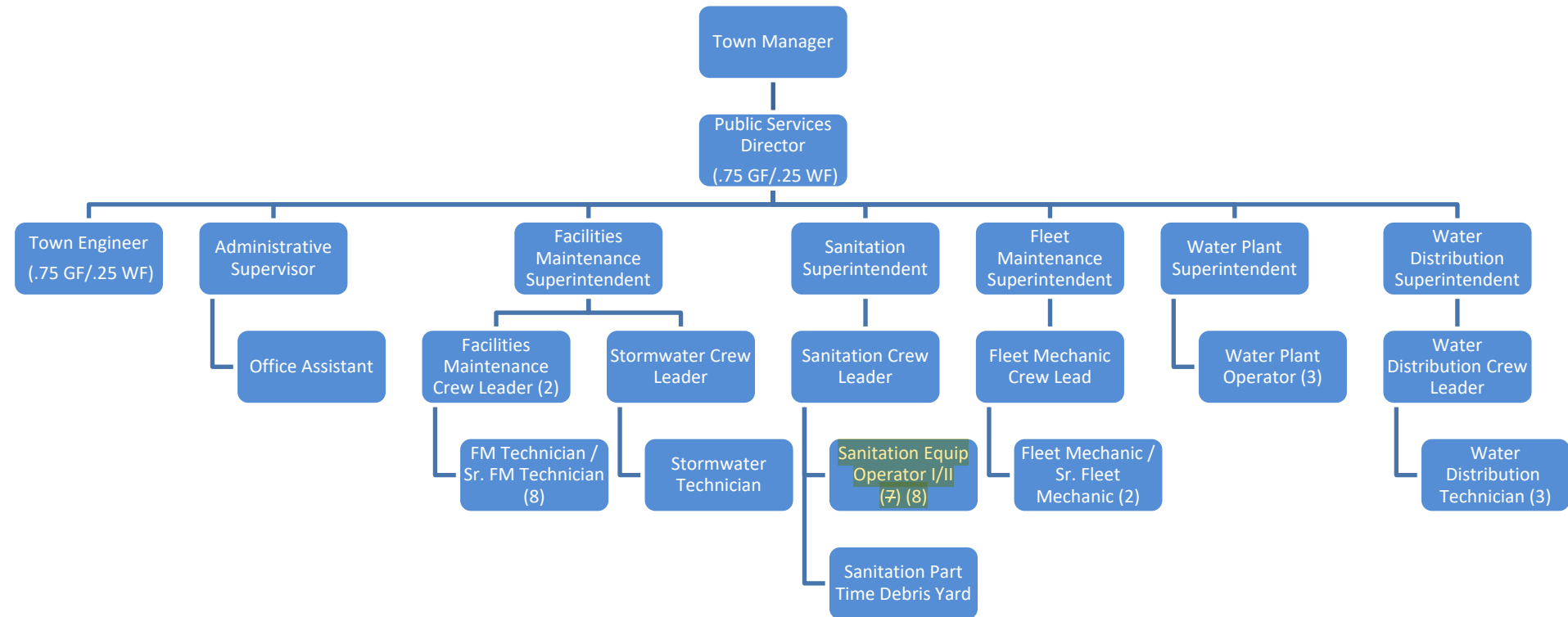
Nags Head Class List
2023-2024

Town of Nags Head Class List July 1, 2023 - June 30, 2024

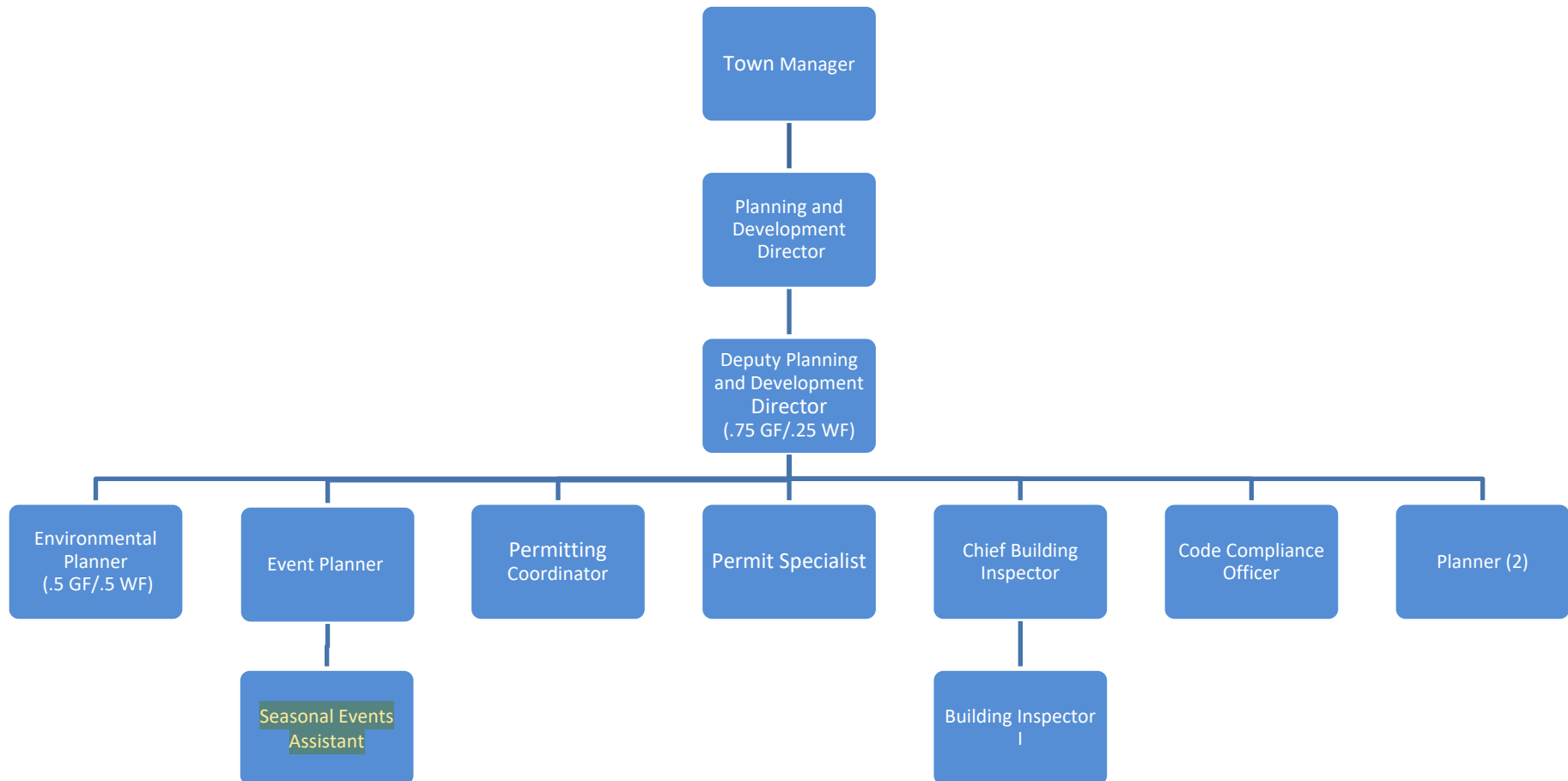
GRADE	CLASSIFICATION	HIRING RATE	MAXIMUM
12	Ocean Rescue Supervisor/Firefighter	65,397	101,367
3	Office Assistant	42,156	65,341
7	Office Manager	51,240	79,422
6	Payroll Specialist	48,800	75,639
5	Permit Specialist	46,477	72,039
6	Permitting Coordinator	48,800	75,639
10	Planner	59,317	91,941
20	Police Chief	96,622	149,766
9	Police Detective	56,492	87,563
14	Police Lieutenant	72,101	111,756
8	Police Officer	53,802	83,393
20	Planning and Development Director	96,622	149,766
11	Police Sergeant	62,283	96,539
12	Public Information Officer	65,397	101,367
20	Public Services Director	96,622	149,766
7	Sanitation Crew Leader	51,240	79,422
6	Sanitation Equipment Operator	48,800	75,639
4	Sanitation Equipment Operator Trainee	44,264	68,608
11	Sanitation Superintendent	62,283	96,539
1	Seasonal Events Assistant	38,236	59,264
6	Senior Facilities Maintenance Technician	48,800	75,639
8	Senior Fleet Mechanic	53,802	83,393
7	Stormwater Crew Leader	51,240	79,422
6	Stormwater Technician	48,800	75,639
9	Tax Collector	56,492	87,563
13	Town Clerk	68,667	106,434
19	Town Engineer	92,021	142,633
5	Water Billing Specialist	46,477	72,039
7	Water Distribution Crew Leader	51,240	79,422
11	Water Distribution Superintendent	62,283	96,539
4	Water Distribution Technician	44,264	68,608
4	Water Plant Operator	44,264	68,608
11	Water Operations Superintendent	62,283	96,539



PUBLIC SERVICES ORGANIZATION AND STAFFING



PLANNING & DEVELOPMENT ORGANIZATION AND STAFFING





Agenda Item Summary Sheet

Item No: **I-2**
Meeting Date: **May 1, 2024**

Item Title: Town Manager Garman – Update on construction of the Public Services Facility

Item Summary:

Town Manager Andy Garman, along with Town Engineer David Ryan, will present an update on the construction progress of the new Public Services Facility at the May 1st Board of Commissioners meeting.

Number of Attachments: 0

Specific Action Requested:

Provided for Board information and update.

Submitted By: Administration

Date: April 23, 2024

Finance Officer Comment:

I will respond to questions as necessary.

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

Update provided for Board information.

Signature: Andy Garman

Date: April 23, 2024



Agenda Item Summary Sheet

Item No: **I-3**
Meeting Date: **May 1, 2024**

Item Title: Town Manager Garman - Presentation of Recommended FY 24/25 Budget

Item Summary:

At the May 1st Board of Commissioners meeting, Town Manager Andy Garman will present the FY 24/25 Recommended Budget to the Board.

A hard copy of the FY 24/25 Recommended Budget will be distributed to Board members at the meeting.

Number of Attachments: 0

Specific Action Requested:

Provided for Board information.

Submitted By: Administration

Date: April 22, 2024

Finance Officer Comment:

I will participate in the discussion as necessary.

Signature: Amy Miller

Date: April 22, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: April 22, 2024

Town Manager Comment and/or Recommendation:

I am pleased to present the Town Manager's Recommended budget for FY 2024/25. Thanks for all the hard work of those who prepared this budget – Amy Miller, Deputy Town Manager/Finance Officer, Brooke Norris, Deputy Finance Officer, Jan Mielke, Director of Human Resources, Roberta Thuman, Public Information Officer, staff in Administrative Services, all Department Heads, Deputies, Town Engineer, Supervisors, Office Managers, etc. I don't want to leave anyone out although I'm sure I did. This is a team effort. Also, thank you for the continued support and engagement of our Board of Commissioners!

Signature: Andy Garman

Date: April 22, 2024



Agenda Item Summary Sheet

Item No: **L-1**
Meeting Date: **May 1, 2024**

Item Title: Request for Closed Session to discuss the possible acquisition of real property located at 4222 S Croatan Highway

Item Summary:

A Closed Session will be requested at the May 1st Board of Commissioners meeting to discuss the possible acquisition of real property located at 4222 S Croatan Highway pursuant to GS 143-318.11(a)(5).

Number of Attachments: 0

Specific Action Requested:

Provided for Board discussion.

Submitted By: Administration

Date: April 23, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

Town Manager Garman will participate in the discussion.

Signature: Andy Garman

Date: April 23, 2024



Agenda Item Summary Sheet

Item No: **L-2**
Meeting Date: **May 1, 2024**

Item Title: Request for Closed Session to consult with the Town Attorney regarding matters protected by the attorney/client privilege and to preserve that privilege, to include the Cherry, Inc litigation and the pending litigation re: Dare County municipalities vs the State of NC zoning authority

Item Summary:

A Closed Session will be requested at the May 1st Board of Commissioners meeting to consult with the Town Attorney regarding matters protected by the attorney/client privilege and to preserve that privilege, to include the Cherry, Inc litigation and the pending litigation re: Dare County municipalities vs the State of NC zoning authority - pursuant to GS 143-318.11(a)(3).

Number of Attachments: 0

Specific Action Requested:

Provided for Board update and discussion.

Submitted By: Administration

Date: April 23, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: April 23, 2024

Town Attorney Comment:

Attorney Leidy will provide an update.

Signature: John Leidy

Date: April 23, 2024

Town Manager Comment and/or Recommendation:

Town Manager Garman will participate in the discussion.

Signature: Andy Garman

Date: April 23, 2024