



AGENDA

**TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM
WEDNESDAY, AUGUST 7, 2024, 9:00 A.M.**

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

B. ADOPTION OF AGENDA

C. RECOGNITION

1. Recognition

NEW EMPLOYEE - Police Administrative Specialist Elizabeth Moran - July 8, 2024

TEN YEARS - Sr. Police Officer/Animal Control Officer Jimmy Pierce - July 1, 2014

TWENTY YEARS - Police Systems Administrator Dee Johnson - May 10, 2004

PROCLAMATION - Support of the 150th Anniversary of the Establishment of the U.S.
Life-Saving Service in North Carolina

PRESENTATION OF LIFESAVING AWARDS:

- Fire Captain Phil Wolfe, Lt. Trever Tilley, Engineer James Phillips
- Ocean Rescue Staff Hage, Lenz, Federline, Gilbertson, and Dew

Documents:

[8 C RECOGNITION SUMMARY.PDF](#)

[8 C 150 ANNIV US LIFE SAVING SVC PROC.PDF](#)

D. PUBLIC COMMENT

E. CONSENT AGENDA

1. Consideration Of Budget Amendment #2 To FY 24/25 Budget

Documents:

[8 E1 BUD AMEND TO FY 24-25 SUMMARY.PDF](#)

[8 E1 BUD AMEND WORKSHEETS.PDF](#)

2. Consideration Of Tax Documents

- FY 23/24 Year End Tax Adjustment Reports
- FY 23/24 Year End Tax Settlement Report

Documents:

[8 E2 TAX ADJ REPORT SUMMARY.PDF](#)

[8 E2 TAX ADJUSTMENT YEAR END TAX SETTLEMENT REPORT.PDF](#)
[8 E2 TAX ADJUSTMENT YEAR END MSD REPORT.PDF](#)
[8 E2 TAX ADJUSTMENT YEAR END REPORT.PDF](#)

3. Approval Of Minutes

Documents:

[8 E3 MINUTES SUMMARY.PDF](#)
[8 E3 MINUTES JULY 3.PDF](#)

4. Consideration Of Resolution To Declare Surplus/Disposition Of Old Water Meters

Documents:

[8 E4 SURPLUS TOWN EQUIPMENT SUMMARY .PDF](#)
[8 E4 SURPLUS TOWN EQUIPMENT RES .PDF](#)

5. Consideration Of Addition To Fee Schedule Re: EV Charger Payment Fee

Documents:

[8 E5 CFS MODIFICATION SUMMARY.PDF](#)
[8 E5 CFS MODIFICATION.PDF](#)

6. Consideration Of Modification To Personnel Policy To Incorporate Inclement Weather Policy

Documents:

[8 E6 INCLEMENT WEATHER SUMMARY.PDF](#)
[8 E6 INCLEMENT WEATHER MEMO.PDF](#)
[8 E6 INCLEMENT WEATHER POLICY.PDF](#)

7. Sand Relocation And Dune Management Cost Share Program

- Continuation of year three of a three-year program
- Consideration of amendment to Beach Nourishment Maintenance Capital Project Ordinance

Documents:

[8 E7 DUNE MGMT SUMMARY.PDF](#)
[8 E7 DUNE MGMT MEMO.PDF](#)
[8 E7 DUNE MGMT BN MAINT CAP PROJ ORD.PDF](#)

8. Request For Public Hearing To Consider Various Text Amendments to the Unified Development Ordinance (UDO) as it pertains to the use of multi-family dwelling developments

Documents:

[8 E8 RPH MULTI-FAMILY DWELLINGS SUMMARY.PDF](#)

9. Request For Public Hearing To Consider A Text Amendment

to the Unified Development Ordinance submitted by Anlauf Engineering, PLLC on behalf of Ark Church,
to modify the definition of "Religious Complex" to include an additional single-family residence for church staff,
in addition to the existing allowance for an onsite parsonage

Documents:

[8 E9 RPH ARK CHURCH ADDL RESIDENCE SUMMARY.PDF](#)

10. Request For Public Hearing To Consider Various Amendments
to the Unified Development Ordinance as it pertains to dormitory use in the SED-80,
Special Environmental District

Documents:

[8 E10 RPH DORMITORY USE SUMMARY.PDF](#)

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

1. Update From Planning Director

Documents:

[8 F1 PLANNING DIRECTOR SUMMARY.PDF](#)
[8 F1 PLANNING DIRECTOR REPORT.PDF](#)

2. Year-End Overview/Update On The Todd D Krafft Septic Health Initiative

Documents:

[8 F2 SEPTIC HEALTH PGM OVERVIEW SUMMARY.PDF](#)

G. OLD BUSINESS TABLED FROM PREVIOUS MEETINGS

1. From July 3rd Board Meeting - Roanoke Shores Subdivision
- Consideration of Traffic Control Map amendments

Documents:

[8 G1 TCM ROANOKE SHORES SUMMARY.PDF](#)
[8 G1 TCM ROANOKE SHORES POLICE MEMO.PDF](#)
[8 G1 ROANOKE SHORES TCM IMAGES.PDF](#)
[8 G1 TCM ROANOKE SHORES ORD.PDF](#)

2. From June 5th Board Meeting - Consideration Of Policy
for neighborhoods to request traffic calming devices

Documents:

[8 G2 TNH TRAFFIC CALMING POLICY SUMMARY.PDF](#)
[8 G2 TNH TRAFFIC CALMING POLICY.PDF](#)

H. NEW BUSINESS

1. Committee Reports

Documents:

[8 H1 COMMITTEE REPORTS SUMMARY.PDF](#)

2. Consideration Of Resolutions Authorizing Fall 2024 Fishing Tournaments - Nags Head Surf Fishing Club, Fraternal Order of Eagles, and Outer Banks Association of Realtors

Documents:

[8 H2 FISHING TOURNAMENTS SUMMARY.PDF](#)
[8 H2 NHSF FISH TOURN LTR.PDF](#)
[8 H2 NHSF FISH TOURN RES.PDF](#)
[8 H2 FOE FISH TOURN LTR.PDF](#)
[8 H2 FOE FISH TOURN RES.PDF](#)
[8 H2 OBAR FISH TOURN LTR.PDF](#)
[8 H2 OBAR FISH TOURN RES.PDF](#)

3. Consideration Of Ordinance Regulating Certain Fishing Practices designed to attract sharks from May 1st through Oct 31st

Documents:

[8 H3 SHARK FISHING ORD SUMMARY.PDF](#)
[8 H3 SHARK FISHING ORD REQUEST MEMO.PDF](#)
[8 H3 SHARK FISHING ORD.PDF](#)

I. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

J. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

1. Presentation - Oakley-Collier On Town Master Plan - Time Specific 11:00 A.m.

Documents:

[8 J1 TM PRES OAKLEY-COLLIER SUMMARY.PDF](#)

2. Update On Kite Discussion From July 3rd Board Meeting

Documents:

[8 J3 TM KITES ON BEACH SUMMARY.PDF](#)

K. BOARD OF COMMISSIONERS AGENDA

1. Comr. Megan Lambert – Discussion Of Hotel Parking Standards

Documents:

[8 K1 COMR HOTEL PARKING SUMMARY.PDF](#)

L. MAYOR'S AGENDA

1. Discussion Of Fall Retreat 2024

Documents:

[8 L1 MAYOR FALL RETREAT SUMMARY.PDF](#)

M. CLOSED SESSIONS

1. Request For Closed To Confer With The Board Re:
matters related to attorney/client privilege to include CRC variance at Juncos St
Beach Access;
Use of Town site at 105 W Seachase Drive, and to preserve that privilege, pursuant
to GS 143-318.11(a)(3)
and to discuss possible acquisition of real property located at 4222 S Croatan
Highway pursuant to GS 143-318.11(a)(5)

Documents:

[8 M1 RCS ATTORNEY-CLIENT AND PROPERTY SUMMARY.PDF](#)

N. OTHER BUSINESS

O. ADJOURNMENT

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



Agenda Item Summary Sheet

Item No: C
Meeting Date: August 7, 2024

Item Title: Recognition

Item Summary:

Recognition at the August 7th Board of Commissioners meeting includes the following:

NEW EMPLOYEE – Police – Administrative Specialist Elizabeth Moran – July 8, 2024

FIVE YEARS – Water Plant Operator Ryan Blythe – July 8, 2019

TEN YEARS – Sr. Police Officer/Animal Control Officer Jimmy Pierce – July 1, 2014

TWENTY YEARS – Police Systems Administrator Dee Johnson – May 10, 2004

PROCLAMATION - Support for the 150th Anniversary of the establishment of the U.S. Life-Saving Service in North Carolina

PRESENTATION OF LIFESAVING AWARDS:

- Captain Phil Wolfe, Lt. Trever Tilley, Engineer James Phillips
- Ocean Rescue Staff Hage, Lenz, Federline, Gilbertson, and Dew

Number of Attachments: 1

Specific Action Requested:

Provided for Board recognition.

Submitted By: Administration

Date: July 30, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

It is an honor to welcome new employees and recognize those who have served for many years. The lifesaving presentation is a testament to the excellent service provided by our town staff.

Signature: Andy Garman

Date: July 30, 2024



PROCLAMATION

Honoring the 150th Anniversary of the Chicamacomico Life-Saving Station in Rodanthe and Declaring October 2024 as Life-Saving Service Commemoration Month

WHEREAS, during the late 1700s and early 1800s, an increase in maritime trade resulted in the greater possibility of near-shore shipwrecks occurring along the East Coast of the United States; AND

WHEREAS, at that time, large sections of the Eastern Seaboard were sparsely populated, leaving sailors with little hope of being rescued should their ship begin to sink—and a very small chance of survival if they made it to shore due to the isolated nature of the beaches; AND

WHEREAS, in 1848 the foundation for the future United States Life-Saving Service was laid when the United States government provided a New Jersey congressman with funding to provide life-saving services in this state; AND

WHEREAS, increasing maritime activity subsequently resulted in a greater loss of lives and vessels along the Eastern Seaboard, and dramatic events involving these losses demonstrated the need for a formal life-saving service to be established; AND

WHEREAS, on April 20, 1871, the U.S. Congress appropriated \$200,000 in funding for life-saving purposes, and that same year, a network of existing volunteer life-saving stations along the East Coast were formally organized as a separate agency of the U.S. Department of Treasury, resulting in the official establishment of the United States Life-Saving Service; AND

WHEREAS, by 1874, funds were appropriated to begin building seven life-saving stations along the coast of North Carolina, the first of which to be completed was the Chicamacomico Life-Saving Station in Rodanthe, which was commissioned on December 4, 1874; AND

WHEREAS, construction of all seven life-saving stations—Chicamacomico, Jones Hill, Caffey's Inlet, Kitty Hawk, Nags Head, Oregon Inlet and Little Kinnakeet—was completed by October 1874; AND

WHEREAS, a series of additional stations continued to be constructed from the North Carolina/Virginia state line to northern border of South Carolina, eventually totaling 29 stations that were located an average of six miles apart from one another; AND

WHEREAS, over the course of its 44 years in operation before it was merged with the Revenue Cutter Service and became the United States Coast Guard, the United States Life-Saving Service responded to 28,121 vessels—and of the 178,741 lives that were in peril at sea, crew members successfully saved a record number of 177,286 lives; AND

WHEREAS, we note that October 2024 is the 150th anniversary of the arrival of the United States Life-Saving Service to the coast of North Carolina; AND

WHEREAS, we reflect upon the rich heritage of the men and women of Nags Head and Dare County who sacrificed comfort and risked their own personal safety to save the lives of strangers in danger at sea; AND

WHEREAS, we acknowledge the tireless work that continues to preserve the heritage, stories, and legacies of the United States Life-Saving Service in North Carolina, ensuring that the heroism of these men is never forgotten;

WE, THE TOWN OF NAGS HEAD BOARD OF COMMISSIONERS, do hereby recognize and celebrate the 150th anniversary of the Chicamacomico Life-Saving Station in Rodanthe and also proclaim October 2024 as "Life-Saving Service Commemoration Month" in Nags Head in honor of those who so bravely served in the United States Life-Saving Service along our shoreline.

This the 7th day of August 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **E-1**
Meeting Date: **August 7, 2024**

Item Title: Consideration of Budget Amendment #2 to FY 24/25 Budget

Item Summary:

Attached please find Budget Amendment #2 to the FY 24/25 Budget which is provided for Board review and approval at the August 7th Board of Commissioners meeting. Budget Amendment #2 is in accordance with the FY 24/25 Budget Ordinance, adopted at the June 5, 2024 meeting.

Number of Attachments: 1

Specific Action Requested:

Request Board approval of attached Budget Amendment #2.

Submitted By: Administrative Services

Date: July 30, 2024

Finance Officer Comment:

Request Board approval of attached Budget Amendment #2.

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: July 30, 2024



BUDGET AMENDMENT REQUEST
FY 2024-2025

BUDGET AMENDMENT NO. 2
Amendment 2.1
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-499000	<u>General Fund Revenues</u> Appropriated Fund Balance (Federal Forfeiture Funds)	23,400.00		615-577400	<u>General Fund Police Forfeiture Expenditures</u> Capital Outlay Equipment	23,400.00
TOTAL CHARGES		\$ 23,400.00		TOTAL CREDITS		\$ 23,400.00

JUSTIFICATION

Police request to use federal funds restricted for public safety for the purchase of training a new K9 and handler.

ADMINISTRATIVE SERVICES 7/19/2024
RECOMMENDED BY DATE

APPROVED BY BOC: DATE

POSTED TO GENERAL LEDGER:

INITIALS



**BUDGET AMENDMENT REQUEST
FY 2024-2025**

BUDGET AMENDMENT NO. 2
Amendment 2.2
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-432100	<u>General Fund Revenues</u> NC DEQ Grant	10,000.00		10-499000	<u>General Fund Revenues</u> Appropriated Fund Balance	10,000.00
TOTAL CHARGES		\$ 10,000.00		TOTAL CREDITS		\$ 10,000.00

JUSTIFICATION

Rebudget EV charging grant from NC DEQ-Volkswagen Settlement.
Purchase Order was carried over to FY 25.

ADMINISTRATIVE SERVICES
RECOMMENDED BY _____ DATE 7/19/2024

APPROVED BY BOC: _____ DATE _____

POSTED TO GENERAL LEDGER:

INITIALS _____



BUDGET AMENDMENT REQUEST
FY 2024-2025

BUDGET AMENDMENT NO. 2
Amendment 2.3
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-473011	<u>General Fund Revenues</u> Contributions Fire/Rescue	2,000.00		730-543300	<u>General Fund Fire Expenditures</u> Supplies	2,000.00
TOTAL CHARGES		\$ 2,000.00		TOTAL CREDITS		\$ 2,000.00

JUSTIFICATION

Fire donation

ADMINISTRATIVE SERVICES 7/19/2024
RECOMMENDED BY DATE

APPROVED BY BOC: DATE

POSTED TO GENERAL LEDGER:

INITIALS



Agenda Item Summary Sheet

Item No: **E-2**
Meeting Date: **August 7, 2024**

Item Title: Consideration of Tax Adjustment Reports

Item Summary:

Attached please find the FY 23/24 Year End Tax Adjustment Reports for both the MSD and the Town-wide taxes and the FY 23/24 Year End Tax Settlement Report.

These reports are submitted for your approval at the August 7th Board of Commissioners meeting.

Number of Attachments: 3

Specific Action Requested:

Tax reports provided for Board review and approval.

Submitted By: Linda Bittner, Tax Collector

Date: July 30, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Andy Garman

Date: July 30, 2024



Administrative Services
Finance

Town of Nags Head

Post Office Box 99
Nags Head, North Carolina 27959
Telephone 252-441-5508
Fax 252-441-4680
www.nagsheadnc.gov

M E M O R A N D U M

To: Mayor and Board of Commissioners

From: Linda Bittner, Tax Collector

Date: August 07, 2024

Subject: Tax Settlement for Tax Year 2023/2024 (per NCGS 105-373)

I hereby certify that records located in the tax office of the Town of Nags Head show an outstanding balance due on June 30, 2024 of \$1,484.36 (including DMV) for 2023 Town-Wide taxes. The adjusted Town-Wide levy (including DMV) as of June 30, 2024 is \$10,376,160.19 with an unaudited collection rate of 99.986%.

I hereby certify that records located in the tax office of the Town of Nags Head show an outstanding balance due on June 30, 2024 of \$10.00 (including DMV) for 2023 Municipal Service District taxes. The adjusted Municipal Service District levy (including DMV) as of June 30, 2024 is \$1,650,193.51 with an unaudited collection rate of 99.999%

I hereby certify that records located in the tax office of the Town of Nags Head show an outstanding balance due on June 30, 2024 of \$.00 for 2023 Cart Rollback fees. The adjusted fees as of June 30, 2024 were \$226,500.00 with an unaudited collection rate of 100.00%.

The total amount of taxes outstanding for **all** years is \$5,397.38, a summary of which is as follows:

Town-Wide Taxes:

<u>Tax Year</u>	<u>Uncollected Ad Valorem</u>	<u>Uncollected DMV</u>	<u>Total Uncollected Balance as of 6/30/2024</u>	<u>Total Uncollected Balance as of 6/30/2023</u>	<u>Difference Collected</u>
2023	1,484.36	0.00	1,484.36		
2022	680.35	0.00	680.35	680.35	0.00
2021	800.14	0.00	800.14	801.97	-1.83
2020	1,064.08	0.00	1,064.08	1,064.08	0.00
2019	689.03	0.00	689.03	689.03	0.00
2018	202.20	0.00	202.20	202.20	0.00
2017	175.81	0.00	175.81	175.81	0.00
2016	144.11	0.00	144.11	144.11	0.00
2015	49.71	0.00	49.71	49.71	0.00
2014	39.84	39.21	79.05	79.05	0.00
Town-Wide Total	5,329.63	39.21	5,368.84	3,886.31	-1.83

Municipal Service District Taxes:

<u>Tax Year</u>	<u>Uncollected Ad Valorem</u>	<u>Uncollected DMV</u>	<u>Total Uncollected Balance as of 6/30/2024</u>	<u>Total Uncollected Balance as of 6/30/2023</u>	<u>Difference Collected</u>
2023	10.00	0.00	10.00		
2022	2.41	0.00	2.41	2.41	0.00
2021	7.60	0.00	7.60	7.60	0.00
2020	1.72	0.00	1.72	1.72	0.00
2019	1.58	0.00	1.58	1.58	0.00
2018	1.58	0.00	1.58	1.58	0.00
2017	1.58	0.00	1.58	1.58	0.00
2016	0.00	0.00	0.00	0.00	0.00
2015	2.07	0.00	2.07	2.07	0.00
2014	0.00	0.00	0.00	0.00	0.00
MSD Total	28.54	0.00	28.54	18.54	0.00

Combined Total	5,358.17	39.21	5,397.38	3,904.85	-1.83
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Town of Nags Head, North Carolina
Schedule of Ad Valorem 2023-2024 Taxes Receivable
2023 Tax Levy As of June 30, 2024 for the August 7, 2024 BOC Mtg - YEAR-END REPORTS

	BEACH NOURISHMENT DISTRICT			MSD Excluding Registered Motor Vehicles	Registered Motor Vehicles
	MSD Valuation	Rate	Total Levy		
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	1,906,009	0.00143	2,725.63		2,725.63
Registered Motor Vehicles at Current 2023 Dist 2 Rate	2,147,640	0.00143	3,071.14		3,071.14
Registered Motor Vehicles at Current 2023 Dist 3 Rate	6,327,061	0.00005	316.37		316.37
Registered Motor Vehicles at Current 2023 Dist 4 Rate	4,974,036	0.00010	497.50		497.50
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	4,196,786	0.00005	206.79		206.79
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	3,169,477,789		1,650,288.60	1,642,354.98	7,933.62
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		(102.61)	(102.61)	Dist.3&6
Total	127,576		(102.73)	(102.61)	(0.12)
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total MSD Valuation	3,169,613,586				
Net levy		1,650,193.51		1,642,260.01	7,933.50
TOTAL UNCOLLECTED MSD AS OF 06/30/24:		(10.00)		(10.00)	0.00
CURRENT YEAR MSD COLLECTED:		1,650,183.51		1,642,250.01	7,933.50
CURRENT MSD COLLECTION PERCENTAGE:		99.999%		99.999%	100.000%

Town of Nags Head, North Carolina
Schedule of Ad Valorem 2023-2024 Taxes Receivable
2023 Tax Levy As of June 30, 2024 for the August 7, 2024 BOC Mtg - YEAR-END REPORTS

	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	51,177,317	0.003300	168,868.64		168,868.64
Registered Motor Vehicles at 2022 year's rate	13,004,156	0.002875	37,386.95		37,386.95
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	3,121,815,012		10,303,775.80	10,097,225.20	206,550.60
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	(2,053,128)		(7,688.07)	(6,754.59)	(933.48)
Town wide beach nourishment/circuit breaker			(472.60)	(472.60)	
Penalty Releases			(1,453.65)	(1,453.65)	
Total	(2,053,128)		(9,614.32)	(8,680.84)	(933.48)
Write-offs (under \$1.00) or Adjustments:			(4.13)	(4.13)	
Total Property Valuation	3,144,254,416				
Net levy		10,376,160.19		10,170,543.07	205,617.12
Uncollected Taxes & Penalties		(1,379.05)		(1,379.05)	0.00
Uncollected Town Wide Beach Nourishment		(105.31)		(105.31)	0.00
TOTAL UNCOLLECTED TAXES AS OF 06/30/24:		(1,484.36)		(1,484.36)	0.00
CURRENT YEAR TAXES COLLECTED:		10,374,675.83		10,169,058.71	205,617.12
CURRENT LEVY COLLECTION PERCENTAGE:		99.986%		99.985%	100.000%



Agenda Item Summary Sheet

Item No: **E-3**
Meeting Date: **August 7, 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 minutes:

July 3, 2024, Regular Board of Commissioners meeting

Number of Attachments: 1

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Carolyn F. Morris, Town Clerk

Date: July 26, 2024

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: July 26, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 26, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: July 26, 2024



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

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, July 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 Lauren Womble [sitting in for Town Attorney John Leidy]; Amy Miller; Kelly Wyatt; David Ryan; Perry Hale; Randy Wells; Nancy Carawan; Joe Costello; Brittany Phillips; Roberta Thuman; Rick Jordan; Barbara Bell; Molly Harrison; Colleen and Kelly Hogan; Kelly Green; Joe and Nancy Drumheller; Amy Klauser; Donna Creef; Duke Geraghty; David Neff; Bryan Seawell; Brittany Phillips; 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.

ADOPTION OF AGENDA

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

RECOGNITION

NEW EMPLOYEE - Public Services Director Nancy Carawan introduced Facilities Maintenance Technician Kevin McFarland who was welcomed by the Board to Town employment.

NEW EMPLOYEE - Public Services Director Nancy Carawan introduced Sanitation Equipment Operator Donnie Brown who was welcomed by the Board to Town employment.

TOWN ENGINEER DAVID RYAN AWARDED 2024 ORVILLE T. MAGOON SUSTAINABLE COASTS AWARD
Town Manager Andy Garman introduced Town Engineer David Ryan who was recently awarded the American Society of Civil Engineers' (ASCE) Coasts, Oceans, Ports and Rivers Institute - 2024 Orville T. Magoon

Sustainable Coasts Award; Manager Garman read several letters from associates praising this honor for Engineer Ryan which is a national award given each year. The letter from the American Society of Civil Engineers points out that the award is given for "dedication to building coastal resiliency and sustainability through shoreline and infrastructure planning and management". Board members congratulated Engineer Ryan on this award.

Town Manager Andy Garman noted that this national award was named after Orville T. Magoon who was employed by the Army Corps of Engineers and was a pioneer for coastal management and engineering. Manager Garman thanked UNC-CSI Director of Renewable Ocean Energy, George Bonner, who first recommended Engineer Ryan's nomination in late 2022.

PUBLIC COMMENT

Attorney Womble opened Public Comment at 9:13 a.m.

PUBLIC COMMENT – MOLLY HARRISON

Molly Harrison, W Lakeside Street; asked the Board when considering the Inn at Whalebone site plan modification to consider the safety of the neighborhood; shortening the roadway to 100' may not seem like much but to this neighborhood it is a lot; this is a roadway that has no lines and is a narrow roadway; her neighbor was in an accident in this area and two vehicles were totaled – she feels it is a miracle that it doesn't happen more often; she asked the Board to consider other options to make this area safer and to minimize the impact on this neighborhood.

PUBLIC COMMENT – JOHN HOGAN

John Hogan, S Kingfisher Street; This is the first gas station leaving Hatteras Island; those cars sitting in the turning lane block vehicles heading north which creates a very dynamic situation and is very dangerous; this is also the last gasoline station to visit before heading south to Hatteras; adding vehicles and hotel rooms without a traffic signal is dangerous; he asked the Board to consider how this will impact his neighborhood and his family.

PUBLIC COMMENT – KELLY GREEN

Kelly Green, W Lakeside Street; she expressed a few concerns; at least twice per week the Duck Thru has vehicles that exit without looking west; she questioned where an overflow lot for the hotel will be located; there are undefined lanes in that entrance area; if no light is added, she asked for the hotel to prepare an ingress/egress plan.

PUBLIC COMMENT – AMY KLAUSER

Amy Klauser, S Old Road; in addition to neighborhood concerns, there are the additional concerns of delivery trucks parked on Lakeside every day and they park in the spot where the road is proposed to be widened; another major concern is the uncertainty of this intersection and the difficulty to turn right onto Lakeside, its an awkward turn and you have to be prepared for vehicles coming out of the gas station; there is not enough room for the turning lane into the hotel on the bypass; she pointed out that the bike path cannot be used through that intersection because it is too dangerous; she would like to see other options reviewed.

PUBLIC COMMENT – COLLEEN HOGAN

Colleen Hogan; S Kingfisher Street; asked the Board to consider the neighborhood and its safety rather than the hotel site and financial purposes.

PUBLIC COMMENT – NANCY DRUMHELLER

Nancy Drumheller, S Old Road; her and her husband live here about 50% of the time; when they are here they observe the same issues described above by the neighborhood residents; she is appealing to the Board to take another look at finding another resolution for the entrance/exit for this hotel; why is W Lakeside the only entrance to the hotel site – what about Forrest Street? What happens when it gets congested on both sides of the roadway – safety is the main issue and she asked the Board to look for other options for the entrance/exit of the hotel.

PUBLIC COMMENT – FREDRICK JORDAN

Fredrick Jordan, S Kingfisher Street; he spoke of the number of cars in the neighborhood trying to come into and get out of the neighborhood; problems with vehicles exiting the gas station and delivery trucks coming into and out of; he stated that it was never intended to be a roadway for this type of business and feels that there will be issues of public safety.

There being no one else present who wished to speak, Attorney Womble concluded Public Comment at 9:30 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of Budget Amendment #1 to FY 24/25 Budget
- Consideration of Tax Adjustment Report
- Consideration of Order to Collect Taxes
- Consideration of Business License/Registration Fee Debt Release/Write-Offs
- Approval of minutes
- Consideration of modifications to the Consolidated Fee Schedule
- Consideration of reimbursement resolution for Workforce Housing/Town Campus Master Plan – Phase 1 (Fitness Facility)
- Consideration of resolution authorizing higher federal micro-purchase threshold

- Consideration of Interlocal Agreement with Dare County/Municipalities re: connection to Motorola FLEX Public Safety Software System

- Consideration of amendment to MOU between Town of Nags Head and Town of Kill Devil Hills for shared Eighth Street Beach Access maintenance

- Consideration of resolution authorizing the Town Manager to execute a contract on behalf of the Town with the State for a Coastal Storm Damage Mitigation Grant

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 #1, 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 Order to Collect Taxes, as approved, is attached to and made a part of these minutes as shown in Addendum "C".

The Business License/Registration Fee Debt Release/Write-offs summary sheet, as approved, read in part as follows:

"Attached please find a list of businesses for license/registration fee release as well as a memo from Tax Collector Linda Bittner. This report is provided for the Board's information and is in accordance with Town Code Sec. 12-33 Releases (below).

'Sec. 12-33 - Releases. If it is determined that upon the issuance date of a renewal license or registration the business has been discontinued, the finance director may release a tax of less than \$100.00. The tax collector shall annually report to the board of commissioners releases made pursuant to this section and the tax collector's annual report shall be recorded in the minutes of the board of commissioners. This report will be included with the annual request to the board to write off uncollectible accounts pursuant to section 12-32."

Meeting Minutes – The minutes from the June 5, 2024 Board of Commissioners meeting were approved as presented.

The Consolidated Fee Schedule modifications, as approved, read in part as follows:

"Request approval of listed modifications to the Consolidated Fee Schedule:

- *\$17.50 plus tax - Dowdy Park T-shirt*

'The cost of the Town's Dowdy Park T-shirt is being requested for reduction from \$25 to \$17.50 to facilitate additional sales.

- *No Charge – For accident/investigative reports to those involved in crashes or crimes in the Town*

'The Police Department is requesting a change in the language of the Consolidated Fee Schedule pertaining to "Copies of Accident Reports" and Copies of Investigative Reports". The department does not charge victims or others involved in vehicle crashes or crimes within the town. We would request the language read "Copies of Accident Reports" (non-victim / involved others) and "Copies of Investigative Reports" (non-victim / involved others) to be placed under the Police Department section of the Fee Schedule.

'A copy of the two affected pages from the Fee Schedule as well as the Police Dept memo are attached."

The Reimbursement resolution for Workforce Housing and Town Campus Master Plan – Phase 1 (Fitness Facility), as adopted, read in part as follows:

"WHEREAS, The Town Manager and the Finance Officer have described to the Board of Commissioners the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town's use of financing proceeds to restore Town funds when the Town makes capital expenditures prior to closing on installment financing.

'BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Nags Head, North Carolina as follows:

'Section 1. The projects are the financing of building construction and associated professional costs (including but not limited to design, engineering, surveying, etc.) for projects identified in the fiscal year 2024/2025 adopted budget:

- Ocean Rescue/Workforce housing (located at 425 W Health Center Drive in Nags Head); and
- Phase I of a Town Hall Campus Master Plan (Fitness Center-Nags Head address to be determined)

'Section 2. The projects are to be financed. The currently expected type of financing (which is subject to change) is an installment finance contract(s). The currently expected maximum amount to be financed for the projects is \$2,500,000.

'Section 3. The Town presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the Town from the General Fund within 60 days of adoption of this Resolution from a portion of the financing proceeds.

'Section 4. This Resolution shall become effective immediately upon the date of its adoption."

The Resolution authorizing higher federal micro-purchase thresholds, as adopted, read in part as follows:

"WHEREAS, from time to time, the Town of Nags Head purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

'WHEREAS, the Town of Nags Head's procurement of such goods and services is subject to the Town of Nags Head's purchasing and bid requirements policy, as most recently amended on September 8, 2023; and

'WHEREAS, the Town of Nags Head is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a "higher threshold consistent with State law"; and

'WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the Town of Nags Head to conduct a competitive bidding process for the purchase of (1) "apparatus, supplies, materials, or equipment" where the cost of such purchase is equal to or greater than \$30,000, and (2) "construction or repair work" where the cost of such purchase is greater than or equal to \$30,000; and

'WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the "Mini-Brooks Act"); and

'WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), the Board of Commissioners of the Town of Nags Head now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

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

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the Town of Nags Head hereby self-certifies the following micro-purchase thresholds, each of which is a "higher threshold consistent with State law" under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

- A. \$30,000, for the purchase of "apparatus, supplies, materials, or equipment"; and
- B. \$30,000, for the purchase of "construction or repair work"; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under NC law; and
- D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until June 30, 2025, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the Town of Nags Head receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.

4. The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

5. The Town Manager, or in absence designee, of the Town of Nags Head is hereby authorized, individually and collectively, to revise the Purchasing Policy of the Unit to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution."

The Interlocal agreement with Dare County/Municipalities re: connection to Motorola FLEX Public Safety Software System, as approved, is attached to and made a part of these minutes as shown in Addendum "D".

The amendment to the Memorandum of Understanding (MOU) between the Town and the Town of Kill Devil Hills for shared Eighth Street Beach Access maintenance, as approved, is attached to and made a part of these minutes as shown in Addendum "E".

The Resolution authorizing the Town Manager to execute a contract with the State for a Coastal Storm Damage Mitigation Grant, as adopted, read in part as follows:

"WHEREAS, the Town of Nags Head is planning for the next large-scale sand nourishment project to mitigate risk of damage from coastal storm effects; and

'WHEREAS, the Town is requesting grant funds encompassing planning, design and permitting for the placement of beach-quality sand along a ten-mile stretch of oceanfront; and

'WHEREAS, the maintenance and restoration of Nags Head beaches is essential to the economy of Dare County and the Town of Nags Head; and

'WHEREAS, the Town provides an integrated approach to implementation of beach management, maintenance, and restoration projects; and

'WHEREAS, Financial assistance for the Town of Nags Head has been tentatively approved by the State for overseeing the engineering design, permitting coordination and construction document preparation for the next beach nourishment project.

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

1. That the Board of Commissioners requests the State of North Carolina to provide financial assistance to the Town of Nags Head in the amount of \$301,000 or 50% of nonstate project costs, whichever is the lesser amount.
2. The Board assumes full obligation for payment of the balance of the project cost (or non-state portion).
3. The Town will obtain all necessary state and federal environmental permits associated with the project and will assure compliance with permit conditions for safe and proper final construction in accordance with approved plans and specifications.
4. The Town will obtain appropriate easements, rights-of-way or suitable spoil disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
5. The Board has complied and will comply with all applicable laws governing the project and the award of contracts and the expenditure of public funds by local governments.
6. The Town of Nags Head accepts responsibility for operation and long-term maintenance of the completed project in providing for continued beach management and restoration and assures that the project is open for use by the public on an equal basis with limited restrictions.
7. The Town holds the State harmless for any damage that may result from the project.
8. The Town Manager, or in absence designee, of the Town of Nags Head is hereby authorized, individually, and collectively, to execute a contract on behalf of the Town of Nags Head with the State of North Carolina for a grant to aid in the projects described above.

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

PUBLIC HEARINGS

Public Hearing to consider NC Public Beach and Coastal Waterfront Access grant application

Attorney Lauren Womble opened the Public Hearing to consider the NC Public Beach and Coastal Waterfront Access grant application. The time was 9:32 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, June 19, 2024 and on Wednesday, June 26, 2024 as required by law.

The agenda summary sheet was presented and read in part as follows:

“Staff would like to apply for a NC Public Beach and Coastal Waterfront Access grant for improvements to the June Street Public Beach Access in S Nags Head. Attached please find a grant pre-application prepared by Planning staff. A brief description of the proposed improvements are as follows:

- The Town proposes to construct a new ADA-accessible elevated dune crossover. The six-foot-wide wooden structure will be approximately 1,650 square feet long and require about three switchbacks. The new walkover will contain handrails. In conjunction with the new walkover, a sixteen-foot octagonal gazebo, new shower station and platform and new solar powered lamp post will be constructed. The existing porta-john wooden enclosure and trash wooden enclosure will be removed, and new enclosures added.”

There being no one present who wished to speak, Attorney Womble concluded the Public Hearing at 9:33 a.m.

MOTION: Comr. Brinkley made a motion to approve the North Carolina Public Beach and Coastal Waterfront Access grant application request as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

Update from Planning Director

Planning Director Kelly Wyatt summarized her monthly Planning Dept memo 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 July 3rd, 2024.

Monthly Activity Report

Attached for the Board’s review is the *Planning and Development Monthly Report for May 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 of June:

- Tuesday, June 4th – Technical Review Committee Meeting (Inn at Whalebone)
- Wednesday, June 5th - Board of Commissioners Meeting
- Thursday, June 6th – CRS Users Group Meeting, Elevation Certificate Training
- Wednesday, June 12th – Committee for Art and Culture Meeting
- Wednesday, June 12th – Eastern Carolina Council Resource Roundtable
- Thursday, June 13th – Board of Adjustment Meeting (no hearings)
- Tuesday, June 18th – Planning Board Meeting
- Wednesday, June 19th – Board of Commissioners mid-month meeting
- Dowdy Park Farmers Market – Thursday, June 13th, 20th, and 27th.
- Dowdy Park Summer Concert Series – Wednesday, June 19th and June 26th

'Planning Board - Pending Applications and Discussions

'The Planning Board's most recent meeting was held on Tuesday, June 18, 2024. The following items were heard:

- Consideration of a Site Plan Amendment for construction of an 87-unit Hotel (Inn at Whalebone) including a request to eliminate or modify the condition of the October 4, 2023 Board of Commissioners approval that the existing Lakeside Street roadway be expanded to accommodate three lanes of traffic. The Planning Board voted 4 to 3 to recommend approval of the site plan amendments and the modification proposed by the Town Engineer as it pertains to the Lakeside Street expansion.
- Consideration of a Sketch Plan Review application for construction of a 2,279 square foot stand-alone restaurant at 7100 S. Croatan Highway (Outlets Nags Head). The Planning Board did not have any significant questions or concerns with the proposal at this time.
- Consideration of various amendments to the Unified Development Ordinance as it pertains to the use of multi-family dwelling developments. Staff provided a brief presentation to the Planning Board and noted that they would return at their July meeting presenting the ordinance revisions in their final format for the Planning Board's formal recommendation.
- Planning staff requested that the Planning Board consider initiating a text amendment to the Unified Development Ordinance as it pertains to the dormitory use in the SED-80, Special Environmental District to facilitate the construction of lifeguard housing at 425 W. Health Center Drive, Nags Head. The Planning Board voted unanimously to initiate the necessary text amendments.

'The Planning Board's next meeting is scheduled for Tuesday, July 16th, 2024. Currently, the agenda is expected to include consideration of a text amendment request from Anlauf Engineering PLLC on behalf of the Ark Church to modify the definition of "Religious Complex" to allow for a single-family residence of church staff in addition to the already allowed parsonage. Additionally, the agenda is anticipated to include consideration of various text amendments to the SED-80, Special Environmental District to permit the construction of a dormitory for housing Town of Nags Head lifeguard staff.

'Board of Adjustment – Recent and Pending Applications

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

'Additional Updates

- DWMP/Septic Health Advisory Committee – The Septic Health Advisory Committee is scheduled to meet on Thursday, July 25th. To advance the recommendations of the Decentralized Wastewater Management Plan four (4) additional water quality monitoring loggers have been purchased, and the department has recently

received the GPS unit needed to begin mapping locations of existing septic systems within the Town.

- Estuarine Shoreline Management Plan – Unfortunately, the town was not invited to submit a full proposal for the National Fish and Wildlife Foundations National Coastal Resilience Fund grant. In light of this, we have revised our grant application for the NC Resilient Coastal Communities Program, Phase 3 grant, requesting a total of \$500,000 with a matching contribution of \$40,000.
- Electric Vehicle Action Plan – LoWire Technologies is in the process of installing the two (2) Level II EV Chargers at Town Hall.
- Sand Relocation and Dune Management Cost Share Program – The Dune Management Cost Share Application period closed the week of June 24th with the entire \$400,000 being allocated to 138 participants. Planning and Finance staff are now working to process the reimbursements.
- Public Beach and Coastal Waterfront Access Grant Program – Staff has been informed that the pre-application to the NC Public Beach and Coastal Waterfront Access Program has been selected to submit a Final Application for improvements to the June Street Beach Access. The deadline for final application submission is August 2nd, 2024. Item F-1 on Board of Commissioners July 3rd meeting is the Public Hearing to consider the grant application for improvements to the June Street Public Beach Access in S. Nags Head.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – Summertime at Dowdy Park is in full swing. For the month of July, the Town will be hosting the following:
 - Yoga on the Lawn, Tuesday mornings 7:30 – 8:30am all month long.
 - Fitness Fridays, Friday mornings 7:30 – 8:15am all month long.
 - Summer Concert Series, Wednesday evenings 6:30 – 8:00pm.
 - SOUL One on July 3rd
 - The Bee Keepers on July 10th
 - Troy Breslow Band on July 17th
 - Will Overman Band on July 24th
 - Rob Oliver Trio on July 31st
 - Dowdy Park Farmers Markets, Thursdays 9am – 1pm: July 4th, 11th, 18th, & 25th
 - Family Fun Night, Tuesday, July 2nd at 4pm – 7pm – Outer Banks Summer Tale Fest, Storytelling event with crafts, kids activities and lawn games.
 - Movie at Dowdy Park, Friday, July 12th – partnership with Outer Banks Health.
- Upcoming Meetings and Other Dates
 - Tuesday, July 2nd – Technical Review Committee Meeting
 - Wednesday, July 3rd - Board of Commissioners Meeting
 - Wednesday, July 10th – Committee for Art and Culture Meeting
 - Thursday, July 11th – Board of Adjustment Meeting (no hearings)
 - Tuesday, July 16th – Planning Board Meeting
 - Wednesday, July 17th – Board of Commissioners mid-month meeting
 - Thursday, July 25th – Septic Health Advisory Committee Meeting
 - Dowdy Park Farmers Market – Thursday, July 4th, 11th, 18th & 25th

- Dowdy Park Summer Concert Series – Wednesday, July 3rd, 10th, 17th, 24th, and 31st "

Move Agenda Item

Mayor Cahoon confirmed consensus from the Board to move the Inn at Whalebone site plan modification to the current location on the agenda as there were numerous interested residents from the Roanoke Shores subdivision in the audience.

Modification to Site Plan submitted by House Engineering, P.C. for construction of a four-story, 90-unit Hotel (Inn at Whalebone). The property is zoned SPD-C, Village Hotel is located within the Hotel Overlay District at 6632 W. Pheasant Avenue - approved at October 2023 Board meeting

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

"Consideration of a Site Plan Amendment for the construction of an 87-unit Hotel (Inn at Whalebone) and all necessary site improvements. This Site Plan was last reviewed at the Board of Commissioners October 4, 2023 meeting at which time the Board voted unanimously to recommend approval of the site plan with two conditions as noted below:

1. The existing roadway is to be expanded to accommodate three (3) lanes of traffic, and the three (3) lanes should extend to the most westward entrance of the hotel off Lakeside Street.
2. An approved subdivision plat addressing the portions of lots 24, 29, 30 and 31 and a recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26 and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits for the proposed hotel project.

'The applicant is requesting that consideration be given to various Site Plan Amendments as well as a request to eliminate in whole, or modify, the requirements imposed by condition #1 as it relates to W. Lakeside Street.

'Staff Recommendation/Planning Board Recommendation

Based on the staff's review and analysis of the proposed site plan amendments, we find that the modifications comply with the Unified Development Ordinance (UDO) and recommend approval as presented.

'Regarding the applicant's request to remove or modify the condition to widen Lakeside Street, this condition was included in the October 4, 2023, Board of Commissioners approval to address traffic concerns raised by citizens and Board members. While fully meeting this condition could impact runoff onto adjacent properties and conflict with above-ground utilities, there is an opportunity to widen a portion of the roadway. This approach would fulfill the intent of the Board of Commissioners' conditioned approval without encroaching on adjoining properties. Staff recommends that the Board of Commissioners consider modifying the approval to reflect the alternative roadway design proposed by the Town Engineer.

'At their June 18, 2024 meeting, the Planning Board voted 4 to 3 to recommend approval of the Site Plan Amendments and modification of the condition related to the widening of Lakeside Street."

The staff memo read in part as follows:

"BACKGROUND INFORMATION

At their October 4, 2023, meeting, the Nags Head Board of Commissioners reviewed the Site Plan Application request to construct a 90-unit hotel, Inn at Whalebone at 6632 W. Pheasant Avenue (W. Lakeside Street). The Board of Commissioners voted unanimously to approve the site plan with the two conditions noted below:

- The existing roadway is to be expanded to accommodate three (3) lanes of traffic, and the three (3) lanes should extend to the most westward entrance of the hotel off Lakeside Street.

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

'Shortly after the site plan approval, the applicant worked with Bissell Professional Group to prepare the necessary subdivision plat and have it recorded with the Dare County Register of Deeds. Condition # 2 has been satisfied.

'At this time, the applicant is requesting that consideration be given to various Site Plan amendments as well as a request to eliminate in whole, or modify, the requirements imposed by Condition #1 as it relates to the widening of Lakeside Street.

'Site Plan Amendment Review

Section 4.4 of the Unified Development Ordinance sets forth the criteria for what types of development may be reviewed and approved administratively by staff. In addition to listing what constitutes minor versus major site plan modifications, it states that the UDO Administrator has the authority to determine when projects shall require a Major Site Plan due to other project activities or unique circumstances. As the UDO Administrator, Planning Director Kelly Wyatt made the determination that the proposed modifications were major in nature as the project had notable concerns with traffic circulation, access, and stormwater management from its original review in October of 2022.

'The applicant has outlined the modifications from the most recent Board of Commissioners approval on October 4, 2023, in their attached Site Plan Amendment Project Narrative. It notes that many of the modifications were in response to achieving state stormwater and wastewater approvals. These modifications include:

- This project was originally approved as a 90-unit hotel; however, the revised plan seeks approval for an 87-unit hotel.
- The overall area of the proposed building has increased by 729 square feet.
- With the proposed reduction in hotel units, 87 parking spaces are now required. The revised parking is compliant with 90 proposed spaces.
- Building lot coverage has increased from 12.94% to 13.4%. With 35% allowed, this lot coverage remains compliant.
- Parking lot coverage has increased from 36.18% to 38.6%. With 45% allowed, lot coverage remains compliant.
- The minimum required landscaped area of 20% remains at 28%.
- Numerous modifications have been made to the stormwater management design.

'Town Engineer David Ryan has reviewed the revised plans and notes that the stormwater narrative on Sheet C-103 indicates a Seasonal High Water Table Elevation of 3.50' MSL. The typical infiltration basin detail indicates a SHWL of 4.8'. This discrepancy should be clarified. The stormwater management design information submitted appears to be in substantial compliance with the Town of Nags Head Unified Development Ordinance.

'Staff reports from this project original review and approval on October 5, 2022, and subsequent review and approval on October 4, 2023, are attached for the Planning Board's consideration.

'Based upon the staff's analysis, the proposed modifications remain compliant with the requirements of the Unified Development Ordinance.

'Lakeside Street Widening Condition of Approval Review

'The applicant has submitted a request that the Planning Board and Board of Commissioners consider amending or removing the condition placed upon their October 4, 2023 Site Plan Approval that Lakeside Street roadway be expanded to accommodate three (3) lanes of traffic, and the three (3) lanes should extend to the most westward entrance of the hotel off Lakeside Street.

'MacConnell & Associates, P.C. has provided a Technical Memorandum outlining the impacts and challenges associated with this request. MacConnell & Associates, P.C. provided a Turn Lane Exhibit for town staff and Board consideration, it is attached for the Planning Board's review. Town Engineer, David Ryan has conducted a review of this proposed exhibit and has provided the following comments:

"Lakeside Street Turn Lane Exhibit- A condition was placed on the previous site plan approval to widen the Lakeside St roadway extending from S. Croatan Hwy. to the westernmost boundary of the subject property. With the existing Lakeside St. right-of-way width at 40' there are some impacts associated with a roadway widening of this length. These impacts include runoff onto adjoining properties and potential conflicts with above ground utilities. However, there is still an opportunity to provide roadway widening to meet the intent of the previous Board of Commissioners conditioned approval.

The applicant has submitted an exhibit which shows a reduced widening plan from the eastern property boundary. This concept indicates an encroachment onto the adjoining undeveloped property to the south. Attached is an exhibit mark-up which describes a potential alternative roadway widening approach which may not result in improvements extending onto private property. The recommendation is for the applicant to modify the traffic improvements for Lakeside St. to reflect the approach as identified in the attached plan mark-up. This approval would be conditioned on the applicant acquiring detailed survey information for the development of a roadway widening and construction plan in accordance with Chapter 36-4 of the Town Code of Ordinances. It should be noted that a temporary construction easement may be required from the owner of the undeveloped property to the south for the purposes of construction in addition to a right-of-way encroachment through NCDOT."

'STAFF RECOMMENDATION

Following review and analysis of the proposed site plan amendments, staff has determined that the modifications comply with the Unified Development Ordinance (UDO) and recommend approval as presented. However, the discrepancy in the seasonal high water table elevation noted by the Town Engineer on Sheet C-103 must be clarified before any permits can be issued.

'Regarding the applicant's request to remove or modify the condition to widen Lakeside Street, this condition was included in the October 4, 2023, Board of Commissioners (BOC) approval to address traffic concerns raised by citizens and Board members. While fully meeting this condition could impact runoff onto adjacent properties and conflict with above-ground utilities, there is an opportunity to widen a portion of the roadway. This approach would fulfill the intent of the Board of Commissioners' conditioned approval without encroaching on adjoining properties. Staff recommends that the Board of Commissioners consider modifying the approval to reflect the alternative roadway design proposed by the Town Engineer.

'PLANNING BOARD RECOMMENDATION

At their June 18, 2024 meeting, the Planning Board voted 4 to 3 to recommend approval of the Site Plan Amendments and modification of the condition related to the widening of Lakeside Street."

Director Wyatt noted that applicants Bryan Seawell and David Neff are available to answer questions.

Mayor Cahoon explained that the Board last year provided conditional approval of the hotel but that street improvements were not part of that initial approval; Ms. Wyatt agreed and noted that the hotel is permitted by right.

Comr. Sanders questioned the date of the NCDOT traffic analysis; Ms. Wyatt stated it was done in early September 2023 and NCDOT indicated that there was no justification for a traffic signal.

Mayor Pro Tem Siers questioned if a traffic analysis could be done in July; he would like see all the facts and analysis to be gathered in the height of the season.

Town Engineer David Ryan provided a report; several iterations have been discussed pertaining to the roadway widening – the proposal was for no roadway widening but staff would not accept that as a viable option; is the right-of-way wide enough to support a 3-lane configuration was a question at the site plan review. A review of the Town Code has to be considered as well as drainage and the roadway itself. When considering this, there has to be consideration of the adverse impacts to the residential properties when evaluating widening the roadway. That combined with little room to work with, combined with the Town Code requirements and meeting the intent of what the Board originally approved, the proposal was to look at some reduced roadway widening in order to avoid adverse impacts. He recognizes the conflicts of vehicles going into and out of the gas station.

Town Engineer Ryan agreed with Mayor Cahoon that the commercial property to the south, if developed later, could cause adverse impacts.

Comr. Lambert confirmed with Engineer Ryan that both sides of the road will include work for drainage improvements.

In response to Comr. Sanders, Engineer Ryan stated that NCDOT said that no traffic signal was needed at this time so having a 3-lane configuration sets it up in the future for a traffic light similar to other streets in the Town that are signalized.

Applicant Bryan Seawell said that they have worked closely with staff to come up with the best option; the site plan takes care of some of the nonconformities with the gas station.

Comr. Lambert expressed concern with the number of staff available at any one time at the hotel; is 87 rooms with 6 staff members on site adequate? Comr. Lambert expressed her concern that the overflow parking area will be the neighborhood.

Comr. Brinkley suggested looking at a Traffic Control Map amendment for No Parking – Tow Away Zone on Lakeside Drive. He also agreed with a traffic analysis to be done in July, not September.

Board members spoke of safety concerns and the driveway; Mayor Cahoon said that the Board has heard from staff that this is the best solution for a number of reasons. Board members agreed to a July traffic study and that this is a potentially dangerous situation for traffic and pedestrians in this area.

Board members expressed concern about the neighborhood safety and verified with Town Engineer Ryan that the design presented is the best solution for a number of reasons to include being bound by Town and State laws. Board members would like to see another traffic analysis conducted - in the month of July – to determine if a traffic signal at Lakeside Street is authorized; staff is to present a Traffic Control Map amendment for a No Parking – Tow Away Zone designation for Lakeside Street at the August Board meeting.

MOTION: Mayor Cahoon made a motion to approve the amended site plan with street improvements as presented. The motion was seconded by Comr. Brinkley.

Mayor Pro Tem Siers emphasized that the Town can designate a No Parking – Tow Away Zone on Lakeside Street but per NCDOT there is no authorization for a traffic signal.

WITHDRAWAL OF MOTION: Mayor Cahoon withdrew his motion.

Town Manager Garman confirmed that a report from Police Chief Hale along with a request to modify the Traffic Control Map for a No Parking – Tow Away Zone for Lakeside Street will be on the August Board meeting agenda.

MOTION: Mayor Cahoon made a motion to approve the modification to the site plan submitted by House Engineering, P.C. for construction of a four-story, 90-unit Hotel (Inn at Whalebone), approved at the October 2023 Board meeting, to include the street improvements as presented. The motion was seconded by Comr. Brinkley.

Comr. Lambert said that she has a hard time supporting the requested modification without the traffic study analysis being done for July. Town Manager Garman said that he would look into this being done.

CONTINUATION OF MOTION: The motion passed 4 – 1 with Comr. Lambert casting the NO vote.

Discussion of Accessory Dwelling Units (ADU)

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

"In an effort to advance the discussion of a potential Accessory Dwelling Unit (ADU) ordinance, staff will provide a presentation to the Board of Commissioners highlighting the similarities and interconnectedness between Accessory Dwelling Units, Partial-Home Short Term Rentals and Duplexes. Staff would submit that many existing partial home short-term rentals within the town are already functioning similarly to an accessory dwelling unit. Both accessory dwelling units and short-term rentals provide additional living spaces that can be rented out as separate, independent housekeeping with similar operational characteristics. In addition, many of the existing partial-home short-term rentals, and should we permit them, attached accessory dwelling units, would be comparable to duplexes in terms of structure and use.

"In order to have a better understanding of how a potential ADU ordinance may affect the Town, staff believes it is important to discuss and gain understanding of the current situation within the Town, the overlap between these uses, the need for regulatory consistency, and to gain input on steps for moving forward to enhance the safety and functionality of existing and future structures within the Town."

Ms. Wyatt stated that possible options to consider include: 1) to not allow accessory dwelling units right now but to focus on short term rentals or 2) to allow accessory dwelling units and establish regulations.

Mayor Cahoon thanked Planning Director Wyatt for bringing this forward as it is something that needs to be discussed; he would prefer to do both accessory dwelling units and short-term rentals together.

Comr. Sanders would like to see Option 2 with 2 bedrooms and maximum vs minimum; he likes the restrictions on Airbnb's – he also appreciated staff's report.

Comr. Brinkley also appreciated staff's report and wants to keep ADU's and STR's together – and to restrict to long-term rentals.

Mayor Pro Tem Siers thanked Ms. Wyatt for the investigative report. He said that this is something that is already happening on a regular basis and for it to be less hidden would be safer for the occupants and the neighborhoods.

Comr. Lambert agreed with the other Board members and would like to see more ADU's and not more STR's.

Mayor Cahoon asked if the Building Inspector could look into a certain type of paint that expands in certain situations – he questioned if this would be an option for an applicant to improve the safety of his unit rather than having to rip the drywall out. This may mean that homeowners may be more open about their units.

Manager Garman noted that he would like to see what Kill Devil Hills and Kitty Hawk are doing towards accessory dwelling units. Board members spoke in favor of Option 2 as listed on Ms. Wyatt's slides – to keep ADU's and STR's together; no more than two bedrooms; and restrict to long-term rentals. Town Manager Garman said that staff will bring forward some options.

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

From May 1st Board meeting – Discussion/Review of multi-use path pavement markings

The agenda summary sheet read in part as follows:

"At the May 1, 2024 Board of Commissioners meeting, it was Board consensus to authorize staff to install pavement markings (speed limit/user guidance) in a high traffic area of the beach road multi-use path to determine if this was something we want to adopt as a standard for the remainder of the path. As mentioned in previous discussions, bicycle speeds and operator behavior has created user conflicts and safety concerns.

'At the July 3rd Board of Commissioners meeting, Police Chief Perry Hale will discuss with the Board what has been done so far and gather input on proceeding further with additional pavement markings."

Police Chief Hale summarized the pilot project and displayed a photo of the stenciled 10 miles per hour designation on the multi-use path at Eighth Street. If approved, this designation would be placed throughout the Town every ½ mile to visually educate people; he pointed out that so far they have had no complaints or comments on the stenciling.

Board members spoke in favor of the multi-use path speed limit stenciling staff did in response to their direction from the May 2024 Board meeting. It was Board consensus to continue with the multi-use path speed limit stenciling as shown.

From February 7th Board meeting – Consideration of approval for Beach Nourishment Master Plan

Town Engineer David Ryan explained that the purpose of the Beach Nourishment Master Plan is to develop a long-term strategy to permit, schedule, and finance ongoing beach nourishment efforts. The Executive Summary states that "The framework developed here allows for proactive planning and execution of sustainable beach management over the 50-year planning horizon."

Board members thanked Engineer Ryan for completion of the Master Plan. Mayor Cahoon mentioned the importance of making sure the sand source is protected through the years – with no cable, etc. installations.

MOTION: Comr. Sanders made a motion to approve the Beach Nourishment Master Plan as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

A copy of the Beach Nourishment Master Plan, as approved, is on file at Town Hall.

NEW BUSINESS

Committee Reports

Mayor Pro Tem Siers – The Dare County Tourism Board approved a request for a tournament-style pickleball court at the former Pamlico Jack site.

Mayor Pro Tem Siers - Dare County Housing Task Force – a list of properties were put together for review and another meeting is scheduled later this month. Housing Task Force Chair Donna Creef was in the audience and she noted that minutes of the Task Force are posted after approval.

Comr. Brinkley – The Septic Health Advisory Committee meets later this month.

Comr. Sanders – Jockey's Ridge State Park 50th anniversary, scheduled for June 2025, is going well and they were very appreciative of the Town's donation at the last meeting.

Consideration of amendment to Traffic Control Map re: Bonnett Street and Wrightsville Avenue

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 the south side of Bonnett Street from its intersection with Wrightsville Avenue to NC 12 as "No Parking - Tow Away Zone". (The north side of Bonnett Street was previously designated as a "No Parking – Tow Away Zone".) Parking from the Farmer's Market and other Dowdy Park events is making it difficult to see other vehicles, cyclists, and pedestrians traveling west on Bonnett Street.

'Attached please find a map designating the area as well as an ordinance amending the Traffic Control Map for Board review and consideration."

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

"Parking on E. Bonnett Street during events has increased over the years with the popularity of the markets and other events held at Dowdy Park throughout the year. Vehicles do use the overflow parking at NHES; however, they also park along the shoulder along Bonnett Street where it is not marked for no parking. Over the past few weeks, the department has noticed an increase in parking east of Wrightsville Ave. on the south side of Bonnett Street which is creating a hazard for motorists trying to maneuver through this intersection. The parking is making it difficult to see other vehicles, cyclists, and pedestrians traveling west on Bonnett St.

'We are requesting to make the section from Wrightsville Ave. to NC 12 "No Parking - Tow Away Zone" to prevent future traffic issues in the area.

'I will be available at the Board meeting to answer any questions."

MOTION: Mayor Pro Tem Siers made a motion to adopt the ordinance amending the Traffic Control Map to designate No Parking – Tow Away Zone on the south side of Bonnett Street as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

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

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Nothing to report from Attorney Lauren Womble who was sitting in for Town Attorney John Leidy.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Garman - Update on construction of the Public Services Facility

Town Engineer David Ryan reported that the Water Distribution Building is now occupied and last week electricity and internal utilities were installed in the Fleet Facilities/Sanitation Building. The Vehicle Storage Building now has internal utilities and some exterior siding is taking place. The next push is to occupy the Fleet Facilities/Sanitation Building in the next 4 – 5 weeks.

Town Manager Garman - Town Projects – Year in Review

Town Manager Garman introduced this item with a slideshow highlighting the Year in Review for FY 23/24.

The presentation by Town Engineer David Ryan was well received and is on file in the Town Clerk's Office and is also to be showcased on the Town's web site.

BOARD OF COMMISSIONERS AGENDA

Comr. Kevin Brinkley – Discussion of high-flying kites on the beach

Comr. Brinkley said that he has received several emails from plane/helicopter pilots concerning safety issues with kite strings; he is bringing this forward for discussion purposes. He displayed a photo showing how close a kite's string was to the flight path.

Comr. Brinkley noted that this is an issue for Currituck, Outer Banks, and south to Hatteras Island and how flights over the water can create issues. He is providing this for discussion. There is no ban on kites; this is more for educational purposes. According to Kitty Hawk Kites, John Harris, 300' of string is the length of string on kites but sometimes people add string onto their kite; the kite flying guide that he distributes when someone purchases a kite can be updated.

Mayor Cahoon spoke in favor of an education campaign to be shared with Dare County re: flying kites over the ocean. Town Manager Garman is to speak to the County Manager about this item. John Harris of Kitty Hawk Kites had indicated that the kite flying guide he distributes when someone purchases a kite can be updated. Some people may be adding to the 300' of string attached to the kite.

Comr. Lambert – Lakeside Street and the Inn at Whalebone

Comr. Lambert asked if there was a public sound access on Lakeside Street; Town Manager Garman is to look into this and provide an update.

Comr. Lambert questioned the number of vehicles that use the neighborhood street to turn around; she would like to see a No Thru Street designation for Lakeside Street.

MAYOR'S AGENDA

Mayor Cahoon – Notes on drainage projects

Mayor Cahoon pointed out that the Town's drainage project at the Old Nags Head Place Subdivision is working very well; He also mentioned the drainage project scheduled for later this year in S Nags Head.

CLOSED SESSION

MOTION: Mayor Cahoon made a motion to enter Closed Session to confer with the Board re: matters related to attorney/client privilege, to include the use of the Town site at 105 W Seachase Drive, and to preserve that privilege, pursuant to GS 143-318.11(a)(3) and to discuss the possible acquisition of real property located at 4222 S Croatan Highway pursuant to GS 143-318.11(a)(5). The motion was seconded by Comr. Lambert which passed unanimously. The time was 11:41 a.m.

OPEN SESSION

The Board re-entered Open Session at 12:36 p.m. Attorney Womble stated that the Board did discuss the items on the Closed Session agenda and no actions were taken.

ADJOURNMENT

MOTION: Comr. Brinkley made a motion to adjourn. The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 12:37 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon



Agenda Item Summary Sheet

Item No: **E-4**
Meeting Date: **August 7, 2024**

Item Title: Consideration of resolution to declare surplus/disposition of old water meters

Item Summary:

Town residential water meters are in the process of being replaced with AMI smart water meters. To date, 4,536 have been replaced. Staff is requesting that the old water meters be surplus; several companies have expressed an interest in purchasing them.

Request Board consideration of adoption of attached resolution to surplus the old water meters to include the water meter box lids.

Number of Attachments: 1

Specific Action Requested:

Provided for Board consideration to surplus.

Submitted By: Nancy Carawan, Public Services Director

Date: July 31, 2024

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: July 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 31, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: July 31, 2024



**RESOLUTION AUTHORIZING THE
DISPOSITION OF TOWN PROPERTY**

WHEREAS, The Board of Commissioners of the Town of Nags Head, North Carolina desires to declare surplus and dispose of certain Town-owned property; AND

WHEREAS, The following described Town owned property is hereby declared to be surplus to the needs of the Town of Nags Head:

<u>ITEM NAME</u>	<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>REASON FOR SURPLUS</u>
Water Meters	N/A	Estimated 6000- ¾" 1",1.5",2",3",4",6" water meters	Town-wide manual water meters and meter box lids have been replaced by new AMI smart meters
Water Meter box lids	N/A	Estimated 5000 water meter box lids	

WHEREAS, NCGS 160A-266(a-c) allows the Town to dispose of real or personal property belonging to the Town, subject to limitations and according to procedures prescribed therein; AND

WHEREAS, NCGS 160A-266(d) allows the Town to discard any personal property that: (i) is determined to have no value; (ii) remains unsold or unclaimed after the Town has exhausted efforts to sell the property using any applicable procedure under this Article; or (iii) poses a potential threat to the public health or safety; AND

WHEREAS, the referenced statute does not require the Town to publish notice of the intent to declare or discard surplus property that has no value.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of Nags Head declares the real and personal property as surplus and authorizes the following:

The Town Manager or his designee is hereby authorized to dispose of the listed items by any legal means allowable to include: (1) Private negotiation and sale; (2) Advertisement for sealed bids; (3) Negotiated offer, advertisement, and upset bid; (4) Public auction; (5) Exchange; (6) Donation to non-profit organization, (7) Internet on-line offering, or (8) Destroying.

Adopted this 7th day of August 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **E-5**
Meeting Date: **August 7, 2024**

Item Title: Consideration of modification to the Consolidated Fee Schedule

Item Summary:

Request approval of listed modification to the Consolidated Fee Schedule:

- *Electric Vehicle Charging Fee 0.16 per kilowatt hour*

This fee is to recuperate the energy costs associated with the use of electric vehicle chargers on Town-owned properties. Electric bills across various town owned buildings were reviewed during the month of June. The cost per kilowatt hour varied depending on the location with the highest cost being at just below 0.15 per kilowatt hour. Therefore, we would suggest charging 0.16 per kilowatt hour to allow the Town to recuperate what the Town is paying in electricity plus the 4% surcharge the EvoCharge deducts from each transaction. EvoCharge will also charge an additional credit card processing fee of 3.9% + 0.30 cents per transaction. The cost per kilowatt hour and additional fees can be added and customized at any time on the EvoCharge portal. EvoCharge utilizes Stripe to maintain all customer credit card information and payment processing.

A copy of the affected page from the Fee Schedule is attached.

Number of Attachments: 1

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Administration

Date: July 30, 2024

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

The suggested rate is conservative and ensures the Town can recover its costs from the use of the EvoCharge system. We will monitor our energy rates and suggest future rate adjustments as necessary.

Signature: Andy Garman

Date: July 30, 2024

Administration

Town Code Bound		\$100
Town Code Unbound		\$50
Town Code Supplements	per year	\$50
Unified Development Ordinance (UDO)		\$30
Unified Development Ordinance (UDO) Supplements	per year	\$15
Copies	per page	.15
Copy of digital information	(Purchase of USB flash drives/DVDs, etc., mailing envelopes, mapping service, copy service, etc. – does not include paper copies)	Actual cost (minimum \$10)
Sunshine List	per year	\$10
Use of public building	Refundable clean-up deposit	\$50
Town lapel pin		\$2 + tax
50th Anniversary Cookbook		\$13 + tax
Multi-Use Path Adopt-a-Bench (No more than two (2) benches per individual/family)	per bench Staff-supplied bench. Made to match existing benches, for placement along the Town's multi-use path on S Va Dare Tr and Old Oregon Inlet Rd and S Croatan Hwy	\$620
Dowdy Park Adopt-a-Bench	per bench Vendor-supplied bench. Made with engineered wood to withstand a lot of activity and to match existing benches, for placement within Dowdy Park	\$1,800
<u>Electric Vehicle Charger Use</u> <u>EvoCharge will also charge an</u> <u>additional credit card processing fee</u> <u>of 3.9% + 0.30 cents per transaction.</u>		<u>.16 per kilowatt hour</u>



Agenda Item Summary Sheet

Item No: **E-6**
Meeting Date: **August 7, 2024**

Item Title: Consideration of modification to Personnel Policy to incorporate Inclement Weather Policy

Item Summary:

Staff recommends replacing the current "Storm Related Compensation Leave" policy located in the Personnel Policy, Article VII, Section 21 which briefly states, "The Board of Commissioners or town manager may, at their discretion, award straight time to employees that work during storm related events granted by the town manager or mandatory evacuations declared by the Mayor of the Town of Nags Head."

Instead, staff recommends implementing an Inclement Weather policy (attached) to provide more guidance for inclement weather and office closure circumstances. Please refer to the attached memo for additional information.

Number of Attachments: 2

Specific Action Requested:

Approval of attached Storm Compensatory Leave Policy.

Submitted By: Administrative Services

Date: July 31, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: July 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 31, 2024

Town Manager Comment and/or Recommendation:

This is one of the items identified during the Town's recent Emergency Operations exercise that needed clarification. I appreciate staff bringing this forth so quickly. This will allow for a clear and consistent way to handle storm leave for all employees.

Signature: Andy Garman

Date: July 31, 2024

Benjamin Cahoon
Mayor

Michael Siers
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head

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Kevin Brinkley
Commissioner

Bob Sanders
Commissioner

Megan Lambert
Commissioner

To: Mayor and Board of Commissioners
From: Andy Garman, Town Manager
Date: August 7, 2024
Re: Inclement Weather Policy

Overview

The purpose of this policy is to provide additional guidance to staff during inclement weather office closures; specifically, clarity around the treatment of pay and application of storm compensatory leave for essential and non-essential personnel. This policy replaces the current "Storm Related Compensation Leave" located Article VII, Section 21.

The proposed policy is similar to how we have handled storm leave in the past, however it has not been consistently done this way over the years. This formalizes the process with the use of a policy so we can be consistent and transparent with staff.

This is designed to provide equity between those who are required to work during a storm and those who are being paid to stay home due to the close of business.

The policy is similar to how other local and state agencies, including Kill Devil Hills, Dare County and the State of North Carolina, handle inclement weather closures.

Highlights of the Proposed Inclement Weather Policy

1. Positions designated as essential personnel may be required to work during office closures due to inclement weather. These positions include both public safety and non-public safety positions.
2. Non-essential personnel are not required to report to work during weather related office closures. They will receive paid storm leave during the closure. When the office re-opens, all staff are expected to report back to work. If staff are not able to report back to work, accrued vacation or compensatory leave may be used.
3. Essential personnel that report to work during an office closure will receive their regular rate of compensation or salary. Non-exempt staff will be eligible for overtime if hours worked exceeds 40 hours/week.

4. In addition to their pay, essential personnel that report to work during an office closure are eligible for storm compensatory leave in accordance with the accrual schedule highlighted in the policy.

Example

The Town Manager authorizes the closure of Town offices for a 3-day period due to a hurricane (Tuesday, Wednesday, Thursday.) The following scenarios highlight how the inclement weather policy would be applied:

1. John is a non-essential employee working in the Planning Department and works a Monday – Friday schedule. John leaves town during the storm. John is unable to return to work on Friday due to road closures. He safely returns to work on Monday, his next scheduled workday.
 - a. John is eligible for paid storm leave for 3 days (Tuesday – Thursday) and must use accrued vacation on Friday.
2. Jack is a non-essential employee working in the Public Services Department and works a Thursday – Monday schedule. Jack leaves town during the storm. Jack is unable to return to work on Friday and Saturday due to road closures. He safely returns to work on Sunday, his next scheduled workday.
 - a. Jack is eligible for paid storm leave for 1 day (Thursday) and must use accrued vacation on Friday and Saturday.
3. Julie is a non-exempt essential employee and works in the Police Department. Julie is required to work Tuesday – Saturday.
 - a. Julie is eligible for her regular rate of pay up to 171 hours during the police 4-week pay period, and overtime pay for any work over 171 hours that pay period. In addition, Julie is eligible for 30 hours of storm compensatory leave (10 hours a day x 3 days.) The leave will be added to her leave bank.
4. Jill is an exempt essential employee and works in the Finance Department. Jill is required to report to work throughout the office closure period.
 - a. Jill will receive her regular bi-weekly pay regardless of how many hours she works as she is classified as exempt. Jill is eligible for 24 hours of storm compensatory leave (8 hours a day x 3 days.) The leave will be added to her leave bank.

Inclement Weather

The Town of Nags Head offices will ordinarily remain open during periods of inclement weather. However, there may be extraordinary circumstances in which the Town Manager may authorize to close Town offices due to hazardous conditions and severe weather.

The Town has the responsibility for emergency services 24 hours a day, seven (7) days a week. As such, certain positions are designated as essential personnel and are expected to report to work during office closures. Note that positions designated as essential personnel may change as roles and the needs of the town change with time.

When Town offices are closed due to inclement weather, non-essential personnel will be provided paid storm leave during their scheduled workdays. When the office re-opens, all staff are expected to report back to work. If a staff member is unable to report back to work once the office re-opens, they will be required to use accrued vacation or compensatory leave for any scheduled working time they will miss. Personnel that have approved vacation or sick leave scheduled during an office closure will be required to use vacation or sick leave during the office closure period.

Essential personnel that report to work during office closures will receive their regular pay in accordance with their regular rate of compensation or salary. In addition, they will be credited with storm compensatory leave for the hours the employee actually reports for work during the office closure up to the maximum shown on the schedule below.

<u>Category</u>	<u>Storm Compensatory Leave Maximum Daily Accrual</u>
Non-exempt	7.5 hours
Exempt	8 hours
Police (except support staff)	8.56 hours
Fire (except support staff)	10 hours

Storm compensatory leave is not considered as hours worked and is not counted in determining whether an employee has worked sufficient hours to receive overtime.

Earned storm compensatory leave may be used when approved by the employee's supervisor (similar to a vacation leave request.) Storm compensatory leave will not be paid out in the event of a separation from employment or used to extend a last day of employment (for example used during a two-week resignation notification period.)



Agenda Item Summary Sheet

Item No: **E-7**
Meeting Date: **August 7, 2024**

Item Title: Sand Relocation and Dune Management Cost Share Program
- Continuation of year three of a three-year program
- Consideration of amendment to Beach Nourishment Maintenance Capital Project Ordinance

Item Summary:

Attached please find a memo from Planning Director Wyatt and Deputy Town Manager Miller pertaining to the Dune Management Cost Share Program with a staff recommendation to including program funding for the upcoming season for dune vegetation, sand fence installation, and ocean sand relocation activities.

FY 24/25 is the third year of the three-year cycle for the Sand Relocation Reimbursement Program. Attached is a Beach Nourishment Maintenance Capital Project Ordinance. There is a \$400,000 increase, which is the recommendation for the FY 25 season, this is inclusive of purchasing dune plantings for Better Beaches not to exceed \$15,000. There is an increase in the Capital Outlay - Other line item and an increase in Intergovernmental Grants as we have received more grants than what was budgeted.

Number of Attachments: 2

Specific Action Requested:

Provided for Board review and consideration.

Submitted By: Dep Town Manager/Finance Officer Amy Miller Date: July 30, 2024

Finance Officer Comment:

If approved, funds will be transferred between line items to cover the cost of the program for FY 24/25.

Signature: Amy Miller Date: July 30, 2024

Town Attorney Comment:

N/A

Signature: John Leidy Date: July 30, 2024

Town Manager Comment and/or Recommendation:

I concur with the continuation of this program and request Board approval.

Signature: Andy Garman Date: July 30, 2024

Benjamin Cahoon
Mayor

Michael Siers
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head

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Kevin Brinkley
Commissioner

Bob Sanders
Commissioner

Megan Lambert
Commissioner

To: Board of Commissioners

From: Kelly Wyatt, Planning Director
Amy Miller, Deputy Town Manager and Finance Director

Date: July 29, 2024

Re: Dune Management Cost Share Program

To better assist oceanfront property owners with overall dune management, staff recommend funding the cost share program to include 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 four 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, 280 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 24-25 is the third year of the three-year cycle for the sand relocation reimbursement program.

Activity	FY 21-22	FY 22-23	FY 23-24	FY 24-25	Application Interval	Application Dates
Planting	Yes	Yes	Yes	Yes	Every Year	Oct. 1 - June 30
Sand Fence Installation	Yes (Mid-Way)	Yes	Yes	Yes	Every Year	Oct. 1 - June 30
Sand Relocation	No	Yes	Yes	Yes	Once Every Three Years	Nov. 15 - April 15
Max. Funding Amount per Parcel	\$1,000	\$3,500	\$3,500	\$3,500		
Total Program Funding	\$20,000	\$320,000	\$400,000	\$400,000		
Total Amount Disbursed	\$9,931	\$217,152	\$419,000	N/A		
Total Amount Allocated	N/A	\$102,848	\$319,876	N/A		

OBX Better Beaches

Staff has previously recommended allocating \$15,000 to OBX Better Beaches for the purpose of installing dune vegetation. OBX Better Beaches did not request or utilize any portion of this allocation the past season. For the FY 24-25 season, staff recommends that the requested \$400,000 funding include the reimbursements as well as any requests from OBX Better Beaches, not to exceed \$15,000.

A budget ordinance is included for your approval of this request.

Staff will be available to answer any questions.



**BEACH NOURISHMENT MAINTENANCE CAPITAL PROJECT ORDINANCE
(AMENDMENT #11)**

BE IT ORDAINED by the Governing Board of the Town of Nags Head, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance as adopted December 16, 2020, amended February 3, 2021, amended September 1, 2021, amended January 5, 2022, amended August 3, 2022, amended October 5, 2022, amended December 7, 2022, amended December 21, 2022, amended March 1, 2023, amended August 2, 2023, amended February 7, 2024, is hereby further amended as follows:

Section 1. The project authorized is a locally funded beach nourishment project to be financed by appropriation of Beach Nourishment Capital Reserve Fund Balance and grants committed by the Federal Emergency Management Agency (FEMA), the N.C. Department of Public Safety (NCDPS), and the N.C. Department of Environmental Quality (NCDEQ).

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering and construction oversight	\$ 1,002,636
Pumping Costs	6,175,419
Mobilization/Demobilization	5,023,000
Professional fees	793,000
Surveying and monitoring	472,200
Sand fencing	161,000
Capital outlay-other	1,070,500
Sprigging	616,750
Turtle monitoring	80,000
Contingency	<u>98,359</u>
	<u>\$ 15,492,864</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Intergovernmental Grants	\$13,719,042
Contribution from Capital Reserve Fund	<u>1,773,822</u>
	<u>\$ 15,492,864</u>

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy federal, state, and local regulations.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues in this capital project in every budget submission made to this Board.

Section 8. Copies of this project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Section 9. The Town Manager, or in his absence his designee, is hereby authorized to execute change orders or amendments to contracts in amounts up to \$50,000 appropriated from contingency when it contains sufficient funds. The Budget Officer is authorized to reallocate appropriations between contingency and the various objects of expenditures as a result. Such changes shall be reported to the Governing Body at the next regular meeting.

Section 10. In case of emergency which threatens lives, health, and safety of public, the Town Manager may execute contractual documents and authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in the contingency account not to exceed \$125,000 and the expenditure is reported to the Board of Commissioners as soon as possible, and the appropriate budget amendments are submitted at the next regular meeting.

Amended this 7th day of August 2024.

ATTEST:

Benjamin Cahoon, Mayor

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **E-8**
Meeting Date: **August 7, 2024**

Item Title: Request for Public Hearing to consider text amendments to various sections of the Unified Development Ordinance as it pertains to Multi-Family Dwelling Development

Item Summary:

At their June 18, 2024 meeting, staff presented the Planning Board with a draft multi-family housing ordinance developed by the Multi-Family Ordinance Working Group. This presentation included a comparison between the working group's ordinance and the previously recommended ordinance by the Planning Board. Following questions primarily related to overall density and parking, staff provided additional updates at the Planning Board's July 16, 2024 meeting.

This item will be presented again at the Planning Board's August 20, 2024 meeting, with the expectation of receiving a recommendation to the Board of Commissioners. Therefore, staff requests that the Board of Commissioners schedule a public hearing for this proposed amendment at their September 4, 2024 meeting.

Number of Attachments: 0

Specific Action Requested:

Schedule the Public Hearing for the Board of Commissioners September 4, 2024 meeting.

Submitted By: Planning and Development

Date: July 31, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: July 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 31, 2024

Town Manager Comment and/or Recommendation:

Scheduling the public hearing now would expedite the consideration of this ordinance by the Board of Commissioners.

Signature: Andy Garman

Date: July 31, 2024



Agenda Item Summary Sheet

Item No: **E-9**
Meeting Date: **August 7, 2024**

Item Title: Request for Public Hearing to consider a text amendment submitted by Anlauf Engineering, PLLC on behalf of Ark Church to modify the definition of "Religious Complex"

Item Summary:

Joseph Anlauf, P.E. of Anlauf Engineering, PLLC has submitted a text amendment request on behalf of the Ark Church. If adopted, the text amendment would modify the definition of "Religious Complex" to allow for the construction of a single-family dwelling onsite for church staff, in addition to the already permitted parsonage. The applicant notes in the application that the amendment is designed to allow religious complexes the ability to include additional affordable housing options for church staff and their families. More affordable housing options will allow the church to attract and retain additional much needed church staff.

Planning Staff and Planning Board Recommendation

Staff believes that permitting religious complexes to build a single-family dwelling onsite for church staff can offer significant benefits to the church, its staff, and the community, provided all zoning and building regulations are met. Onsite residences could enhance community engagement, ensure staff availability for church-related events and activities and provide a constant presence to respond to any emergencies involving the church. Planning staff finds the proposed text amendment to be consistent with the 2022 Comprehensive Land Use Plan and recommend adoption of the amendment as presented.

At their July 16, 2024 meeting, the Planning Board voted unanimously to recommend adoption of the text amendment as presented. While not part of the motion, several Planning Board members did inquire about expanding this request to include two-family/duplex options.

Number of Attachments: 0

Specific Action Requested:

Schedule the Public Hearing for the Board of Commissioners September 4, 2024 Meeting.

Submitted By: Planning and Development

Date: July 29, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: July 29, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 29, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: July 29, 2024



Agenda Item Summary Sheet

Item No: **E-10**
Meeting Date: **August 7, 2024**

Item Title: Request for Public Hearing to consider a text amendment related to the dormitory use within the SED-80, Special Environmental District zoning designation

Item Summary:

In response to ongoing discussions regarding workforce housing availability within the County, the Town of Nags Head is actively exploring the potential construction of at least two residential duplexes. These structures would primarily serve as housing for the town's lifeguards. The proposed site for this workforce housing is Town-owned property located at 425 W. Health Center Drive, formerly the Outer Banks Medical Center and now the Community Care Clinic. Specifically, the town is considering construction in the area of the old helipad, which is no longer in use. This property is zoned SED-80, Special Environmental District.

At their June 18, 2024, meeting, planning staff requested that the Planning Board consider initiating a text amendment. This amendment would allow dormitory use within the SED-80 zoning designation, not only when affiliated with an existing nursing home facility, but also for the purpose of housing the town workforce.

Planning Board Recommendation

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

Number of Attachments: 0

Specific Action Requested:

Schedule the Public Hearing for the Board of Commissioners September 4, 2024, Meeting.

Submitted By: Planning and Development

Date: July 29, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: July 29, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 29, 2024

Town Manager Comment and/or Recommendation:

This project is included in the Town's CIP and represents an important step in maintaining future ocean rescue staffing levels, which is now being impacted by lack of available housing supply.

Signature: Andy Garman

Date: July 29, 2024



Agenda Item Summary Sheet

Item No: **F-1**
Meeting Date: **August 7, 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: July 30, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: July 30, 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: July 30, 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 August 7th, 2024.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for June 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 of July:

- Tuesday, July 2nd – Technical Review Committee Meeting
- Wednesday, July 3rd - Board of Commissioners Meeting
- Wednesday, July 10th – Committee for Art and Culture Meeting
- Thursday, July 11th – Board of Adjustment Meeting (no hearings)
- Tuesday, July 16th – Planning Board Meeting
- Wednesday, July 17th – Board of Commissioners mid-month meeting
- Thursday, July 25th – Septic Health Advisory Committee Meeting
- Dowdy Park Farmers Market – Thursday, July 4th, 11th, 18th & 25th
- Dowdy Park Summer Concert Series – Wednesday, July 3rd, 10th, 17th, 24th, and 31st

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, July 16, 2024. The following items were heard:

- Consideration of a text amendment to the Unified Development Ordinance submitted by Anlauf Engineering, PLLC on behalf of Ark Church, to modify the definition of "Religious Complex" to include an additional single-family residence for church staff, in addition to existing allowance for an onsite parsonage. The Planning voted unanimously to recommend adoption of this text amendment as proposed. This item is on the Board of Commissioners Consent Agenda on August 7th with request for the Public Hearing to be held on September 4th, 2024.
- Consideration of various amendments to the Unified Development Ordinance as it pertains to the use of multi-family dwelling developments. The Planning Board discussed this item at length and requested that staff return with additional information at their August 20th meeting. This item is on the Board of Commissioners Consent Agenda on August 7th with

request for the Public Hearing to be held on September 4th, 2024.

- Consideration of amendments to the Unified Development Ordinance as it pertains to the dormitory use in the SED-80, Special Environmental District. The Planning Board voted unanimously to recommend adoption of the amendment as presented. This item is on the Board of Commissioners Consent Agenda on August 7th with request for the Public Hearing to be held on September 4th, 2024.
- Staff provided the Planning Board with the same presentation given to the Board of Commissioners at their July 3rd meeting on Accessory Dwelling Units (ADU's) and existing within the Town.

The Planning Board's next meeting is scheduled for Tuesday, August 20th, 2024. Currently, the agenda is expected to include consideration various amendments to the UDO related to the use of multi-family dwelling developments and a map amendment request submitted by Chris Greening to rezone the property located 0 Satterfield Landing (Parcel # 005618002) from C-3, Commercial Services to C-2, General Commercial.

Board of Adjustment – Recent and Pending Applications

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

Additional Updates

- **DWMP/Septic Health Advisory Committee** – The Septic Health Advisory Committee met on Thursday, July 25th and received an update on the number of inspections, pump out credits and loans processed during FY 23-24. The committee also discussed upcoming data collection and mapping initiatives to further the recommendations of the Decentralized Wastewater Management Plan. Additionally, recent water quality advisories for E. Abalone Street and E. Curlew Street were discussed. Environmental Planner Conner Twiddy will present a year-to-date review of the Todd D. Krafft Septic Health Initiative and committee's work at the Board of Commissioners meeting on August 7th, 2024.
- **Estuarine Shoreline Management Plan** – The Town was awarded a grant of \$500,000 under the N.C. Resilient Coastal Communities Program to assist in completing the engineering and design work for the Villa Dunes and Soundside Road estuarine marsh restoration and marsh stabilization projects. It will be November before we know about the NC Land and Water Fund Grant that was applied for to assist with the Harvey Site/OBVB site. Additionally, staff are researching using a combination of Community Conservation Assistance Program (CCAP) funds and Coastal Federation cost share funds for a shoreline stabilization along the causeway.
- **Electric Vehicle Action Plan** – LoWire Technologies has completed the installation of two Level II EV chargers at Town Hall. Shoshin is scheduled to install an outside access point for the charging stations. Once we finalize payment and the station management interface, these units will be available for public use. A DEQ representative will conduct an onsite inspection to ensure all grant requirements for reimbursement have been met
- **Sand Relocation and Dune Management Cost Share Program** – Staff are requesting an allocation of \$400,000 for the Sand Relocation and Dune Management Cost Share Program for FY 24-25. This request is listed as Item E-7 on the Board of Commissioners agenda for the August 7th Meeting.
- **Public Beach and Coastal Waterfront Access Grant Program** – Staff will be completing and filing the final application for the improvements to the June Street Beach Access prior to the submission deadline of Friday, August 2nd.

- **Permitting Update 3rd & 4th Quarter** – See below the total number of permits accepted and the average turnaround time. These numbers do not include trade permits.

2024	Total Permits	Avg Turnaround/days
January	77	2.4
February	73	2.5
March	74	2.5
April	73	3.0
May	48	2.2
June	40	2.3

- **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – For the month of August, the Town will be hosting the following events and activities:
 - Yoga on the Lawn, Tuesday mornings 7:30 – 8:30am all month long.
 - Fitness Fridays, Friday mornings 7:30 – 8:15am through August 16th.
 - Summer Concert Series, Wednesday evenings 6:30 – 8:00pm.
 - The BarCats Duo on August 7th
 - Haze & Dacey on August 14th
 - Intangible Catz on August 21st
 - Dowdy Park Farmers Markets, Thursdays 9am – 1pm: August 1st, 8th, & 15th. August 15th will be the last market of the summer season. Outer Banks Hospitals “Eat the Rainbow” campaign has been very successful this season.
 - Family Fun Night, Tuesday, August 6th at 4pm – 7pm. Storytelling with Liza Yowel begins at 5:30pm. Tuesday, August 20th is Back to School Night with music by Nature Out Loud. Corolla Wild Horse Fund with Riptide to be rescheduled, previously cancelled due to heat.
 - Movie at Dowdy Park, Friday, August 2nd

Upcoming Meetings and Other Dates

- Tuesday, August 6th – Technical Review Committee Meeting
- Wednesday, August 7th - Board of Commissioners Meeting
- Wednesday, August 7th – Outer Banks Hazard Mitigation Joint Committee Meeting (1pm)
- Thursday, August 8th – Board of Adjustment (no hearings scheduled)
- August 10th – August 14th – Planner Chris Trembly attend Certified Zoning Official Conference
- Wednesday, August 14th – Committee for Art and Culture Meeting
- Tuesday, August 20th – Planning Board Meeting
- Wednesday, August 21st – Board of Commissioners mid-month meeting
- Wednesday, August 28th – CRS Cycle Verification Visit
- Dowdy Park Farmers Market – Thursday, August 1st, 8th, and final market on 15th
- Dowdy Park Summer Concert Series – Wednesday, August 7th, 14th, and 21st

TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JUNE 2024

DATE SUBMITTED: July 7, 2024

	Jun-24	Jun-23	May-24	2023-2024 FISCAL YEAR	2022-2023 FISCAL YEAR	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	0	3	2	16	17	(1)
New Single Family, 3000 sf or >	1	0	1	6	7	(1)
Duplex - New	0	0	0	1	0	1
Sub Total - New Residential	1	3	3	23	24	(1)
Miscellaneous (Total)	31	38	46	497	550	(53)
<i>Accessory Structure</i>	3	3	2	42	51	(9)
<i>Addition</i>	3	3	0	29	30	(1)
<i>Demolition</i>	1	2	0	6	3	3
<i>Move</i>	0	0	1	1	0	1
<i>Remodel</i>	7	10	11	126	134	(8)
<i>Repair</i>	17	20	32	293	332	(39)
Total Residential	32	41	49	520	574	(54)
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	0	0	0	2	(2)
Subtotal - New Commercial	0	0	0	0	2	(2)
Miscellaneous (Total)	2	4	2	85	83	2
<i>Accessory Structure</i>	1	2	0	32	27	5
<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>	0	1	1	25	27	(2)
<i>Repair</i>	1	1	1	27	28	(1)
Total Commercial	2	4	2	85	85	0
Grand Total	34	45	51	605	659	(54)
SUB-CONTRACTOR PERMITS						
Electrical	67	78	90	661	633	28
Gas	2	0	3	37	34	3
Mechanical	55	70	57	430	446	(16)
Plumbing	7	2	6	129	104	25
Fire Sprinkler	1	1	0	5	4	1
VALUE						
New Single Family	\$0	\$1,687,121	\$650,000	\$8,802,995	\$9,001,147	(\$198,152)
New Single Family, 3000 sf or >	\$975,000	\$0	\$2,000,000	\$5,617,945	\$7,233,733	(\$1,615,788)
Duplex - New	\$0	\$0	\$0	\$711,000	\$0	\$711,000
Misc (Total Residential)	\$2,253,969	\$1,009,455	\$1,116,214	\$18,779,910	\$18,410,395	\$369,515
Sub Total Residential	\$3,228,969	\$2,696,576	\$3,766,214	\$33,911,850	\$34,645,275	(\$733,425)
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$11,562,356	(\$11,562,356)
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$6,425,994	(\$6,425,994)
Misc (Total Commercial)	\$139,303	\$85,899	\$65,750	\$4,895,193	\$2,824,641	\$2,070,552
Sub Total Commercial	\$139,303	\$85,899	\$65,750	\$4,895,193	\$20,812,991	(\$15,917,798)
Grand Total	\$3,368,272	\$2,782,475	\$3,831,964	\$38,807,043	\$55,458,266	(\$16,651,223)

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

DATE SUBMITTED: July 7, 2024

	Jun-24	Jun-23	May-24	2023-2024 FISCAL YEAR	2022-2023 FISCAL YEAR	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	38	62	57	658	685	(27)
Soil & Erosion	4	N/A	3	20	N/A	N/A
Stormwater Plans	4	N/A	2	33	N/A	N/A
CAMA						
CAMA LPO Permits	3	3	3	39	37	2
CAMA LPO Exemptions	4	6	15	76	78	0
Sand Relocations				281	279	N/A
CODE COMPLIANCE						
Cases Investigated	44	100	38	349	813	(464)
Warnings	3	6	6	40	107	(67)
NOVs Issued	41	94	32	304	289	15
Civil Citations (#)	0	0	0	1	10	(9)
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$23,150	(\$23,150)
SEPTIC HEALTH						
Tanks inspected	10	15	6	110	142	(32)
Tanks pumped	9	5	10	119	118	1
Water quality sites tested	36	37	26	133	254	(121)
Personnel Hours in Training/School	34	6	32	437	218	219



Kelly Wyatt, Planning Director



Agenda Item Summary Sheet

Item No: **F-2**
Meeting Date: **August 7, 2024**

Item Title: Year-End Update on Todd D. Krafft Septic Health Initiative

Item Summary:

The Todd D. Krafft Septic Health Initiative had a productive Fiscal Year 23-24. Notable activities include:

- Completion of 117 septic tank inspections by staff and contractors, Kevin Carver and David Swinney.
- Issuance of 121 water credits/rebates for tank pumping.
- Processing of 9 Septic Loans for repair or replacement due to failure or damage.
- Numerous outreach activities, including participation in Dowdy Park Markets and providing updates as part of the Town's annual CRS Mailer. Informational clings have also been distributed to rental companies.
- Installation of 15 groundwater monitoring loggers and 2 water quality monitoring loggers throughout the town.
- Purchase of four (4) additional water quality monitoring loggers for installation in Fall 2024.
- Acquisition of GPS unit to geo-locate existing and new septic tanks within the town.
- Moving forward with long-range data collection and mapping effort educate on septic upkeep and maintenance, including creating an interactive town map with details such as tank age, type, last inspection and findings, pumping history, and credits used, as well as incorporating Hydromet Cloud data on groundwater levels and nitrate readings from new monitoring loggers.
- Adoption of a text amendment to the UDO prohibiting parking on septic system areas.
- Ongoing quarterly Septic Health Advisory Committee Meetings which have provided valuable input, discussion, and guidance as we continue to implement the recommendations of the DWMP. Two new members were appointed: Rob Crawford and Gary Ferguson.
- Environmental Planner Conner Twiddy has been involved in educational opportunities with ECU and CSI and has provided interviews with NC Health News Magazine and Scientific American. Conner also attended the Onsite Wastewater Operator class and will taking the certification exam in September 2024.

Conner Twiddy will provide a brief presentation to the Board of Commissioners at their August 7, 2024 meeting.

Number of Attachments: 0

Specific Action Requested:

Provide year-end review of Todd D. Krafft Septic Health Initiative.

Submitted By: Planning and Development

Date: July 31, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: July 31, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 31, 2024

Town Manager Comment and/or Recommendation:

This program is currently on a good path. I appreciate the efforts of Conner, Planning Staff, and the Septic Health Advisory Committee.

Signature: Andy Garman

Date: July 31, 2024



Agenda Item Summary Sheet

Item No: **G-1**
Meeting Date: **August 7, 2024**

Item Title: From July 3rd Board meeting – Roanoke Shores Subdivision
- Consideration of Traffic Control Map amendments

Item Summary:

At the July 3rd Board meeting, a site plan modification concerning Lakeside Street was reviewed. Board members expressed concern about the safety of Lakeside Street and directed staff to prepare a traffic control map amendment for August which would add a No Parking – Tow Away Zone designation to Lakeside Street.

Staff has analyzed this request (see attached memo). Staff has provided the Board with the item they requested, which includes an ordinance regulating no parking along the entirety of Lakeside Street west of US 158.

After reviewing this in the field, staff has also provided an alternative recommendation which would regulate no parking for a portion of Lakeside Street closer to the proposed hotel and the gas station.

Attached please find a memo with additional details from Police Chief Perry Hale as well as the associated ordinance amending the Traffic Control Map.

Number of Attachments: 3

Specific Action Requested:

Provided for Board review and consideration.

Submitted By: Administration

Date: July 30, 2024

Finance Officer Comment:

Minimal fiscal impact to include the erection of appropriate signage.

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

Town Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Andy Garman

Date: July 30, 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

Perry Hale
Chief of Police

Chris Montgomery
Deputy Chief of Police

Service - Professionalism - Integrity - Strength

MEMORANDUM

TO: Andy Garman, Town Manager
FROM: P. Hale, Chief of Police
DATE: July 30, 2024
RE: Traffic Control Map Amendment; W. Lakeside St.

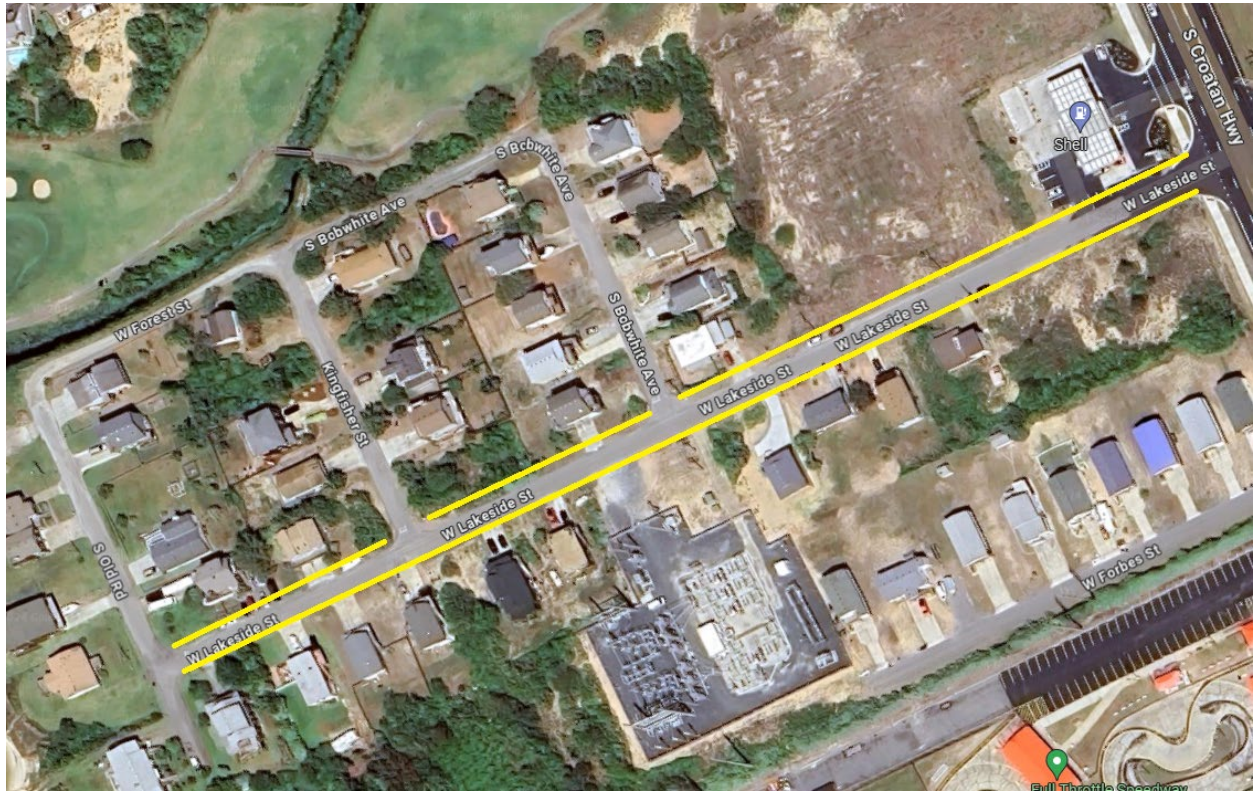
At the June BOC meeting, it was requested by the Board to implement No Parking and No Thru Traffic on W. Lakeside St. due to concerns from residents regarding parking in the right-of-way, impacts to visibility created by parked vehicles, and concerns over the future hotel in this neighborhood. While it was requested by the Board to make the entire street No Parking and No Thru Traffic, it would be my recommendation to have only portions of this street marked as No Parking. This recommendation comes after inspecting the area and learning that several of the properties (111- 207) on the southside have steep driveways and limited room for parking on their property if they were designated as No Parking. Additionally, there would be little benefit from the no parking designation in this particular area. Based on these observations, I have included two options for the board to consider.

1. "No Parking Between Signs" the entire length of the street on both the north and south sides of W. Lakeside St.
2. "No Parking Between Signs" from the intersection of US 158 to the property line of 111 W. Lakeside St. on the southside of the roadway. For the northside, "No Parking Between Signs" from US 158 to the intersection of Bobwhite Ave.

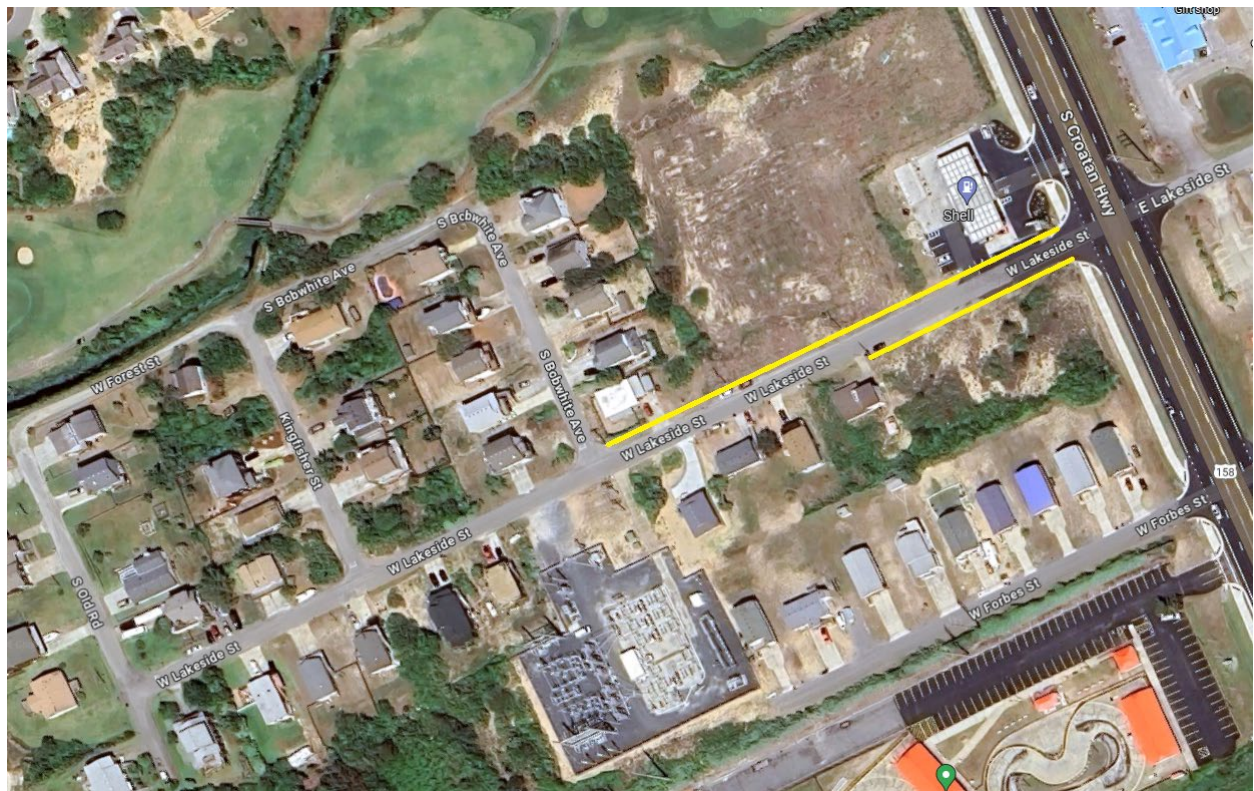
We will place a "No Thru Traffic" sign within 200 feet of the intersection of US 158 as a visual deterrent being this is a public street.

I will be available at the Board meeting to answer any questions.

MAP ONE- "No Parking Between Signs" the entire length of the street on both the north and south sides of W. Lakeside St.



MAP TWO- "No Parking Between Signs" from the intersection of US 158 to the property line of 111 W. Lakeside St. for the southside of the roadway. For the northside, "No Parking Between Signs" from US 158 to the intersection of Bobwhite Ave.





ORDINANCE AMENDING THE NAGS HEAD TRAFFIC CONTROL MAP

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Nags Head Traffic Control Map is hereby amended as follows:

PART I. Designation of *No Parking Between Signs – Tow Away Zone* at the following location:

- On both sides of Lakeside Street west of US 158

or

- The south side of W. Lakeside Street from the intersection of US 158 to the property line of 111 W Lakeside Street; the north side of W. Lakeside Street from the intersection of US 158 to the intersection with Bobwhite Avenue

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III. This ordinance shall become effective upon notation being made on the Nags Head Traffic Control Map and the erection of appropriate signage.

This the 7th day of August 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

ADOPTED **August 7, 2024**

MOTION TO ADOPT BY: _____

SECONDED BY: _____

VOTE: _____ AYES _____ NOES



Agenda Item Summary Sheet

Item No: **G-2**
Meeting Date: **August 7, 2024**

Item Title: Discussion of process for neighborhoods to request traffic calming devices

Item Summary:

At the June 5, 2024 Board of Commissioners meeting, staff presented a summary of items for consideration in the development of a traffic calming policy. Guidance was provided to staff by the Board on the process and elements to be incorporated into a policy document.

Staff has prepared a traffic calming policy to include a process flowchart and an application which can be utilized to process these types of requests.

The policy allows requests to be reviewed based on traditional traffic engineering criteria and alternatively based on neighborhood support. The traffic calming process also combines past practices with strategies that have been successfully employed by other North Carolina communities

Town staff will provide a brief overview summarizing the policy along with the process and will be available for questions. A copy of the traffic calming policy, process flowchart and application are included for reference.

Staff Recommendation:

Staff recommends the Board of Commissioners adopt the Traffic Calming Policy.

Number of Attachments: 2

Specific Action Requested:

Consider adoption of the Traffic Calming Policy.

Submitted By: Town Engineer David Ryan

Date: August 1, 2024

Finance Officer Comment:

Signature: Amy Miller

Date: August 1, 2024

Town Attorney Comment:

Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: August 1, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Andy Garman

Date: August 1, 2024

Traffic Calming Measures Policy

Purpose:

To outline a process by which the Town of Nags Head can address requests related to transportation safety concerns on town-maintained streets. The guidelines in this policy will assist Town staff in determining an appropriate course of action in evaluating and providing sensible and programmatic responses to each request and recommend certain actions to the Board of Commissioners for consideration of implementation.

The policy's goal is to prioritize and implement police enforcement, traffic calming, and pedestrian measures based upon safety, applicability, budget, efficacy, and partnerships.

Applicability:

The process outlined in this policy is for the consideration and implementation of traffic calming measures for all Town of Nags Head public streets. This excludes S Croatan Hwy. (US Hwy 158), S. Virginia Dare Trail (NC 12), and South Old Oregon Inlet Road (SR 1243) which are managed by the North Carolina Department of Transportation.

Procedure:

Citizens or neighborhood associations may submit a Request for Traffic Calming form to the Town Clerk via regular mail at P.O. Box 99, Nags Head, NC 27959 or via email at townclerks@nagsheadnc.gov

The Traffic Calming Measure Request Form shall be completed by the applicant indicating the specific location and summary of the traffic concern. If the request is located within a neighborhood having a homeowners or property owners association, the name of the association should be indicated in conjunction with the name of a board representative supporting the request.

All applications shall require a minimum of (5) five neighborhood residents with contact information who are in support of the request. All sections of the application shall be filled out completely with the signature of applicant/contact person affixed to the form.

Once a request is received, staff will initiate a traffic assessment to review factors such as speed, volume, street length, street grades, accident history, sidewalks and other factors. Speed and volume data will be collected via the police radar trailer or a temporary installation of a radar speed limit sign. The data collection period shall be for a minimum of two weeks up to 30 days.

If the request meets traffic-related criteria noted later in this policy under **Traffic Assessment**, the request moves to the next step. If the basic minimum criteria listed above is not met, a letter will be sent to the "point of contact" explaining why the location will not be considered for further evaluation. The letter will also include an option for an alternate path via a neighborhood support option. The criteria for a neighborhood support option will require a formalized petition that meets a minimum threshold of 70% of all households within the area of influence in support of the traffic calming treatment.

If the applicant does not meet the neighborhood support petition requirements, the application will not be considered for further evaluation.

If the traffic requirements nor the neighborhood support criteria are met, a letter will be forwarded to the “point of contact” summarizing the findings with an explanation of how the traffic related criteria or the neighborhood support threshold was not met. In this instance, Tier 1 and/or Tier 2 traffic calming measures may be recommended to mitigate the issue.

If the process proceeds forward, an engineering report will be prepared utilizing site-specific data collection. The report shall state the issue of concern, the area of influence, the results of the data collection along with maps, and photographs and other pertinent information. A concept will be prepared with a recommendation for the implementation of a Tier 3 traffic calming measure. If it is determined the conditions warrant the addition of traffic calming measures, the application will proceed to the next step.

This information will be shared and reviewed with the lead contact person and/or the community committee that has filed the request. It is then the responsibility of the citizen’s committee to plan and conduct a neighborhood meeting to review the concept plan for the proposed enhancements, inform other residents about the use of traffic calming devices, and document additional input. Input, including the level of neighborhood support for the concept, shall be documented for presentation to the Nags Head Board of Commissioners.

All Tier 3 recommendations proceeding via the neighborhood support option shall require at least (1) neighborhood meeting and documentation indicating support for the proposed concept of at least 70% of all households within the area of influence in favor of the proposed traffic calming treatment.

Tier 3 traffic calming measures will be implemented as funds become available and at the discretion of the Board of Commissioners. Improvement projects may be included as a line item in the Capital Improvement Plan for the next fiscal year (July 1-June 30) and are subject to approval by the Board of Commissioners.

Multiple requests for traffic calming in the same area within a 36-month period will not be evaluated without sufficient cause. Sufficient cause is determined at the discretion of the Town Manager, Police Chief, or Town Engineer.

Timelines for traffic assessments may vary depending on how many requests are in the queue. Applications and requests will be reviewed based upon the order they are received.

Traffic Assessment:

The Town Manager, with the assistance of the Police Chief, Town Engineer, Fire Chief, and Public Services Director or their designated representatives will review the location(s) identified in the application. A preliminary review shall be performed for those requests with a primary concern related to speeding. Both traffic volume and speed shall be analyzed for a period which closely represents peak traffic periods, to the maximum extent feasible. Eligibility shall be based on meeting the requirements of Part (A) and may include items noted in Part (B) below:

Part (A) required data review

Speed- 85th percentile speed exceeds posted speed limit by greater than or equal to **6 mph**

Volume- Minimum average of 200 vehicles per day (vpd)

Length- Street segment lengths considered for traffic calming applications should not be more than 1 mile in length but greater than 300 ft in length. Street segment lengths less than 300 ft in length or with less than 10 residential direct driveway connections are not eligible for traffic calming.

Grades- Street grade shall be less than 8%

And any one or more of the following

Part (B) Supplemental data review

Accidents- Two (2) or more speed-related crashes within a three (3) year period

Pathways- The presence of pedestrian generators and facilities, sidewalks, crosswalks, etc.

Other factors- The presence of other roadside factors, public safety concerns, and area conditions that could be mitigated by a traffic calming device.

Speed and volume data will be collected via the police radar trailer or a temporary installation of a radar speed limit sign. The collection period shall be for a minimum of a 2-week period up to a 30-day period.

Traffic Engineering Study:

The next step in the process consists of review of the collected vehicular data, review of street geometry, pedestrian activity observations, historical data review, and characterization of the area of influence. The Town Engineer or his/her designee will conduct field observations/site visits and collect any supplemental data as necessary to perform a warrant analysis. Once the following information is collected, an initial recommendation will be determined by the Town Manager.

- Geometric Features of the roadway (lane width, shoulder width, sight distance, vertical curves, and sidewalks)
- Traffic volume data and verification of street classification
- Speed data to determine the 85th percentile speed and extent of speeding violations should they exist.
- Accident data for the past 3 years through the Nags Head Police Department
- Observation of pedestrian and bicycle activity
- Other pertinent information as deemed necessary

The data collection relies on data driven decisions and observations by standard transportation analysis methods. All requests will be confirmed and prioritized using measured traffic data. Requests that are received but not supported by traffic data will be

prioritized by the actual measured data and not by anecdotal reports.

A Traffic Engineering Study Summary documenting the study results shall include the following information:

- 1) A complete description of the study area with applicable maps, photos, and extent of study area.
- 2) Identity of the area of influence which includes properties abutting the street under study and properties on intersecting streets within a reasonable distance of the roadway section as determined by staff.
- 3) A description of the problem the neighborhood has requested to address. This shall include field data collected describing the scale of the problem. For example, if speeding is the concern, the study should show data from a completed speed study.
- 4) A description of the proposed traffic calming measures, as applicable, and locations where the neighborhood requests to install such traffic calming devices. This shall include any additional signs, pavement markings and other traffic control devices.
- 5) An estimated cost of the proposed traffic calming device, the expected maintenance requirements, and an estimate to remove devices.

Once the applicable data and results have been collected and report prepared, the findings will be reviewed by the Town Manager, Police Chief, Fire Chief, Public Services Director and Town Engineer, or their appointed designees. Once finalized, the point of contact will be notified of these results.

This information will be shared and reviewed with the lead contact person and/or the community party that has filed the request. It is then the responsibility of the citizen's committee to plan and conduct a neighborhood meeting to review the concept plan for the proposed enhancements, inform other residents about the use of traffic calming devices, and document additional input. Town staff will attend the meeting to address questions about the process and summarize the findings.

Traffic Calming Device Guidelines:

Every traffic calming request is unique and shall be evaluated on a case-by-case basis. As such, the outcomes for requests may vary. If the request does not meet the traffic requirements or does not have the neighborhood support, mitigative measures may be recommended.

Mitigative measures are structured in three separate tiers and generally follow a schedule based upon cost of implementation and resultant impact. The following outlines the framework of the tier-based schedule and associative mitigation measures. Town staff will follow the tier-based structure in preparing recommendations for traffic calming requests received.

The Town uses three **Tiers** of traffic calming devices:

Tier 1- Non-Physical Traffic Calming Measures (Low Cost, Low Impact)

- Increased enforcement by the Nags Head Police Department
- Neighborhood Awareness Campaign
- Temporary installation of the police radar trailer
- Maintenance of landscaping to improve sight distance

These treatments can be addressed with Town forces or neighborhood engagement without a formal application being filed. This allows work to be done quickly, at low cost, and with minimal impact to area residents.

Neighborhood Awareness Campaign

Because many people exceed the posted speed limit in their own neighborhood, a Neighborhood Awareness Campaign is recommended anytime there is a perceived issue. “Speeders” are not always non-residents, most are neighbors and friends who are committed to safe, peaceful neighborhoods. Speeding in residential areas is a bad habit and it takes a unified effort to break it. Neighbors should remind neighbors to pay attention to their driving habits and of their mutual responsibility to the residents living in the community.

Several creative methods to reducing traffic problems in neighborhoods can be:

- Hold discussions at scheduled neighborhood meetings
- Hold a “slow down” block party to get people to think about their driving habits
- Placing door hangers and talk to neighbors individually
- Encourage people to ride bicycles or walk to destinations in an effort to reduce motor vehicle volume and speeding

These are just a few examples of ideas for a Neighborhood Awareness Campaign. A successful Neighborhood Awareness Campaign is one where at least 50% of the affected residents are communicated with. Residents shall primarily reside on the street directly associated with the request.

Town staff will not be involved in the Neighborhood Awareness Campaign.

Tier 2- Non-Structural Traffic Calming Measures (Moderate Cost, Low Impact)

- Signage and advance warning device addition/changes
- Add/change pavement markings- Including crosswalks
- Follow-up Neighborhood Awareness Campaign
- Gateways/entryways
- Turn prohibitions
- Colored pavements
- Temporary installation of the radar speed display device (i.e. radar speed limit sign)

After 6 months (minimum) of Tier 2 traffic calming device measures being implemented, follow-up data and analysis may be performed. Data from the Nags Head Police Department and Town staff monitoring will be used. If the results show the Tier 2 measures are ineffective

at controlling the undesired traffic condition, Town staff will examine the potential Tier 3 traffic calming measures.

Tier 3- Structural Traffic Calming Measures (High Cost, High Impact)

- Permanent installation of the radar speed display device (i.e. radar speed limit sign)
- Speed cushion installation
- Planted Median Islands
- Chicanes
- Mini Traffic Circles

All Tier 3 treatments require at least (1) neighborhood meeting and documentation indicating support for the proposed concept gaining support. Applications utilizing the neighborhood support approach shall be required to document support from at least 70% of all households within the area of influence in favor of the proposed traffic calming treatment.

Funding for Traffic Calming Projects

The Town of Nags Head has not identified any special funding source for traffic calming projects. Potential funding options available are special assessments, private funding, and operating funds. Nags Head Board of Commissioners will determine the appropriate funding mechanism for the installation of traffic calming devices on a case-by-case basis. Town staff will be responsible for determining a funding source for all Tier 1 and 2 devices within the existing budget or the next fiscal year. There is no guarantee that Town funding will be available.

Tier 3 traffic calming measures will be implemented as funds become available and at the discretion of the Board of Commissioners and may be included as a line item in the Capital Improvement Plan (CIP) for the next fiscal year (July 1-June 30) and are subject to approval by the Board of Commissioners.

The Board of Commissioners and/or Town Manager may recommend a cost share be provided by the applicant. If the applicant is unable to raise the required funding amount, the project will not be constructed until funding becomes available.

The Board of Commissioners may also recommend that a traffic calming project utilize 100% private funding. In these instances, the applicant will be responsible for raising 100% of the cost of the applicable design, construction, and materials fees/costs related to the project. If Town staff can perform construction of the traffic calming project, the applicant is only responsible for raising the costs of the materials provided by the Public Services Department. If the applicant is unable to raise the required funding amount, the project will not be constructed until the funds become available.

Installation of traffic calming devices is considered a street improvement and is eligible for special assessment in accordance with North Carolina General Statute 160A-216(1) should the Board of Commissioners recommend private funding.

Traffic Calming Implementation

Once a traffic calming plan has been approved by staff (if no appropriation of funds is necessary), or once the Board of Commissioners has appropriated funding, the project manager shall take the actions necessary to commence the construction process.

The project manager responsible for implementation of the traffic calming plan shall provide updates to the community representative(s) during the construction period.

Once completed, Town staff will monitor the overall effectiveness of the traffic calming devices and make recommendations for adjustment or modification as required.

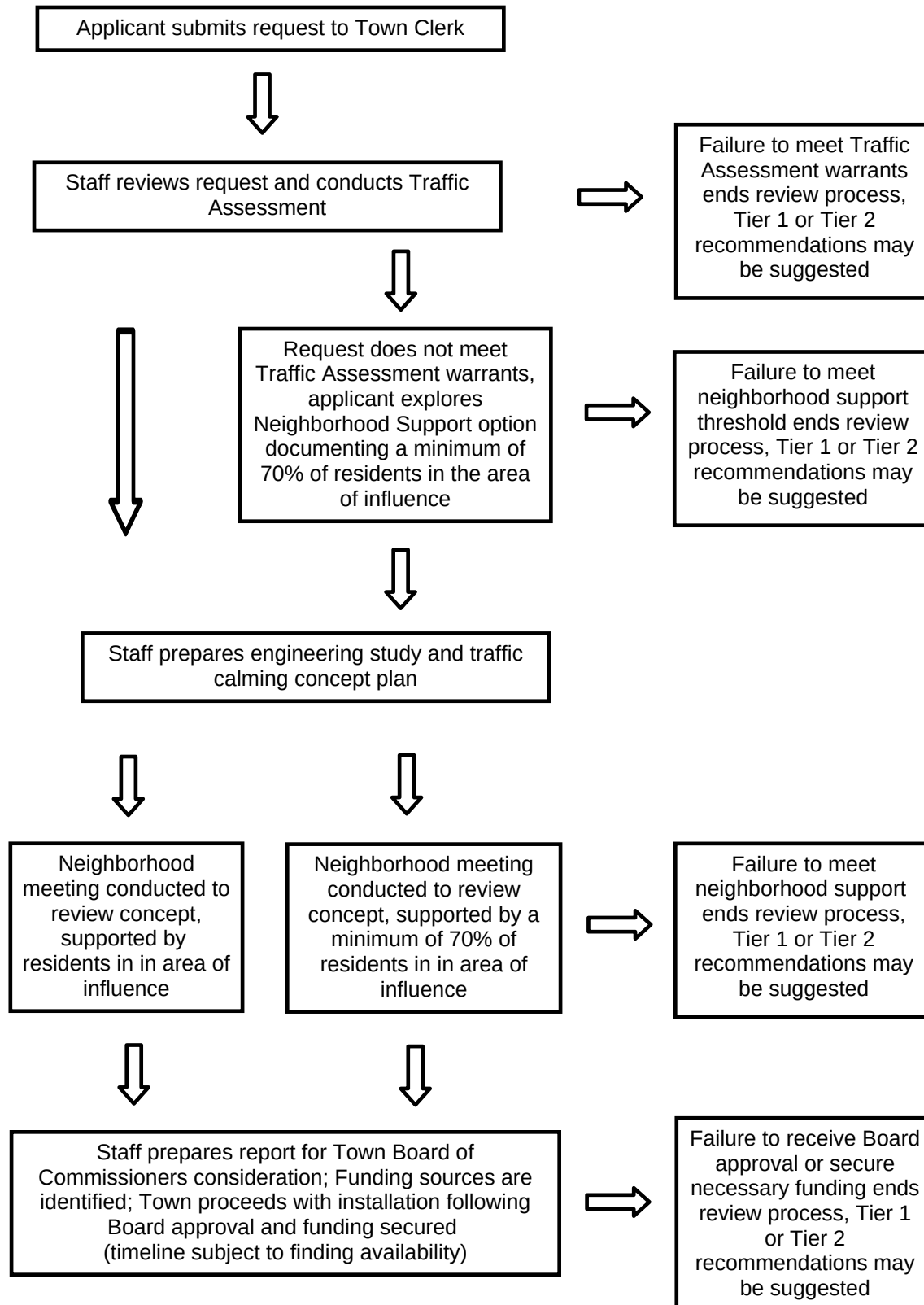
Multi-Way Stops and Traffic Signals

Multi-Way stops (i.e. stop signs) and traffic signals are traffic control devices and should not be considered a traffic calming device in response to potential speeding concerns. Stop signs serve to assign right-of-way and multi-way stops will only be considered in instances where the Manual on Uniform Traffic Control Devices (MUTCD) warrant analysis indicates that a multi-way stop is appropriate. Requests for Traffic Signals will be forwarded to the North Carolina Department of Transportation (NCDOT) Division Traffic Engineer for review.

Approved Signs

Design, application, and placement of traffic control devices shall follow those adopted in the Manual on Uniform Traffic Control Devices (MUTCD).

Town of Nags Head Process for Requesting Installation of Traffic Calming Devices on Public Residential Streets





TOWN OF NAGS HEAD

TRAFFIC CALMING MEASURE REQUEST

Date: _____ Applicant/Contact Person: _____

Email: _____ Phone: _____

Address: _____

Specific Location of Traffic Concern: _____

Summary of Traffic Concern:

Does this neighborhood have a Home Owner's Association (HOA) or similar neighborhood association? (please circle): (yes) (no)

HOA name: _____

HOA representative supporting this request _____ Title: _____

Signature

Date

Other neighborhood residents supporting this request:

Signature:

Address:

Email:

1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

I understand that traffic calming devices are intended only for the purpose of speed reduction on town maintained streets. Requests for installation of traffic calming devices are to be considered **only after they are determined to be in absolute accordance** with any Town of Nags Head policies and all applicable federal, State and local laws, statutes, ordinances, rules and regulations.

SIGNATURE: _____
Applicant/Contact Person

Mail: Town of Nags Head
Town Clerk
Department of Administration
P.O. Box 99
Nags Head, NC 27959

Or email:
townclerks@nagsheadnc.gov



Agenda Item Summary Sheet

Item No: **H-1**
Meeting Date: **August 7, 2024**

Item Title: Committee Reports

Item Summary:

At the August 7th 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: July 30, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: July 30, 2024



Agenda Item Summary Sheet

Item No: **H-2**
Meeting Date: **August 7, 2024**

Item Title: Consideration of resolutions authorizing the following surf fishing tournaments:

- a) Nags Head Surf Fishing Club – 72nd Annual Invitational Surf Fishing Tournament
- b) Fraternal Order of Eagles – 8th Annual Surf Fishing Tournament
- c) Outer Banks Association of Realtors – 27th Annual Scholarship Surf Fishing Tournament

Item Summary:

Attached please find three resolutions for Board consideration on August 7th authorizing the Nags Head Surf Fishing Club (October 9-11, 2024), the Fraternal Order of Eagles (October 26, 2024), and the Outer Banks Association of Realtors (October 4, 2024) to hold their annual surf fishing tournaments on the Town's beaches. Also included are letters of request from each organization.

Number of Attachments: 6

Specific Action Requested:

Request Board adoption of attached three (3) resolutions authorizing annual surf fishing tournaments for the three listed organizations. The requests also include the issuance of the specified temporary surf fishing permits.

Submitted By: Administration

Date: July 30, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

I concur with the requests and encourage Board adoption of the resolutions. These tournaments are always highly anticipated by fishermen and women and provide a very positive experience for all involved. There will continue to be a limit of three vehicles per team. Each team will receive up to three passes at no cost.

Signature: Andy Garman

Date: July 30, 2024

NAGS HEAD SURF FISHING CLUB

July 18th, 2024

Ben Cahoon, Mayor
Town of Nags Head
P.O. Box 99
Nags Head, NC 27959

Dear Mayor Cahoon,

The Nags Head Surf Fishing Club will be hosting its 72rd Invitational Surf Fishing Tournament on October 9th, 10th and 11th, 2024. We would greatly appreciate it if the required temporary beach driving permits for Nags Head would be granted to us, using the same format as in previous years. We only need the permits for the 10th and 11th. We would like to have 4 permits granted to us for the 8th and 9th so our judges can scout out the appropriate stations. This format works well for us and, we understand, for the Town as well.

Due to the weather last year we weren't able to fish any stations in Nags Head. The US Park Service worked with us so we could set 40 stations off of ramp 4. In years past we did have some stations there and we are working with them to see if we can again start putting some of our stations in the National Park. This would decrease the amount of permits we would need. In addition it lessens the amount traffic on the beach in the Town. Hopefully we will come to agreement with them in the next few weeks. At that point we will let you know how many permits we need.

The permits and associated pamphlets should be received by us no later than September 13th, 2024. This will allow us time to properly document the distribution of the permits to into each teams registration package.

Our Head Judge will again ask Officer Jimmy Pierce to speak at the Captions meeting. We believe this is very important and highlights the safety and respectfulness that is required while driving on the beaches of Nags Head.

Thanks so much for your help and if you need to contact me for any reason, please call me at 252-489-3351.

Sincerely,
Dave Masters Jr.



RESOLUTION REGARDING THE ISSUANCE OF BEACH DRIVING PERMITS
FOR THE **NAGS HEAD SURF FISHING CLUB** TOURNAMENT TO BE HELD OCTOBER 9 - 11, 2024

WHEREAS, the Nags Head Surf Fishing Club is sponsoring its annual Nags Head Surf Fishing Club Tournament October 9 - 11, 2024; AND

WHEREAS, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Nags Head Surf Fishing Club submitted a request on July 18, 2024, for the Town of Nags Head to issue short-term beach driving permits to the Nags Head Surf Fishing Club to be distributed to participants in its annual Fishing Tournament.

NOW, THEREFORE BE IT RESOLVED by the Town of Nags Head Board of Commissioners that the Town of Nags Head is pleased to offer its assistance for the Nags Head Surf Fishing Club Tournament again this year.

BE IT FURTHER RESOLVED as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the Nags Head Surf Fishing Club to be distributed to the 80 teams participating in its annual Nags Head Surf Fishing Club Tournament. Judges will be scouting stations on Tuesday, October 8, 2024. The tournament is to be held Wednesday, Thursday, and Friday, October 9, 10, and 11, 2024. An additional 25 permits are authorized to be issued to tournament judges/officials – for a total of 265 permits. These special permits will only be valid for this three-day period. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

The Nags Head Surf Fishing Club is responsible for the distribution of all short-term beach driving permits for the 2024 Nags Head Surf Fishing Club Tournament. No individual short-term permits for the tournament will be issued by Staff.

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

A pamphlet (to be provided by the Town) on Regulations Governing Beach Vehicular Traffic in the Town of Nags Head shall be supplied with each permit distributed by Nags Head Surf Fishing Club.

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

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

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

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

THIS THE 7th DAY OF AUGUST 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



Fraternal Order of Eagles, Aerie #4506
2706 S Croatan Highway
Nags Head, NC 27959

To whom it may concern,

This letter is being sent as a request to hold our annual Surf Fishing Tournament on the beaches of Nags Head. Our expected tournament date is **Saturday, October 26 2024**. This tournament is a members only tournament for the Fraternal Order of Eagles of Virginia, which we are a part of. The tournament will consist of a minimum number of participants of a possible 75 - 85 people. We are requesting beach driving permits for 32 vehicles for Saturday. (two passes per team plus two for judges)

The Fraternal Order of Eagles is a nationwide non-profit organization that concentrates on raising monies for charitable organizations, with our motto being "People Helping People". Our local charter, Aerie #4506 has assisted many local charities in the past 16 years that we have existed. Some of which include but not limited to The Outer Banks Relief Foundation, Dare County Social Services, Dare County Adult Social Services, Dare County Boy Scouts and Girl Scouts, The Beach Food Pantry, Outer Banks Relay for Life, and our national Diabetes Research Center sponsored by the Fraternal Order of Eagles. Our most current donation was over **\$75,000.00** to the Outer Banks Hotline.

Thank you for your time and consideration of our request. If I can answer any questions that you may have, please feel free to contact me at 252-207-5833 or email at liz.puma38@gmail.com. You may also get more information on the FOE at www.foe.com.

Sincerely,

Liz Puma

Liz Puma
Committee Chair



RESOLUTION REGARDING THE ISSUANCE OF BEACH DRIVING PERMITS
FOR THE **FRATERNAL ORDER OF EAGLES**, AERIE #4506, CHARITY SURF FISHING TOURNAMENT
TO BE HELD OCTOBER 26, 2024

WHEREAS, the Fraternal Order of Eagles (FOE), Aerie #4506, is sponsoring its annual Charity Surf Fishing Tournament October 26, 2024; AND

WHEREAS, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Fraternal Order of Eagles, Aerie #4506, submitted a request on July 12, 2024, for the Town of Nags Head to issue short-term beach driving permits to the Fraternal Order of Eagles, Aerie #4506, to be distributed to participants in its annual Fishing Tournament.

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

BE IT FURTHER RESOLVED as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the FOE Tournament to be distributed to the teams participating in its annual Surf Fishing Tournament. The tournament is to be held on Saturday, October 26, 2024. Tournament officials are requesting a total of 32 short-term permits which includes 2 permits for judges. These special permits will only be valid for Saturday, October 26, 2024. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

The Fraternal Order of Eagles, Aerie #4506, is responsible for the distribution of all short-term beach driving permits for the 2024 FOE Charity Surf Fishing Tournament. No individual short-term permits for the tournament will be issued by Staff.

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

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

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

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

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

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

THIS THE 7th DAY OF AUGUST 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



2024 OFFICERS

Richard Tolson
President

Christi Bryant
President Elect

Natalie Painter
Imm. Past President

Heather Cater
Treasurer

Shelley O'Grady
Secretary

DIRECTORS

Carrie Bateman
Property Management

John Head
Tourism Board

Tammy Aycock
Director at Large

Rosemarie Doshier
Director at Large

Richard Hess
Director at Large

Stephanie Doshier
Director at Large

Ilona Matteson
Director at Large

Maslin Seal
Director at Large

July 15, 2024

Dear Town of Nags Head,

The Outer Banks Association of REALTORS® (OBAR) would like to request the use of Nags Head beaches for our annual charity Surf Fishing Tournament on Friday, October 4, 2024.

We anticipate the participation of 40 teams with up to 6 fisherman per team. We will also have 5 judges. We are requesting 90 temporary permits for the date of October 4th only.

This will be the 27th annual Surf Fishing Tournament and will once again benefit our Scholarship and Disaster Relief Funds. We have given 191 Scholarships to local seniors for a total of \$289,631. We have also been able to help several local families after the tragedies with our Disaster Relief Funds. This is available to anyone in our community, not only REALTOR® members.

We appreciate your consideration and support for this fund raiser not only this year but in past years as well.

Sincerely,

Karen Pierce | Membership Services Director

Outer Banks Association of REALTORS®

252-489-1478 Direct Line

karenp@outerbanksrealtors.com



RESOLUTION REGARDING THE ISSUANCE OF BEACH DRIVING PERMITS
FOR THE **OUTER BANKS ASSOCIATION OF REALTORS** CHARITY SURF FISHING TOURNAMENT
TO BE HELD OCTOBER 4, 2024

WHEREAS, the Outer Banks Association of Realtors (OBAR) is sponsoring its annual Charity Surf Fishing Tournament October 4, 2024; AND

WHEREAS, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Outer Banks Association of Realtors submitted a request on July 15, 2024, for the Town of Nags Head to issue short-term beach driving permits to the Outer Banks Association of Realtors to be distributed to participants in its annual Fishing Tournament.

NOW, THEREFORE BE IT RESOLVED by the Town of Nags Head Board of Commissioners that the Town of Nags Head is pleased to offer its assistance for the OBAR Charity Surf Fishing Tournament this year.

BE IT FURTHER RESOLVED as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the OBAR Tournament to be distributed to the 40 teams participating in its annual OBAR Charity Surf Fishing Tournament. The tournament is to be held on Friday, October 4, 2024. An additional five (5) permits are authorized to be issued to tournament judges/officials – Tournament officials are requesting a total of 90 short-term permits. These special permits will only be valid for Friday, October 4, 2024. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

The Outer Banks Association of Realtors is responsible for the distribution of all short-term beach driving permits for the 2024 OBAR Charity Surf Fishing Tournament. No individual short-term permits for the tournament will be issued by Staff.

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

A pamphlet (to be provided by the Town) on Regulations Governing Beach Vehicular Traffic in the Town of Nags Head shall be supplied with each permit distributed by the Outer Banks Association of Realtors.

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

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

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

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

THIS THE 7th DAY OF AUGUST 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **H-3**
Meeting Date: **August 7, 2024**

Item Title: Modification to Town Code Chapter 8 *Beaches and Waterways* to regulate shark fishing from the shoreline May 1st through October 31st

Item Summary:

There have recently been several calls to the Police Dept reporting on shoreline fishing by individuals specifically targeting sharks – to include the use of drones to drop cut fish heads out in the ocean to attract the sharks. Staff is not suggesting banning this type of fishing, however we believe safety is an issue when attracting these species during the peak seasonal period.

Attached for Board review is a memo from Police Chief Perry Hale requesting adoption of a proposed ordinance amending Town Code Chapter 8 *Beaches and Waterways* to regulate shark fishing (from both the shoreline as well as piers) from 9 am to 5 pm from May 1st through October 31st.

Also attached please find the proposed ordinance for Board consideration.

Number of Attachments: 2

Specific Action Requested:

Request Board adoption of attached ordinance regulating shark fishing for the specific date/time listed.

Submitted By: Public Safety – Police Chief Hale

Date: July 30, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

Attorney Leidy has the ordinance for review and will comment as necessary at the Board meeting.

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: July 30, 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

Perry Hale
Chief of Police

Chris Montgomery
Deputy Chief of Police

Service - Professionalism - Integrity - Strength

MEMORANDUM

TO: Andy Garman, Town Manager

FROM: P. Hale, Chief of Police

DATE: July 11, 2024

RE: Request to Add Section Under Town Code of Ordinances Chapter 8 (Beaches and Waterways) Regarding Shark Fishing

It is my recommendation to add a section under the Town's Code of Ordinances, Chapter 8, (Beaches and Waterways), that would cover shark fishing or attraction of sharks during our peak season. This ordinance would regulate any person from fishing in the town limits, whether from the shoreline or an erected pier, to target sharks. This would not prevent regular fishing practices that are currently done from these locations, except to those who bait or lure sharks adjacent to the waters of town.

It is requested this ordinance be added to Ch. 8 Article I. – In General, as a misdemeanor or civil offense. If adopted this would be listed as Sec. 8-10, which is reserved for future changes.

I have drafted the language below for your review.

Ordinance Language: Baiting or Attracting Sharks Prohibited

- (a) No person fishing from a pier or the shore within the town limits shall bait or cause to be used any bait which attracts sharks of any type to the shores or piers. This section shall not prevent regular and normal fishing now done on piers and shores of the town, except to the extent it affects the baiting and luring of sharks to the waters of the town.
- (b) This prohibition shall be in effect beginning 9:00 am to 5:00 pm from May 1 through October 31.

I will be available at the August BOC meeting for any questions the Board may have.



**AN ORDINANCE ADDING SEC. 8-10 TO CHAPTER 8
BEACHES AND WATERWAYS
REGULATION OF FISHING PRACTICES DESIGNED TO ATTRACT SHARKS**

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.

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

PART I. The Code of Ordinances, Town of Nags Head, North Carolina, Chapter 8, Article I, is hereby amended by adding a section, to be numbered 8-10, Baiting or Attracting Sharks Prohibited, which section shall read as follows:

Sec. 8-10. Baiting or Attracting Sharks Prohibited.

- A. No person fishing from a pier or the shore within the town limits shall bait or cause to be used any bait which attracts sharks of any type to the shores or piers. This section shall not prevent regular and normal fishing now done on piers and shores of the town, except to the extent it affects the baiting and luring of sharks to the waters of the town.
- B. This prohibition shall be in effect beginning 9:00 am to 5:00 pm from May 1 through October 31.
- C. Penalty for violations of this Section:
Any person violating the provisions of this section shall be subject to a civil penalty or a criminal penalty, or both in accordance with Section 1-6 subsection (d) of this code.

PART II. That Section 1-6, General Penalty; enforcement of ordinances; continuing violations, be amended as follows:

- (b) Violations of any provision of the following chapters and sections of this Code or the Unified Development Ordinance shall be a misdemeanor and punishable as provided by G.S. 14-4:
 - (2) Chapter 8, all sections with the exception of sections 8-1, 8-2, 8-4, 8-10, and 8-62. As to any violation of sections 8-82, 8-83, or 8-84, such violation shall be a class III misdemeanor punishable by a fine of up to \$200.00;
- (d) Violations of the following provisions of this Code or the Unified Development Ordinance shall subject the offender to either a civil penalty or a criminal penalty, or both, in accordance with the penalty provisions of subsections (b) and (c) of this section, or in accordance with the specific penalty provisions contained within the respective chapter and article, where applicable:
 - (2) Chapter 8, sections 8-1, 8-2, 8-4, 8-7, 8-10, and 8-62;

This ordinance shall be effective upon its adoption.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: August 7, 2024
Motion to adopt by: _____
Motion seconded by: _____
Vote: _____ AYES _____ NAYS



Agenda Item Summary Sheet

Item No: **J-1**
Meeting Date: **August 7, 2024**

Item Title: Town Manager Garman – Presentation – Oakley-Collier on Town Master Plan
Time Specific 11:00 a.m.

Item Summary:

At the Board's December 2023 regular meeting, the Board approved a scope of services to complete a master plan for the Town's properties at 5401 S Croatan Highway (Town Hall Campus), 5314 S Croatan Highway (Fire Station 16), and 105 W Seachase Drive (Former BB&T bank now owned by the Town). Last year the Town began discussing working with Dare County on an EMS facility in Nags Head. At the time we initiated these discussions, we anticipated working on a joint facility to include a combined Fire and EMS station at the former BB&T site. This would allow for construction of an EMS station within the next year and would include a phased replacement of Fire Station 16 in 5-7 years.

In order to complete this exercise, it was important for the Town to understand what future needs it may have and work through an exercise to consider how they could be accommodated. Some of the future needs contemplated in the study include:

- Replacement of the Board of Commissioners meeting room
- Replacement of the South Wing training facility in Fire Station 16
- Replacement of the fitness facility
- Evaluation of future departmental space needs
- Replacement of the Public Services garage
- Housing for seasonal and transitional town staff
- Community meeting space(s)

Oakley Collier has been working on several alternatives for Board consideration. Oakley Collier will present these at the upcoming meeting to answer questions and receive feedback. While we are not asking the Board to approve the final master plan, we anticipate asking for Board consensus on an alternative which could be carried forward into a final recommendation. In attendance will be Timothy Oakley and Ann Collier from Oakley-Collier Architects.

Number of Attachments: 0

Specific Action Requested: Provided for Board information and discussion. Would request consensus from the Board on a preferred alternative which could be carried forward into a final recommendation.

Submitted By: Administration

Date: July 30, 2024

Finance Officer Comment:

Signature: Amy Miller

Date: July 30, 2024

Town Attorney Comment:

Signature: John Leidy

Date: July 30, 2024

Town Manager Comment and/or Recommendation:

Presentation of proposed Town Master Plan provided for Board information.

Signature: Andy Garman

Date: July 30, 2024



Agenda Item Summary Sheet

Item No: **J-3**

Meeting Date: **August 7, 2024**

Item Title: Town Manager Garman – Update on kite discussion from July 3rd Board meeting

Item Summary:

At the August 7th Board of Commissioners meeting, Town Manager Garman will provide an update on the kite discussion from the July 3rd Board meeting.

BOC Actions from July 3rd read in part as follows:

Comr. Brinkley said that he has received several emails from plane/helicopter pilots concerning safety issues with kite strings over the ocean; he is bringing this forward for discussion purposes. He displayed a photo taken by the wife of a pilot showing how close a kite's string was to the flight path. Board members spoke in favor of an education campaign to be shared with Dare County re: flying kites over the ocean. Town Manager Garman is to speak to the County Manager about this. John Harris of Kitty Hawk Kites had indicated to Manager Garman that the kite flying guide he distributes when someone purchases a kite can be updated. Some people may be adding to the 300' of string attached to the kite.

Number of Attachments: 0

Specific Action Requested:

Provided for Board information and update.

Submitted By: Administration

Date: July 26, 2024

Finance Officer Comment:

Insufficient information to determine fiscal impact.

Signature: Amy Miller

Date: July 26, 2024

Town Attorney Comment:

Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: July 26, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Andy Garman

Date: July 26, 2024



Agenda Item Summary Sheet

Item No: **K-1**
Meeting Date: **August 7, 2024**

Item Title: Comr. Megan Lambert – Discussion of hotel parking standards

Item Summary:

At the August 7th Board of Commissioners meeting, Comr. Lambert will discuss hotel parking standards with Board members.

Number of Attachments: 0

Specific Action Requested:

Provided for Board discussion.

Submitted By: Administration

Date: July 26, 2024

Finance Officer Comment:

Insufficient information to determine fiscal impact.

Signature: Amy Miller

Date: July 26, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 26, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Andy Garman

Date: July 26, 2024



Agenda Item Summary Sheet

Item No: **L-1**
Meeting Date: **August 7, 2024**

Item Title: Mayor Cahoon – Discussion of Fall 2024 Retreat

Item Summary:

At the August 7th Board of Commissioners meeting, Mayor Cahoon/Town Manager Garman will discuss the schedule and proposed program for the Board's Fall 2024 Retreat.

Number of Attachments: 0

Specific Action Requested:

Provided for Board discussion.

Submitted By: Administration

Date: July 26, 2024

Finance Officer Comment:

Insufficient information to determine fiscal impact.

Signature: Amy Miller

Date: July 26, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: July 26, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Andy Garman

Date: July 26, 2024



Agenda Item Summary Sheet

Item No: **M-1**
Meeting Date: **August 7, 2024**

Item Title: Request for Closed Session

Item Summary:

A Closed Session will be requested at the August 7th Board of Commissioners meeting to confer with the Board re: matters related to attorney/client privilege to include a CRC variance at Juncos St Beach Access; Use of Town site at 105 W Seachase Drive, and to preserve that privilege, pursuant to GS 143-318.11(a)(3) and to discuss the possible acquisition of real property located at 4222 S Croatan Highway pursuant to GS 143-318.11(a)(5).

Attorney Leidy and Town Manager Garman will provide updated information for Board discussion.

Number of Attachments: 0

Specific Action Requested:

Provided for Board discussion.

Submitted By: Administration

Date: July 26, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: July 26, 2024

Town Attorney Comment:

Attorney Leidy will participate in the discussion.

Signature: John Leidy

Date: July 26, 2024

Town Manager Comment and/or Recommendation:

Town Manager Garman will participate in the discussion.

Signature: Andy Garman

Date: July 26, 2024