



AGENDA

**TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM
WEDNESDAY, OCTOBER 2, 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 - Facilities Maintenance Technician John Stewart - September 11, 2024

NEW EMPLOYEE - Sanitation Equipment Operator Steve Farrow - September 16, 2024

FIVE YEARS - Fire Chief Randy Wells - September 4, 2019

PROCLAMATION - Fire Prevention Week - October 6 - 12, 2024

Documents:

[10 C RECOG SUMMARY.PDF](#)

[10 C RECOGNITION FIRE PREV WK PROC.PDF](#)

D. PUBLIC COMMENT

E. CONSENT AGENDA

1. Consideration Of Budget Amendment #4 To FY 24/25 Budget

Documents:

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

[10 E1 BUD AMEND TO FY 24-25 WORKSHEET.PDF](#)

2. Consideration Of Tax Adjustment Report

Documents:

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

[10 E2 TAX ADJ MSD REPORT.PDF](#)

[10 E2 TAX ADJ REPORT.PDF](#)

3. Approval Of Minutes

Documents:

[10 E3 MINUTES SUMMARY.PDF](#)
[10 E3 MINUTES SEP 4 2024 BOC MINS.PDF](#)
[10 E3 MINUTES SEP 18 2024 BOC MINS.PDF](#)

4. Consideration Of Seventh Amendment To Verizon Lease Of Town Hall Monopole

Documents:

[10 E4 VERIZON TOWN MONOPOLE AGREE AMEND 7 SUMMARY.PDF](#)
[10 E4 VERIZON TOWN MONOPOLE AGREEMENT AMEND 7.PDF](#)
[10 E4 VERIZON TOWN MONOPOLE STRUCTURAL ANALYSIS REPORT.PDF](#)

5. Consideration Of Great Trails State Program Grant Application For Multi-Use Path Engineering

Documents:

[10 E5 GREAT TRAILS STATE PGM APP SUMMARY.PDF](#)
[10 E5 GREAT TRAILS APPLICATION.PDF](#)
[10 E5 GREAT TRAILS APP - BOARD APPROVAL FORM.PDF](#)

6. Consideration Of Resolution Authorizing Execution Of NC-DEQ Grant Contract For The June St Beach Access

Documents:

[10 E6 NCDEQ JUNE ST BCH ACCESS GRANT SUMMARY.PDF](#)
[10 E6 NCDEQ JUNE ST BCH ACCESS GRANT RES.PDF](#)

7. Consideration Of Capital Project Fund Ordinance Amendments:

- Amendment #5 to Capital Project Fund (General) for Public Services Complex
- Amendment #3 to Capital Project Fund (Water) for AMI and Public Services Complex

Documents:

[10 E7 CAP PROJ ORDINANCES SUMMARY.PDF](#)
[10 E7 CAP PROJ FUND AMEND 5 ORD.PDF](#)
[10 E7 CAP PROJ WATER FUND AMEND 3 ORD.PDF](#)

8. Consideration Of Modification To Rules Of Procedure Re: Time Allotted For Speakers

Documents:

[10 E8 MOD TO RULES OF PROCEDURE SUMMARY.PDF](#)
[10 E8 MOD TO RULES OF PROCEDURE.PDF](#)

9. Consideration Of Resolution Accepting NC-DEQ Local Assistance For Stormwater Infrastructure Investments (LASII) Funding Offer;

Authorization for Town Manager to execute contract with McAdams

Documents:

[10 E9 NCDEQ STORMWATER INFRA LASII SUMMARY.PDF](#)
[10 E9 NCDEQ STORMWATER INFRA LASII RES.PDF](#)
[10 E9 NCDEQ STORMWATER INFRA LASII MCADAMS REPORT.PDF](#)

10. Request For Public Hearing To Consider A Special Use/Site Plan Review for the construction of a 2-story, 8-bedroom dormitory.

Documents:

[10 E10 RPH DORMITORY AT CCC SUMMARY.PDF](#)

11. Request For Public Hearing To Consider Various Amendments To The UDO Within SPD-C, Village Commercial-1 Zoning District to accommodate a new use, EMS Station

Documents:

[10 E11 RPH UDO EMS STATION SUMMARY.PDF](#)

F. PUBLIC HEARINGS

1. Public Hearing To Consider A Map Amendment Request submitted by Chris Greening of Coastal Bluewater Capital, LLC, as authorized by property owner Mazzi, LLC to rezone the property located at 0 W. Satterfield Landing Road, Lot 2a-1r of the Charles Sineath Subdivision, (Parcel # 005618002) from C-3, Commercial Services to C-2, General Commercial. This is the vacant property west of TW's Bait and Tackle

Documents:

[10 F1 PH ZONING MAP AMEND SUMMARY.PDF](#)
[10 F1 PH ZONING MAP AMEND MEMO.PDF](#)
[10 F1 PH ZONING MAP AMEND PN.PDF](#)

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

1. Update From Planning Director

Documents:

[10 G1 PLANNING DIRECTOR SUMMARY.PDF](#)
[10 G1 PLANNING DIRECTOR REPORT.PDF](#)

H. OLD BUSINESS TABLED FROM PREVIOUS MEETINGS

1. From Sep 4th Board Meeting – Consideration Of Multi-Family Dwelling Ordinance -Workshop held on Sep 18th

Documents:

[10 H1 MULTI-FAMILY SUMMARY.PDF](#)
[10 H1 MULTI-FAMILY WORKSHOP PACKET.PDF](#)

I. NEW BUSINESS

1. Committee Reports

Documents:

[10 I1 COMMITTEE REPORTS SUMMARY.PDF](#)

2. Consideration Of Board/Committee Appointments/Reappointments

- Personnel Grievance Panel / Board of Adjustment

Documents:

[10 I2 BOARDS-COMMITTEES SUMMARY.PDF](#)

[10 I2 CURRENT - PGP.PDF](#)

[10 I2 CANDIDATE - PGP.PDF](#)

[10 I2 CURRENT - BOA.PDF](#)

[10 I2 CANDIDATE -BOA.PDF](#)

3. Estuarine Shoreline Management Project Areas 1 And 2 Engineering And Design:

- Consideration of resolution authorizing the Town Manager to enter into a contract with NCDEQ
- Request authorization for the Town Manager to enter into a contract with McAdams
- Consideration of associated budget amendment

Documents:

[10 I3 ESMP CONTRACT AUTH SUMMARY.PDF](#)

[10 I3 ESMP CONTRACT AUTH RES.PDF](#)

[10 I3 ESMP MCADAMS LIVING SHORELINE PROPOSAL.PDF](#)

[10 I3 ESMP BUDGET AMENDMENT.PDF](#)

4. Consideration Of Fire Truck Purchase Contract

Documents:

[10 I4 FIRE TRUCK PURCHASE SUMMARY.PDF](#)

[10 I4 FIRE TRUCK PURCHASE MEMO.PDF](#)

5. Consideration Of Resolution Authorizing Application To NC-DEQ Division Of Water Infrastructure For Septic Health Project Grant;

- Consideration of revised Septic Health Loan Policy

Documents:

[10 I5 NCDEQ SEPTIC HEALTH GRANT SUMMARY.PDF](#)

[10 I5 NCDEQ SEPTIC HEALTH GRANT RES.PDF](#)

[10 I5 NCDEQ SEPTIC HEALTH POLICY.PDF](#)

6. Discussion Of Stormwater Master Plan Process/Public Engagement

Documents:

[10 I6 STORMWATER MP SUMMARY.PDF](#)

[10 I6 STORMWATER MP MEMO.PDF](#)

[10 I6 STORMWATER MP MCADAMS PROPOSAL FINAL.PDF](#)

J. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

K. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

1. Update On Construction Of The Public Services Facility

Documents:

[10 K2 TM PUBLIC SVCS FACILITY UPDATE SUMMARY.PDF](#)

L. BOARD OF COMMISSIONERS AGENDA

M. MAYOR'S AGENDA

N. CLOSED SESSIONS

O. OTHER BUSINESS

P. ADJOURNMENT

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



Agenda Item Summary Sheet

Item No: **C**
Meeting Date: **October 2, 2024**

Item Title: Recognition

Item Summary:

Recognition at the October 2nd Board of Commissioners meeting includes the following:

NEW EMPLOYEE – Facilities Maintenance Technician John Stewart – September 11, 2024

NEW EMPLOYEE – Sanitation Equipment Operator Steve Farrow – September 16, 2024

FIVE YEARS – Fire Chief Randy Wells – September 4, 2019

PROCLAMATION – Fire Prevention Week – October 6 – 12, 2024

Number of Attachments: 1

Specific Action Requested:

Provided for Board recognition.

Submitted By: Administration

Date: September 27, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

Welcome and congratulations to those with Years of Service!

Signature: Andy Garman

Date: September 27, 2024



**PROCLAMATION DECLARING FIRE PREVENTION WEEK
OCTOBER 6 – 12, 2024**

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

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

WHEREAS, in 2022 in the United States home fires killed more than 2,700 people and fire departments responded to 360,000 home fires; AND

WHEREAS, roughly three out of five fire deaths happen in homes with either no smoke alarms or with no working smoke alarms; AND

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

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

WHEREAS, Nags Head residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; AND

WHEREAS, Nags Head residents should make sure their smoke alarms meet the needs of all their family members, including those with sensory or physical disabilities; AND

WHEREAS, Nags Head residents should test smoke alarms at least once a month; AND

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

WHEREAS, Nags Head first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Nags Head residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2024 Fire Prevention Week theme, "Smoke alarms: Make them work for you" serves to remind us of the importance of having working smoke alarms in the home.

NOW, THEREFORE, BE IT RESOLVED that I, Ben Cahoon, Mayor of the Town of Nags Head, do hereby proclaim October 6 – 12, 2024, as Fire Prevention Week, and I urge all the people of the Town of Nags Head to make sure their homes have working smoke alarms and to support the many public safety activities and efforts of Nags Head Fire & Rescue. All Town residents and visitors are invited to attend the annual Nags Head Fire & Rescue Open House, held at the Douglas A Remaley Fire Station 16 on Thursday, October 10, 2024 from 5:00 to 7:30 pm.

This the 2nd day of October 2024.

Ben Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

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

Item Title: Consideration of Budget Amendment #4 to FY 24/25 Budget

Item Summary:

Attached please find Budget Amendment #4 to the FY 24/25 Budget which is provided for Board review and approval at the October 2nd Board of Commissioners meeting. Budget Amendment #4 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 #4.

Submitted By: Administrative Services

Date: September 27, 2024

Finance Officer Comment:

Request Board approval of attached Budget Amendment #4.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: September 27, 2024



**BUDGET AMENDMENT REQUEST
FY 2024-2025**

**BUDGET AMENDMENT NO. 4
Amendment 4.1**

SOURCE OF FUNDS

USE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-499000	General Fund Revenues Appropriated Fund Balance	1,090,542.00			General Fund Expenditures	
				420-544000	Town Manager Professional Fees	18,989.00
				420-544003	Professional Fees CIF	13,492.00
					Admin. Services	
				440-544500	Professional Fees	4,148.00
				440-544500	Contracted Services	5,512.00
				440-577400	Capital Outlay Equipment	990.00
					Information Technology	
				441-543600	Maint/Repair Equipment	13,996.00
					Planning and Development	
				490-543405	Other Supplies-Computer	1,130.00
				490-544003	Professional Fees-CIF	206.00
				490-544500	Contracted Services	1,173.00
				490-577350	Capital Outlay Improvements	14,839.00
				490-577400	Capital Outlay Equipment	20,344.00
					Public Services-Admin.	
				500-543700	Vehicle Maintenance	8,953.00
				500-544800	Purchases for Resale	10,839.00
					Facilities Maintenance	
				530-543500	Maint/Repair Buildings	13,200.00
				530-543503	Maint/Repair Buildings - CIF	41,088.00
				530-543700	Vehicle Maintenance	9,262.00
				530-544500	Contracted Services	7,800.00
				530-577350	Capital Outlay Improvements	145,257.00
					Sanitation	
				580-543700	Vehicle Maintenance	16,533.00
				580-577500	Capital Outlay Vehicles	242,686.00
					Police	
				610-532100	Building/Equipment Rental	5,000.00
				610-543300	Department Supplies	20,069.00
				610-543605	Maint/Repair Firing Range	16,613.00
				610-543700	Vehicle Maintenance	2,200.00
				610-577500	Capital Outlay Vehicles	50,537.00
					Streets and Stormwater	
				625-577407	Capital Outlay Infrastructure	98,611.00
					Fire	
				730-543700	Vehicle Maintenance	7,100.00
				730-543900	Uniforms	120.00
				730-544000	Professional Fees	1,731.00
				730-544500	Contracted Services	870.00
				730-577500	Capital Outlay Vehicles	297,254.00
TOTAL CHARGES		\$ 1,090,542.00		TOTAL CREDITS		\$ 1,090,542.00

JUSTIFICATION

FY 23/24 purchase orders carried over to FY 24/25 - General Fund

ADMINISTRATIVE SERVICES 9/27/2024
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



**BUDGET AMENDMENT REQUEST
FY 2024-2025**

**BUDGET AMENDMENT NO. 4
Amendment 4.2**
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
61-499100	Water Fund Revenues Appropriated Net Position	434,535.00			Water Fund Expenses	
				725-577400	Septic Health Capital Outlay Equipment	74,966.00
				810-532500	Operations Postage	1,652.00
				818-577300	Distribution Capital Outlay Other	277,917.00
				818-577407	Capital Outlay Infrastructure	80,000.00
TOTAL CHARGES		\$ 434,535.00		TOTAL CREDITS		\$ 434,535.00

JUSTIFICATION

FY 23/24 purchase orders carried over to FY 24/25 - Water Fund

ADMINISTRATIVE SERVICES 9/27/2024
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



**BUDGET AMENDMENT REQUEST
FY 2024-2025**

**BUDGET AMENDMENT NO. 4
Amendment 4.3**
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-432100	<u>General Fund Revenues</u> NC DEQ grant	269,000.00		625-577407	<u>General Fund Streets and Stormwater</u> Capital Outlay Infrastructure	269,000.00
TOTAL CHARGES		\$ 269,000.00		TOTAL CREDITS		\$ 269,000.00

JUSTIFICATION

Project Area #4 grant-NCDEQ/DWI LASII

Engineering scope and report

ADMINISTRATIVE SERVICES

RECOMMENDED BY _____

DATE

9/27/2024

APPROVED BY BOC: _____

DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



**BUDGET AMENDMENT REQUEST
FY 2024-2025**

BUDGET AMENDMENT NO. 4
Amendment 4.4
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
625-577407	General Fund Streets and Stormwater Capital Outlay Infrastructure	270,000.00		10-430900	General Fund Revenues Golden LEAF grant	270,000.00
TOTAL CHARGES		\$ 270,000.00		TOTAL CREDITS		\$ 270,000.00

JUSTIFICATION

Reduce Golden LEAF grant not received

ADMINISTRATIVE SERVICES 9/27/2024
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____



Agenda Item Summary Sheet

Item No: **E-2**
Meeting Date: **October 2, 2024**

Item Title: Consideration of Tax Adjustment Reports

Item Summary:

Attached please find the list of adjustments to the 2024 Tax Levy (per information received from Dare County) for the monthly Property and MSD valuations.

These reports are submitted for your approval at the October 2nd Board of Commissioners meeting.

Number of Attachments: 2

Specific Action Requested:

Tax reports provided for Board review and approval.

Submitted By: Linda Bittner, Tax Collector

Date: September 27, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Andy Garman

Date: September 27, 2024

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2023-2024 MSD TAX LEVY
2024 Tax Levy As of September 25, 2024 for Oct 2, 2024 BOC Meeting

	BEACH NOURISHMENT DISTRICT			MSD Excluding Registered Motor Vehicles	Registered Motor Vehicles
	MSD Valuation	Rate	Total Levy		
Original MSD Levy:					
MSD Beach Nourishment at Current 2024 Dist 1 Rate	581,289,973	0.00143	831,244.89	831,244.89	
MSD Beach Nourishment at current 2024 Dist 2 Rate	475,161,197	0.00143	679,480.79	679,480.79	
MSD Beach Nourishment at Current 2024 Dist 3 Rate	1,059,343,513	0.00005	52,968.57	52,968.57	
MSD Beach Nourishment at Current 2024 Dist 4 Rate	667,823,999	0.00010	66,782.28	66,782.28	
MSD Beach Nourishment at Current 2024 Dist 6 Rate	376,372,688	0.00005	18,819.49	18,819.49	
Registered Motor Vehicles at Current 2024 Dist 1 Rate	94,287	0.00143	134.83		134.83
Registered Motor Vehicles at Current 2024 Dist 2 Rate	203,021	0.00143	290.32		290.32
Registered Motor Vehicles at Current 2024 Dist 3 Rate	574,000	0.00005	28.70		28.70
Registered Motor Vehicles at Current 2024 Dist 4 Rate	385,500	0.00010	38.55		38.55
Registered Motor Vehicles at Current 2024 Dist 5 Rate	0	0.00000	0.00		0.00
Registered Motor Vehicles at Current 2024 Dist 6 Rate	147,400	0.00005	7.37		7.37
Registered Motor Vehicles at 2023 Dist 1 Rate	183,100	0.00143	261.84		261.84
Registered Motor Vehicles at 2023 Dist 2 Rate	391,096	0.00143	559.30		559.30
Registered Motor Vehicles at 2023 Dist 3 Rate	1,141,302	0.00005	57.07		57.07
Registered Motor Vehicles at 2023 Dist 4 Rate	777,023	0.00010	77.72		77.72
Registered Motor Vehicles at 2023 Dist 6 Rate	696,750	0.00005	34.93		34.93
Registered Motor Vehicles at 2022 Dist 3 Rate	22,400	0.00005	1.12		1.12
Penalties			0.00		
Total	3,164,607,248		1,650,787.77	1,649,296.02	1,491.75
Discoveries & Adjustments:					
Current year discoveries & adjustments	0		0.00	0.00	
Total	0		0.00	0.00	
Releases & Adjustments:					
DMV Current year valuation adjustments	0		0.00	0.00	0.00
DMV Current year tax releases	0		0.00	0.00	0.00
Real/Personal Current year releases & adjustments	(12,413)		(5.38)	(5.38)	Dist 3 & 4
Total	(12,413)		(5.38)	(5.38)	0.00
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total MSD Valuation	3,164,594,835				
Net levy		1,650,782.39		1,649,290.64	1,491.75
TOTAL UNCOLLECTED MSD AS OF 9/25/24:		(1,002,362.65)		(1,002,362.65)	0.00
CURRENT YEAR MSD COLLECTED:		648,419.74		646,927.99	1,491.75
CURRENT MSD COLLECTION PERCENTAGE:		39.280%		39.225%	0.000%

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2023-2024 TOWN WIDE TAX LEVY
2024 Tax Levy As of September 25, 2024 for Oct 2, 2024 BOC Meeting

	Town-Wide Tax			Total Levy	
	Property Valuation	Rate	Total Levy	Property Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original levy:					
Property taxed at current 2024 rate	3,071,851,717	0.003300	10,137,252.77	10,137,252.77	
Registered Motor Vehicles at current 2024 rate	2,963,438	0.003300	9,553.18		9,553.18
Registered Motor Vehicles at 2023 year's rate	9,204,633	0.003300	30,375.29		30,375.29
Registered Motor Vehicles at 2022 year's rate	1,398	0.002875	4.02		4.02
Penalties			8,387.61	8,387.61	
Total	3,084,021,186		10,185,572.87	10,145,640.38	39,932.49
Discoveries & Adjustments:					
Current year discoveries & adjustments tax	0		0.00	0.00	
Town wide beach nourishment tax			0.00	0.00	
Corporate Utilities discoveries & tax	15,551,166		47,431.06	47,431.06	
Corporate Utilities beach nourishment tax			3,887.80	3,887.80	
Penalty Discoveries			0.00	0.00	
Total	15,551,166.00		51,318.86	51,318.86	
Releases & Adjustments:					
Current year releases & adjustments	(37,491)		(530.37)	(114.33)	(416.04)
Town wide beach nourishment			(9.35)	(9.35)	
Penalty Releases			(11.62)	(11.62)	
Total	(37,491)		(551.34)	(135.30)	(416.04)
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total Property Valuation	3,099,534,861				
Net levy		10,236,340.39		10,196,823.94	39,516.45
Uncollected Taxes & Penalties		(5,989,484.31)		(5,989,484.31)	0.00
Uncollected Town Wide Beach Nourishment		(491,206.70)		(491,206.70)	0.00
TOTAL UNCOLLECTED TAXES AS OF 09/25/24:		(6,480,691.01)		(6,480,691.01)	0.00
CURRENT YEAR TAXES COLLECTED:		3,755,649.38		3,716,132.93	39,516.45
CURRENT LEVY COLLECTION PERCENTAGE:		36.689%		36.444%	0.000%



Agenda Item Summary Sheet

Item No: **E-3**
Meeting Date: **October 2, 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:

- September 4, 2024, Regular Board of Commissioners meeting
- September 18, 2024, Recessed Session Board of Commissioners Multi-Family Workshop

Number of Attachments: 2

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Carolyn F. Morris, Town Clerk

Date: September 27, 2024

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: September 27, 2024



***DRAFT* MINUTES**
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, SEPTEMBER 4, 2024

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, September 4, 2024 at 9:00 a.m. for a Regular Meeting.

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

Board members Absent: None

Others present: Town Manager Andy Garman; Attorney John Leidy; Amy Miller; Kelly Wyatt; David Ryan; Perry Hale; Randy Wells; Nancy Carawan; Joe Costello; Brittany Phillips; Roberta Thuman; Brandon Stallings; John McDowell; Linda Bittner; Kennetha Kathleen Morgan; David Roberts; Steve House; Katie Wilkins; Valerie Netsch; Bob Muller; John Donlan; Terry Brown; Duke Geraghty; Mary Ellon Ballance; Aida Havel; David Elder; Lauren Nelson; Jason James; Barbara Bell; Katie Morgan; Robin Morgan; Megan Vaughan; Peter Pinto; David Shufflebarger; David Thompson; Molly Harrison; Lee Nettles; Jeff Schwartzberg; Town Clerk Carolyn F. Morris

CALL TO ORDER

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

ADOPTION OF AGENDA

MOTION: Mayor Pro Tem Siers made a motion to approve the September 4th agenda as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

RECOGNITION

Fire Chief Randy Wells introduced Fire Engineer Brandon Stallings who was recognized by the Board for five years of service.

Public Services Director Nancy Carawan introduced Sanitation Equipment Operator II John McDowel who was recognized by the Board for five years of service.

Dep Town Manager/Finance Officer Amy Miller introduced Tax Collector Linda Bittner who was recognized by the Board for ten years of service.

PRESENTATION – Outer Banks Visitors Bureau presents “The Outer Banks Promise”

Outer Banks Visitors Bureau Executive Director, Lee Nettles, introduced the *Outer Banks Promise* initiative and Community Engagement Manager, Jeff Schwartzberg.

Mr. Schwartzberg presented a short video on the *Outer Banks Promise* initiative which encourages people to preserve the natural environment and cultural heritage of the Outer Banks by signing an online pledge. Signing the pledge shows support of the protection of the natural environment of the Outer Banks and shows interest in exploring responsible ways to protect this area. The online location to obtain additional information and sign the pledge is obxpromise.com.

PROCLAMATION – Septic Smart Week – September 16 - 20, 2024

Public Information Officer, Roberta Thuman, presented a *CCEDS Challenge at the Coast* powerpoint which was prepared by Coastal Community Environmental Data Scholars (CCEDS), East Carolina University PHD candidates in partnership with the Town, Coastal Studies Institute, and the National Science Foundation (NSF). The emphasis is on encouraging the protection of the Town’s water quality via the Todd D Krafft Septic Health Initiative. Her presentation is attached to and made a part of these minutes as shown in Addendum “A”.

Mayor Cahoon read the Proclamation for Septic Smart Week as follows:

“WHEREAS, proper septic system use and routine care are vital to protecting public health and preserving our highly valued groundwater and surface waters; AND

‘WHEREAS, proper septic system maintenance will preserve the function, performance, and longevity of systems thereby avoiding costly repairs that can result from neglect; AND

‘WHEREAS, nearly 85 percent of homes and most businesses in the Town of Nags Head rely on septic systems to treat wastewater; AND

‘WHEREAS, the Todd D. Krafft Septic Health program established by the Town of Nags Head provides education to its property owners about the need for proper septic system use and routine maintenance; AND

‘WHEREAS, the Todd D. Krafft Septic Health program encourages proper maintenance by offering free inspections of conventional septic systems and a \$150 water bill credit each time the system tank is pumped; AND

‘WHEREAS, if a conventional system is found in need of repair or replacement, the town offers low interest loans to assist in replacing all or a portion of the septic system; AND

‘WHEREAS, residents and the environment of the Town of Nags Head benefit from properly designed, installed, operated, and maintained septic systems.

‘NOW THEREFORE BE IT RESOLVED, that the Town of Nags Head Board of Commissioners does hereby proclaim the week of September 16 - 20, 2024 as Septic Smart Week in the Town of Nags Head and urges all citizens to join us in this special observance by considering what they can do to properly maintain their septic system.”

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

PROCLAMATION – National Night Out – October 1, 2024

Police Chief Perry Hale summarized the upcoming National Night Out activities scheduled for October 1st at Dowdy Park. He noted that many people visit Nags Head to attend National Night Out and enjoy the activities each year; he is looking forward to this year's event and appreciates the Board's support and participation.

Mayor Cahoon read the Proclamation for National Night Out as follows:

'WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program called "National Night Out" which is celebrated by communities in August and in early October; AND

'WHEREAS, the Town of Nags Head, the Nags Head Community Watch Association, and the Nags Head Police Department are celebrating National Night Out on Tuesday, October 1st, 2024; AND

'WHEREAS, the Annual National Night Out provides a unique opportunity for the Town of Nags Head to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; AND

'WHEREAS, the Nags Head Community Watch Association plays a vital role in assisting the Nags Head Police Department through joint crime, drug and violence prevention efforts in the Town of Nags Head and is supporting "National Night Out 2024" locally; AND

'WHEREAS, it is essential that all citizens of the Town of Nags Head be aware of the importance of crime programs and the impact that their participation can have on reducing crime, drug and violence in the Town of Nags Head; AND

'WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program.

'THEREFORE, I do hereby call upon all citizens of the Town of Nags Head to join the Nags Head Community Watch Association, the Town of Nags Head Police Department, and the National Association of Town Watch in supporting the 41st Annual National Night Out on October 1st, 2024.

'FURTHER, Let it be resolved that I, Ben Cahoon, do hereby proclaim Tuesday, October 1st, 2024 as "National Night Out" in the Town of Nags Head, Dare County, North Carolina."

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

PROCLAMATION – Diaper Need Awareness Week – September 23 – 29, 2024

Mayor Cahoon presented the proposed Children & Youth Partnership proclamation emphasizing the importance of providing diapers to those in need.

Mayor Cahoon read the Proclamation for Diaper Need Awareness Week as follows:

"WHEREAS, diaper need, the condition of not having a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy, can adversely affect the health and well-being of babies, toddlers, and their families; and

'WHEREAS, the latest study from the National Diaper Bank Network reports that one in two families struggles with diaper need, an increase from previous studies done in 2010 and 2017; and

'WHEREAS, purchasing enough diapers to keep a baby or toddler clean, dry, and healthy can consume 14 percent of a low-wage family's post-tax income, making it difficult to obtain a sufficient supply; and

'WHEREAS, a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and quality early-education programs; and

'WHEREAS, without enough diapers, babies and toddlers risk infections and health problems that may require medical attention, and may prevent parents from attending work or school, thereby hurting the family's economic prospects and well-being; and

'WHEREAS, the Nags Head community recognizes that diaper need is a public health issue, and addressing diaper need can lead to economic opportunity for our families and community and improved health for children, thus ensuring all children and families have access to the basic necessities required to thrive and reach their full potential; and

'WHEREAS, the Town of Nags Head is proud to be home to trusted community-based organizations including Children & Youth Partnership for Dare County, that recognize the importance of diapers in ensuring health and providing economic stability for families and thus distribute diapers to families through various channels.

'WE, THE TOWN OF NAGS HEAD, do hereby proclaim the week of September 23 through September 29, 2024 as DIAPER NEED AWARENESS WEEK.

'We thank Children & Youth Partnership, their staff and donors for their service through CYP's Diaper Bank, and encourage the citizens of our community to support CYP's Diaper Bank to help ensure that all Dare County children and families have what they need to thrive."

MOTION: Comr. Brinkley made a motion to approve the Diaper Need Awareness Week proclamation as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

PUBLIC COMMENT

Town Attorney John Leidy introduced Public Comment at 9:32 a.m. He asked those interested in speaking concerning the upcoming Public Hearings to reserve their comments until that time.

Steve House, Dare County Comr. and president of the Outer Banks Jeep Invasion organization; he thanked the Town Board and the Town's Police Dept as well as the Dare County Tourism Board for supporting the Jeep Invasion events that took place in previous years without any issues; he looks forward to this year's event at the Soundside Event Site - September 20 – 22, 2024.

Aida Havel, Salvo; she is running for Dare County Commissioner in the upcoming election; she spoke of the Buxton beach environmental disaster which is now one year and three days old; she directed those interested

to view two online videos from the Buxton Civic Association; at yesterday's Dare County Commissioners meeting, Col Sturgeon provided an update and she and others were not impressed as he stated that a lot of testing is still needed to take place; she asked anyone with any strings to be pulled in Washington, DC to please help out; she noted the workforce housing issue later on today's agenda and she is looking for creative solutions – she is pleased to see the towns looking into this issue.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Budget Amendment #3 to FY 24/25 Budget

Consideration of Tax Adjustment Report

- FY 24/25 Tax Adjustment Report (New Year and Year-to-date)

Approval of minutes

Consideration of policy for neighborhoods to request traffic calming devices

- presented at Aug 7th Board meeting

Request for Public Hearing to consider a map amendment request submitted by Chris Greening of Coastal Bluewater Capital, LLC, as authorized by property owner Mazzi, LLC to rezone the property located at 0 W. Satterfield Landing Road, Lot 2a-1r of the Charles Sineath Subdivision, (Parcel # 005618002) from C-3, Commercial Services to C-2, General Commercial. This is the vacant property west of TW's Bait and Tackle

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 #3, as approved, is attached to and made a part of these minutes as shown in Addendum "B".

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

The Board of Commissioners minutes from August 7, 2024, as approved, are on file in the Town Clerk's Office.

The final Traffic Calming Device Policy, as approved, is attached to and made a part of these minutes as shown in Addendum "D".

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

"Chris Greening of Coastal Bluewater Capital, LLC has submitted a zoning map amendment request with authorization from the current property owner, Mazzi, LLC. If adopted, this map amendment would rezone Lot 2a-1r of the Charles Sineath Subdivision, Parcel # 005618002 from C-3, Commercial Services to C-2, General Commercial. The intent of the C-3, Commercial Services District, is to provide for higher intensity land uses that are not compatible with other areas of the Town. The C-3 District accommodates utilities, light industrial uses, warehousing, bulk storage, municipal facilities, etc. The 2022 Comprehensive Land Use Plan states that the C-3 standards are to regulate and buffer uses so that their location or activities will not be detrimental to adjacent uses, the environment, and the sources of potable water. The Commercial Services District must be

at least 10 acres in size and must have direct access to a US highway or collector street improved to town standards. If adopted, the requested rezoning would reduce the overall acreage of C-3 by 0.8 acres, leaving upwards of 36 acres of C-3 Commercial Services remaining.

'The intent of the C-2, General Commercial District, is to provide for the proper grouping and development of commercial facilities to serve the entire community. The C-2 District allows the broadest range of commercial uses. All C-2 districts shall be at least 5 acres in area, the proposed zoning map amendment would result in an increase in the total acreage of C-2 zoning designation.

'Staff Recommendation/Planning Board Recommendation

Based upon the evaluation of the intent of each zoning district and goals listed in the 2022 Comprehensive Land Use Plan, staff recommends adoption of the proposed zoning map amendment as presented.

'At their August 20, 2024, meeting, the Planning Board voted unanimously to recommend approval of the proposed map amendment as requested."

PUBLIC HEARINGS

Public Hearing to consider various text amendments to the Unified Development Ordinance (UDO) as it pertains to the use of multi-family dwelling developments

Attorney John Leidy introduced the Public Hearing to consider text amendments to the Unified Development Ordinance as it pertains to the use of multi-family dwelling developments. The time was 9:40 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, August 21, 2024 and on Wednesday, August 28, 2024, as required by law.

The staff memo prepared for this agenda item read in part as follows:

"At the Board's March regular meeting, the Board requested that the Town establish a working group to review and make recommendations on a draft Multi-Family Housing Ordinance. This ordinance was originally drafted by the Planning Board and a public hearing was held in February.

'The charge for the working group was as follows:

- To consider the draft multi-family ordinance written by the Planning Board.
- To preserve the intent of the ordinance, to protect the character of Nags Head, and to provide new alternatives for workforce/long-term housing without increasing the stock of short-term rentals.
- To evaluate conditions/standards which would render such projects unfeasible due to financing, construction, configuration, or management.
- To suggest additional measures that would achieve the aforementioned goals.

'Over the course of four meetings, the working group developed a recommendation for review by the Board of Commissioners. This included changes to the original ordinance drafted by the Planning Board as well as several other suggestions. Information about the working group including agendas and minutes from its meetings can be found here: <https://www.nagsheadnc.gov/1108/Multi-Family-Working-Group>. The Working Group's Final Recommended Ordinance is included as Attachment 1.

'The Planning Board has reviewed the Working Group's Ordinance over the course of three meetings. The primary focus of the Planning Board's discussion centered around the density and design of multi-family development, mostly pertaining to larger projects. The Planning Board also discussed parking standards.

The Planning Board's discussions resulted in three recommended changes to the Working Group's ordinance:

- 1) The Planning Board is recommending that large multi-family developments (greater than six units on one site) consist of townhouses only. The Working Group's version of the ordinance allowed townhouses and apartments in both the small and large categories.
- 2) The Planning Board is recommending increasing the parking requirement to 2.5 spaces per unit plus one additional space for every four units.
- 3) The Planning Board is recommending an additional density limitation of 25 bedrooms per acre applicable to both large and small multi-family sites. The Working Group's version of the ordinance controlled density through the use of a floor area ratio only. The recommended floor area ratio is 0.32 square feet of building area to one square foot of lot area.

The Planning Board's recommended ordinance is included as Attachment 2. Staff's presentation from the June 5th Board of Commissioners meeting is included as Attachment 3. It may be useful for the Board of Commissioners to review the Planning Board staff reports and minutes from its June, July, and August meetings (see below).

June 18th Planning Board – <https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/06182024-461?html=true>

Minutes: <https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Minutes/06182024-461>

July 16th Planning Board - <https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/07162024-464?html=true>

Minutes: <https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Minutes/07162024-464>

August 20th Planning Board - <https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/08202024-468?html=true>

Note: Minutes from the August 20th Planning Board Meeting are included in the agenda packet. The Planning Board was more comfortable with the small multi-family approach. This was viewed as better maintaining the town's desired vision for development. The Planning Board expressed an interest in capping the overall number of large multi-family developments that can be approved townwide. Staff and the town attorney are researching the feasibility of this approach but did not complete this prior to the August Planning Board meeting. The Planning Board would recommend that the Board of Commissioners consider a cap on multi-family development sites should it be deemed feasible.

Staff Comments:

Staff would recommend the addition of a density limitation based on bedrooms per acre. The floor area ratio of 0.32 was developed based on the Town's current large residential dwelling ordinance which allows for a 5,000 square foot dwelling on a 16,000 square foot lot. In keeping with that approach, the large residential dwelling ordinance caps on-site wastewater systems at 9 bedrooms. Therefore, 9 bedrooms for every 16,000 square feet of lot area equates to roughly 25 bedrooms per acre.

Staff and the Planning Board reviewed parking standards from other communities. Most ordinances do include additional parking for guests. However, 2.5 spaces per unit plus additional parking for guests was more parking than we saw in any other community. Staff would suggest 2 parking spaces per unit plus one additional space for every four units. This balances the need for sufficient parking with the Town's desire to limit paved surfaces and disturb less of the development site.

Regarding townhouse vs. apartment style design: this is viewed as primarily an aesthetic preference. Part of the Working Group's approach was to reduce the cost of construction to improve the affordability of units. The Working Group lowered minimum square footage to 500 square feet for a one-bedroom unit. Staff believes it would create practical difficulties to construct townhouses of this size, given most townhouses are two stories. If the Board is interested in allowing smaller units, apartments would be more conducive to this.

The Board of Commissioners has scheduled a public hearing on the multi-family ordinance for the upcoming meeting (September 4th). The Board may consider the two attached versions of the ordinance, as presented, or the Board can modify the standards contained within either ordinance. If the Board of Commissioners is inclined to adopt any version of the proposed text amendments, please reference Appendix A for the Statement of Consistency with the Town's adopted Comprehensive Land Use Plan requirements (attached)."

Town Manager Garman provided a series of slides detailing the background of the multi-family dwelling development item with a slide presentation which is attached to and made a part of these minutes as shown in Addendum "E". Highlights of his slide presentation follow:

Background

Late 2022 – the Town adopted a moratorium and subsequently eliminated Multi-Family (MF)
Goal was to review if and where MF should be allowed and under what standards
MF no longer allowed in the new C-5 district near Jockey's Ridge and Cottage Row
BOC and Planning Board held a joint workshop to provide guidance on a new ordinance
Consensus was to consider MF in C-2 (possibly limited to high activity areas) and not for more short-term rentals. Focus on workforce housing. Possible use of deed restrictions.

The Planning Board worked on the ordinance in 2023; a public hearing was held in February 2024
BOC wanted further review and established a working group
Working Group's ordinance was presented to the BOC in June of 2024
Planning Board reviewed the Working Group ordinance and has now submitted a recommendation

New Multi-Family Ordinance Goals

Multi-Family would be used to enhance opportunities for workforce/long-term housing but not for short-term or vacation rentals
More units per acre to reduce land cost per unit
Smaller units to reduce construction cost per unit
Maintain controls over density to preserve town values
Carefully consider where large and small projects can occur to increase compatibility with other uses
Consider other standards to enhance design/appearance and reduce scale while increasing flexibility

Working Group Ordinance Summary

Two Categories – Large and Small

Large MF

Deed restrictions – 60% workforce, all have to be long-term rentals (no short-term rentals)
Use Floor Area Ratio for large projects instead of units per acre
Floor Area Ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot
FAR of 0.32 is proposed. This is the effective FAR currently used for large residential dwellings.
Reduce Unit Size
Minimum Unit Sizes/Size Categories: Studio/One Bedroom 500 sq. ft.
Two Bedroom 700 sq. ft.; Three Bedroom 1,000 sq. ft.

Maximum unit size 1,750 sq. ft.
No more than 60% of the units shall be from any unit size category.
Individual building size would be limited to 10,000 sq. ft.
Apartments and Townhouses
Only fronting US 158; Special Use Permit required
Must have 26,000 sq. ft. lot

Small MF

All units deed restricted to workforce only
Continue to use units per acre (1 per 4,000 sq. ft. of land area)
Max six units in small category
Max building size is 5,000 sq. ft. (similar to large residential dwelling)
Allowed everywhere in C-2 (not just on US 158)
Must have 15,000 sq. ft. lot
Approved administratively by staff
Same architectural requirements as large residential
Reduced setbacks; design requirements similar to large residential dwellings

Planning Board Recommendation

Preference for the Small MF Category – best reflects desired development patterns for Nags Head
Increase parking to 2.5 spaces per unit + one space for every four units
For Large MF – only allow townhouse style units
Add in bedroom per acre limitation of 25 bedrooms per acre (this is consistent with the town's large residential dwelling ordinance)
Recommendation included no changes to other provisions of the Working Group Ordinance
Would like to see a townwide cap on the number of large multi-family projects that can be approved

Draft Planning Board Ordinance – Design

From Joint Workshop consensus that townhouse style development was preferred.
Townhouses generally have fewer shared walls; offer more privacy than apartments, more home-like environment.
Townhouse developments can offer more diverse architectural designs, maintaining the character of the surrounding areas.
Townhouse development is generally not as dense as apartment style development.
Townhouse development fosters a sense of community, residents have their own entrances, outdoor spaces, etc.
Ordinance precludes apartment style development for the Large Multi-Family.
Either is acceptable for Small Multi-Family category as both a principal and accessory use.

Attorney Leidy invited those present who wished to speak to come to the podium.

Mayor Cahoon directed the Town Clerk to include the comments that were emailed to Board members into today's minutes. These emails are attached to and made a part of these minutes as shown in Addendum "F".

Robin Morgan, Nags Head resident; she questioned if contractors can go in now and make changes if a lot size is increased; she also expressed her concern about stormwater runoff – she saw nothing addressing this.

Town Engineer David Ryan provided stormwater runoff scenarios and stated that the requirements are included in the Town Code; Town Manager Garman explained that a separate section of the Town Code addresses stormwater requirements.

David Shufflebarger, Nags Head resident; workforce housing did not work because of NIMBY (not in my backyard); he feels this is more of the same; he urged the Board to reconsider provisions recommended by the Planning Board re: townhomes, his primary concern is workforce housing.

Peter Pinto, owner of multiple units and one of the developers of The Landings at Sugar Creek; hard to believe if anyone were impacted by this proposed change if people bought by the previous rules that were changed; towns change rules when necessary; anything proposed on Kelly's property is met with resistance; he feels that the real goal of the working group was to prevent MF development on Kelly's site - passing these changes will accomplish that goal; if either ordinance is adopted, there will be no MF homes in Nags Head as no private developer will construct with the deed restrictions proposed; this ordinance is close to a "taking"; deed restrictions are difficult; proposed calculations are unnecessary; perception now is that Nags Head is closed for business when it comes to development; does not feel these proposed changes have been significantly researched.

Valerie Netsch, Soundside Road; she appreciates the opportunity to provide input; is in favor of MF housing and workforce housing; this needs to be a collective effort in Nags Head and in all towns; she wants the Board to pause before making a decision; how many units are allowed; there needs to be a compromise in the C-2 District; it's important to have a cap on the number of units allowed; she questioned how long it will remain as affordable housing.

David Thompson, Planning Board member; multi-family housing is not new and is very much needed; a lot of hours were put in to come up with an effective model for moving forward; what has been brought forward today includes a lot of details that need to be worked out; he suggested not voting on this today to make sure this is done correctly.

David Elder, Planning Board member; the former MF ordinance was abandoned and a new one put in place; at the time of the moratorium problems were mostly due to changes in development; the Planning Board addressed MF questions and considered the public survey where it was indicated that too much density was the main concern; parking and aesthetics are also a concern; acceptability by developers and density are issues; this doesn't refer to just Kelly's property; he's not sure this MF ordinance is what Nags Head wants; he is not in favor of the proposed policy.

Bob Muller, Nags Head resident and former Mayor; he saluted the Board of Commissioners, Planning Board, and the Working Group for addressing what the Town is looking for in MF housing; he supports the Working Group - two parking spaces and isn't sure how townhouses will support a 500 sq ft studio apt; people need to understand what a large MF structure looks like - it would be less than a third of the size of the homes that are being built - they are not the big block homes being built now; he also suggested in the listing of the standards large and small to include the style of development that is allowed in the ordinance; the manager of the development should be the one to provide reports; while he likes the proposal, he is not in favor of a vote today either; the request for public hearing should be on the Consent Agenda prior to the public hearing - per the UDO; he suggested holding a workshop to show the public what a large and a small development would look like; another way to approach this problem is to address mixed uses.

Duke Geraghty, Outer Banks Homebuilders Association Government Affairs rep; he was a member of the Working Group; he thanked Andy Garman and Kelly Wyatt for their leadership during the Working Group meetings; there are two versions before the Board; both versions he has a disagreement with - it has to be beneficial to a developer; highest and best use of the land is still a short-term rental so it may not ever be built; the Planning Board version increases parking and he feels that is too many parking spaces; townhome

style is more expensive and he is not in favor of it; he hopes that the Working Group recommendation is taken with the change of sq ft per unit to allow more units per lot; he emphasized that not everyone will get everything they wanted; he said that height may be an issue in the future.

Katie Morgan; she has friends in Nags Head; she feels there is still a lot that needs to be worked on and asked the Board to not vote today; a workshop in the evening would be great so more could attend.

Katie Wilkins; Outer Banks community leader for Air BNB's; she agrees with Ms. Morgan and requested that the Board delay a vote on the ordinance.

Mayor Pro Tem Siers questioned why the Planning Board changed their mind to move this ordinance forward when they were not in favor of moving it forward.

Planning Board Chair Megan Vaughan spoke and stated that the Planning Board did not change their mind but simply voted the way they voted.

Planning Board member David Elder stated that he would prefer to split the small and the large multi-family sections apart. Ms. Vaughan said that since the Board of Commissioners' Public Hearing was already scheduled, they made a decision.

Planning Board member Molly Harrison stated that she did not vote in favor of the ordinance because of the townhome vs apartment issue – she was not comfortable with allowing multi-family in the C-2 District where 76 lots were affected; she wanted some type of cap; a Public Hearing had already been scheduled and the Planning Board had to vote.

There being no one else present who wished to speak, Attorney Leidy concluded the Public Hearing at 10:48 a.m.

Mayor Cahoon addressed some of the comments made today:

Stormwater issue – same standards everywhere located in a separate portion of the code

Townhome provision – he shares these same concerns

Affordable housing – housing which allows smaller units that is deed restricted so no short term rental units

Deed restrictions – are perpetual – deed restricted as long as the structure stands

He agrees with Mayor Muller's comment that the association would be responsible for the management.

Mayor Cahoon also pointed out that the mixed-use provision is already in place and could be improved and utilized more.

Comr. Lambert said that she has worked on this issue while on the Planning Board, as a member of the Working Group, and as a Commissioner; this ordinance has taken a lot of twists and turns; she would like to take a pause, at least until the October Board meeting.

Mayor Pro Tem Siers said that he doesn't like either ordinance presented; he emphasized that this concerns workforce housing, not low-income housing; there is no perfect solution but if it was not ready for a public hearing, the ordinance should not have come forward today.

Comr. Brinkley stated that he agrees with the comments re: a cap on the large projects; he commented that if a developer doesn't like the regulations to adhere to, they don't need to develop in this area; he feels it is a good ordinance.

Comr. Sanders said that he appreciated and enjoyed those who came to today's meeting to provide comments on the proposal; feels there are some holes in the ordinance; it needs work and he supports a cap; he worries about density as results of the community survey indicate; he is especially concerned about

workforce housing as a business owner; he's also concerned about keeping the character of Nags Head and feels more work needs to be done before adoption.

Mayor Cahoon stated that the Board and staff have spent a couple of years with public meetings to include Planning Board and Board of Commissioners meetings where this issue was discussed; we will never make everyone happy; he feels caps on number of projects is a good idea; if there was a cap today, he would be ready to vote today.

MOTION: Mayor Pro Tem Siers made a motion to table the multi-family proposal and to return it to the Planning Board for consolidation into one ordinance, and to include a workshop (pursuant to a friendly amendment made by Comr. Lambert) that would include builders, and to return for Board consideration no later than 60 days. The motion was seconded by Comr. Sanders.

WITHDRAWAL OF MOTION: Mayor Pro Tem Siers withdrew his motion and Comr. Sanders withdrew his second.

MOTION: Comr. Brinkley made a motion to table consideration of the multi-family ordinance and to schedule a mid-month workshop on this issue for Wednesday, September 18th at 9 am with action tabled until the October 2nd Board of Commissioners meeting. The motion was seconded by Mayor Pro Tem Siers which passed 4 – 1 with Mayor Cahoon casting the NO vote.

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

Town Attorney John Leidy introduced the Public Hearing to consider a text amendment to the UDO 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. The time was 11:30 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, August 21, 2024 and on Wednesday, August 28, 2024, as required by law.

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

"Joseph Anlauf, P.E., of Anlauf Engineering, PLLC has submitted the attached 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, in addition to the already permitted parsonage, as a residence for church staff.

'The current definition of "Religious Complex" within the Unified Development Ordinance is below:

"Religious complex means a church (a building primarily used for public divine worship) or a church and any related structures including a parsonage, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site."

'The applicant has noted 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.

'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 quickly respond to any emergencies involving the church. As noted by the applicant, this capability could be particularly beneficial for attracting and retaining qualified and dedicated staff in an area with high living costs.

'It is important to note that nothing in this proposal would eliminate the need for any single-family dwelling associated with a religious complex to comply with all relevant zoning and building standards, such as compliance with principal structure setbacks, building separation, access, parking, lot coverage, stormwater management, and architectural design, if applicable.

'POLICY CONSIDERATIONS

LU-9, Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community.

'LU-27, Promote and expand the types of housing and accommodations for varying income levels, aging populations, and the seasonal workforce within the town.

'STAFF ANALYSIS AND RECOMMENDATION

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.

'PLANNING BOARD RECOMMENDATION

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

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

Bob Muller, Nags Head resident and former Mayor; stated that religious complexes as a use replaced churches in the late 1980's to allow the broadest possible uses on the property of a church; he strongly supports the amendment.

There being no one else present who wished to speak, Attorney Leidy concluded the Public Hearing at 11:32 a.m.

MOTION: Mayor Pro Tem Siers made a motion to adopt the ordinance modifying the definition of Religious Complex to include a single family residence for church staff 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 "G".

Public Hearing to consider various amendments to the Unified Development Ordinance as it pertains to dormitory use in the SED-80, Special Environmental District

Town Attorney John Leidy introduced the Public Hearing to consider various amendments to the UDO as it pertains to dormitory use in the SED-80, Special Environmental District. The time was 11:34 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, August 21, 2025 and on Wednesday, August 28, 2024, as required by law.

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

'In response to ongoing discussions and concerns regarding workforce housing availability within the County, the Town of Nags Head is actively exploring the potential construction of two residential duplexes. These structures would primarily serve as housing for the town's lifeguards.

'Town staff have been collaborating with Beacon Architecture and Design, PLLC, and Quible & Associates, PC to develop several potential layouts for these residential structures. 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, non-functional helipad.

'This property is located within SED-80, Special Environmental District zoning designation. Section 6.6 of the Unified Development Ordinance (UDO) states that Nursing Homes and Medical Offices are permitted via the Special Use Permit process in the SED-80 District, with supplemental regulations outlined in Section 7.41 (see attached).

'Section 7.41.6 of the supplemental regulation states: *"A dormitory for temporary use by staff of nursing homes may be allowed only in conjunction with nursing home facilities already permitted in the SED-80 District."*

'In late 2017 the town adopted various text amendments requested by Jim Rose, resulting in the creation of a definition for "Dormitory" and permitting dormitory use via a Special Use Permit within the C-2, General Commercial Zoning District. This led to the establishment of supplemental regulations for dormitories now found in Section 7.10 of the Unified Development Ordinance (see attached). This context is relevant to highlight that the allowances for a dormitory for temporary use by staff of nursing home facilities within the SED-80 District in Section 7.41 pre-dated the 2017 standards established for dormitory use.

'The definition and standards adopted in 2017 are attached and included below.

'Appendix A of the UDO, Definitions, defines a dormitory *as a commercial facility used for monthly rental of housing for unrelated residents in a communal non-transient living arrangement, with separate sleeping, bathing, and common living areas.*

Section 7.10, Supplemental Regulations for Dormitory, includes the following requirements:

1. *A minimum lot area of 25,000 square feet and a minimum lot width of 100 feet.*
2. *Sleeping rooms with a minimum floor area of 70 square feet for the first occupant and 50 square feet for each additional occupant.*
3. *At least one restroom with a minimum of two water closets, two sinks, and two showers. Compliance with the North Carolina Plumbing Code is required for dormitory bathroom fixtures.*
4. *A minimum floor area of 20 square feet per occupant for common living areas (including kitchen and dining), but not less than 220 square feet per unit or floor. Circulation spaces less than six feet wide are excluded from this calculation.*
5. *No dormitory facility shall house more than 25 occupants.*

'Staff acknowledges that the dormitory use afforded to nursing home staff was not intended to meet the same supplemental regulations as those adopted in 2017. To preserve both dormitory use opportunities, staff has drafted an ordinance amendment that maintains the dormitory use for nursing home staff while also extending

the dormitory use, currently allowed in the C-2, General Commercial District, to the SED-80, Special Environmental District.

'POLICY CONSIDERATIONS

LU-9, Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community.

'LU-27, Promote and expand the types of housing and accommodations for varying income levels, aging populations, and the seasonal workforce within the town.

'STAFF RECOMMENDATION

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.

'PLANNING BOARD RECOMMENDATION

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

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

Mayor Pro Tem Siers questioned if hospital/health care staff should be included in addition to nursing home staff; Town Manager stated that he can approve others in his capacity.

There being no one else who wished to speak, Attorney Leidy concluded the Public Hearing at 11:38 a.m.

MOTION: Comr. Brinkley made a motion to adopt the ordinance as it pertains to dormitory use in the SED-80, Special Environmental District as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

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

Update from Planning Director

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

"This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on September 4, 2024.

'Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for July 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, August 6th – Technical Review Committee Meeting
- Wednesday, August 7th - Board of Commissioners Meeting
- 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
- Wednesday, August 28th – Outer Banks Hazard Mitigation Joint Committee Meeting (1pm)
- Dowdy Park Farmers Market – Thursday, August 1st, 8th, and final market on 15th
- Dowdy Park Summer Concert Series – Wednesday, August 7th, 14th, and 21st

'Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, August 20, 2024. The following items were heard:

- Consideration of a map amendment request submitted by Chris Greening of Coastal Bluewater Capital, LLC as authorized by property owner Mazzi, LLC to rezone the property located at 0 W. Satterfield Landing Road, Lot 2a-1r of the Charles Sineath Subdivision, (Parcel # 005618002) from C-3, Commercial Services to C-2, General Commercial. This is the vacant property west of TW's Bait and Tackle. The Planning Board voted unanimously to recommend approval of the map amendment request as presented. This item is on the Board of Commissioners September 4th Consent Agenda requesting Public Hearing to be held on October 2, 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 voted 5 to 1 to recommend adoption of the Multi-Family Working Group's draft ordinance with several revisions. The Public Hearing for this item is scheduled for the Board of Commissioners September 4th, 2024 meeting.
- Discussion of minimum required parking standards for hotel use and restaurant use within the Town. Staff will provide the Planning Board with additional requested information at their September 17th meeting.
- Discussion and update on potential Accessory Dwelling Unit (ADU) ordinance and existing conditions within the town. Planning Board members emphasized the importance of hearing from Nags Head citizens, including both supporters of ADUs and those with concerns, before drafting new language. Staff requested that Planning Board members share any groups, organizations, or individuals who should be personally invited to an upcoming meeting. In addition to receiving public comments at their September 17th meeting, an evening session has been scheduled for Wednesday, September 18th, from 6:00 – 7:00 p.m. in the Board Room for residents unable to attend during work hours. This opportunity for public input has been and will continue to be widely advertised through various channels to encourage community participation.

'The Planning Board's next meeting is scheduled for Tuesday, September 17th, 2024. Currently, the agenda is expected to include consideration of a Special Use/Site Plan review for construction of a duplex for the purpose of Town of Nags Head lifeguard housing at 425 W. Health Center Drive, continued discussion on parking standards for hotel and restaurant uses, and continued discussion with community engagement regarding Accessory Dwelling Units (ADU's).

'Board of Adjustment – Recent and Pending Applications

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

'Additional Updates

- 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 – Following the Board of Commissioners' allocation of \$400,000 for the FY 24-25 Sand Relocation and Dune Management Cost Share Program, staff is currently reviewing and updating educational materials and the sand relocation application. The application period is expected to open on November 1, 2024, for review purposes only. In preparation, staff will host an educational presentation and Q&A session in mid-October for equipment operators, property owners, and other interested parties interested in participating in this season's program.

'Public Beach and Coastal Waterfront Access Grant Program – Staff has submitted the final application for the improvements at the June Street Beach Access and anticipates receiving notification regarding the grant award by late September or early October.

- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – As summer winds down, so have some of our events. The Dowdy Park Farmers Markets have concluded for the season. The rescheduled evening market was a great success, with strong attendance and positive feedback from vendors on their sales. Family Fun Nights have also wrapped up, and Kids Night was a huge hit. Special thanks to the Nags Head Police and Fire Departments for their participation.

'The Summer Concert Series has ended as well, with Event Coordinator Paige Griffin noting that concert attendance significantly increased this season. There was a growing sense of excitement and community, with many familiar faces returning for each event.

'While Fitness Fridays have concluded, Tuesday morning Yoga sessions will continue through October 22nd.

'Movies in the Park will run over the next several months. The next movie night is scheduled for September 6th, featuring *Twister* starting around 8 p.m. Additional movie nights are planned for October 4th and November 1st.

'Event Coordinator Paige Griffin is currently finalizing the Holiday Market application process. Keep an eye on our website and social media for details!

'Upcoming Meetings and Other Dates

- Tuesday, September 3rd - Technical Review Committee Meeting
- Wednesday, September 4th - Board of Commissioners Meeting
- Thursday, September 11th – Committee for Art and Culture Meeting

- Thursday, September 12th – Board of Adjustment Meeting (no hearings scheduled)
- Thursday, September 12th – CRS Users Group Meeting
- Tuesday, September 17th – Planning Board Meeting
- Wednesday, September 18th – Board of Commissioners mid-month meeting
- Dowdy Park Movie Night, Friday, September 6th at 8pm – TWISTER”

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

From July 3rd Board meeting – Results of Board requested Vanasse Hangen Brustlin, Inc. (VHB) traffic study at the intersection of Lakeside St and Hwy 158

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

“At the July 3rd Board of Commissioners meeting, the Board reviewed a modification to the site plan for the Whalebone Hotel pertaining to required improvements to W. Lakeside Street. As part of the discussion, the Board expressed concerns about traffic safety at this intersection once the hotel is constructed, not only associated with increased traffic, but also related to pedestrian crossings of US 158 as patrons of the hotel attempt to walk to the beach. The Board expressed a desire to have a signal installed at this intersection. Typically, NCDOT reviews signal requests based on a traffic study, which must demonstrate that certain conditions exist now or in the future that would warrant a signal. A traffic study was completed by the developer initially in 2022. This study showed that the existing and future conditions did not meet the warrants for a signal.

‘At the July 2024 meeting, the Board requested that the traffic study be updated to reflect current seasonal traffic data. Staff initiated an update to the study with the original traffic engineer, VHB, Inc. This is now complete, and staff will discuss the results with the Board at the upcoming meeting (see attached).”

Town Engineer David Ryan reviewed the study results with the Board; the study results are attached to and made a part of these minutes as shown in Addendum “I”.

Mayor Cahoon suggested putting all options forward to locate the necessary funds for the signal, to include the Mayor contacting someone in Raleigh. It was noted that the buildout date of 2026 is the date used in the analysis to have the traffic required to authorize a traffic signal.

NEW BUSINESS

Committee Reports

Comr. Brinkley – Jennette’s Pier update was provided: the June and July visitation numbers exceeded last year’s numbers and the expectations of pier management; it has been a busy summer with week-long camps and fishing programs; Wind turbines are being inspected by an engineer but there is no timeline yet on installation; Two EV charging stations have been installed.

Comr. Brinkley - Septic Loan Program – he has received requests to extend the time to repay a septic loan to five or seven years.

Consideration of resolution in support of AEC protections for Jockey’s Ridge State Park

Mayor Cahoon presented the resolution, for Board consideration, in support of the re-establishment of Jockey's Ridge State Park as an Area of Environmental Concern which would allow it the special protections granted by the designation.

MOTION: Mayor Pro Tem Siers made a motion to adopt the resolution in support of Area of Environmental Control (AEC) protections for Jockey's Ridge State Park as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

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

'WHEREAS, Jockey's Ridge State Park (JRSP) is the most visited State Park in the state of North Carolina and it is the only state park fully within the boundaries of a town – the Town of Nags Head; AND

'WHEREAS, the North Carolina Coastal Resources Commission (CRC) protects its beautiful and fragile coastal resources thanks in part to the Coastal Area Management Act and the rules and policies of the CRC; AND

'WHEREAS, JRSP is an existing State Park, a nature preserve, and contains unique geological formations as identified by the State Geologist, and therefore meets the criteria of AEC designation as established in G.S. 113A-113; AND

'WHEREAS, G.S. 113A-115 states that AECs should not be deleted unless it is found that the conditions upon which the original designation was based have been substantially altered; AND

'WHEREAS, at an August 6, 2024 Special Meeting, the North Carolina Coastal Resources Commission (CRC) voted unanimously to begin the process of reinstating Area of Environmental Concern (AEC) protections for JRSP to include a prohibition on removing sand from the Park and restrictions on development immediately adjacent to the Park; AND

'WHEREAS, JRSP is an important educational, scientific, and scenic resource that would be jeopardized by uncontrolled or incompatible development; AND

'WHEREAS, the preservation of this valuable resource of more than local significance is the objective of this designation; AND

'WHEREAS, a Public Hearing regarding the AEC for JRSP is scheduled to be held at the JRSP Community Room in the Park's Visitor's Center, 300 W Carolista Dr, Nags Head, NC 27959, on Tuesday, October 15, 2024, at 1:00 P.M.

'NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD, NORTH CAROLINA, does hereby formally submit this resolution in support of the re-establishment of Jockey's Ridge State Park as an Area of Environmental Concern and allow it the special protections granted by the designation."

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

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

Town Engineer David Ryan provided an update on the construction of the Public Services Facility. The Fleet and Sanitation building is partially occupied; two of the fleet maintenance bays are occupied; lift installation

delayed occupancy of the third bay but this should be done soon; the Equipment Bldg is several weeks away from occupancy; the Vehicle Storage Bldg has a mid-November construction completion timeframe.

BOARD OF COMMISSIONERS AGENDA

Comr. Brinkley – Multi-Family Workshop

Comr. Brinkley noted that there are two weeks to the date of the Multi-Family Workshop (on September 18th) and he encouraged staff to actively promote the workshop as much as possible to encourage participation.

Comr. Brinkley – Nags Head Lifesaving Station Marker

Comr. Brinkley spoke of the Nags Head Lifesaving Station Marker that Ralph Buxton brought forward in his presentation at last month's Board meeting. It was Board consensus to concur with the marker and Comr. Brinkley said that he would work with Mr. Buxton on finding the location.

Comr. Sanders – Water leak at his restaurant

Comr. Sanders spoke of a recent water leak at his restaurant that staff found via the new AMI Smart Meter water software and he was able to fix and repair the leak before major damage was done. He thanked staff for their assistance.

MAYOR'S AGENDA

Recognition of ten years of service - Town Manager Andy Garman

Mayor Cahoon recognized Town Manager Andy Garman for ten years of service, noting that he also worked for the Town from 2000 to 2005. He presented Manager Garman with a \$40 gift card as ten year service employees receive.

CLOSED SESSION

MOTION: Mayor Cahoon made a motion to enter Closed Session to confer with the Board re: matters related to attorney/client privilege 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. Brinkley which passed unanimously. The time was 12:14 p.m.

OPEN SESSION

The Board re-entered Open Session at 12:30 p.m. Attorney Leidy reported that during Closed Session the Board did discuss matters within attorney/client privilege, did give direction to the Town Attorney and no actions were taken.

ADJOURNMENT

MOTION: Mayor Cahoon made a motion to recess to a mid-month Multi-Family Workshop on Wednesday, September 18th at 9 am in the Board Room. The motion was seconded by Comr. Brinkley which passed unanimously. The time was 12:31 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon



**DRAFT MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS**

MULTI-FAMILY/WORKFORCE HOUSING WORKSHOP

WEDNESDAY, SEPTEMBER 18, 2024

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, September 18, 2024 at 9:00 a.m. for a Recessed Meeting/Workshop.

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; Kelly Wyatt; David Ryan; Joe Costello; Karen Snyder; Paula Houck; Gary Houck; Terry Brown; David Roberts; Donna Creef; Amanda Kornegay; Kenneth and Kathleen Morgan; Duke Geraghty; Bob Muller; Hilary McCubbins; David Shufflebarger; Wayne and Becky Varilek; Valerie Netsch; Megan Oaksmith; Sam Gonzales; Mark Dunlevy; David Elder; Dave Carawan; Bill Simmons; Susan Lee; Clara and Steve Smiley; Lauren Nelson; Meade Gwinn; and Town Clerk Carolyn F. Morris

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9 am. He expressed his appreciation of everyone coming out to listen to and speak on the important topic of multi-family dwellings.

Mayor Cahoon explained that the workshop will be less formal than regular meetings with a presentation followed by public comments and some exchange with Board members. The discussion concerns an ordinance that applies to the commercial district (C-2) – not about a specific piece of property. The ordinance would reintroduce multi-family housing into the town code. The Sugar Creek condominiums and other projects were built under the old multi-family ordinance which was struck from the Town Code by the Board two years ago over affordable housing concerns.

Multi-Family / Workforce Housing Workshop

Town Manager Andy Garman presented slides summarizing the background, process, and final draft ordinance on the Multi-Family/Workforce Housing issue. His slides are attached to and made a part of these minutes as shown in Addendum "A".

Manager Garman presented the Final Draft Ordinance that the Board will consider at their October 2nd Board meeting which does the following:

- Modifies the Planning Board recommendation as follows:
 - Allows apartments and townhouses in the large category
 - Parking is required at 2 spaces per dwelling unit + 1 space for every four units
 - A cap of no more than 3 multi-family developments can be approved under large category
- Maintains the 25 bedrooms per acre limitation
- Clarifies that the HOA is responsible for enforcing deed restrictions and reporting to the town

Town Manager Garman noted the extensive public notification of the ordinance and of today's workshop.

Mayor Cahoon invited those present to speak.

David Shufflebarger, Nags Head resident; he applauded the revisions presented to include the addition of apartments and suggested increasing the square footage limit to 11,000 to allow for a 3-story unit.

Donna Creef, Outer Banks Association of Realtors, Government Affairs rep, she served on the working group which was a good process - it was a good blend of what the Planning Board had done; the housing workforce language is a positive step; idea of the cap should be carefully considered as once it is in the ordinance, it is there; she is not sure the annual cap is needed here at the beginning of the ordinance and suggested an annual review; she thanked the Board for today's workshop.

Duke Geraghty, Outer Banks Homebuilders Association Government Affairs rep, he served on the working group; his concerns are square foot limit – it would be nice to lower that limit to get more units on a lot; the highest and best use are short term rentals; he suggested rethinking the cap and to consider a review of the ordinance in a year; no regulations on cost since it is multi-family and not an affordable housing ordinance.

Amanda Kornegay, Carolinian Circle resident; she questioned why go from 10 to 11 bedrooms per acre up to 25 bedrooms per acre; Town Manager Garman explained that it was units per acre and now it is bedrooms per acre; she expressed concern about the Kelly's site and how bad it looks; if a multi-family unit is built there, how would that affect their septic, traffic, etc; she stated that Carolinian Circle property owners are very concerned and she asked the Board to please consider these concerns. Mayor Cahoon confirmed with Manager Garman that large projects would be a conditional use and would have to be approved by the Planning Board and then the Board of Commissioners; all Town Code, wastewater, and stormwater regulations would have to be met in addition to the required vegetative buffers during the site plan process; it was noted that the C-2 district allows multiple types of uses.

David Elder, Planning Board member and Carolinian Circle resident; he expressed concern with not only what property is available presently but other properties that could be considered.

Lauren Nelson, Nags Head resident; she questioned the 60% workforce regulation definition; she also pointed out that the townhouse style is contradictory to the multi-family definition. Manager Garman read the Workforce Housing definition on the screen which includes that someone must be working in Dare County.

Dave Carawan, Nags Head Cove resident; workforce housing is the biggest problem that affects most communities – more than anything he is curious where people come from; he's astounded by how many travel from other counties to work here; this is just one piece of a bigger puzzle; this is our responsibility to solve; he suggested that we reach out to other communities and make sure they are passing ordinances and working together to help with this issue; he doesn't want to lose opportunities if there is not enough workforce here.

Sam Gonzales, relatively new resident; accessory dwelling units (ADU's) are also being discussed as a possible solution to the need for multi-family dwellings; he questioned what the Homeowner's Associations' perspective

would be on this. Mayor Cahoon said that at some point the Town has to make sure the appropriate documents are being recorded, are meeting the Town's needs, and are enforceable.

Hilary McCubbins, Nags Head resident; she felt that deed restrictions would be more valuable for enforcing the small multi-family regulations and expressed her concern with small developments having so few property owners with a stake in it.

Town Manager Garman stated that the deed restrictions will apply to any of the multi-family projects – the HOA enforcement would be the second layer. Mayor Cahoon noted that for the smaller units, 100% of the residents have to be workforce housing. Town Manager Garman also noted that each project will require a zoning permit – which is another layer of review.

Bill Simmons, Nags Head Pond resident; the HOA is good to have but he is aware that the Nags Head Pond HOA does not have the funds to hire a lawyer to enforce a covenant; he is also concerned about the C-2 District and the Kelly's site which is one of the busiest intersections in Nags Head; when you add 100 people to that area, this will be a large impact on that intersection. Mayor Cahoon pointed out that with conditional uses, the Town can impose certain restrictions to help with specific issues.

Valerie Netsch, Nags Head resident; she feels that this is great progress; she appreciates having a cap; everything should be in writing and she would like to see in writing that any unit cannot be turned into a short term rental or Air-BNB for a number of years. Mayor Cahoon explained that the HOA enforcement is one level but the deed restriction, that would have to be recorded before final BOC approval, it is perpetual and goes with the building.

Paula Houck, Nags Head property owner/MD resident; this community is head and shoulders above other communities; if the HOA is bankrupt and can't take people to court, it would fall to the county, what she sees as a problem is no impact fees and questions why no one requires developers to pay impact fees; she left a "Social Host" ordinance with Town staff for consideration.

Susan Lee, Nags Head resident; she has HOA concerns; those who were active in the HOA in her neighborhood are now gone; there are lots of cases in her neighborhood but they can't afford attorneys; she questioned what can communities do if the HOA is the first line of defense or one without an HOA. Mayor Cahoon addressed the HOA concern - the deed restrictions go with the property and the Town would impose, regardless of what the HOA does or does not do; Town Manager Garman said that the HOA would be required to be formed and each unit would be required to be a member to record who is living there and make sure they are meeting the workforce housing requirements; the Town would do the enforcement of what is in the ordinance. Mayor Cahoon said that the concern is how the units will be occupied and the Town has the tools to enforce that.

Wayne Varilek, Nags Head resident, over time there may not be compliance with no one qualifying in the home due to death, moving out, etc. Planning Director Kelly Wyatt said that it would be on a case-by-case scenario when those types of things happen with no intention to remove the family or the rest of the members if that qualifying person should no longer be in the unit.

Mark Dunlevy, Old Nags Head Cove resident; questioned if the Town has considered occupancy requirements for these units; at times they have seen neighbors renting their bedrooms to 14 people. Town Manager Garman said that the County Health Dept addresses occupancy requirements and the standard is 2 persons per bedroom.

Hilary McCubbins, Nags Head resident; she said that after yesterday's storm, she is worried about the large multi-family projects, and stormwater issues – there need to be more permeable surfaces. Mayor Cahoon stated that development standards for stormwater are not in this ordinance but are in another part of the ordinance. Town Manager Garman said that lot coverage for commercial uses in C-2 is 55% and parking lots have to be at least 20% permeable and stormwater management also has to be adhered to – the Town requires

almost three times what the state requires. Mayor Cahoon noted that flooding issues in a neighborhood are fixed on a case-by-case basis as was the case with Old Nags Head Place. Comr. Sanders asked about open space and Manager Garman explained the requirement for the amount of open space required for a commercial development.

Kenneth Morgan, Nags Head resident; he has not heard anyone mention any traffic surveys being done and if a traffic signal would be warranted coming out of the Kelly's neighborhood; Coordination of traffic flow is not easy and takes long-term study; he also questioned housing for the four-month rush of employees needed. Mayor Cahoon responded that this effort is to address one piece of the problem – the need for short-term employee housing on the Outer Banks is a separate problem with a separate solution.

Town Engineer David Ryan responded to Mr. Morgan that for large projects a traffic impact analysis can be required of the developer by the Town; that area is very congested and after analysis, staff would coordinate with NCDOT as they are the ultimate authority for installation of any type of traffic signal.

NEXT STEPS

Mayor Cahoon explained that the next step would be that the proposed ordinance, as outlined by Manager Garman, would come back to the Board of Commissioners at the October 2nd Board meeting. He mentioned the possibility for additional public comment at that time; the Board may vote on the proposed ordinance at that time.

Mayor Cahoon thanked everyone for coming to today's workshop as well as the Board for allowing this additional opportunity to hear comments and to staff for the new draft ordinance and for pushing notification of the workshop to the public.

Comr. Lambert stated how nice it was to walk in and see so many people at today's workshop and to see so much interest in the multi-family dwelling issue.

Mayor Pro Tem Siers thanked everyone for coming to today's workshop; he appreciated the community input.

Comr. Brinkley thanked everyone for coming to today's workshop and providing input.

Comr. Sanders felt like he received a lot of great information and feedback today and was very appreciative.

Mayor Cahoon said that he looks forward to getting the best ordinance possible back on the books.

Town Manager Garman expressed his appreciation of the work done by the Planning Board, the Working Group, and the Board of Commissioners on this issue.

ADJOURNMENT

It was Board consensus to adjourn the workshop; the time was 10:30 a.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon



Agenda Item Summary Sheet

Item No: **E-4**
Meeting Date: **October 2, 2024**

Item Title: Consideration of seventh amendment to Verizon lease of Town Hall monopole

Item Summary:

At the October 2nd Board of Commissioners meeting, Board members will consider the attached seventh amendment to the Ground and Water Tank Agreement between the Town and Cellco Partnership D/B/A Verizon Wireless. This amendment is being requested to reflect changes to the current Verizon Tower equipment.

Attached please find the Seventh Amendment agreement including an updated Exhibit D-7 – Description of Tower Equipment for Board approval. An updated Structural Analysis Report is provided for information.

TEP structural engineering has sealed the structural analysis. A building permit will be issued upon Board approval. TEP will conduct a post-construction inspection.

Number of Attachments: 2

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Administration

Date: September 27, 2024

Finance Officer Comment:

This is a zero-dollar amendment as the load is being reduced. Rent shall continue to escalate as set forth in the Agreement. Approval will be contingent upon attorney review/comment.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

I concur with the request.

Signature: Andy Garman

Date: September 27, 2024

SEVENTH AMENDMENT TO GROUND AND WATER TANK AGREEMENT

This Seventh Amendment to Ground and Water Tank Agreement (“**Seventh Amendment**”) is made this ___ day of _____, 20___, by and between **TOWN OF NAGS HEAD, NORTH CAROLINA** (“**Owner**”) and **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS** (“**Tenant**”). Owner and Tenant are at times collectively referred to hereinafter as the “**Parties**” or individually as the “**Party**”.

WHEREAS, Owner and Tenant entered into a Ground and Water Tank Lease Agreement dated June 2, 2004, as amended by that certain First Amendment to Ground and Water Tank Lease Agreement dated July 14, 2010, as amended by that certain Second Amendment to Ground and Water Tank Lease Agreement dated March 8, 2012, as amended by that certain Third Amendment to Ground and Water Tank Agreement dated April 24, 2014, as amended by that certain Fourth Amendment to Ground and Water Tank Agreement dated January 29, 2015, as amended by that certain Fifth Amendment to Ground and Water Tank Agreement dated July 23, 2015, and as amended by that certain Sixth Amendment to Ground and Water Tank Agreement dated October 16, 2017, (collectively, the “**Agreement**”) whereby Tenant leases from Owner certain space at 5401 South Croatan Highway, Town of Nags Head, North Carolina, as further described in the Agreement;

WHEREAS, Owner subsequently dismantled the Water Tank and constructed a communications tower (the “Tower”) on the Property, and Tenant removed its antennas from the Water Tanks and installed its antennas and related equipment on the Tower.

WHEREAS, the Parties desire to amend the Agreement in order to amend Tenant’s equipment on the premises.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree to be legally bound to this Seventh Amendment as follows:

1. The above recitals are incorporated herein by reference. Except as expressly set forth in this Seventh Amendment, all defined terms herein used shall have the same meaning as set forth in the Agreement.
2. Exhibit D-6 to the Agreement is hereby deleted in its entirety and replaced with **Exhibit D-7**, attached hereto and incorporated herein. In the event of any discrepancy between Exhibit D-6 and Exhibit D-7, **Exhibit D-7** shall control.
3. Rent shall continue to escalate as set forth in the Agreement.
4. All remaining provisions of the Agreement shall remain in full force and effect as to all other terms and conditions and shall remain binding on the Parties hereto. The Parties hereby ratify the Agreement, as amended by this Seventh Amendment.
5. The Agreement and this Seventh Amendment contain all agreements, promises or understandings between the Parties. No oral agreements, promises or understandings shall be binding upon either Party in any dispute, controversy or proceeding at law. Any addition, variation or modification to the Agreement and/or this Seventh Amendment shall be void and ineffective unless made in writing and signed by the Parties. In the event any provision of the Agreement and/or this Seventh Amendment is found to be invalid, or unenforceable, such a finding shall not affect the validity and enforceability of the remaining provisions of the Agreement and/or this Seventh Amendment. Each of the Parties hereto warrants to the other that the

person or persons executing this Seventh Amendment on behalf of such Party has the full right, power and authority to enter into and execute this Seventh Amendment on such Party's behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Seventh Amendment.

[REMAINDER OF PAGE LEFT BLANK]

IN WITNESS WHEREOF, the Parties have executed this Seventh Amendment as of the date first written above.

OWNER:

**TOWN OF NAGS HEAD,
NORTH CAROLINA**

Witness

By: _____
Name: Benjamin Cahoon
Title: Mayor
Date: _____

TENANT:

**CELLCO PARTNERSHIP
d/b/a Verizon Wireless**

Witness

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT D-7
DESCRIPTION OF TOWER EQUIPMENT

Tenant's Tower Equipment:

Antennas:	Nine (9) total Six (6) Commscope NHH-65C-R2B Three (3) MT6413-77A
Lines:	Two (2) total Two (2) Hybriflex lines
Distribution Boxes:	Two (2) RVZDC6627-PF-48
Remote Radio Heads:	Six (6) total Three (3) B2/B66A RRH ORAN (RF4439d-25A) Three (3) RF4461d-13A

July 18, 2024

Susan Lankford
Dewberry Engineers Inc.
8401 Arlington Blvd.
Fairfax, VA 22031
(919) 424-3722



NC LIC# P-1403

Tower Engineering Professionals
326 Tryon Road
Raleigh, NC 27603
(919) 661-6351
Structures@tepgroup.net

Subject: Structural Analysis Report

Carrier Designation: Verizon Wireless Reconfiguration

Client Designation: **Site Number:** N/A
Site Name: Nags Head

Engineering Firm Designation: **TEP Project Number:** 73857.976701

Site Data: **5401 South Croatan Hwy, Nags Head, Dare County, NC 27959**
Latitude 35° 56' 2.23", Longitude -75° 36' 43.00"
174.0± Foot - Monopole

Dear Susan Lankford,

Tower Engineering Professionals is pleased to submit this “**Structural Analysis Report**” to determine the structural integrity of the above-mentioned tower.

The purpose of the analysis is to determine acceptability of the tower stress level. Based on our analysis we have determined the stress level for the tower and foundation structure, under the following load case, to be:

LC1: Existing + Proposed + Reserved Loading

Note: See Table 1 for the existing, proposed, and reserved loading

Sufficient Capacity

Structure Capacity	Foundation Capacity
86.9%	-

The analysis has been performed in accordance with the ANSI/TIA-222-G-2-2009 Structural Standard for Antenna Supporting Structures, Antennas, and Small Wind Turbine Support Structures and the 2018 North Carolina State Building Code.

All modifications and equipment proposed in this report shall be installed in accordance with the appurtenances listed in Table 1 for the determined available structural capacity to be effective.

We at *Tower Engineering Professionals* appreciate the opportunity of providing our continuing professional services to you and *Dewberry*. If you have any questions or need further assistance on this or any other projects please give us a call.

Respectfully submitted by:

Aaron T. Rucker, P.E.



07/19/2024

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Additional Calculations

1) INTRODUCTION

This tower is a 174.0-ft monopole tower. The original design standard and wind speed were unavailable for review. TEP visited the site in October of 2023 to gather tower steel and appurtenance information. All information provided to TEP was assumed to be accurate and complete.

2) ANALYSIS CRITERIA

TIA-222 Revision: ANSI/TIA-222-G-2-2009
Type of Analysis: Feasibility
Risk Category: II
Wind Speed: 104 mph (Nominal)
Exposure Category: D
Topographic Procedure: Method 1 (Kzt = 1.0)
Ice Thickness: 0.25 in
Wind Speed with Ice: 30 mph
Seismic Design Category: B
Seismic Ss: 0.076
Seismic S1: 0.044
Service Wind Speed: 60 mph

Table 1 - Existing, Proposed, and Reserved Antenna and Cable Information

Existing/ Proposed/ Reserved	Mount Level (ft)	Ant CL (ft)	Qty	Antenna Model	Mount Type	Qty Coax	Coax Size	Coax Location	Owner/ Tenant
Existing	170.0	170.0	6	Commscope NNH4-65C-R6-V3	Square Platform Mount	12	1-5/8 3/4 3/8 5/16 2" Conduit	Inside	AT&T
			3	72" X 12" X 7" Panel Antenna					
			3	Ericsson RADIO 4449					
			3	Ericsson RADIO 4426					
			3	Ericsson RADIO 4478					
			6	Ericsson RRUS 32					
			4	ANDREW E15S09P94					
			3	Raycap DC6-48-60-18-8F					
Proposed	161.0	161.0	3	Commscope NHH-65C-R2B	(3)T-Arm Mount	-	-	-	Verizon
			3	Samsung MT6413-77A					
			3	Samsung B2/B66A RRH ORAN (RF4439d-25A)					
			3	Samsung RF4461d-13A					
			2	RVZDC-6627-PF-48 OVP					
Existing	161.0	161.0	3	Commscope NHH-65C-R2B		2	1-5/8 Hybrid	Inside	Verizon
To Be Removed	161.0	161.0	3	Andrew HBXX-6517DS A2M	-	12	1-5/8	Inside	Verizon
			6	CSS X7C-FRO-860-VR0					
			3	Nokia B66A RRH 4x45					
			3	Alcatel Lucent B13 RRH4x30					
			3	Alcatel Lucent B25 RRH 4x30					
			3	Nokia 13.75" X 12.5" X7.5"					
			6	Commscope CBC78T-DS-43					
			2	Raycap RHSDC-3315-PF-48					

Existing/ Proposed/ Reserved	Mount Level (ft)	Ant CL (ft)	Qty	Antenna Model	Mount Type	Qty Coax	Coax Size	Coax Location	Owner/ Tenant
Existing	148.0	148.0	3	Cellmax CMA-BDHH/6521/E0-6/RET	Circular Platform Mount	3	1-3/4 Hybrid	Inside	T-Mobile
			3	96" X 24" X 8" Panel Antenna					
			3	Ericsson AIR 6449 B41					
			3	ERICSSON RADIO 4415					
			3	ERICSSON RADIO 4449					
			3	ERICSSON RADIO 2212					
Existing	120.0	129.0	1	Amphenol 4220.09-445Txx	Standoff Mount	1	7/8	Inside	Nags Head
Existing	114.5	117.0	1	5-FT OMNI	Sidearm Mount	1 1	1-5/8 1/2	Inside	County

3) ANALYSIS PROCEDURE

Table 2 - Documents Provided

Document	Remarks	Source
Tower Mapping Report	Tower Engineering Professionals, Inc., October 23, 2023 TEP No. 73857.860919	TEP
Previous Structural Analysis	Tower Engineering Professionals, Inc., October 31, 2023 TEP No. 73857.860920	TEP
Correspondence	Correspondence in reference to the existing, proposed, and reserved loading.	Dewberry

3.1) Analysis Method

tnxTower (version 8.2.4.3), a commercially available analysis software package, was used to create a three-dimensional model of the tower and calculate member stresses for various loading cases. Selected output from the analysis is included in Appendix A.

3.2) Analysis Assumptions

- 1) The tower and foundation were built and maintained in accordance with the manufacturer's specification.
- 2) The configuration of existing antennas, transmission cables, mounts and other appurtenances are as specified in the tower mapping report by TEP.
- 3) Unless specified by the client or tower mapping, the location of the existing and proposed coax is assumed by TEP and listed in Table 1.
- 4) All tower components are in sufficient condition to carry their full design capacity.
- 5) Serviceability with respect to antenna twist, tilt, roll, or lateral translation, is not checked and is left to the carrier or tower owner to ensure conformance.
- 6) All antenna mounts and mounting hardware are structurally sufficient to carry the full design capacity requirements of appurtenance wind area and weight as provided by the original manufacturer specifications. It is the carrier's responsibility to ensure compliance to the structural limitations of the existing and/or proposed antenna mounts. TEP did not analyze antenna supporting mounts as part of this structural analysis report.
- 7) The following material grade were assumed:
 - a) Tower shaft grade: ASTM A572-65
 - b) Anchor bolts: ASTM A615-75
 - c) Base plate: ASTM A572-50

This analysis may be affected if any assumptions are not valid or have been made in error. Tower Engineering Professionals should be notified to determine the effect on the structural integrity of the tower.

4) ANALYSIS RESULTS

Table 3 - Section Capacity (Summary)¹

Section No.	Elevation (ft)	Component Type	Size	Critical Element	P (lb)	øP _{allow} (lb)	% Capacity	Pass / Fail
L1	174 - 144.17	Pole	TP27.89x19.125x0.1875	1	-11032.50	1055210.00	67.8	Pass
L2	144.17 - 94.4	Pole	TP42.14x26.513x0.3125	2	-20750.00	2755060.00	86.9	Pass
L3	94.4 - 46.05	Pole	TP55.72x39.9987x0.375	3	-35140.10	4217740.00	83.8	Pass
L4	46.05 - 0	Pole	TP68.5x52.9604x0.4375	4	-58297.30	6044450.00	76.4	Pass
							Summary	
						Pole (L2)	86.9	Pass
						RATING =	86.9	Pass

Table 4 - Tower Component Stresses vs. Capacity

Notes	Component	Elevation (ft)	% Capacity	Pass / Fail
1	Anchor Rods	-	80.7	Pass
1	Base Plate	-	58.0	Pass

Structure Rating (max from all components)¹ =	86.9%
---	--------------

Notes:

- 1) See additional documentation in "Appendix B - Additional Calculations" for calculations supporting the % capacity listed.

Table 5 - Dish Twist/Sway Results for 60 mph Service Wind Speed

Elevation (ft)	Dish Model	Beam Deflection		
		Deflection (in)	Tilt (deg)	Twist (deg)
-	-	-	-	-

4.1) Recommendations

- 1) If the load differs from that described in Table 1 of this report or the provisions of this analysis are found to be invalid, another structural analysis should be performed.
- 2) The tower has sufficient capacity to carry the existing, proposed, and reserved loading. No modifications are required at this time.
- 3) TEP did not have sufficient information to perform a foundation analysis. Provide TEP with foundation drawings and/or a geotechnical report for this site in order to determine the substructure capacity. If this information is not available, TEP recommends a foundation mapping and/or geotechnical investigation.
- 4) Prior to acceptance of changed configuration a rigorous structural analysis shall be performed in order to determine the overall stability and the adequacy of the structural members, foundations and connections.

APPENDIX A
TNX TOWER OUTPUT

tnxTower Tower Engineering Professionals, Inc. 326 Tryon Road Raleigh, NC 27603 Phone: (919) 661-6351 FAX: (919) 661-6350	Job	Nags Head	Page	1 of 12
	Project	TEP No. 73857.976701	Date	12:16:41 07/18/24
	Client	Dewberry	Designed by	Ethan L. Gardner

tnxTower Tower Engineering Professionals, Inc. 326 Tryon Road Raleigh, NC 27603 Phone: (919) 661-6351 FAX: (919) 661-6350	Job	Nags Head	Page	2 of 12
	Project	TEP No. 73857.976701	Date	12:16:41 07/18/24
	Client	Dewberry	Designed by	Ethan L. Gardner

Tower Input Data

The tower is a monopole.
This tower is designed using the TIA-222-G standard.
The following design criteria apply:

- Tower is located in Dare County, North Carolina.
- Basic wind speed of 104 mph.
- Structure Class II.
- Exposure Category D.
- Topographic Category 1.
- Crest Height 0.00 ft.
- Nominal ice thickness of 0.2500 in.
- Ice thickness is considered to increase with height.
- Ice density of 56 pcf.
- A wind speed of 30 mph is used in combination with ice.
- Deflections calculated using a wind speed of 60 mph.
- A non-linear (P-delta) analysis was used.
- Pressures are calculated at each section.
- Stress ratio used in pole design is 1.
- Local bending stresses due to climbing loads, feed line supports, and appurtenance mounts are not considered.

Options

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> Consider Moments - Legs Consider Moments - Horizontals Consider Moments - Diagonals Use Moment Magnification Use Code Stress Ratios Use Code Safety Factors - Guys Escalate Ice Always Use Max Kz Use Special Wind Profile Include Bolts In Member Capacity Leg Bolts Are At Top Of Section Secondary Horizontal Braces Leg Use Diamond Inner Bracing (4 Sided) SR Members Have Cut Ends SR Members Are Concentric Distribute Leg Loads As Uniform | <ul style="list-style-type: none"> Assume Legs Pinned Assume Rigid Index Plate Use Clear Spans For Wind Area Use Clear Spans For KL/r Retension Guys To Initial Tension Bypass Mast Stability Checks Use Azimuth Dish Coefficients Project Wind Area of Appurtenances Alternative Appurt. EPA Calculation Autocalc Torque Arm Areas Add IBC .6D+W Combination Sort Capacity Reports By Component Triangulate Diamond Inner Bracing Treat Feed Line Bundles As Cylinder Ignore KL/ry For 60 Deg. Angle Legs Use ASCE 10 X-Brace Ly Rules | <ul style="list-style-type: none"> Calculate Redundant Bracing Forces Ignore Redundant Members in FEA SR Leg Bolts Resist Compression All Leg Panels Have Same Allowable Offset Girt At Foundation Consider Feed Line Torque Include Angle Block Shear Check Use TIA-222-G Bracing Resist. Exemption Use TIA-222-G Tension Splice Exemption Include Shear-Torsion Interaction Always Use Sub-Critical Flow Use Top Mounted Sockets Pole Without Linear Attachments Pole With Shroud Or No Appurtenances Outside and Inside Corner Radii Are Known |
|---|---|--|

Tapered Pole Section Geometry

Section	Elevation	Section Length	Splice Length	Number of Sides	Top Diameter	Bottom Diameter	Wall Thickness	Bend Radius	Pole Grade
	ft	ft	ft		in	in	in	in	
L1	174.00-144.17	29.83	3.4100	18	19.1250	27.8900	0.1875	0.7500	A572-65 (65 ksi)
L2	144.17-94.40	53.18	5.1600	18	26.5130	42.1400	0.3125	1.2500	A572-65 (65 ksi)
L3	94.40-46.05	53.51	6.8400	18	39.9987	55.7200	0.3750	1.5000	A572-65 (65 ksi)
L4	46.05-0.00	52.89		18	52.9604	68.5000	0.4375	1.7500	A572-65

Section	Elevation	Section Length	Splice Length	Number of Sides	Top Diameter	Bottom Diameter	Wall Thickness	Bend Radius	Pole Grade
	ft	ft	ft		in	in	in	in	(65 ksi)
(65 ksi)									

Tapered Pole Properties

Section	Tip Dia.	Area	I	r	C	I/C	J	I/Q	w	w/t
	in	in ²	in ⁴	in	in	in ³	in ⁴	in ²	in	
L1	19.3911	11.2702	510.6385	6.7228	9.7155	52.5592	1021.9490	5.6362	3.0360	16.192
	28.2913	16.4865	1598.4628	9.8344	14.1681	112.8211	3199.0289	8.2448	4.5786	24.419
L2	27.8913	25.9877	2253.8490	9.3012	13.4686	167.3407	4510.6637	12.9963	4.1163	13.172
	42.7419	41.4877	9170.2277	14.8488	21.4071	428.3728	18352.5218	20.7478	6.8666	21.973
L3	42.0973	47.1621	9354.9565	14.0664	20.3194	460.3963	18722.2225	23.5856	6.3798	17.013
	56.5217	65.8744	25492.4054	19.6475	28.3058	900.6084	51018.3543	32.9435	9.1467	24.391
L4	55.7506	72.9346	25419.5947	18.6456	26.9039	944.8299	50872.6371	36.4742	8.5510	19.545
	69.4892	94.5133	55315.4082	24.1622	34.7980	1589.6146	110703.601	47.2656	11.2860	25.797

Tower Elevation	Gusset Area	Gusset Thickness	Gusset Grade	Adjust. Factor	Adjust. Factor	Weight Mult.	Double Angle	Double Angle	Double Angle
ft	ft ²	in		A _r	A _r		Spacing	Spacing	Spacing
							Diagonals	Horizontals	Redundants
							in	in	in
L1				1	1	1			
174.00-144.17									
L2				1	1	1			
144.17-94.40									
L3				1	1	1			
94.40-46.05									
L4				1	1	1			
46.05-0.00									

Feed Line/Linear Appurtenances - Entered As Round Or Flat

Description	Face or Leg	Allow Shield	Exclude From Torque Calculation	Component Type	Placement	Total Number	Number Per Row	Clear Spacing	Width or Diameter	Perimeter	Weight
					ft			in	in	in	plf

Feed Line/Linear Appurtenances - Entered As Area

Description	Face or Leg	Allow Shield	Exclude From Torque Calculation	Component Type	Placement	Face Offset	Lateral Offset	#	C _r A _A	Weight
					ft	in	(Frac FW)		ft ² /ft	plf
Safety Line 3/8	A	No	No	CaAa (Out Of Face)	174.00 - 0.00	6.0000	0	1	No Ice 0.14	0.22 0.75
Step Pegs (5/8" SR) 7" w/ 16" Step	A	No	No	CaAa (Out Of Face)	174.00 - 0.00	0.0000	0	1	No Ice 0.13	0.46 0.93

tnxTower Tower Engineering Professionals, Inc. 326 Tryon Road Raleigh, NC 27603 Phone: (919) 661-6351 FAX: (919) 661-6350	Job Nags Head						Page 5 of 12		
	Project TEP No. 73857.976701						Date 12:16:41 07/18/24		
	Client Dewberry						Designed by Ethan L. Gardner		

Description	Face or Leg	Offset Type	Offsets: Horiz Lateral ft ft ft	Azimuth Adjustment °	Placement ft	C _{NAA} Front ft ²	C _{SAA} Side ft ²	Weight lb
170								
(2) NNH4-65C-R6-V3 w/ Mount Pipe	A	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	17.31 18.04 11.86	134.95 252.88
(2) NNH4-65C-R6-V3 w/ Mount Pipe	B	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	17.31 18.04 11.86	134.95 252.88
(2) NNH4-65C-R6-V3 w/ Mount Pipe	C	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	17.31 18.04 11.86	134.95 252.88
72" x 12" x 7" Panel w/ Mount Pipe	A	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	8.71 9.37 8.87	96.32 171.23
72" x 12" x 7" Panel w/ Mount Pipe	B	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	8.71 9.37 8.87	96.32 171.23
72" x 12" x 7" Panel w/ Mount Pipe	C	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	8.71 9.37 8.87	96.32 171.23
RADIO 4449	A	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	1.98 2.16 1.57	85.00 103.55
RADIO 4449	B	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	1.98 2.16 1.57	85.00 103.55
RADIO 4449	C	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	1.98 2.16 1.57	85.00 103.55
RADIO 4426	A	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	1.64 1.80 0.84	48.50 61.32
RADIO 4426	B	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	1.64 1.80 0.84	48.50 61.32
RADIO 4426	C	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	1.64 1.80 0.84	48.50 61.32
RADIO 4478	A	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	1.62 1.78 1.13	60.00 74.78
RADIO 4478	B	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	1.62 1.78 1.13	60.00 74.78
RADIO 4478	C	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	1.62 1.78 1.13	60.00 74.78
(2) RRUS 32	A	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	2.86 3.08 1.97	55.12 77.39
(2) RRUS 32	B	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	2.86 3.08 1.97	55.12 77.39
(2) RRUS 32	C	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	2.86 3.08 1.97	55.12 77.39
(2) E15S09P94	A	From Centroid-Le	4.00 0.00	0.0000	170.00	No Ice 1/2" Ice	0.57 0.67	14.80 19.74

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	Client Dewberry						Designed by Ethan L. Gardner		

Description	Face or Leg	Offset Type	Offsets: Horiz Lateral ft ft ft	Azimuth Adjustment °	Placement ft	C _{NAA} Front ft ²	C _{SAA} Side ft ²	Weight lb
E15S09P94	B	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	0.57 0.67 0.40	14.80 19.74
E15S09P94	C	From Centroid-Le	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	0.57 0.67 0.40	14.80 19.74
DC6-48-60-18-8F	A	From Centroid-Le	2.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	0.85 1.36 1.36	18.90 35.59
DC6-48-60-18-8F	B	From Centroid-Le	2.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	0.85 1.36 1.36	18.90 35.59
DC6-48-60-18-8F	C	From Centroid-Le	2.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	0.85 1.36 1.36	18.90 35.59
(3) 2.4" Dia. x 9-ft Pipe	B	From Centroid-Face	4.00 0.00 0.00	0.0000	170.00	No Ice 1/2" Ice	2.16 3.09 3.09	32.94 49.18
Platform Mount [LP 1304-1_HR-1]	C	None		0.0000	170.00	No Ice 1/2" Ice	26.70 32.69	2626.77 3571.43
160								
MT6413-77A w/ Mount Pipe	A	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	4.00 4.31 2.55	69.74 103.26
MT6413-77A w/ Mount Pipe	B	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	4.00 4.31 2.55	69.74 103.26
MT6413-77A w/ Mount Pipe	C	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	4.00 4.31 2.55	69.74 103.26
(2) NHH-65C-R2B w/ Mount Pipe	A	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	11.63 12.35 11.31	84.45 173.76
(2) NHH-65C-R2B w/ Mount Pipe	B	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	11.63 12.35 11.31	84.45 173.76
(2) NHH-65C-R2B w/ Mount Pipe	C	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	11.63 12.35 11.31	84.45 173.76
RF4461d-13A	A	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	1.87 2.03 1.42	79.10 97.61
RF4461d-13A	B	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	1.87 2.03 1.42	79.10 97.61
RF4461d-13A	C	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	1.87 2.03 1.42	79.10 97.61
B2/B66A RRR-BR049	A	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	1.88 2.05 1.39	84.40 102.74
B2/B66A RRR-BR049	B	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	1.88 2.05 1.39	84.40 102.74
B2/B66A RRR-BR049	C	From Leg	4.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	1.88 2.05 1.39	84.40 102.74

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	Client Dewberry					Designed by Ethan L. Gardner			

Description	Face or Leg	Offset Type	Offsets: Horiz Lateral Vert ft ft ft	Azimuth Adjustment °	Placement ft	C _{FA} Front ft ²	C _{SA} Side ft ²	Weight lb	
(2) RVZDC-6627-PF-48	C	From Leg	0.00 2.00 0.00 0.00	0.0000	161.00	No Ice 1/2" Ice	3.79 4.04	2.51 2.73	32.00 63.48
T-Arm Mount [TA 701-3]	C	None	0.00	0.0000	161.00	No Ice 1/2" Ice	23.94 30.04	23.94 30.04	1092.00 1475.58
148 CMA-BDHH/6521/E0-6 w/ mount pipe	A	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	11.78 12.31	6.23 7.23	96.90 173.63
CMA-BDHH/6521/E0-6 w/ mount pipe	B	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	11.78 12.31	6.23 7.23	96.90 173.63
CMA-BDHH/6521/E0-6 w/ mount pipe	C	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	11.78 12.31	6.23 7.23	96.90 173.63
96"x24"x5" w/ Mount Pipe	A	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	20.27 20.91	7.92 9.33	69.20 188.49
96"x24"x5" w/ Mount Pipe	B	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	20.27 20.91	7.92 9.33	69.20 188.49
96"x24"x5" w/ Mount Pipe	C	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	20.27 20.91	7.92 9.33	69.20 188.49
AIR 6449 B41 w/ Mount Pipe	A	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	5.87 6.23	3.27 3.73	128.35 177.30
AIR 6449 B41 w/ Mount Pipe	B	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	5.87 6.23	3.27 3.73	128.35 177.30
AIR 6449 B41 w/ Mount Pipe	C	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	5.87 6.23	3.27 3.73	128.35 177.30
RADIO 4415	A	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	1.86 2.03	0.87 1.00	49.60 64.16
RADIO 4415	B	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	1.86 2.03	0.87 1.00	49.60 64.16
RADIO 4415	C	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	1.86 2.03	0.87 1.00	49.60 64.16
RADIO 4449	A	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	1.98 2.16	1.41 1.57	85.00 103.55
RADIO 4449	B	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	1.98 2.16	1.41 1.57	85.00 103.55
RADIO 4449	C	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	1.98 2.16	1.41 1.57	85.00 103.55
RADIO 2212	A	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	1.64 1.80	0.64 0.75	35.27 47.41
RADIO 2212	B	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	1.64 1.80	0.64 0.75	35.27 47.41

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	Client Dewberry					Designed by Ethan L. Gardner			

Description	Face or Leg	Offset Type	Offsets: Horiz Lateral Vert ft ft ft	Azimuth Adjustment °	Placement ft	C _{FA} Front ft ²	C _{SA} Side ft ²	Weight lb	
RADIO 2212	C	From Centroid-Le	0.00 4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	1.64 1.80	0.64 0.75	35.27 47.41
2L3x3x3/16 x 13ft	A	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	3.90 4.83	3.90 4.83	97.00 171.00
2L3x3x3/16 x 13ft	B	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	3.90 4.83	3.90 4.83	97.00 171.00
2L3x3x3/16 x 13ft	C	From Centroid-Le	4.00 0.00 0.00	0.0000	148.00	No Ice 1/2" Ice	3.90 4.83	3.90 4.83	97.00 171.00
Miscellaneous [NA 506-1]	C	None	0.00	0.0000	148.00	No Ice 1/2" Ice	27.49 33.96	27.49 33.96	1587.00 2297.42
120 4220.09-445-TXX	B	From Leg	3.00 0.00 9.00	0.0000	120.00	No Ice 1/2" Ice	3.66 5.44	3.66 5.44	28.66 56.62
Side Arm Mount [SO 203-1]	B	From Leg	1.50 0.00 0.00	0.0000	120.00	No Ice 1/2" Ice	1.78 2.24	3.79 4.47	125.00 152.76
117 5' x 12" dia Omni	C	From Leg	4.00 0.00 2.50	0.0000	114.50	No Ice 1/2" Ice	2.78 4.12	2.78 4.12	25.00 67.48
Side Arm Mount [SO 302-1]	C	From Leg	2.00 0.00 0.00	0.0000	114.50	No Ice 1/2" Ice	0.81 1.30	3.31 5.00	55.00 82.94

**									
*									

Load Combinations

Comb. No.	Description
1	Dead Only
2	1.2 Dead+1.6 Wind 0 deg - No Ice
3	0.9 Dead+1.6 Wind 0 deg - No Ice
4	1.2 Dead+1.6 Wind 30 deg - No Ice
5	0.9 Dead+1.6 Wind 30 deg - No Ice
6	1.2 Dead+1.6 Wind 60 deg - No Ice
7	0.9 Dead+1.6 Wind 60 deg - No Ice
8	1.2 Dead+1.6 Wind 90 deg - No Ice
9	0.9 Dead+1.6 Wind 90 deg - No Ice
10	1.2 Dead+1.6 Wind 120 deg - No Ice
11	0.9 Dead+1.6 Wind 120 deg - No Ice
12	1.2 Dead+1.6 Wind 150 deg - No Ice
13	0.9 Dead+1.6 Wind 150 deg - No Ice

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	Client	Dewberry	Designed by	Ethan L. Gardner

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Comb. No.	Description
14	1.2 Dead+1.6 Wind 180 deg - No Ice
15	0.9 Dead+1.6 Wind 180 deg - No Ice
16	1.2 Dead+1.6 Wind 210 deg - No Ice
17	0.9 Dead+1.6 Wind 210 deg - No Ice
18	1.2 Dead+1.6 Wind 240 deg - No Ice
19	0.9 Dead+1.6 Wind 240 deg - No Ice
20	1.2 Dead+1.6 Wind 270 deg - No Ice
21	0.9 Dead+1.6 Wind 270 deg - No Ice
22	1.2 Dead+1.6 Wind 300 deg - No Ice
23	0.9 Dead+1.6 Wind 300 deg - No Ice
24	1.2 Dead+1.6 Wind 330 deg - No Ice
25	0.9 Dead+1.6 Wind 330 deg - No Ice
26	1.2 Dead+1.0 Ice
27	1.2 Dead+1.0 Wind 0 deg+1.0 Ice
28	1.2 Dead+1.0 Wind 30 deg+1.0 Ice
29	1.2 Dead+1.0 Wind 60 deg+1.0 Ice
30	1.2 Dead+1.0 Wind 90 deg+1.0 Ice
31	1.2 Dead+1.0 Wind 120 deg+1.0 Ice
32	1.2 Dead+1.0 Wind 150 deg+1.0 Ice
33	1.2 Dead+1.0 Wind 180 deg+1.0 Ice
34	1.2 Dead+1.0 Wind 210 deg+1.0 Ice
35	1.2 Dead+1.0 Wind 240 deg+1.0 Ice
36	1.2 Dead+1.0 Wind 270 deg+1.0 Ice
37	1.2 Dead+1.0 Wind 300 deg+1.0 Ice
38	1.2 Dead+1.0 Wind 330 deg+1.0 Ice
39	Dead+Wind 0 deg - Service
40	Dead+Wind 30 deg - Service
41	Dead+Wind 60 deg - Service
42	Dead+Wind 90 deg - Service
43	Dead+Wind 120 deg - Service
44	Dead+Wind 150 deg - Service
45	Dead+Wind 180 deg - Service
46	Dead+Wind 210 deg - Service
47	Dead+Wind 240 deg - Service
48	Dead+Wind 270 deg - Service
49	Dead+Wind 300 deg - Service
50	Dead+Wind 330 deg - Service

Elevation	Appurtenance	Gov. Load Comb.	Deflection in	Tilt °	Twist °	Radius of Curvature ft
161.00	MT6413-77A w/ Mount Pipe	41	22.472	1.4637	0.0018	9332
148.00	CMA-BDHH/6521/E0-6 w/ mount pipe	41	18.527	1.3643	0.0009	4790
120.00	4220.09-445-TXX	40	11.427	1.0424	0.0004	4898
114.50	5' x 12" dia Omni	40	10.262	0.9709	0.0004	4965

Maximum Tower Deflections - Design Wind

Section No.	Elevation ft	Horz. Deflection in	Gov. Load Comb.	Tilt °	Twist °
L1	174 - 144.17	143.214	4	8.3073	0.0162
L2	147.58 - 94.4	99.114	4	7.3374	0.0046
L3	99.56 - 46.05	40.255	4	4.2236	0.0015
L4	52.89 - 0	10.425	4	1.8518	0.0004

Critical Deflections and Radius of Curvature - Design Wind

Elevation	Appurtenance	Gov. Load Comb.	Deflection in	Tilt °	Twist °	Radius of Curvature ft
170.00	(2) NNH4-65C-R6-V3 w/ Mount Pipe	4	136.299	8.1839	0.0141	4699
161.00	MT6413-77A w/ Mount Pipe	4	120.914	7.8893	0.0097	1805
148.00	CMA-BDHH/6521/E0-6 w/ mount pipe	4	99.765	7.3577	0.0050	923
120.00	4220.09-445-TXX	4	61.604	5.6257	0.0022	928
114.50	5' x 12" dia Omni	4	55.332	5.2401	0.0020	938

Maximum Tower Deflections - Service Wind

Section No.	Elevation ft	Horz. Deflection in	Gov. Load Comb.	Tilt °	Twist °
L1	174 - 144.17	26.635	41	1.5422	0.0030
L2	147.58 - 94.4	18.406	41	1.3605	0.0009
L3	99.56 - 46.05	7.464	40	0.7825	0.0003
L4	52.89 - 0	1.932	40	0.3431	0.0001

Compression Checks

Pole Design Data

Section No.	Elevation ft	Size	L ft	L _w ft	KU _r	A in ²	P _a lb	φP _a lb	Ratio $\frac{P_a}{\phi P_c}$
L1	174 - 144.17 (1)	TP27.89x19.125x0.1875	29.83	0.00	0.0	15.8902	-11032.50	1055210.00	0.010
L2	144.17 - 94.4 (2)	TP42.14x26.513x0.3125	53.18	0.00	0.0	39.9837	-20750.00	2755060.00	0.008
L3	94.4 - 46.05 (3)	TP55.72x39.9987x0.375	53.51	0.00	0.0	63.4825	-35140.10	4217740.00	0.008
L4	46.05 - 0 (4)	TP68.5x52.9604x0.4375	52.89	0.00	0.0	94.5133	-58297.30	6044450.00	0.010

Critical Deflections and Radius of Curvature - Service Wind

Elevation	Appurtenance	Gov. Load Comb.	Deflection in	Tilt °	Twist °	Radius of Curvature ft
170.00	(2) NNH4-65C-R6-V3 w/ Mount Pipe	41	25.344	1.5190	0.0026	24265

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	Client	Dewberry	Designed by	Ethan L. Gardner

Pole Bending Design Data

Section No.	Elevation ft	Size	M_{ax}		Ratio $\frac{M_{ax}}{\phi M_{ax}}$	M_{xy}		Ratio $\frac{M_{xy}}{\phi M_{xy}}$
			lb-ft	lb-ft		lb-ft	lb-ft	
L1	174 - 144.17 (1)	TP27.89x19.125x0.1875	385275.83	579848.33	0.664	0.00	579848.33	0.000
L2	144.17 - 94.4 (2)	TP42.14x26.513x0.3125	1965200.00	2284000.00	0.860	0.00	2284000.00	0.000
L3	94.4 - 46.05 (3)	TP55.72x39.9987x0.375	3840816.67	4629616.67	0.830	0.00	4629616.67	0.000
L4	46.05 - 0 (4)	TP68.5x52.9604x0.4375	6386774.67	8471750.00	0.754	0.00	8471750.00	0.000

Pole Shear Design Data

Section No.	Elevation ft	Size	Actual V_u		Ratio $\frac{V_u}{\phi V_u}$	Actual T_u		Ratio $\frac{T_u}{\phi T_u}$
			lb	lb		lb-ft	lb-ft	
L1	174 - 144.17 (1)	TP27.89x19.125x0.1875	29539.00	527607.00	0.056	167.45	1162341.67	0.000
L2	144.17 - 94.4 (2)	TP42.14x26.513x0.3125	36547.40	1377530.00	0.027	1207.63	4578933.33	0.000
L3	94.4 - 46.05 (3)	TP55.72x39.9987x0.375	43884.30	2108870.00	0.021	945.85	9280416.67	0.000
L4	46.05 - 0 (4)	TP68.5x52.9604x0.4375	52139.90	3022230.00	0.017	718.52	16980749.33	0.000

Pole Interaction Design Data

Section No.	Elevation ft	Ratio P_u	Ratio M_{ux}	Ratio M_{uy}	Ratio V_u	Ratio T_u	Comb. Stress Ratio	Allow. Stress Ratio	Criteria
		$\frac{P_u}{\phi P_u}$	$\frac{M_{ux}}{\phi M_{ux}}$	$\frac{M_{uy}}{\phi M_{uy}}$	$\frac{V_u}{\phi V_u}$	$\frac{T_u}{\phi T_u}$			
L1	174 - 144.17 (1)	0.010	0.664	0.000	0.056	0.000	0.678	1.000	
L2	144.17 - 94.4 (2)	0.008	0.860	0.000	0.027	0.000	0.869	1.000	
L3	94.4 - 46.05 (3)	0.008	0.830	0.000	0.021	0.000	0.838	1.000	
L4	46.05 - 0 (4)	0.010	0.754	0.000	0.017	0.000	0.764	1.000	

Section Capacity Table

Section No.	Elevation ft	Component Type	Size	Critical Element	P lb	ϕP_{allow} lb	% Capacity	Pass Fail
L1	174 - 144.17	Pole	TP27.89x19.125x0.1875	1	-11032.50	1055210.00	67.8	Pass
L2	144.17 - 94.4	Pole	TP42.14x26.513x0.3125	2	-20750.00	2755060.00	86.9	Pass
L3	94.4 - 46.05	Pole	TP55.72x39.9987x0.375	3	-35140.10	4217740.00	83.8	Pass
L4	46.05 - 0	Pole	TP68.5x52.9604x0.4375	4	-58297.30	6044450.00	76.4	Pass
Summary								
Pole (L2)							86.9	Pass

Section No.	Elevation ft	Component Type	Size	Critical Element	P lb	ϕP_{allow} lb	% Capacity	Pass Fail
RATING = 86.9								Pass

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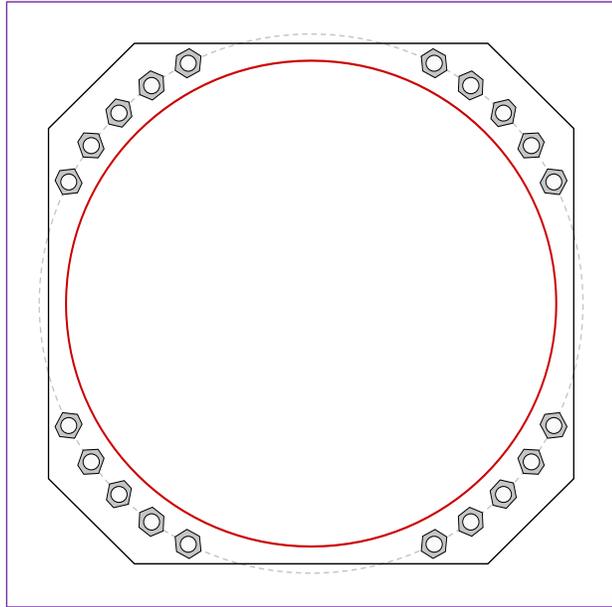
APPENDIX B
ADDITIONAL CALCULATIONS

Monopole Base Plate Connection

Site Info	
Site #	N/A
Site Name	Nags Head Town Hall
TEP #	73857.976701

Analysis Considerations	
TIA-222 Revision	G
Grout Considered:	No
l_{ar} (in)	2.25
Eta Factor, η	0.5

Applied Loads	
Moment (kip-ft)	6386.78
Axial Force (kips)	58.30
Shear Force (kips)	52.14



Connection Properties		Analysis Results	
Anchor Rod Data		Anchor Rod Summary <i>(units of kips, kip-in)</i>	
(20) 2-1/4" ϕ bolts (A615-75 N; $F_y=75$ ksi, $F_u=100$ ksi) on 76" BC <i>Anchor Spacing: 6 in</i>		$Pu_c = 204.53$	$\phi Pn_t = 260$ Stress Rating
Base Plate Data		$Vu = 2.61$	$\phi Vn = n/a$ 80.7%
73.375" W x 3.5" Plate (A572-50; $F_y=50$ ksi, $F_u=65$ ksi); Clip: 12 in		$Mu = n/a$	$\phi Mn = n/a$ Pass
Stiffener Data		Base Plate Summary	
N/A		Max Stress (ksi):	26.08 (Flexural)
Pole Data		Allowable Stress (ksi):	45
68.5" x 0.4375" 18-sided pole (A572-65; $F_y=65$ ksi, $F_u=80$ ksi)		Stress Rating:	58.0% Pass



Agenda Item Summary Sheet

Item No: **E-5**
Meeting Date: **October 2, 2024**

Item Title: Consideration of Great Trails State Program Grant application for multi-use path engineering

Item Summary:

Please find attached an application for the Great Trails State Program grant. The grant would be used for the design/engineering of the multi-use path extension on South Croatan Highway. Specific areas to be connected are between Carolista Drive and W Soundside Road; S Seachase Drive and W Baymeadow Drive; and Gull Street to Gray Eagle Street. These extensions would connect these areas to the existing multi-use path. As noted in the application, these connections were top ranked by the Town's Pedestrian Project Advisory Committee.

Strong community support for the project is reflected in the attached correspondence from the Superintendent of and the Friends of Jockey's Ridge State Park, Outer Banks Visitors Bureau, as well as the Pedestrian Project Advisory Committee.

Number of Attachments: 2

Specific Action Requested:

Request Board approval of the Great Trails State Program grant application.

Submitted By: Finance Officer Amy Miller

Date: September 27, 2024

Finance Officer Comment:

This grant, in the amount of \$100,000, would require a match of \$50,000. The local funding is adopted in the FY 24/25 budget for design work, included as part of the CIP pedestrian projects.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: September 27, 2024

1116 - Design for South Croatan Highway multi-use path extension

Application Details

Funding Opportunity: 230-Great Trails State Program (GTSP)
Funding Opportunity Due Date: Nov 12, 2024 5:00 PM
Program Area: Great Trails State Program
Status: Editing
Stage: Final Application

Initial Submit Date:
Initially Submitted By:
Last Submit Date:
Last Submitted By:

Contact Information

Primary Contact Information

Name*: Ms. AMY MARIE MILLER
Salutation First Name Middle Name Last Name
Title*: Finance Officer
Email*: AMY.MILLER@NAGSHEADNC.GOV
Address*: 5401 S. Croatan Highway

Nags Head North Carolina 27959
City State/Province Postal Code/Zip
Phone*: (252) 449-2020 Ext.
Phone
###-###-####
Fax: ###-###-####

Organization Information

Name*: Nags Head, Town of
Organization Type*: City Government

Tax Id:
County*: Dare
Organization Website: <https://www.nagsheadnc.gov/>
Address*: 5401 S. Croatan Highway

Nags Head North Carolina 27959-
City State/Province Postal Code/Zip
Phone*: (252) 449-2020 Ext.
###-###-####
Fax: ###-###-####

GTSP Application Information

Applicant Information

Contact Information

Is the person from the partner organization who will administer the grant contract, if awarded, the same as the Primary Contact listed on the application?

Grant Administrator*: Yes

Is the Project Manager the same as the Primary Contact listed on the application?

Project Manager*: Yes

If awarded, will the person who signs the grant contract be the same as the Primary Contact listed on the application?

Person Signing Contract*: No

Please list contact information.

Contact Information: Andy Garman
First Name Last Name

Title: Town Manager
Title

Email: andy.garman@nagsheadnc.gov

Project Overview

Project Name*:

Design for South Croatan Highway multi-use path extension This project title will be used internally and externally.

Describe your project, including how this project would advance your trail network and state your project objectives.

This description will be used to determine your project's overall sustainability as compared to other projects submitted. This statement should be suitable for public review. The text provided in this box will be published internally and externally without editing by Division of Parks & Recreation (DPR) staff. Be concise and discerning with information, covering key components and background, if needed. Narratives are limited in word length as noted below the text box.

Project Description*:

These projects establish a missing link in our west side multi-use path network between Carolista Dr. and W. Soundside Rd., S. Seachase Dr. and W. Baymeadow Dr., and Gull St. to Gray Eagle St. These projects are top-ranked by our Pedestrian Project Advisory Committee at #1, #5, and #6, respectively. They would provide

connectivity to the existing multi-use path, constructed of 10' wide concrete, that begins on the west side of South Croatan Highway at the intersection of W. Eighth St., the northern Town limit. Currently, the multi-use path extends south to Carolisa Dr. The multi-use path begins again at W. Soundside Rd. and further extends south to Seachase Dr. The last segment completed was W. Baymeadow Dr. to West Gull St. This project would complete the three segments that are not constructed. The proposed northernmost portion would be constructed at the entrance of Jockey's Ridge State Park, which is also the eastern terminus for the NC Mountains-to-Sea trail, and run adjacent to the park, providing recreational opportunity for pedestrians and bicyclists to enjoy. This would also provide a connection to the Jockey's Ridge State Park sound access located on West Soundside Rd. Completing the path would provide countless benefits, including promoting healthier lifestyles through active transportation, providing enhanced safety through a continuous, dedicated space for pedestrians and cyclists where the current multi-use path abruptly ends, and supporting local businesses by creating a more connected and accessible community. A continuous pathway will provide convenient access to key destinations we visit daily, including parks, businesses, and schools. The Phase VIII extension of the multi-use path, completed in 2020, created new opportunities for connectivity between neighborhoods and areas of interest we can leverage through this grant. The construction documents will be used to bid out the project and construct the path, aligning with our CIP.

What process will be used for selecting the person or the organization to complete the project? :

For the engineering and survey work, we awarded an on-call contract to a local engineering firm for professional services. We have a Town Engineer that does engineering and construction administration that works with our contracted engineers. The RFQ was done in accordance with NC procurement statutes and was awarded on qualifications based on outcomes of prior engineering projects as well as their ability to be responsive and have a presence in performing construction administration. The Town Engineer is a P.E. and has designed, bid, and overseen numerous construction projects including beach nourishment, street paving and drainage, water line replacements, multi-use path construction, trail rehabilitation, sidewalks, beach access improvements, and building construction. He has also coordinated several grant projects as referenced in the previous grant/similar project experience section.

Can this project be completed within 3 years of the contract? *: Yes Please attach a detailed timeline below.

Previous Grant or Similar Project Experience

Previous Grant / Similar Project Name	Amount of Project	Project Objective	Was your grant or project successful?
Beach dune vegetation and beach nourishment project engineering/Coastal Storm Damage Mitigation	\$1,202,000.00	Vegetative dune sprigging/planting and engineering for our next beach nourishment project.	We have received two Coastal Storm Damage Mitigation grants. We are currently completing close out of our vegetative sprigging grant and are going under contract for our beach nourishment engineering grant. The Town Engineer was the project lead and the Finance Officer was the administrator on both these grants. We used our beach nourishment engineers to design both the planting project and to engineer our next beach nourishment project, which will take us to bid for a project in 2027.

Previous Grant / Similar Project Name	Amount of Project	Project Objective	Was your grant or project successful?
FEMA/NC DPS DR-4465- NC Hurricane Dorian beach re-nourishment (Category G)	\$12,408,784.06	Beach re-nourishment, including engineering, sand fencing and plants as a result of Hurricane Dorian.	Yes. This project was closed out on time and all reimbursements have been received. The Town was able to replace sand lost during Hurricane Dorian since we have an engineered beach. This was our second FEMA/NC DPS disaster recovery Category G grant (Hurricane Matthew DR-4285 for \$16,233,837.14). For both of these projects, construction was over seen by the Town Engineer and the Finance Officer was the grant administrator.
Phase VIII west side multi-use path construction/Outer Banks Visitors Bureau	\$1,658,664.74	Extend the existing multi-use path to provider greater connectivity throughout town.	Yes, this project was closed out and completed on time. This included design, acquiring the necessary permits, bidding the project out, and final construction completion. It was so successful we are moving on to the next phase-engineering three unfinished segments. The project added 10,958 linear feet of 10' wide concrete multi-use pathway along S. Croatan Highway's western right-of-way. This included segments of 5' wide sidewalks, associative concrete curb/gutter and drainage improvements.

Project Justification

What are the expected outcomes and benefits from this project? Please include:

- How the trail provides or would provide connectivity to daily destinations?
- How the trail is designed or would be designed to increase access to trails (first trail in a community, fills a trail-type need, etc.)?
- How the proposed project would eliminate a gap in an existing trail or in funding?

All acquisition applications should include urgency of acquisition.

- **What is the approximate length, width, and surface type?**

Maintenance applications should include when the trail was originally built and previous maintenance (what was done and when it was completed).

Project Justification*:

This project will be designed to include 4,490 linear feet of 10' wide concrete multi-use pathway with associative concrete curb and gutter, drainage infrastructure improvements, and incidental work along U.S. Highway 158. The connection would provide an essential linkage within the Town of Nags Head. This missing portion of the U.S. 158 multi-use path would connect commercial development and neighborhoods along this corridor from the Nags Head Outlets all the way to Jockey's Ridge State Park. This State Park sees upwards of a million visits a day and is also the terminus of the Mountains to Sea Trail, a 1,200 mile trail from Clingmans Dome in the Smokey Mountains to Jockeys Ridge. Dare County as a whole has one of the highest pedestrian fatality rates within the U.S. Part of this issue is the difficulty of crossing the high speed, high volume U.S. 158 Highway from east side homes, rentals and businesses.

Another is an incomplete active transportation network. This project would be a major step towards having a cohesive active transportation network in Nags Head based around the U.S. 158 multi-use trail spine. Currently, the lack of continuation of the multi-use path forces pedestrians and bicyclists onto the highway to continue to the other side of the missing link where the path begins again. Adding these segments would connect major commercial areas with dense neighborhoods to the north. The project allows those who do not have a vehicle or are unable to drive have a much safer and direct way to access daily amenities by walking or biking. There are a multitude of commercial businesses and employment centers along the U.S. 158 corridor that construction of this missing link would provide improved access to. Schools, churches, municipal buildings, professional offices, grocery stores, and a variety of stand alone recreation destinations would be directly accessible from the multi-use path. The Soundside Event Site, a large outdoor gathering space hosting over 30,000 people a year, would have direct access from northern neighborhoods. This is the major commercial corridor in town and the west-side neighborhoods with the most full time residences would be directly served as a result of the construction of this new multi-use path segment. If awarded, additional money could be included in the CIP for the completion of this phase of the project and for future construction in line with the updated Town of Nags Head Pedestrian Plan.

Certification and Approval by Governing Body

A signed copy of the certification and approval by the governing board must be attached at the bottom of this section.

I hereby certify the information **Yes** contained in this application is true and correct and the required matching funds will be available during the project period. This application has been approved by the governing body. *:

Applicant Attachments

Named Attachment	Required	Description	File Name	Type	Size	Upload Date
<i>If application has multiple sponsoring agencies, please attached a W-9 for each organization in a single combined file.</i>						
Organization W-9	✓	W9 Town of Nags Head wet ink	W9 wet ink.pdf	pdf	119 KB	08/14/2024 06:59 PM
<i>Please provide a detailed project timeline. Be sure to include when any pending or unsecured matches will be available.</i>						
Detailed Project Timeline	✓					
<i>Please upload the signed certification and approval by the governing board. A template of this certification is included in the application guide. Electronic signatures are acceptable.</i>						
Signed Certification & Approval by Governing Board	✓					

Project Information

Project Details

Named Attachment Required Description File Name Type Size Upload Date

In addition to the legal description, acquisition-only projects must submit a copy of a conceptual plan showing the property to be acquired and future development for public recreation. See Application Guide for an example

Conceptual Plan for
Acquisition Only
Applications

Land Acquisition

Does your project involve land acquisition?*: No

List of Properties to be Acquired (if applicable)

Description	Will the property be	Current Owner	Number	Acreage	Land	Improvements for Trail Purposes	Proposed Purchase Price
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No Data for Table

Legal Description of Property to be Acquired

Description	File Name	Type	Size	Upload Date
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No files attached.

Budget

Project Type

Type of Project*: Design + Engineering

Project Costs

Project Element	Unit Quantity	Unit	Unit Cost	Total Item Cost
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No Data for Table

Planning, Feasibility, Design, and Engineering Costs

Project Element	Cost
Survey, engineering design, and permitting	\$150,000.00
<hr/>	
	\$150,000.00

Acquisition Costs

Parcel Number	Acres Acquired	Land Acquisition Cost
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No Data for Table

Non-State Match

Type of Match Amount of Match Source of Match

Availability

Cash \$50,000.00 Town of Nags Head Fiscal Year 24/25 Adopted Budget Yes - immediately

Budget Summary

Total Project Cost: \$0.00
Total Non-State Match: \$50,000.00
Total Grant Request*: \$100,000.00 May not exceed \$500,000

Match Summary

What county or counties will the project be located in? *: Dare

What is the Tier designation of the county? If the project is in multiple counties, the match shall be based on the lowest wealth county. Tier designation can be verified here.*: Tier 2

The Match Requirement is as follows:

- Tier 1 counties must match 1:4, or 25%
- Tier 2 counties must match 1:2, or 50%
- Tier 3 counties must match 1:1, or 100%

Incomplete or insufficient matches could result in an ineligible applicant.

Match Percentage: 0%

Partners & Community Support

Partnerships & Community Support Attachments

Description	File Name	Type	Size	Upload Date
Friends of Jockey's Ridge letter of support	Jockeys Ridge-letter-8-21-24-1.pdf	pdf	72 KB	08/21/2024 02:59 PM
Letter of support from Jockey's Ridge State Park Superintendent.	Town of Nags Head - Letter of support.pdf	pdf	67 KB	08/19/2024 11:19 AM
Outer Banks Visitors Bureau Letter of Support	OBVB Letter of Support TNH.pdf	pdf	757 KB	08/20/2024 11:43 AM
Pedestrian Project Advisory Committee Summary including final prioritized project list. The west side multi-use path extensions raked 1, 5, and 6. The final report includes minutes of the committee meetings.	PAC summary and minutes.pdf	pdf	8 MB	08/15/2024 12:50 PM

Partnerships & Community Support

Is the trail supported by the community where it will be built?*: **Yes**

Please explain*:

The Town's Comprehensive Plan, certified in 2022, engaged community meetings throughout the project, including an appointed Advisory Committee, representing a diverse cross section of the community. The Plan states the necessity to continue the 10' multi-use path to serve the growing demand for active transportation. Policy PR-4b: Continue construction of the multi-use trail along US 158 with safety as a priority. The Plan identified this project on its Pedestrian Project List, Table 3.7.3.

Has the applicant held a public meeting within the last 24 months to discuss the trail project and obtained comments? Is the public supportive of the project?*: **Yes**

Please explain:

The 2020 Phase VIII construction of the multi-use path established an enhanced network connection to the west side neighborhoods and created new opportunities for east/west connections with oceanfront access. Due to this change in dynamic, in 2022 the Board of Commissioners appointed citizens with relative interest areas and perspectives to update the 2014 Pedestrian Plan to take a more deliberate approach to pedestrian and bicycle improvements. Community input was identified as a critical component to survey potential users of improvement options. The Pedestrian Project Advisory Committee engaged citizen input to develop a multi-year master plan for pedestrian and bicycle transportation routes via sidewalks and multi-modal pathways throughout the Town. The mission of the Committee was to assist the Town with facilitating, enhancing, and encouraging safe travel by pedestrians and bicyclists alike and identify improvement options to correspond with relative needs and priorities. The Committee held 5 meetings between September 27, 2022, and January 10, 2023. The charge was to create a prioritized list of sidewalk and multi-use path projects to improve active transportation connections in Nags Head by developing safe access to community destinations. The committee presented the prioritized list at the Nags Head Board of Commissioners meeting on February 3, 2023 for consideration at the FY 24 CIP workshop. These connections ranked #1 and #5-6 on the list.

Is the trail supported by other organizations or partners?*: **Yes**

Please explain*:

Support of the west side multi-use path is evidenced by the Town securing \$487,932 in funding towards Phase VIII construction, completed in the summer of 2020. Locally funded by the Dare County Tourism Board, this grant was approved by the Dare County Board of Commissioners. The competitive grant is designed to assist local governments with construction projects that support sustainable tourism through master planning objectives. Construction included 10,958 l.f. of a 10' wide concrete path.

Has the applicant used another way to gain & document support of the trail project?*: **Yes**

The Town conducted a Community Survey in 2023. Providing sidewalks/paths was important to 85% of respondents, and 84% of respondents indicated Nags Head has performed successfully with respect to this. The survey indicated providing sidewalks and paths was essential/very important to 84% of

Certification & Approval by Governing Board

I hereby certify the information contained in the attached Great Trails State Program application is true and correct, and the required matching funds for the grant will be available within three years of submitting the application. This application has been approved by the governing board.

Chief Elected Official Mayor Ben Cahoon
(Print or Type Name and Title)
(Signature)
If two sponsors are applying together, this form must be completed and signed by each board.



Agenda Item Summary Sheet

Item No: **E-6**
Meeting Date: **October 2, 2024**

Item Title: Resolution to authorize a NC Public Beach and Coastal Waterfront Access grant contract

Item Summary:

The Town of Nags Head has been awarded 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 resolution authorizing the execution of the grant contract.

Number of Attachments: 1

Specific Action Requested:

Provided for Board review and consideration of attached resolution.

Submitted By: Administration

Date: September 27, 2024

Finance Officer Comment:

The total project cost is \$277,259; the Town will pay a total local cash contribution of \$60,790 and local in-kind contribution of \$8,800 as its local share of the total project costs. This project is included in the FY 25/26 CIP and will be completed within the timeline of the grant requirement.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

I concur with the request.

Signature: Andy Garman

Date: September 27, 2024



**RESOLUTION AUTHORIZING EXECUTION OF
PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM
GRANT CONTRACT**

WHEREAS, The Town of Nags Head (the "Town") has been awarded a public access grant for the June Street Public Beach Access improvements; and

WHEREAS, The Town is advised that a proposed contract between the Town and the North Carolina Department of Environmental Quality (DEQ) for Public Beach and Coastal Waterfront Access grant funds is being presented for the project known as June Street Beach Access, and discussed; and

WHEREAS, That, under the terms of the said contract, the total project cost is \$277,259; and

WHEREAS, The Town will pay a total local cash contribution of \$60,790 and local in-kind contribution of \$8,800 as its local share of the total project costs; and

WHEREAS, The total grant assistance requested is \$207,669.

BE IT THEREFORE RESOLVED as follows:

1. That a contract between the Town of Nags Head and the North Carolina Department of Environmental Quality be and the same is hereby approved.
2. That the Manager is hereby authorized to sign and execute the said contract for and on behalf of the Town of Nags Head and forward the same to the North Carolina Department of Environmental Quality.
3. That upon final execution, a copy of said contract be filed with the minutes.

ADOPTED this the 2nd day of October 2024.

Ben Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **E-7**

Meeting Date: **October 2, 2024**

Item Title: Consideration of Capital Project Fund ordinance amendments

Item Summary:

At the October 2nd Board of Commissioners meeting, staff is requesting Board consideration of the following Capital Project Ordinances:

- Consideration of Capital Project Ordinance amendment #5 for the Public Services Complex Project. This amendment increases interest income and building capital outlay by \$62,150 each.
- Consideration of Water Capital Project Ordinance amendment #3 for the Public Services Complex Project and Advanced Metering Infrastructure Projects. This amendment increases interest income and building capital outlay for the Public Services Complex by \$16,203 each.

Number of Attachments: 2

Specific Action Requested:

Provided for Board review and adoption.

Submitted By: Finance Director Amy Miller

Date: September 27, 2024

Finance Officer Comment:

These ordinances budget for interest income received on LOBs escrow funds. The interest is required to be spent on the project the funds were borrowed for. These funds will account for change orders and other items associated with the Public Services Complex project. The Town is currently meeting the spending requirements of the Two-Year Spending Exception for arbitrage and is complying with US Treasury Regulations. No arbitrage is currently owed.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: September 27, 2024



CAPITAL PROJECT ORDINANCE
Public Works Complex
(Amendment #5)

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 January 5, 2022, amended August 3, 2022, amended March 1, 2023, amended April 3, 2024, amended August 7, 2024, is hereby further amended as follows:

Section 1. This ordinance is to establish a budget for the Public Works Complex.

Section 2. The following budget shall be conducted within the Capital Projects Fund (fund #41).

Section 3. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 4. The following amounts are appropriated for the project:

Construction design and oversight	\$ 1,382,623
Building	12,088,607
Equipment	1,119,413
Professional fees	265,938
Arbitrage liability	261,185
Contribution to Capital Investment Fund	<u>489,950</u>
Total Expenditures	<u>\$ 15,607,716</u>

Section 5. The following revenues are anticipated to be available to complete this project:

Contribution from General Fund	\$ 489,950
Interest Income	745,512
Bond Proceeds, Limited Obligation Bonds, Series 2023	<u>14,372,254</u>
Total revenues	<u>\$ 15,607,716</u>

Section 6. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy federal, state, and local regulations.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element.

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

Adopted this 2nd day of October 2024.

Benjamin Cahoon, Mayor

ATTEST:

Carolyn F. Morris, Town Clerk



**WATER CAPITAL PROJECT ORDINANCE for
APPROVED WATER CIP PROJECTS**
(Amendment #3)

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 adopted March 1, 2023, amended April 3, 2024, amended August 7, 2024, is hereby further amended:

Section 1. The projects authorized are those approved by the Board of Commissioners.

Section 2. The following budget shall be conducted within the Water Capital Projects Fund (fund #65).

Section 3. The officers of this unit are hereby directed to proceed with the capital projects within the terms of the budget contained herein.

Section 4. The following amounts are appropriated for the project:

Public Services Complex	\$ 3,652,883
Advanced Metering Infrastructure	<u>1,849,830</u>
Total Water Capital Reserve Fund Expenses	<u>\$ 5,502,713</u>

Section 5. The following revenues are anticipated to be available to complete this project:

Bond proceeds, Limited Obligation Bonds, Series 2023	\$ 5,316,615
Interest Income	<u>186,098</u>
Total Water Capital Reserve Fund Revenues	<u>\$ 5,502,713</u>

Section 6. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy federal, state, and local regulations.

Section 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element.

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

Adopted this 2nd day of October 2024.

Benjamin Cahoon, Mayor

ATTEST:

Carolyn F. Morris, Town Clerk



Agenda Item Summary Sheet

Item No: **E-8**
Meeting Date: **October 2, 2024**

Item Title: Consideration of modification to Rules of Procedure re: time allotted for speakers

Item Summary:

Attached please find modifications to two Rules of the Town's Rules of Procedure:

- Rule #5 *Public Address to the Board of Commissioners*
- Rule #27 *Public Hearings*

As mentioned during a recent Board of Commissioners meeting, the modifications would provide for consistency in allotting the amount of time when the Board of Commissioners receives public comment during a Board meeting and during public hearings.

Number of Attachments: 1

Specific Action Requested:

Changes to the Rules of Procedure provided for Board review and consideration.

Submitted By: Administration

Date: September 27, 2024

Finance Officer Comment:

No fiscal impact.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: September 27, 2024

RULES OF PROCEDURE

Rule 5: Public Address to the Board of Commissioners *

The Board of Commissioners shall provide a time at each meeting for anyone to address them. The Mayor may set and enforce appropriate time limits for such comments but under these rules that limit may not be ~~less than 5 minutes nor~~ more than ~~10~~ 5 minutes. Other boards shall provide access for the public as is appropriate to their charge and determined by each board.

Rule 27: Public Hearings

Public hearings required by law or deemed advisable by the Board of Commissioners shall be organized by a special order, adopted by a majority vote, that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters except that staff may schedule public hearings on matters required by statute or ordinance without a vote of the board provided the hearing is scheduled for the first meeting of the board as allowed by notice requirements. The rules may include, but are not limited to, rules fixing the maximum time allotted to each speaker which shall be no more than 5 minutes; (ii) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the Open Meetings Law, for those excluded from the hall to listen to the hearing); and (iv) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the Open Meetings Law applicable to Board of Commissioners meetings shall also apply to public hearings at which a majority of the Board of Commissioners is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the Board of Commissioners is present.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.



Agenda Item Summary Sheet

Item No: **E-9**
Meeting Date: **October 2, 2024**

Item Title: Consideration of resolution accepting NC-DEQ Local Assistance for Stormwater Infrastructure Investments (LASII) funding offer; Request authorization for the Town Manager to execute contract with McAdams for Project Area #4

Item Summary:

At the October 2nd Board of Commissioners meeting, staff requests that the Board consider the attached resolution accepting NC-DEQ Local Assistance for Stormwater Infrastructure Investments (LASII) funding.

Upon an executed grant contract with NC-DEQ, staff is also requesting Board authorization for the Town Manager to execute a contract with McAdams for design/engineering of Project Area #4 which will address stormwater and flooding issues near Wrightsville Avenue and NH Elementary School – this will include an infiltration feature to be constructed beneath the Bonnett Street public beach access parking lot as part of the project.

These actions are necessary to meet the first milestone requirement of the grant, which is to have the engineering report submitted to NC-DEQ by January 1, 2025.

Number of Attachments: 2

Specific Action Requested:

Request Board adoption of attached resolution. In addition, the Board is requested to authorize the Town Manager to execute a contract with McAdams for design/engineering of stormwater issues in the northern part of Town.

Submitted By: Administration

Date: September 27, 2024

Finance Officer Comment:

A budget amendment is included on the consent agenda to account for the design and grant funds. This project is fully grant funded.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

I concur with the requests.

Signature: Andy Garman

Date: September 27, 2024



**RESOLUTION ACCEPTING FUNDING FROM THE STATE FOR A
STORMWATER INFRASTRUCTURE GRANT**

WHEREAS, the State of North Carolina established Local Assistance for Stormwater Infrastructure Investments (LASII) to assist eligible units of local government with meeting their stormwater infrastructure needs; and

WHEREAS, the North Carolina Department of Environmental Quality, Division of Water Infrastructure, has offered the Town of Nags Head LASII funding in the amount of \$2,356,910 to perform the work detailed in the submitted application; and

WHEREAS, the Town of Nags Head intends to perform said project in accordance with the agreed scope of work.

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

1. That the Town of Nags Head does hereby accept the LASII funding offer of \$2,356,910;
2. That the Town of Nags Head does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Funding Offer and Acceptance (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and/or State grants and loans pertaining thereto; and
3. That Andy Garman, 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 this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the 2nd day of October 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



621 Hillsborough Street
Suite 500
Raleigh, NC 27603
919. 361. 5000

TNH22001.28

September 24, 2024

Amy Miller
Town of Nags Head
PO Box 99
Nags Head, North Carolina 27959

**RE: Grant Administration Assistance, Task Order #28
Project Area 4 Engineering Report
TNH22001.28**

Dear Ms. Miller,

We are pleased to offer this proposal for the Local Assistance for Stormwater Infrastructure Investments (LASII) Grant Engineering Report creation for the Town of Nags Head.

Project Understanding

Objectives

It is McAdams' understanding that the Town of Nags Head (Town) was awarded a Stormwater Construction Grant through the LASII program from NC Division of Water Infrastructure. Of the \$2,356,910 awarded, \$269,000 was earmarked for engineering, design, and reporting.

The first milestone for the project is completion of an Engineering Report (ER), which is due prior to January 1, 2025.

This proposal includes a scope and fee for the ER, and also includes future funding for additional deliverables. Scope and fee for future deliverables will be provided when requested by the Town.

General Assumptions

This proposal is based on the following assumptions:

- | Prior to beginning work, any required project background information shall be provided to McAdams by the Town.
- | McAdams does not guarantee a particular outcome for compliance with the grant requirements.
- | The ER will be developed using the guidance from the North Carolina Department of Environmental Quality (NCDEQ).
- | The ER will be specific to Project Area #4, Wrightsville Ave Stormwater Infrastructure Improvements and Bonnet Street Beach Access Parking Lot.
- | The Town will provide general assistance completing the report forms including authorization to act as the Town's representative.



Proposed Services + Fees

We propose the following services (alphanumeric task numbers are for internal coding purposes):

A4.10 PROJECT MANAGEMENT:

FEE: \$1,500

McAdams will coordinate with the Town to provide general project management. During the duration of the project McAdams will:

- | Coordinate with the Town to for project schedule and meetings.
- | Ongoing and regular communication with the Client.
- | Attend 2 (2) 30 minute virtual meetings with the Town for project kickoff and draft review.

D4.20 DRAFT ENGINEERING REPORT:

FEE: \$6,500

McAdams will provide the following:

- | Prepare draft ER using the NCDEQ guidance, including the following sections:
 - Executive summary
 - Current situation and need for project
 - Design Basis / Future Situation
 - Alternatives Analysis & Project Cost
 - Proposed project description
 - Financials
 - Public Participation
- | An Environmental Information Document is not expected to be required.
 - If requested, this shall be completed under separate scope and fee.
- | Provide the draft ER to the Town for comment and address for up to two (2) comment cycles.

D4.30 FINAL ENGINEERING REPORT:

FEE: \$2,500

McAdams will provide the following:

- | Prepare the final ER and associated forms.
- | Submit to NCDEQ.

D4.40 RESPONSE TO COMMENTS:

FEE: \$1,500

McAdams will discuss comments received during NCDEQ review with the Town and respond to NCDEQ requests for additional information during their review period. Virtual meetings and phone calls are anticipated and included in this task. McAdams will:

- Respond to comments from NCDEQ during the review period and make minor report revisions as warranted.

Future Services

Scope and fee for future phases of this project will be completed when requested by the Town. As discussed during the grant application process McAdams and the Town attempted to allocate reasonable budgets based on the information available at the time of the application. McAdams will work with the Town to complete the deliverables described in the grant application within the anticipated grant budget and schedule, however future fees are subject to change, may exceed grant budgets, and are not final until a scope and fee has been agreed to by both McAdams and the Town. Changes to the total project cost must be approved in writing by the Town and may or may not be reimbursable through the grant funding agency.

Engineering Design – estimated \$100,000

- Construction drawings for collection system along Wrightsville Ave (Bonnett St to Bainbridge St.), stormwater pump station and force main, infiltration gallery at Bonnett St beach access, and permeable pavement.

Permitting – estimated \$50,000

- CAMA and NCDEQ permitting

Surveying and Geotechnical Studies – estimated \$30,000

- Field survey of project corridor, and infiltration testing

Bidding & Construction Administration – estimated \$57,000

- Specifications, bidding assistance, construction administration

Legal Coordination – estimated \$20,000

- CAMA permitting and easement assistance

REIMBURSABLE EXPENSES

Reimbursables will be billed in accordance with the attached Rate Schedule. Reimbursables will be billed at 1.25 times the direct cost and include the following:

- Printing costs;
- Mileage;
- Shipping costs;
- Permit application fees; and
- Miscellaneous smaller reimbursables.

Deliverables

Deliverables for this scope of work are limited to one (1) completed Engineering Report in the format described in the NCDEQ guidance. Future phases and services identified in the grant award will be included in change orders subject to approval by the Town.

Additional field work, studies, modeling, or engineering beyond the stipulated requirements of the NCDEQ guidance document for engineering reports shall warrant additional fees.

Additional submittals, revisions, or deliverables may be provided for a supplemental fee based on the attached rate sheet.

Fee Summary

Our proposed fees for the applicable tasks described herein is \$12,000 plus \$257,000 earmarked for future tasks, and additional for reimbursables per Article 1-21 of the standard design contract.

- I Engineering Report = \$12,000
- I Future Phases (estimated) = \$257,000
- I Total Fee = \$269,000

Project Schedule

The Firm's services shall be performed as expeditiously as is consistent with professional skill and care and the orderly progress of the project. We will work to submit the final engineering report to NCDEQ prior to January 1, 2025 as stated in the grant milestones.

The time limits and schedule set forth above have been agreed to by the Client and Firm, but the time limits and schedule shall be extended for (1) reasonable cause, (2) modification of the grant application deadline, or for (3) any delays associated with the Firm's work on the project that are not the sole responsibility of the Firm.

Client Responsibilities

Client shall be responsible for the following:

- I Notification to proceed / execution of contract.
- I Timely approval of draft documents presented for Town approval.
- I Timely providing of information, signatures, and resolutions from authorized Town officials.
- I Notification of public meetings requiring McAdams' attendance.
- I Payment of invoices in accordance with Item 1 of Terms and Conditions.
- I Notification to Firm of any problems, in accordance with Item 2 of Terms and Conditions.

Exclusions

The following services are not included in this Agreement. This list is subject to change with future change orders:

- I Field survey, geotechnical investigations, and subsurface assessments
- I Environmental assessment or field studies
- I Wetland and surface water assessments

- | Engineering design services
- | Regulatory permitting
- | Stormwater and groundwater modeling
- | All other services not listed within the scope section above.

General Conditions

- | The attached “Terms and Conditions” shall apply to this Agreement.
- | This proposal is valid for 30 days from the above date.
- | Reimbursable expenses will be billed in accordance with the attached Rate Schedule.
- | Client is responsible for all application and permit fees.

Conclusion

We appreciate this opportunity to propose our services. We are eager to pursue this project further and thank you for your consideration.

Sincerely,

McAdams



Hunter Freeman, PE, LEED AP | Senior Advisor, Water Resources – Green Stormwater Infrastructure
freeman@mcadamsco.com | 919. 361. 5000

Acceptance

By: _____ Date: _____

Name: _____

Title: _____

Accounting Information

Billing Contact: _____

Billing Contact Email Address: _____

Billing Contact Phone Number: _____

Billing Address: _____



621 Hillsborough Street
 Suite 500
 Raleigh, NC 27603
 919. 361. 5000

Hourly Rate Schedule / 2024

1. SPECIFICATIONS FOR CONTRACT BY HOURLY CHARGE, THE FOLLOWING RATES APPLY

Role	Rate
Chairman / President / Vice President	\$290 - 400 /hour
Principal	\$325 /hour
Director / Practice Lead	\$145 - 265 /hour
Technical Manager	\$135 - 240 /hour
Project Manager	\$150 - 230 /hour
Assistant Project Manager	\$120 - 175 /hour
Landscape Architect	\$140 - 230 /hour
Planner	\$110 - 190 /hour
Project Engineer	\$130 - 240 /hour
Graphics + Visualization	\$110 - 160 /hour
Designer / Analyst	\$100 - 200 /hour
Intern	\$55 - 100 /hour
Administrative Services	\$80 - 110 /hour
Construction Administration	\$100 - 155 /hour
Survey Technician	\$95 - 125 /hour
2 Man Survey Crew	\$155 - 175 /hour
3 Man Survey Crew	\$185 - 200 /hour
UAS LiDAR Crew	\$285 /hour
SUE Crew Member	\$55 - 115 /hour

Hourly services are recorded and rounded to the nearest 1/4 hour.

2. THE FOLLOWING CHARGES APPLY ON ALL CONTRACTS, FOR COPIES OF PLANS AND SPECIFICATIONS SENT OUT OF THE ENGINEER'S OFFICE (TO CLIENT, CITY REGULATORY AGENCIES, BIDDERS, CONTRACTOR, OTHER CONSULTANTS, ETC.):

Item	Fee	Item	Fee
Oversize + Color Rep.	\$3.60 /each	Oversize Mylar Sepia	\$24.00 /each
Paper Reproductions	\$2.40 /each	Mylar Sepia	\$18.00 /each
Specifications	\$0.12 /each	Paper Sepia	\$6.00 /each

3. THE FOLLOWING RATES ARE CHARGED IN ADDITION TO THE ABOVE FEES:

Item	Fee
Fees Paid for Permits and Applications	Cost Plus 10%
Outside Photocopying, Travel, Overnight Delivery, Postage for Mass Mailings	Cost Plus 10%
Subcontractor Invoices	Cost Plus 12.5%

4. FEES ARE SUBJECT TO ADJUSTMENT AT THE BEGINNING OF EACH CALENDAR YEAR.

5. PROJECTS ARE BILLED ON A MONTHLY BASIS AND INVOICES ARE DUE UPON RECEIPT. INVOICES WHICH HAVE BEEN NOT BEEN PAID WITHIN 30 DAYS ARE PAST DUE AND SUBJECT TO FINANCE CHARGES OF 1.5% PER MONTH.

Client's Initials _____ Date _____



621 Hillsborough Street
Suite 500
Raleigh, NC 27603
919. 361. 5000

Terms + Conditions

The proposal submitted by THE JOHN R. McADAMS COMPANY (“CONSULTANT”) is subject to the following terms and conditions (collectively referred to as the “Agreement”) and, by accepting the proposal or any part thereof, CLIENT agrees and accepts the terms and conditions outlined below:

1. **Payment:**

CLIENT will pay CONSULTANT for services and expenses in accordance with periodic invoices to CLIENT and a final invoice upon completion of the services. Each invoice is due and payable in full upon presentation to CLIENT. Invoices are past due if not paid in full after 30 days. Past due amounts are subject to interest at a rate of one and one-half percent per month (18% per annum) on the outstanding balance from the date of the invoice.

In an effort to ensure prompt resolution of questions and disputes regarding CONSULTANT’s services and invoices, CLIENT agrees to notify CONSULTANT, in writing / email, of any questions or concerns CLIENT may have regarding the cost, quality or appropriateness of services provided related to an invoice within fifteen (15) days of the invoice date. If CLIENT fails to provide such notice to CONSULTANT, CLIENT waives its right to dispute the accuracy and appropriateness of any portion of such invoice for which notice was not provided.

If CLIENT fails to make payment to CONSULTANT within 30 days after the invoice date, CONSULTANT may, after giving seven (7) days written notice to CLIENT, suspend services under this Agreement until all amounts due are paid in full. If an invoice remains unpaid after sixty (60) days from invoice date, CONSULTANT may terminate the Agreement and/or initiate legal proceedings to collect the fees owed, plus other reasonable expenses of collection including attorney’s fees.

2. **Notification of Breach or Default:**

CLIENT shall provide prompt written / email documentation to CONSULTANT if CLIENT becomes aware of any breach of contract, defect, fault, error, omission or inconsistency arising out of or related to CONSULTANT’s services. The failure of CLIENT to provide such written notice within fifteen (15) days from the time CLIENT became aware of such breach of contract, defect, fault, error, omission or inconsistency, shall constitute a waiver by CLIENT of any claims against CONSULTANT arising out of such breach of contract, defect, fault, error, omission or inconsistency.

3. **Ownership of Instruments of Service:**

All reports, plans, specifications, instruments of service, field data, notes and other documents, including all documents on electronic media, prepared by CONSULTANT shall remain the property of CONSULTANT. CONSULTANT shall retain all common law, statutory and other rights, including intellectual property rights. In the event of termination of this Agreement and upon full payment of fees owed to CONSULTANT, CONSULTANT shall make available to CLIENT copies of all completed plans, specifications, and electronic files.

4. **Change Orders:**

CONSULTANT will treat as a change order request any documented or oral order (including directions, instructions, interpretations or determinations) from CLIENT which request changes in the Agreement or CONSULTANT's scope of work. If CONSULTANT is willing to proceed with such change, CONSULTANT will give CLIENT written notice within fifteen (15) days of a change order request of any resulting increase in CONSULTANT's fees and/or time of performance (a "Change Order"). Unless CLIENT objects in writing within ten (10) days, the Change Order becomes a part of this Agreement.

5. **Site Operations:**

CLIENT will arrange for right-of-entry to the property for the purpose of performing studies, tests and evaluations pursuant to the agreed services. CLIENT represents that it possesses necessary permits and licenses required for all ongoing activities at the site. If CONSULTANT is advised or given data in writing that shows the presence of underground or overground obstructions, such as utilities, CONSULTANT will give special instructions to our field personnel. However, CONSULTANT is not responsible for any damage or losses due to undisclosed or unknown surface or subsurface conditions, owned by CLIENT or third parties. CONSULTANT will take reasonable precautions to minimize damage to the property caused by our operations. CONSULTANT's fee does not include any cost of restoration due to any damage which may result and CONSULTANT is not responsible for any such repairs unless CONSULTANT fails to take reasonable precautions. If CLIENT desires CONSULTANT to repair such damage, CONSULTANT will comply and add the cost to our fee. Field tests or boring locations described in CLIENT's reports or shown on sketches prepared by CONSULTANT are based on specific information furnished by others or estimates made in the field by CONSULTANT's personnel. Such dimensions, depths or elevations should be considered as approximations unless otherwise stated in CONSULTANT's proposal or report.

6. **Project Site:**

Should CLIENT not be owner of the project site, then CLIENT agrees to notify the owner(s) of the possibility of unavoidable alteration and damage to the site and to obtain permission from the owner(s) for such alteration and damage. CLIENT further agrees to indemnify, defend and hold CONSULTANT harmless against any claims by the owner(s) or persons having possession of the site through the Owner which are related to such alteration or damage.

7. **Assignment and Third Parties:**

Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than CLIENT and CONSULTANT, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of CLIENT and CONSULTANT and not for the benefit of any other party. Neither CLIENT nor CONSULTANT shall assign, sublet, or transfer any rights under or interests in this Agreement without the written consent of the other which shall not be unreasonably withheld. However, nothing contained herein shall prevent or restrict CONSULTANT from employing independent subconsultants as CONSULTANT may deem appropriate to assist in the performance of services hereunder.

8. **Survival:**

All of CLIENT's payment obligations and liabilities, including but not limited to, its indemnification obligations and limitations, and CONSULTANT's rights and remedies with respect thereto, as well as the terms of Sections 6, 11, 12, and 14, shall survive completion of and the expiration or termination of this Agreement.

9. Force Majeure:

Should completion of any portion of the services or any obligation under the Agreement be delayed for causes beyond the control of or without the fault or negligence of CONSULTANT, including force majeure, the reasonable time for performance of the service or the deadline under the Agreement shall be extended for a period at least equal to the delay. Force majeure includes but is not restricted to acts of God, acts or failures of governmental authorities, acts of CLIENT's contractors or agents, fire, floods, epidemics, riots, quarantine restrictions, strikes, civil insurrections, freight embargoes, and unusually severe weather.

10. Standard of Care:

CONSULTANT shall perform its services under the Agreement in a professional manner, using the degree of care and skill ordinarily exercised by and consistent with the standards of professionals providing the same services in the same or a similar locality as the project. **THERE ARE NO OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARISING OUT OF OR RELATING TO THE SERVICES PROVIDED BY CONSULTANT UNDER THIS AGREEMENT, AND CLIENT WAIVES ITS RIGHT TO ASSERT SUCH CLAIMS AGAINST CONSULTANT.**

11. Limitation of Liability:

CLIENT agrees that the total collective and aggregate liability of CONSULTANT and its employees, officers, and directors for any and all claims that may be asserted by CLIENT arising out of or related to this Agreement, except for claims for willful or intentional misconduct by CONSULTANT, is limited to \$50,000 or to the fee paid to CONSULTANT under this Agreement, whichever is greater.

12. Waiver of Consequential Damages:

Both CLIENT and CONSULTANT hereby waive any right to pursue claims for consequential damages against one another, including any claims for lost profits.

13. Safety:

Except with respect to CONSULTANT's own employees, CONSULTANT is not responsible for site safety or compliance with the Occupational Safety and Health Act of 1970 ("OSHA"). Job site safety remains the sole exclusive responsibility of CLIENT or CLIENT's contractors. Likewise, CONSULTANT shall have no right to direct or stop the work of CLIENT's contractors, agents or employees.

14. Arbitration:

Any claim or other dispute arising out of or related to this Agreement shall be subject to Arbitration. Such claims and disputes shall first be subject to non-binding mediation, and if mediation is unsuccessful, shall be subject to Arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association currently in effect. Any demand for Arbitration shall be filed in writing with the other party and with the American Arbitration Association. Nothing in this provision shall prevent CONSULTANT from acting to secure any lien rights it may have under applicable law.

15. Independent Contractor:

In carrying out its obligations, CONSULTANT shall be acting at all times as an independent contractor and not an employee, agent, partner or joint venturer of CLIENT. CONSULTANT's work does not include any supervision or direction of the work of other contractors, their employees or agents, and CONSULTANT's presence shall in no way create any liability on behalf of CONSULTANT for failure of other contractors, their employees or agents to properly or correctly perform their work

16. Termination:

Either party may terminate the Agreement with cause upon ten (10) days advance written notice, if the other party has not cured or taken reasonable steps to cure the breach giving rise to termination within the ten (10) day notice period. Either party may terminate the Agreement without cause upon thirty (30) days advance written notice to the other party. If CLIENT terminates without cause or if CONSULTANT terminates for cause, CLIENT will pay CONSULTANT for all services performed, costs incurred, non-cancelable commitments, and fees earned to the date of termination and through demobilization, including any cancellation charges of vendors and subcontractors, as well as reasonable demobilization costs.

17. Severability:

If any provision of this Agreement, or application thereof to any person or circumstance, is found to be invalid then such provision shall be modified if possible, to fulfill the intent of the parties as reflected in the original provision. The remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by the law.

18. No Waiver:

No waiver by either party of any default by the other party in the performance of any provision of this Agreement shall operate as or be construed as a waiver of any future default, whether like or different in character.

19. Merger, Amendment:

This Agreement constitutes the entire Agreement between CONSULTANT and CLIENT, and all negotiations, written and oral understandings between the parties are merged herein. This Agreement can be supplemented and/or amended only by a written document executed by both CONSULTANT and CLIENT.

20. Choice of Law:

The validity, interpretation, and performance of this Agreement shall be governed by and construed in accordance with the law of the State of North Carolina, excluding only its conflicts of laws principles.



Agenda Item Summary Sheet

Item No: **E-10**

Meeting Date: **October 2, 2024**

Item Title: Request for Public Hearing to consider a Special Use/Site Plan Review for construction of a two story, eight-bedroom dormitory

Item Summary:

Special Use Permit/Site Plan Review submitted by Quible & Associates, P.C. and Beacon Architecture and Design, PLLC on behalf of the Town of Nags Head for the construction of a 3,460 square foot, two story, eight-bedroom dormitory (duplex) and all associated site improvements. This dormitory is for use by Town of Nags Head workforce, specifically Ocean Rescue and others as approved by the Town Manager. The property is zoned SED-80, Special Environmental District and is located at 425 W. Health Center Drive.

Applying the parking standard for dormitory use would only require four spaces. However, since the structure will house up to 16 seasonal lifeguards as part of the Town of Nags Head’s workforce, it’s clear that actual parking needs will exceed this minimum. Currently, there are 37 spaces onsite, 25 of which are allocated to the Community Care Clinic, leaving 12 available for dormitory use. Ideally, 16 spaces—one per occupant—would be designated for the dormitory. Section 10.15.2.2 of the UDO provides a mechanism, through the Special Use Permit process, to consider shared parking when multiple uses on a site have staggered hours or differing peak parking demands. Staff are requesting that this shared parking provision be applied to account for the additional four spaces needed to meet the target of 16 dormitory spaces. The Community Care Clinic operates from 9 a.m. to 4 p.m., Monday through Friday, and is closed on weekends. In contrast, the Town’s Ocean Rescue staff generally works from 9 a.m. to 6 p.m., with some early morning training sessions. Given these staggered schedules, the overlap in parking demand between the clinic and Ocean Rescue staff should be minimal.

Staff Recommendation/Planning Board Recommendation

Planning staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant land use policies. Additionally, staff finds that the requirements necessary to offer a reduction in parking pursuant to Section 10.15.2.2. of the UDO, Shared Parking Associated with a Special use Plan, has been met given that it will not result in increased traffic congestion or negatively impact existing traffic flow or pedestrian and vehicular safety, will not create parking impacts for adjacent properties or within Town rights-of-way, will not be contrary to the objectives specified in the Comprehensive Plan, is necessary to permit the reasonable use of the subject property, and will not adversely impact adjacent property or the surrounding area. At their September 17, 2024 meeting the Planning Board voted unanimously to recommend approval of the Special Use Permit/Site Plan Review as presented, to include shared parking arrangements based upon the Community Care Clinic and the Town’s Ocean Rescue personnel having staggered parking demands.

Number of Attachments: 0

Specific Action Requested:

Schedule the Public Hearing for the Board of Commissioners November 6, 2024 Board Meeting.

Submitted By: Planning and Development

Date: September 25, 2024

Finance Officer Comment: N/A

Signature: Amy Miller

Date: September 25, 2024

Town Attorney Comment: N/A

Signature: John Leidy

Date: September 25, 2024

Town Manager Comment and/or Recommendation: N/A

Signature: Andy Garman

Date: September 25, 2024



Agenda Item Summary Sheet

Item No: **E-11**
Meeting Date: **October 2, 2024**

Item Title: Request for Public Hearing to consider various amendments to the UDO within SPD-C, Village at Nags Head Commercial-1 Zoning District to accommodate a new use, EMS Station

Item Summary:

Dare County has been working with Oakley Collier Architects on a proposed design for the county's emergency services project within the town. After reviewing the preliminary site development renderings and analyzing the existing SPD-C, Village at Nags Head, Commercial-1 district standards, three text amendments to the Unified Development Ordinance (UDO) would be necessary:

- Amend Section 9.36, Table of Uses and Activities to list "County EMS Station" as a permitted use within the district.
- Amend Section 9.21.8.2, Table of Development Standards to reduce the front yard setback requirement from 75 feet to 45 feet.
- Amend Section 10.16, Required Parking by Use, to establish a parking standard for the new use category of "County EMS Station".

Planning Staff and Planning Board Recommendation

Planning staff finds the proposed text amendments to be consistent with the 2022 Comprehensive Land Use Plan and recommends adoption of the amendment as presented.

At their September 17, 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 November 6, 2024, Board Meeting.

Submitted By: Planning and Development

Date: September 25, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: September 25, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 25, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: September 25, 2024



Agenda Item Summary Sheet

Item No: **F-1**
Meeting Date: **October 2, 2024**

Item Title: Public Hearing for consideration of a zoning map amendment for the property located at 0 W. Satterfield Landing Road (Parcel # 005618002)

Item Summary:

Chris Greening of Coastal Bluewater Capital, LLC has submitted a zoning map amendment request with authorization from the current property owner, Mazzi, LLC. If adopted, this map amendment would rezone Lot 2a-1r of the Charles Sineath Subdivision, Parcel # 005618002 from C-3, Commercial Services to C-2, General Commercial. The intent of the C-3, Commercial Services District, is to provide for higher intensity land uses that are not compatible with other areas of the Town. The C-3 District accommodates utilities, light industrial uses, warehousing, bulk storage, municipal facilities, etc. The 2022 Comprehensive Land Use Plan states that the C-3 standards are to regulate and buffer uses so that their location or activities will not be detrimental to adjacent uses, the environment, and the sources of potable water. The Commercial Services District must be at least 10 acres in size and must have direct access to a US highway or collector street improved to town standards. If adopted, the requested rezoning would reduce the overall acreage of C-3 by 0.8 acres, leaving upwards of 36 acres of C-3 Commercial Services remaining.

The intent of the C-2, General Commercial District, is to provide for the proper grouping and development of commercial facilities to serve the entire community. The C-2 District allows the broadest range of commercial uses. All C-2 districts shall be at least 5 acres in area, the proposed zoning map amendment would result in an increase in the total acreage of C-2 zoning designation.

Staff Recommendation/Planning Board Recommendation

Based upon the evaluation of the intent of each zoning district and goals listed in the 2022 Comprehensive Land Use Plan, staff recommends adoption of the proposed zoning map amendment as presented.

At their August 20, 2024, meeting, the Planning Board voted unanimously to recommend approval of the proposed map amendment as requested.

Number of Attachments: 2

Specific Action Requested:

Conduct the Public Hearing for the requested map amendment.

Submitted By: Planning and Development

Date: September 25, 2024

Finance Officer Comment:

No specific fiscal impact.

Signature: Amy Miller

Date: September 25, 2024

Town Attorney Comment:

Signature: John Leidy

Date: September 25, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: September 25, 2024



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director
Date: September 25, 2024
Subject: Consideration of a proposed zoning map amendment, Lot 2a-1r of the Charles Sineath Subdivision (Parcel # 005618002).

Chris Greening of Coastal Bluewater Capital, LLC, has submitted the attached zoning map amendment request with authorization from current property owner, Mazzi, LLC. If adopted, this map amendment would rezone the property located at 0 W. Satterfield Landing Road (Parcel # 005618002) from C-3, Commercial Services District to C-2, General Commercial District.



Recent History of Property

In late 2017, the property owner at the time, TLG Greenwater Investments, submitted a request to rezone the easternmost 50 feet of this lot from C-3, Commercial Services, to C-2, General Commercial Services. This rezoning was part of a planned transfer and recombination of the affected portion with Lot 1a-1 (TW's Bait and Tackle). After the map amendment was adopted, TW's Bait and Tackle constructed the accessory storage structure currently on the property.

In November 2022, the Board of Commissioners approved a Special Use Permit/Site Plan Review, submitted by Mazzi LLC, for the construction of an 11,200 square foot building that includes 8 units operating a "Trade Center", with parking and all associated improvements. When the November 2022 approval expired, the Board of Commissioners re-approved the same requested scope of work at their February 7, 2024, meeting. This new approval is valid

until February 7, 2025. However, it is important to note that if the requested rezoning is approved, changing the property's zoning designation to C-2, General Commercial, the Trade Center use would no longer be permitted in this zoning district.

Analysis

When considering a possible re-zoning it is helpful to review the intent of both the giving and receiving zoning classification in conjunction with potential outcomes.

Section 6.2.4.3 of the UDO, Zoning Districts, notes that the intent of the C-3, Commercial Services District is to provide for higher intensity land uses that are not compatible with other areas of the Town. The C-3 District accommodates utilities, light industrial uses, warehousing, bulk storage, municipal facilities, etc. The 2017 Comprehensive Land Use Plan states that the C-3 standards are to regulate and buffer uses so that their location or activities will not be detrimental to adjacent uses, the environment, and the sources of potable water. The Commercial Services District must be at least 10 acres in size and must have direct access to a US highway or collector street improved to town standards. If adopted, the requested rezoning would reduce the overall acreage of C-3 by 0.8 acres, leaving approximately 36 acres of C-3 Commercial Services Remaining.

The intent of the C-2, General Commercial District, is to provide for the proper grouping and development of commercial facilities to serve the entire community. The C-2 District allows the broadest range of commercial uses. All C-2 districts shall be at least 5 acres in area and proposed zoning map amendment would result in an increase in the total acre of C-2 designation.

As information, the table of uses and activities allowed within the existing C-3, Commercial Services Zoning District and the C-2, Commercial Services Zoning District can be found in Section 6.6 of the Unified Development Ordinance and [HERE](#).

2022 Comprehensive Land Use Plan Consideration

Pg. 3-20 (LU-10) Discourage high intensity land uses that produce significant noise, light, heavy vehicle traffic, noxious fumes or poor air quality, are unsightly, encourage unsafe behavior, or require large amounts of land for heavy industrial uses, processing, or storage of materials or equipment.

Pg. 3-20 (LU-10b) Maintain the current boundaries of the C-3 District and do not expand these uses to other parts of the Town.

Pg. 3-117 (EC-1) Develop and promote a sustainable economy that supports high quality of life for residents and visitors without compromising the integrity of the natural and cultural resources and sense of place.

Pg. 3-122 (EC-5) Direct new commercial growth into neighborhood commercial nodes, activity centers, or areas currently zoned for commercial development with emphasis on reuse of existing structures.

The property in question is located within the Northern Commercial Character Area and is currently zoned C-3, Commercial Services. It is bordered by C-2, General Commercial to the

east (TW's Bait and Tackle) and north (OBX Bowling Center), R-2, Medium Density Residential to the south (vacant property), and C-3, Commercial Services to the west (Village Real Estate Rental Management). If the rezoning is approved, it would extend the C-2 zoning designation from the north and east.

Staff Recommendation

Based upon the evaluation of the intent of each district and the goals listed in the 2022 Comprehensive Land Use Plan, staff recommends adoption of the proposed zoning map amendment as presented.

Note that any future development of this property would require Site Plan Review and approval from both the Planning Board and Board of Commissioners.

Planning Board Recommendation

At their August 20, 2024, meeting, the Planning Board voted unanimously to recommend approval of the proposed map amendment as requested.

UNIFIED DEVELOPMENT ORDINANCE TEXT/
ZONING MAP AMENDMENT APPLICATION
TOWN OF NAGS HEAD, NORTH CAROLINA

Applicant Coastal Bluewater Capital, LLC

Mailing address PO Box 969 Nags Head, NC 27959

Explanation of request

- Unified Development Ordinance (UDO) - Section(s) _____
Attach amendment in ordinance form.
- Zoning Map
Attach copy of current Zoning Map with affected property outlined in red.
Attach names and mailing addresses of the property owners of all parcels of land abutting the parcel in question.

Nature of request

Rezone an existing C3 parcel to C2.

Parcel ID 305618002 joins 2230 S. Croatan
which is the lot of current business
operation.

Reason for request

The rezoning of existing C3 to C2
would allow use for workforce housing
and operations to support continued
growth of business at 2230 S. Croatan
Hwy.

Current limitations of C3 do not allow for
best use of property under current zoning.

Coastal Bluewater Capital, LLC
Applicant

7/2/2024
Date



Source: Esri, USDA FSA, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Maxar, Microsoft

Legend

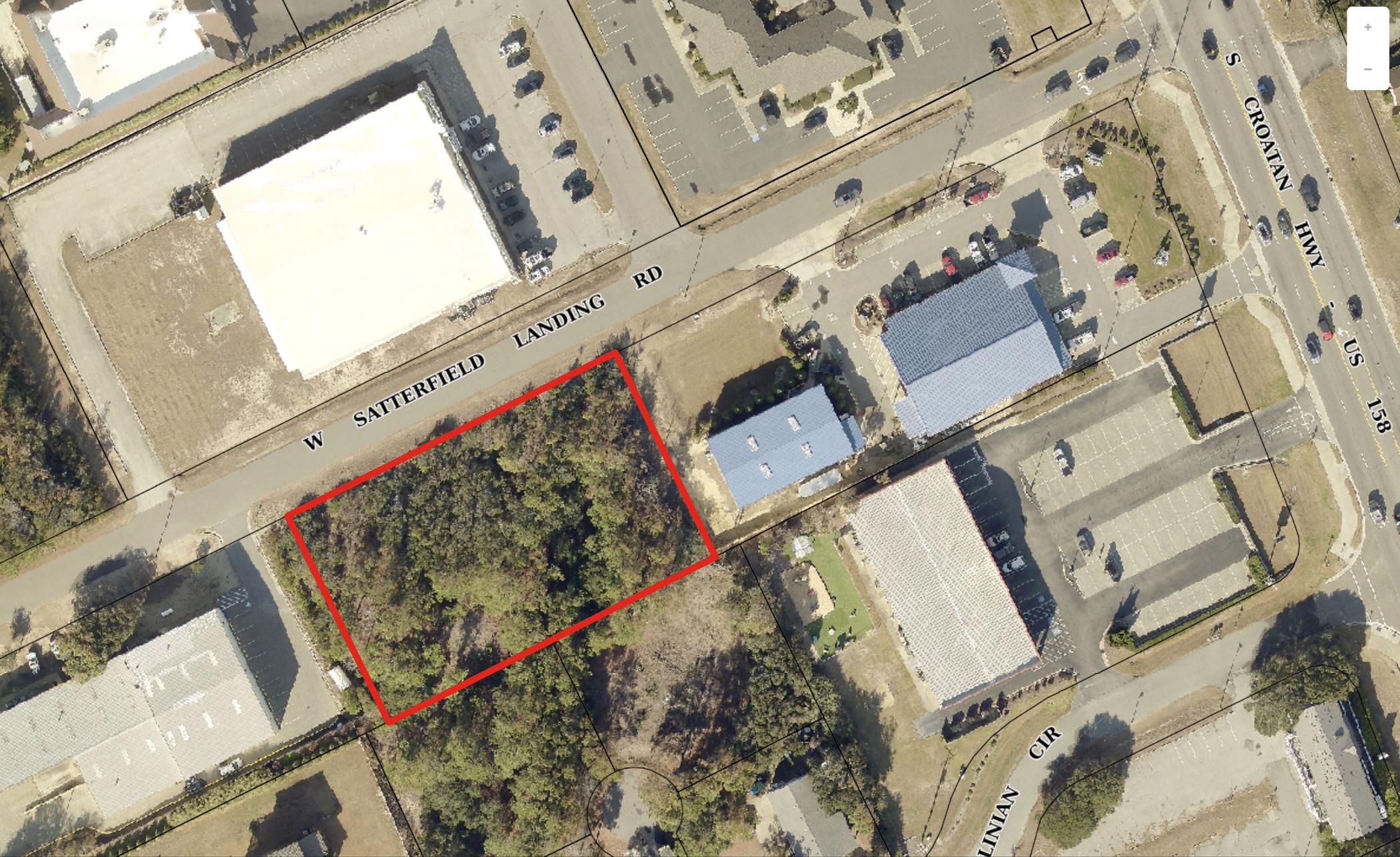
- C2
- C3
- C4
- C5
- CR
- Rezone Parcel
- Street
- Parcel
- SPD-20
- R2
- R3



0.25 Miles

Rezoning Request From C3 to C2 Parcel 005618002





This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

0 W Satterfield Landing Rd
 Nags Head NC, 27959
 Parcel: 005618002
 Pin: 989317113533

Owners: Mazzi Llc -Primary Owner

Building Value: \$0
 Land Value: \$319,000
 Misc Value: \$0
 Total Value: \$319,000

Tax District: Nags Head
 Subdivision: Charles L Sineath Division
 Lot BLK-Sec: Lot: 2a-1r Blk: Sec:
 Property Use: Vacant Land (Private)
 Building Type:
 Year Built:



005618-002 14-989317-044B 03/11

Benjamin Cahoon
Mayor

Michael Siers
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head
Post Office Box 99
Nags Head, NC 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

Kevin Brinkley
Commissioner

Bob Sanders
Commissioner

Megan Lambert
Commissioner

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Nags Head Board of Commissioners will conduct a public hearing on **Wednesday, October 2, 2024** beginning at 9:00 am in the Board Room of the Municipal Complex, 5401 S Croatan Highway, Nags Head, NC to consider and take action upon the following request:

Public Hearing to consider a map amendment request submitted by Chris Greening of Coastal Bluewater Capital, LLC, as authorized by property owner Mazzi, LLC to rezone the property located at 0 W. Satterfield Landing Road, Lot 2a-1r of the Charles Sineath Subdivision, (Parcel # 005618002) from C-3, Commercial Services to C-2, General Commercial. This is the vacant property west of TW's Bait and Tackle.

A copy of the application request will be available for public inspection at the Nags Head Planning and Development Department and the Office of the Town Clerk, Town Municipal Complex, 5401 S. Croatan Hwy, Nags Head, NC 27959, telephone (252) 441-5508 during normal business hours.

As a result of this hearing, substantial changes may be made in the proposal as advertised to reflect objections, debate and discussion at the hearing. Any person desiring to be heard on the proposal as stated above should appear at the time and place specified above.

This is the 11th day of September 2024.

Kelly Wyatt
Planning Director

For publication in the Coastland Times on Wednesday, September 18th and on Wednesday, September 25th, 2024. Please use Nags Head seal and legal print.



Agenda Item Summary Sheet

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

Item Title: Update from Planning Director

Item Summary:

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

Number of Attachments: 1

Specific Action Requested:

Provided for Board information and update.

Submitted By: Planning and Development

Date: September 27, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: September 27, 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: September 26, 2024

Subject: Planning and Development Director's Report (G-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 October 2nd, 2024.

Monthly Activity Report

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

- Tuesday, September 3rd - Technical Review Committee Meeting
- Wednesday, September 4th - Board of Commissioners Meeting
- Thursday, September 11th – Committee for Art and Culture Meeting
- Thursday, September 12th – Board of Adjustment Meeting (no hearings scheduled)
- Thursday, September 12th – CRS Users Group Meeting
- Tuesday, September 17th – Planning Board Meeting
- Wednesday, September 18th – Board of Commissioners mid-month meeting
- Dowdy Park Movie Night, Friday, September 6th at 8pm – TWISTER

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, September 17, 2024. The following items were heard:

- Consideration of a Special Use/Site Plan Review submitted by Quible & Associates, P.C. and Beacon Architecture, PLLC on behalf of the Town of Nags Head, for the construction of a 2-story, 8-bedroom dormitory (duplex). The property is zoned SED-80, Special Environmental District and is located at 425 W. Health Center Drive. The Planning Board voted unanimously to recommend approval of the SUP/Site Plan Review as presented. This item is on the Board of Commissioners October 2nd Consent Agenda requesting Public Hearing to be held on November 6th, 2024.
- Consideration of text amendments within the SPD-C, Village at Nags Head Commercial-1 Zoning designation to accommodate future construction of a Dare County EMS Station. The Planning Board voted unanimously to recommend adoption of the proposed amendments as

presented. This item is on the Board of Commissioners October 2nd Consent Agenda requesting Public Hearing to be held on November 6th, 2024.

- Continued discussion of minimum required parking standards for hotel uses and restaurant uses. Based upon discussion staff will present a draft ordinance to the Planning Board at their October 15th meeting outlining a hotel parking standard of 1.2 parking spaces for each unit to be rented or one (1) parking space per bed, whichever is greater, plus one (1) parking space for every two employees on the largest shift. Staff will continue to discuss minimum required parking standards for restaurant uses with the Planning Board in the coming months.
- The Planning Board held two public input sessions, one at their regularly scheduled meeting on Tuesday, September 17th at 9am, the second on Wednesday, September 18th at 6pm. Between these two community engagement sessions the Planning Board received comments from approximately 16 individuals. The majority of attendees were generally supportive of ADU's if items such as parking, noise, and sanitation were properly addressed. Many felt as though attached ADU's (within the existing footprint of the home), were more acceptable than detached ADU's, especially with concerns of increased lot coverage, stormwater runoff, and density. There was support expressed for allowing both long-term and short-term rental of ADU's should they be permitted. Some individuals expressed a concern with having any type of ADU, attached or detached, on the west side of US 158.

The Planning Board's next meeting is scheduled for Tuesday, October 15th, 2024. Currently, the agenda is expected to include consideration of a Site Plan Review submitted by SRE Mustang, LLC and Timmons Group, on behalf of Outlets Nags Head for construction of a 2,400 square foot restaurant, consideration of Sketch Plan Review for construction of a 6,760 square foot EMS Station located at 105 W. Seachase Drive, continued discussion of parking standards for hotel and restaurant uses, and continued discussion related Accessory Dwelling Units (ADU's).

Board of Adjustment – Recent and Pending Applications

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

Additional Updates

- **DWMP/Septic Health Advisory Committee** – The Septic Health Advisory Committee is scheduled to meet on Monday, October 21st, 2024. The Planning Department is hosting an intern, Ella Trainor, a rising Junior at UNC-Chapel Hill through the Outer Banks Field Site at CSI, over the next few weeks. Ella's project while here is working along side Environmental Planner, Conner Twiddy and Deputy Planning Director, Joe Costello to geolocate existing conventional septic systems and drain fields and uploading data to create an interactive map of the towns septic infrastructure. We anticipate having Ella attend the upcoming SHAC meeting.
- **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. The town has received an initial scope from Biohabitats in anticipation of the receiving and executing the grant contract. 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 project along the causeway.

-
- **Electric Vehicle Action Plan** – The two Level II EV Chargers have been installed and are available for use. We have submitted the reimbursement package and will be scheduling the final inspection from DEQ.
 - **Sand Relocation and Dune Management Cost Share Program** – Staff are preparing for the upcoming Sand Relocation season which will begin on November 15th, 2024. We will begin accepting applications for sand relocation on November 1st for review purposes only. An educational presentation and Q&A session will be provided on Tuesday, October 15th for all equipment operators, property owners, and other interested parties wishing to participate in the sand relocation and dune management cost share program this year.
 - **Public Beach and Coastal Waterfront Access Grant Program** – The town was awarded \$207,669 through the NC Public Beach and Waterfront Access Program for improvements to the June Street Beach Access. Once the contract has been fully executed, we will put out a Request for Qualifications (RFQ). (Attachment E-6, Consent Agenda)
 - **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – The following events are coming up in October:
 - Free yoga sessions will continue through October, every Tuesday at 7:30am at Dowdy Park.
 - Friday Night Movie on October 4th, beginning around 6:45pm. This movie is being shown in partnership with Outer Banks Health – *The Goonies*.
 - Holiday Market application will be available online Wednesday, October 16th from 8am – 10am. After 10am the application will no longer be accessible. Market Rules have been updated regarding the required percentage of handmade or handcrafted items and the radius for vendors producing handcrafts, original artwork and perishables. You will also need to provide your NC sales tax number as part of the application process. For more information, please visit the Dowdy Park Events Facebook page.
 - Event Coordinator, Paige Griffin is collaborating with Nags Head Elementary School to host a Young Entrepreneur Market in conjunction with the Great Pumpkin Fair, held on Friday October 18th, 4pm – 7pm.

Upcoming Meetings and Other Dates

- Tuesday, October 1st - Technical Review Committee Meeting
- Wednesday, October 2nd - Board of Commissioners Meeting
- Wednesday, October 9th – Committee for Art and Culture Meeting
- Thursday, October 10th – Board of Adjustment Meeting (no hearings scheduled)
- Tuesday, October 15th – Planning Board Meeting
- Tuesday, October 15th – Sand Relocation and Dune Management Contractor Meeting
- Wednesday, October 16th – Board of Commissioners mid-month meeting
- Monday, October 21st – Septic Health Advisory Committee Meeting
- Dowdy Park Movie Night, Friday, October 4th at 6:45pm – The Goonies

Brought to you by - NHES pumpkin fair & the Town of Nags Head

PLEASE JOIN US FOR THE

YOUNG ENTREPRENEUR FALL MARKET



AT DOWDY PARK
3005 S. CROATAN HWY AT BONNETT ST.

**FRIDAY
18TH OF OCTOBER
4 TO 7PM**

**HANDMADE ITEMS
ART • JEWELLERY • POTTERY**

YOUNG VENDORS REGISTER NOW:



JOIN THIS ANNUAL EVENT AS WE CELEBRATE OVER FOOD, GAMES, AND FALL FESTIVITIES.



Agenda Item Summary Sheet

Item No: **H-1**
Meeting Date: **October 2, 2024**

Item Title: From Sep 4th Board meeting – Consideration of Multi-Family Dwelling Ordinance
Workshop held on Sep 18th (*Attachment H-1*)

Item Summary:

The Board of Commissioners conducted a public hearing on a draft multi-family ordinance at its September 4th meeting. Based on extensive public comments received at the public hearing, the Board of Commissioners scheduled a workshop which was held on September 18th. The purpose of the workshop was to provide the public with additional time to review and comment on the ordinance. The minutes from this workshop are included in the Board’s packet.

During the Board’s September 4th discussion, the Board suggested a modified version of the ordinance that represents a combination of draft ordinances developed by the Working Group and the Planning Board. This was presented at the September 18th workshop along with the original Working Group and Planning Board proposals. Attached is the packet from the workshop. This includes an explanation of the process used to develop the ordinance and a summary of the different versions of the ordinance.

Since the Public Hearing has already been held, the Board may deliberate and/or vote on the ordinance at the upcoming meeting.

Number of Attachments: 1

Specific Action Requested:

Discuss and/or vote on the proposed ordinance.

Submitted By: Planning and Development Date: September 25, 2024

Finance Officer Comment:

Insufficient information to determine fiscal impact.

Signature: Amy Miller Date: September 25, 2024

Town Attorney Comment:

I will participate in the discussion as necessary.

Signature: John Leidy Date: September 25, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Andy Garman Date: September 25, 2024



AGENDA

**TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM
WEDNESDAY, SEPTEMBER 18, 2024, 9:00 A.M.**

A. CALL TO ORDER

1. Multi-Family/ Workforce Housing Workshop

Documents:

9WS MULTI-FAMILY MEMO.PDF
MULTI-FAMILY ORD MFWG-ATTACHMENT1.PDF
MULTI-FAMILY ORD PB-ATTACHMENT2.PDF
MULTI-FAMILY STAFF PRESENTATION-ATTACHMENT3.PDF
MULTI-FAMILY ORD BOC INPUT-ATTACHMENT4.PDF
DRAFT AUG 20TH 2024 PLANNING BOARD MINUTES-ATTACHMENT5.PDF

B. ADJOURNMENT

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



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director
Andy Garman, Town Manager

Date: September 6, 2024

Subject: Workshop to receive public input on various amendments to the Unified Development Ordinance (UDO) pertaining to multi-family dwellings.

For two years, the Town has been working to review and consider new standards regulating multi-family development. A presentation was given at the Board's September 4th regular meeting outlining this process (see Attachment 3). To summarize, the Planning Board initially drafted an ordinance which was presented to the Board of Commissioners at a public hearing in February. Information on this can be found here:

<https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Item/5367?fileID=10753>. After the public hearing, the Board requested that the Town establish a Working Group to review and make recommendations on the ordinance drafted by the Planning Board. The charge for the Working Group was as follows:

- To consider the draft multi-family ordinance written by the Planning Board.
- To preserve the intent of the ordinance, to protect the character of Nags Head, and to provide new alternatives for workforce/long-term housing without increasing the stock of short-term rentals.
- To evaluate conditions/standards which would render such projects unfeasible due to financing, construction, configuration, or management.
- To suggest additional measures that would achieve the aforementioned goals.

Over the course of four meetings, the Working Group developed a recommendation for review by the Board of Commissioners. This included changes to the original ordinance drafted by the Planning Board as well as several other suggestions. Information about the Working Group including agendas and minutes from its meetings can be found here:

<https://www.nagsheadnc.gov/1108/Multi-Family-Working-Group>. The Working Group's Final Recommended Ordinance is included as Attachment 1.

The Planning Board reviewed the Working Group's Ordinance over the course of three meetings this past Summer. The primary focus of the Planning Board's discussion centered around the density and design of multi-family development, mostly pertaining to larger projects. The Planning Board also discussed parking standards. The Planning Board's discussions resulted in three recommended changes to the Working Group's ordinance:

- 1) The Planning Board is recommending that large multi-family developments (greater than six units on one site) consist of townhouses only. The Working Group's version of the ordinance allowed townhouses and apartments in both the small and large categories.

- 2) The Planning Board is recommending increasing the parking requirement to 2.5 spaces per unit plus one additional space for every four units.
- 3) The Planning Board is recommending an additional density limitation of 25 bedrooms per acre applicable to both large and small multi-family sites. The Working Group's version of the ordinance controlled density through the use of a floor area ratio only. The recommended floor area ratio is 0.32 square feet of building area to one square foot of lot area.

The Planning Board's recommended ordinance is included as Attachment 2. Below are the Planning Board staff reports and minutes from its June, July, and August meetings (see below).

June 18th Planning Board -

https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/_06182024-461?html=true

Minutes:

https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Minutes/_06182024-461

July 16th Planning Board -

https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/_07162024-464?html=true

Minutes:

https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Minutes/_07162024-464

August 20th Planning Board -

https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/_08202024-468?html=true

Note: Minutes from the August 20th Planning Board Meeting are included in the agenda packet as Attachment 5.

The Planning Board stated that they were more comfortable with the small multi-family approach. They viewed this as better maintaining the town's desired vision for development. The Planning Board also expressed an interest in capping the overall number of large multi-family developments that can be approved townwide.

Board of Commissioners Consideration

The Board of Commissioners held a public hearing on the proposed ordinances (the drafts from the Working Group and the Planning Board) on September 4, 2024. The presentation from this meeting is included as Attachment 3. In light of significant public comment on the ordinance, the Board voted to delay consideration of the ordinance until its October meeting. The Board requested that a public workshop be held at 9 am on September 18th in the Board of Commissioners meeting room to receive feedback on the multi-family ordinance. The Board provided suggested changes to the ordinance for future consideration. These include:

- Allowing both apartment and townhouse style units in the large and small categories.
- Including a limit of 25 bedrooms per acre for all projects.
- Including a cap of no more than 3 project approvals in the large category.
- Parking would be required at 2 spaces per unit plus 1 space for every 4 units.

These changes have been incorporated into a revised ordinance which is included as Attachment 4. We welcome public feedback on the multi-family ordinance at the September 18th workshop. It is anticipated that the Board will consider the ordinance at its October 2nd, 2024 regular meeting.



AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT RELATES TO MULTI-FAMILY DWELLING DEVELOPMENTS WITHIN THE TOWN.

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, the Board of Commissioners requested a comprehensive review of the town's multi-family standards and recommendations on how to re-introduce this use into the Unified Development Ordinance, and

WHEREAS, Planning staff began working with the Planning Board at their May 2023 meeting to complete a thorough review of the multi-family standards and identify issues and/or inconsistencies with the existing multi-family language. Subsequently, the Board of Commissioners established a Multi-Family Working Group to review the Planning Board's ordinance. The Planning Board and Multi-Family Working Group have developed a comprehensive set of draft text amendments for the Board of Commissioner's review and consideration.

WHEREAS, the 2022 Comprehensive Land Use Plan provides the following policies and actions which should guide the Town's zoning and development actions:

Table 2.2.2.A, pg. 2-12 lists "Multi-Family" as an appropriate land use in the Gallery Row – Community Center Character Area, Northern Commercial Node.

Table 2.4.2.A, pg. 2-25 lists "Multi-Family" as an appropriate land use in the Village Municipal Service Character Area.

Table 2.6.2.A, pg. 2-36 lists "Multi-Family" as an appropriate land use in the Whalebone Junction Character Area, Soundside Activity Node.

Table 2.8.2.A, pg. 2-48 lists "Multi-Family Residential" as an appropriate land use in the Corridors Character Area, US 158/US 64 only.

LU-1 – Ensure that the character of Nags Head is preserved as a single-family residential beach community with ties to its natural environment. This character is defined by:

- Development that blends with the landscape, preserving natural vegetation, dunes, open spaces, and environmental quality.
- Buildings with a residential scale and appearance with lot heights and small footprints that are designed to reflect the heritage of Nags Head.
- Land uses that are compatible with the community and with adjacent properties that don't create excessive noise, light, unsafe conditions, or other nuisances.
- Development of low density and intensity served primarily with on-site wastewater systems.

LU-9 – Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community.

LU-10 – Discourage high intensity land uses that produce significant noise, light, heavy vehicle traffic, noxious fumes, or poor air quality, are unsightly, encourage unsafe behavior, or require large amounts of lands for heavy industrial uses, processing, or storage of materials or equipment.

LU-15 – Promote architectural standards for commercial development in keeping with the Nags Head style architecture.

LU-27 – Promote and expand the types of housing and accommodations for varying income levels, aging populations, and the seasonal workforce within the town.4e – Develop regulations that prevent incompatible commercial development adjacent to areas with historical designations or significance.

WHEREAS, consistent with Section 3.5.4 of the UDO (and subparts to that section), the Board finds that the proposed text amendment advances the public health, safety, or welfare; will help preserve the residential and historic character of areas of Town where commercial and non-residential uses or increases in or expansions of such uses are not compatible or desirable; is reasonable and in the public interest; and is consistent with the Town of Nags Head Comprehensive Land Use Plan.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (strikethrough) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Appendix A, Definitions**, be amended as follows:

~~*Dwelling, multi-family* means a dwelling containing three or more dwelling units, designed for or occupied by three or more families living independently of each other. Multifamily dwelling shall include a townhouse and any similar building, irrespective of the form of legal title.~~

Dwelling, Multi-Family or Dwelling Unit, Multi-Family means a single-family dwelling unit located within a multi-family development.

Apartment or Apartment Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed on multiple floors and separated by shared vertical walls and shared horizontal ceilings, floors, planes, or surfaces. For the purposes of this chapter, a series or group of **Apartment** units shall be considered a multi-family development.

Floor Area Ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot.

~~**Townhouse** means a single-family dwelling on its own individual lot but connected on two sides, by means of a common wall for at least ten feet of its length, to two other single-family dwellings or an end dwelling of a row of such dwellings.~~

Townhouse or Townhouse Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed in a series or group of units and separated by shared vertical walls. For the purposes of this chapter, a series or group of **Townhouse** units shall be considered a multi-family development.

Multi-Family Development means a development containing no less than three multi-family dwelling units and shall be characterized as either a large multi-family development or a small multi-family development.

Large Multi-Family Development means a development containing more than six multi-family dwelling units.

Small Multi-Family Development means a development containing no less than three multi-family dwelling units and no more than six multi-family dwelling units.

Long-term occupancy/tenancy means the occupancy of a single-family dwelling by an owner, tenant, or other lawful occupant for a period of ninety (90) consecutive calendar days or more.

Principal Place of Residence means the home or place in which one's habitation is fixed, and to which one has present intention of returning after a departure or absence therefrom.

Qualified Person means a person working/employed in Dare County, NC. A qualified person includes but is not limited to any person who has an internship with an employer if the employer's place of business is physically located in Dare County, NC, or a person who works remotely for an employer if the person's principal place of residence and the employer's place of business are both physically located in Dare County, NC.

Workforce Housing or workforce housing unit means the following:

- a. A dwelling unit which is occupied by at least one qualified person under a long-term occupancy/tenancy, and
- b. A dwelling unit which is the principal place of residence for at least one qualified person, and
- c. A dwelling unit which has been encumbered by the owner of the dwelling unit with recorded restriction covenants to ensure compliance with this definition and Section 7.5 of the Town Code. The recorded restrictive covenant shall expressly identify the Town as the sole beneficiary of the recorded restrictive covenant, which shall include the express power and authority of the Town to enforce the recorded restrictive both in law and in equity, including the use of judicial injunctive relief. The Town staff shall provide the owner with the exact wording of the restrictive covenant to be recorded by the owner with the Dare County Register of Deeds in order to satisfy this requirement, and Town staff shall verify such recordation. The recorded restrictive covenant shall appear in the recorded chain of title of the dwelling unit and in the case of a multi-family development, the recorded restrictive covenant shall also be contained in the multi-family development's recorded declaration of covenants establishing the multi-family development.

Nothing in this definition shall preclude employers from purchasing workforce housing units to provide accommodation for their employees, provided the employees are qualified persons who occupy such workforce housing units within Dare County and the workforce housing unit is the employee's principal place of residence, even if owned by the employer.

PART II. That **Section 7.5 Dwellings, Multi-Family**, shall be replaced in its entirety by the following:

Multi-family dwelling units are permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Min. Lot Width for Multi-Family Site	150 feet	No minimum
Min. Site Area in Uplands	26,000 square feet	15,000 square feet
Location of Multi-Family Site	Properties with frontage on US Hwy 158 only.	On any lot meeting the minimum site area requirements.
Setbacks	All buildings shall be setback a minimum 35 feet to all property lines.	All buildings shall meet the minimum setbacks: Front: 30 feet Side: 12 feet or 15 feet for corner lots Rear: 20% lot depth not to exceed 30 feet.
Townhome orientation	No townhome structure established as part of a multi-family development shall be situated on a site so as to face/front the rear of another townhome structure within the development or on an adjoining property.	

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Density/ Building Size	Floor Area Ratio: 0.32 square feet of gross floor area for each 1 square foot of lot area. Maximum gross floor area for a single building is 10,000 square feet. More than one building may be permitted on a site.	One (1) unit per every 4,000 square feet of lot area. Maximum building gross floor area is 5,000 square feet.
Maximum number of units	75 dwelling units	6 dwelling units.
Number of dwelling units per townhome structure	Maximum 6 dwelling units per structure.	No maximum.
Height	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.
Open Space	50% of side yards to remain as open space.	50% of side yards to remain as open space.
Lot Coverage	55%	55%
Parking	A minimum of 2 parking spaces for each dwelling unit plus 0.5 spaces for each additional bedroom over 2.	
Deed Restrictions	All multi-family dwelling units within a multi-family development shall be deed restricted for long- term occupancy/tenancy. No less than 60% of all units shall be deed restricted for workforce housing.	All multi-family dwelling units in a multi-family development shall be deed restricted for long term occupancy/tenancy and workforce housing.
Unit Sizes/ Categories	Minimum Unit Sizes/Size Categories: <ul style="list-style-type: none"> • Studio/One Bedroom 500 sq. ft. • Two Bedroom 700 sq. ft. • Three Bedroom 1,000 sq. ft. Maximum unit size 1,750 sq. ft.	
Mixture of Units	No more than 60% of the units shall be from any unit size category.	No requirement
Buffer	In addition to the buffering requirements included in the Commercial Design Standards, a minimum 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 and 10.93.3.3 of the UDO.	In addition to the buffering requirements included in the Commercial Design Standards, a 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 of the UDO.
Architectural Design Requirements	All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO. Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.	Buildings shall meet the design requirements for a large residential dwelling. Small multi-family structures shall be approved administratively.

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Building Separation	20 feet; a sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.	Buildings shall be separated from one another by a minimum of ten feet, including projections. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.
Accessory Uses	<p>Management/sales office, not including a trailer, provided that the management office shall be included as a permanent structure in the project's design or may occupy one of the dwelling units.</p> <p>A management/sales office may include, within the particular project, spaces for maintaining supplies, service products and amenities to be used in connection with the units within the project. There shall be sanitary facilities available for customers and employees.</p> <p>Shed.</p> <p>Pool (only one pool per development),</p> <p>Walls and Fences.</p> <p>Private Park/Playgrounds.</p>	<p>Shed.</p> <p>Pool (only one pool per development).</p> <p>Walls and Fences. Private Park/Playgrounds</p>
Outdoor Amenity Area/Common Area	An area designated on the site plan for multi-family development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying the dwelling units shown on such plan provided that it is conveniently accessible to all residents of the development.	

7.5.1 The multi-family development shall have a mandatory homeowners' or residents' association. At a minimum, the duties of such association are to ensure compliance with Section [7.5]. The obligation of an owner or lessee to join the association and to provide the information the owner or manager of a multi-family development must be expressed in a declaration of covenants that is recorded in the Dare County Registry and provided to the town prior to any residential occupancy. The developer of a multi-family development shall provide annually a certification to the town of the multi-family developments' compliance with the restrictive covenant and workforce housing occupancy requirements, using a required certificate of compliance form provided to the association by town staff upon request.

7.5.2 Any site improvements, including construction of additions of any size, accessory structures of any size, and landscaping and buffering projects, that occur following the original Board of Commissioners Special Use Approval of a Large Multi-family dwelling development or Administrative Approval of a Small Multi-family dwelling development shall be submitted for consideration by the UDO Administrator to determine whether additional stormwater management measures are necessary.

PART III. That **Section 10.93.3.3, High Impact Uses,** be amended as follows:

10.93.3.3. High Impact Uses. High impact uses are particular uses of land, which are considered as a whole because of their peculiar or operational and physical characteristics are expected to have an adverse effect on adjoining or adjacent properties. High impact uses include, but are not limited to:

10.93.3.3.27. Large Multi-Family Dwelling Development.

PART IV. That **Section 6.6, Table of Permitted Uses and Activities,** be amended as follows:

	Use Category/Class	Use Type	Residential Districts			Commercial Districts					Special Districts				Overlay Districts			
			R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4	C-5	SPD-20	SED-80	SPD-C*	O&S	CO	HO	SRO
1	Residential	Dwelling, Large Residential	PR	PR	PR	PR		PR			PR	PR	PR		PR			PR
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Small)</u>						PR										
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1	Residential	Dwelling, Single-Family (detached)	P	P	P	P	P	P		P	P	P	P		P			P
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<u>1</u>	<u>Residential</u>	<u>Townhouse</u>						SR				SR						

ARTICLE IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 4th day of September 2024.

 Benjamin Cahoon, Mayor

ATTEST:

 Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

 John Leidy, Town Attorney

Date adopted: _____
 Motion to adopt by Commissioner _____
 Motion seconded by Commissioner _____
 Vote: AYES _____ NAYS _____



AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT RELATES TO MULTI-FAMILY DWELLING DEVELOPMENTS WITHIN THE TOWN.

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, the Board of Commissioners requested a comprehensive review of the town’s multi-family standards and recommendations on how to re-introduce this use into the Unified Development Ordinance, and

WHEREAS, Planning staff began working with the Planning Board at their May 2023 meeting to complete a thorough review of the multi-family standards and identify issues and/or inconsistencies with the existing multi-family language. Subsequently, the Board of Commissioners established a Multi-Family Working Group to review the Planning Board’s ordinance. The Planning Board and Multi-Family Working Group have developed a comprehensive set of draft text amendments for the Board of Commissioner’s review and consideration.

WHEREAS, the 2022 Comprehensive Land Use Plan provides the following policies and actions which should guide the Town’s zoning and development actions:

Table 2.2.2.A, pg. 2-12 lists “Multi-Family” as an appropriate land use in the Gallery Row – Community Center Character Area, Northern Commercial Node.

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Table 2.6.2.A, pg. 2-36 lists “Multi-Family” as an appropriate land use in the Whalebone Junction Character Area, Soundside Activity Node.

Table 2.8.2.A, pg. 2-48 lists “Multi-Family Residential” as an appropriate land use in the Corridors Character Area, US 158/US 64 only.

LU-1 – Ensure that the character of Nags Head is preserved as a single-family residential beach community with ties to its natural environment. This character is defined by:

- Development that blends with the landscape, preserving natural vegetation, dunes, open spaces, and environmental quality.
- Buildings with a residential scale and appearance with lot heights and small footprints that are designed to reflect the heritage of Nags Head.
- Land uses that are compatible with the community and with adjacent properties that don’t create excessive noise, light, unsafe conditions, or other nuisances.
- Development of low density and intensity served primarily with on-site wastewater systems.

LU-9 – Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town’s overall vision for the community.

LU-10 – Discourage high intensity land uses that produce significant noise, light, heavy vehicle traffic, noxious fumes, or poor air quality, are unsightly, encourage unsafe behavior, or require large amounts of lands for heavy industrial uses, processing, or storage of materials or equipment.

LU-15 – Promote architectural standards for commercial development in keeping with the Nags Head style architecture.

LU-27 – Promote and expand the types of housing and accommodations for varying income levels, aging populations, and the seasonal workforce within the town.4e – Develop regulations that prevent incompatible commercial development adjacent to areas with historical designations or significance.

WHEREAS, consistent with Section 3.5.4 of the UDO (and subparts to that section) the Board finds that the proposed text amendment advances the public health, safety, or welfare; will help preserve the residential and historic character of areas of Town where commercial and non-residential uses or increases in or expansions of such uses are not compatible or desirable; is reasonable and in the public interest; and is consistent with the Town of Nags Head Comprehensive Land Use Plan.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (strikethrough) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Appendix A, Definitions**, be amended as follows:

~~*Dwelling, multi-family* means a dwelling containing three or more dwelling units, designed for or occupied by three or more families living independently of each other. Multifamily dwelling shall include a townhouse and any similar building, irrespective of the form of legal title.~~

Dwelling, Multi-Family or Dwelling Unit, Multi-Family means a single-family dwelling unit located within a multi-family development.

Apartment or Apartment Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed on multiple floors and separated by shared vertical walls and shared horizontal ceilings, floors, planes, or surfaces. For the purposes of this chapter, a series or group of **Apartment** units shall be considered a multi-family development.

Floor Area Ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot.

~~**Townhouse** means a single-family dwelling on its own individual lot but connected on two sides, by means of a common wall for at least ten feet of its length, to two other single-family dwellings or an end dwelling of a row of such dwellings.~~

Townhouse or Townhouse Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed in a series or group of units and separated by shared vertical walls. For the purposes of this chapter, a series or group of **Townhouse** units shall be considered a multi-family development.

Multi-Family Development means a development containing no less than three multi-family dwelling units and shall be characterized as either a large multi-family development or a small multi-family development.

Large Multi-Family Development means a development containing more than six multi-family dwelling units.

Small Multi-Family Development means a development containing no less than three multi-family dwelling units and no more than six multi-family dwelling units.

Long-term occupancy/tenancy means the occupancy of a single-family dwelling by an owner, tenant, or other lawful occupant for a period of ninety (90) consecutive calendar days or more.

Principal Place of Residence means the home or place in which one's habitation is fixed, and to which one has present intention of returning after a departure or absence therefrom.

Qualified Person means a person working/employed in Dare County, NC. A qualified person includes but is not limited to any person who has an internship with an employer if the employer's place of business is physically located in Dare County, NC, or a person who works remotely for an employer if the person's principal place of residence and the employer's place of business are both physically located in Dare County, NC.

Workforce Housing or workforce housing unit means the following:

- a. A dwelling unit which is occupied by at least one qualified person under a long-term occupancy/tenancy, and
- b. A dwelling unit which is the principal place of residence for at least one qualified person, and
- c. A dwelling unit which has been encumbered by the owner of the dwelling unit with recorded restriction covenants to ensure compliance with this definition and Section 7.5 of the Town Code. The recorded restrictive covenant shall expressly identify the Town as the sole beneficiary of the recorded restrictive covenant, which shall include the express power and authority of the Town to enforce the recorded restrictive both in law and in equity, including the use of judicial injunctive relief. The Town staff shall provide the owner with the exact wording of the restrictive covenant to be recorded by the owner with the Dare County Register of Deeds in order to satisfy this requirement, and Town staff shall verify such recordation. The recorded restrictive covenant shall appear in the recorded chain of title of the dwelling unit and in the case of a multi-family development, the recorded restrictive covenant shall also be contained in the multi-family development's recorded declaration of covenants establishing the multi-family development.

Nothing in this definition shall preclude employers from purchasing workforce housing units to provide accommodation for their employees, provided the employees are qualified persons who occupy such workforce housing units within Dare County and the workforce housing unit is the employee's principal place of residence, even if owned by the employer.

PART II. That **Section 7.5 Dwellings, Multi-Family**, shall be replaced in its entirety by the following:

Multi-family dwelling units are permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Min. Lot Width for Multi-Family Site	150 feet	No minimum
Min. Site Area in Uplands	26,000 square feet	15,000 square feet
Location of Multi-Family Site	Properties with frontage on US Hwy 158 only.	On any lot meeting the minimum site area requirements.
Setbacks	All buildings shall be setback a minimum 35 feet to all property lines.	All buildings shall meet the minimum setbacks: Front: 30 feet Side: 12 feet or 15 feet for corner lots Rear: 20% lot depth not to exceed 30 feet.
Townhome orientation	No townhome structure established as part of a multi-family development shall be situated on a site so as to face/front the rear of another townhome structure within the development or on an adjoining property.	

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Density/ Building Size	Floor Area Ratio: 0.32 square feet of gross floor area for each 1 square foot of lot area. Maximum gross floor area for a single building is 10,000 square feet. More than one building may be permitted on a site.	One (1) unit per every 4,000 square feet of lot area. Maximum building gross floor area is 5,000 square feet.
Maximum Bedroom per Acre Standard	Total number of bedrooms within the development shall not exceed 25 per acre.	Total number of bedrooms within the development shall not exceed 25 per acre.
Maximum number of units	75 dwelling units	6 dwelling units.
Number of dwelling units per townhome structure	Maximum 6 dwelling units per structure.	No maximum.
Height	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.
Open Space	50% of side yards to remain as open space.	50% of side yards to remain as open space.
Lot Coverage	55%	55%
Parking	A minimum of 2.5 parking spaces for each dwelling unit plus 1 space for every four units.	
Deed Restrictions	All multi-family dwelling units within a multi-family development shall be deed restricted for long-term occupancy/tenancy. No less than 60% of all units shall be deed restricted for workforce housing.	All multi-family dwelling units in a multi-family development shall be deed restricted for long term occupancy/tenancy and workforce housing.
Unit Sizes/ Categories	Minimum Unit Sizes/Size Categories: <ul style="list-style-type: none"> • Studio/One Bedroom 500 sq. ft. • Two Bedroom 700 sq. ft. • Three Bedroom 1,000 sq. ft. Maximum unit size 1,750 sq. ft.	
Mixture of Units	No more than 60% of the units shall be from any unit size category.	No requirement
Buffer	In addition to the buffering requirements included in the Commercial Design Standards, a minimum 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 and 10.93.3.3 of the UDO.	In addition to the buffering requirements included in the Commercial Design Standards, a 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 of the UDO.
Architectural Design Requirements	All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO. Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.	Buildings shall meet the design requirements for a large residential dwelling. Small multi-family structures shall be approved administratively.

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Building Separation	20 feet; a sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.	Buildings shall be separated from one another by a minimum of ten feet, including projections. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.
Accessory Uses	<p>Management/sales office, not including a trailer, provided that the management office shall be included as a permanent structure in the project's design or may occupy one of the dwelling units.</p> <p>A management/sales office may include, within the particular project, spaces for maintaining supplies, service products and amenities to be used in connection with the units within the project. There shall be sanitary facilities available for customers and employees.</p> <p>Shed.</p> <p>Pool (only one pool per development),</p> <p>Walls and Fences.</p> <p>Private Park/Playgrounds.</p>	<p>Shed.</p> <p>Pool (only one pool per development).</p> <p>Walls and Fences. Private Park/Playgrounds</p>
Outdoor Amenity Area/Common Area	An area designated on the site plan for multi-family development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying the dwelling units shown on such plan provided that it is conveniently accessible to all residents of the development.	

7.5.1 The multi-family development shall have a mandatory homeowners' or residents' association. At a minimum, the duties of such association are to ensure compliance with Section [7.5]. The obligation of an owner or lessee to join the association and to provide the information the owner or manager of a multi-family development must be expressed in a declaration of covenants that is recorded in the Dare County Registry and provided to the town prior to any residential occupancy. The developer of a multi-family development shall provide annually a certification to the town of the multi-family developments' compliance with the restrictive covenant and workforce housing occupancy requirements, using a required certificate of compliance form provided to the association by town staff upon request.

7.5.2 Any site improvements, including construction of additions of any size, accessory structures of any size, and landscaping and buffering projects, that occur following the original Board of Commissioners Special Use Approval of a Large Multi-family dwelling development or Administrative Approval of a Small Multi-family dwelling development shall be submitted for consideration by the UDO Administrator to determine whether additional stormwater management measures are necessary.

PART III. That **Section 10.93.3.3, High Impact Uses,** be amended as follows:

10.93.3.3. High Impact Uses. High impact uses are particular uses of land, which are considered as a whole because of their peculiar or operational and physical characteristics are expected to have an adverse effect on adjoining or adjacent properties. High impact uses include, but are not limited to:

10.93.3.3.27. Large Multi-Family Dwelling Development.

PART IV. That **Section 6.6, Table of Permitted Uses and Activities,** be amended as follows:

	Use Category/Class	Use Type	Residential Districts			Commercial Districts					Special Districts				Overlay Districts			
			R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4	C-5	SPD-20	SED-80	SPD-C*	O&S	CO	HO	SRO
1	Residential	Dwelling, Large Residential	PR	PR	PR	PR		PR			PR	PR	PR		PR			PR
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Small) Townhouse & Apartment Style Design</u>						PR										
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Large) Townhouse Style Design Only</u>						SR										
1	Residential	Dwelling, Single-Family (detached)	P	P	P	P	P	P		P	P	P	P		P			P
1	Residential	Dwelling, Two-Family		P	P	P	P	P		P	P							
<u>1</u>	<u>Residential</u>	<u>Townhouse</u>						SR				SR						

ARTICLE IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 4th day of September 2024.

 Benjamin Cahoon, Mayor

ATTEST:

 Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

 John Leidy, Town Attorney

Date adopted: _____
 Motion to adopt by Commissioner _____
 Motion seconded by Commissioner _____
 Vote: AYES _____ NAYS _____



Town of Nags Head

Multi-Family Ordinance

Nags Head Board of Commissioners

Wednesday, September 4th, 2024

Background

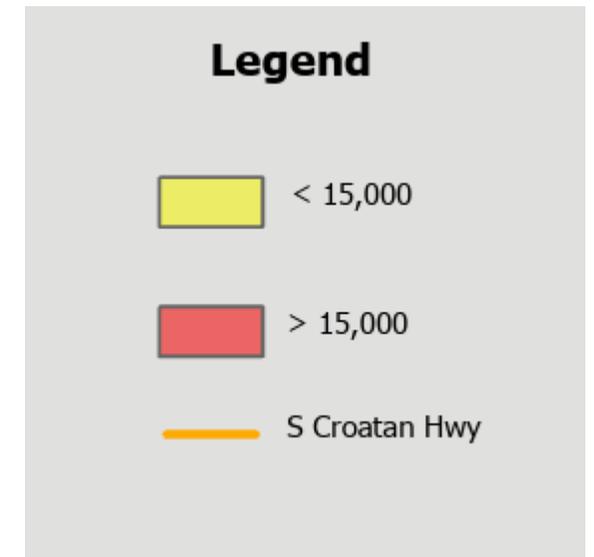
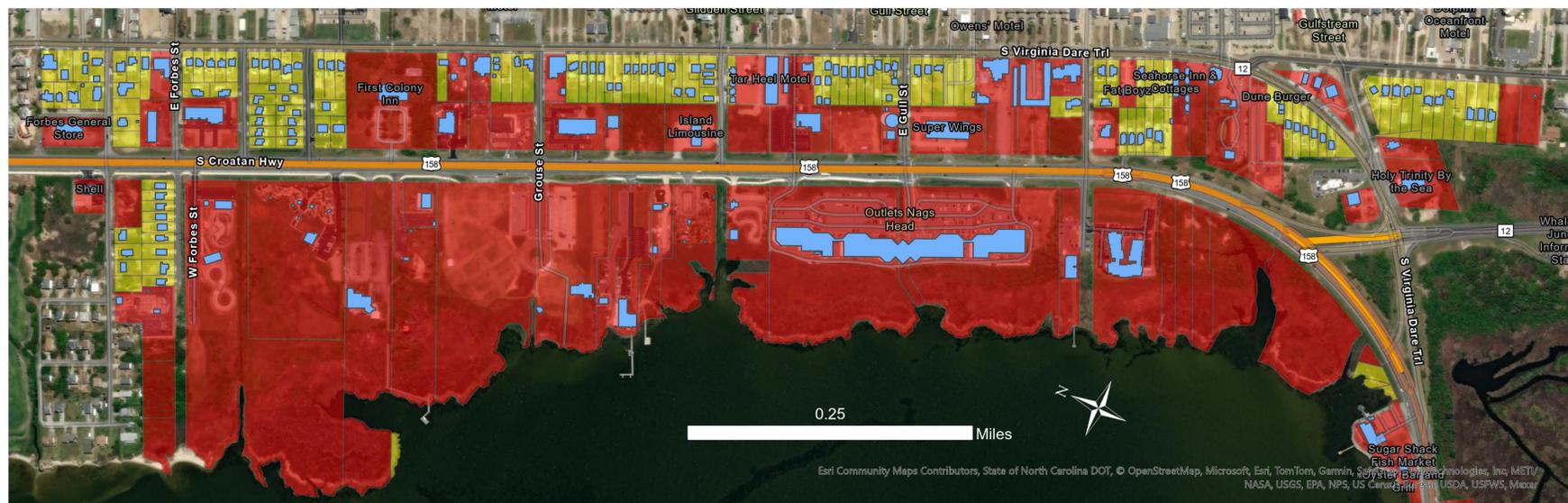
- Late 2022 – the Town adopted a moratorium and subsequently eliminated Multi-Family (MF)
- Goal was to review if and where MF should be allowed and under what standards
- MF no longer allowed in the new C-5 district near Jockey's Ridge and Cottage Row
- BOC and PB held a joint workshop to provide guidance on a new ordinance
- Consensus was to consider MF in C-2 (possibly limited to high activity areas) and not for more short-term rentals. Focus on workforce housing. Possible use of deed restrictions.

Background

- The Planning Board worked on the ordinance in 2023; a public hearing was held in February 2024
- BOC wanted further review and established a working group
- Working group's ordinance was presented to the BOC in June of 2024
- Planning Board reviewed the Working Group ordinance and has now submitted a recommendation

Prior Multi-Family Ordinance

- Parcels Zoned C2
- 840 Unique Parcels
- 207 Parcels greater than 15,000 sq. ft.



Prior Multi-Family Ordinance

- MF is three or more units on lot
- Allowed Multi-Family in the C-2 District Townwide
- No limitations related to long-term or workforce housing (i.e. could be used for short-term rentals)
- No maximum size for units; minimum unit size of 800 sq. ft.
- 20,000 sq. ft. building size limitation; could have multiple buildings
- Density controlled through units per acre (roughly 10-11 units per acre)
- Other standards apply (height, setbacks, lot coverage, lot width)
- No limit on bedrooms per acre (i.e. all units could have four bedrooms)
- Minimum lot size 26,000 sq. ft.
- Last MF project was the Sugar Creek Condos

New Multi-Family Ordinance Goals

- Multi-Family would be used to enhance opportunities for workforce/long-term housing but not for short-term or vacation rentals
- More units per acre to reduce land cost per unit
- Smaller units to reduce construction cost per unit
- Maintain controls over density to preserve town values
- Carefully consider where large and small projects can occur to increase compatibility with other uses
- Consider other standards to enhance design and appearance and reduce scale while increasing flexibility

Working Group Ordinance Summary

Two Categories – Large and Small

Large MF

- Deed restrictions – 60% workforce, all have to be long-term rentals (no short-term rentals)
- Use Floor Area Ratio for large projects instead of units per acre
- *Floor Area Ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot*
- FAR of 0.32 is proposed. This is the effective FAR we currently use for large residential dwellings.
- Reduce Unit Size:
 - ✓ Minimum Unit Sizes/Size Categories: Studio/One Bedroom 500 sq. ft.; Two Bedroom 700 sq. ft.; Three Bedroom 1,000 sq. ft.
 - ✓ Maximum unit size 1,750 sq. ft.
 - ✓ No more than 60% of the units shall be from any unit size category.
- Individual building size would be limited to 10,000 sq. ft.
- Apartments and Townhouses
- Only fronting US 158; Special Use Permit required
- Must have 26,000 sq. ft. lot

Working Group Summary

Small MF

- All units deed restricted to workforce only
- Continue to use units per acre (1 per 4,000 sq. ft. of land area)
- Max six units in small category
- Max building size is 5,000 sq. ft. (similar to large residential dwelling)
- Allowed everywhere in C-2 (not just on US 158)
- Must have 15,000 sq. ft. lot
- Approved administratively by staff
- Same architectural requirements as large residential
- Reduced setbacks; design requirements similar to large residential dwellings

Planning Board Recommendation

- Preference for the Small MF Category – best reflects desired development patterns for Nags Head
- Increase parking to 2.5 spaces per unit + one space for every four units
- For Large MF – only allow townhouse style units
- Add in bedroom per acre limitation of 25 bedrooms per acre (this is consistent with the town's large residential dwelling ordinance)
- Recommendation included no changes to other provisions of the Working Group Ordinance
- Would like to see a townwide cap on the number of large multi-family projects that can be approved

Discussion

Draft Planning Board Ordinance – Design

- From Joint Workshop consensus that townhouse style development was preferred.
 - Townhouses generally have fewer shared walls and offer more privacy than apartments, more home-like environment.
 - Townhouse developments can offer more diverse architectural designs, maintaining the character of the surrounding areas.
 - Townhouse development is generally not as dense as apartment style development.
 - Townhouse development fosters a sense of community, residents have their own entrances, outdoor spaces, etc.
- Ordinance precludes apartment style development for the Large Multi-Family.
- Either is acceptable for Small Multi-Family category as both a principal and accessory use.



AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT RELATES TO MULTI-FAMILY DWELLING DEVELOPMENTS WITHIN THE TOWN.

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Dwelling, Multi-Family or Dwelling Unit, Multi-Family means a single-family dwelling unit located within a multi-family development.

Apartment or Apartment Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed on multiple floors and separated by shared vertical walls and shared horizontal ceilings, floors, planes, or surfaces. For the purposes of this chapter, a series or group of **Apartment** units shall be considered a multi-family development.

Floor Area Ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot.

~~**Townhouse** means a single-family dwelling on its own individual lot but connected on two sides, by means of a common wall for at least ten feet of its length, to two other single-family dwellings or an end dwelling of a row of such dwellings.~~

Townhouse or Townhouse Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed in a series or group of units and separated by shared vertical walls. For the purposes of this chapter, a series or group of **Townhouse** units shall be considered a multi-family development.

Multi-Family Development means a development containing no less than three multi-family dwelling units and shall be characterized as either a large multi-family development or a small multi-family development.

Large Multi-Family Development means a development containing more than six multi-family dwelling units.

Small Multi-Family Development means a development containing no less than three multi-family dwelling units and no more than six multi-family dwelling units.

Long-term occupancy/tenancy means the occupancy of a single-family dwelling by an owner, tenant, or other lawful occupant for a period of ninety (90) consecutive calendar days or more.

Principal Place of Residence means the home or place in which one's habitation is fixed, and to which one has present intention of returning after a departure or absence therefrom.

Qualified Person means a person working/employed in Dare County, NC. A qualified person includes but is not limited to any person who has an internship with an employer if the employer's place of business is physically located in Dare County, NC, or a person who works remotely for an employer if the person's principal place of residence and the employer's place of business are both physically located in Dare County, NC.

Workforce Housing or workforce housing unit means the following:

- a. A dwelling unit which is occupied by at least one qualified person under a long-term occupancy/tenancy, and
- b. A dwelling unit which is the principal place of residence for at least one qualified person, and
- c. A dwelling unit which has been encumbered by the owner of the dwelling unit with recorded restriction covenants to ensure compliance with this definition and Section 7.5 of the Town Code. The recorded restrictive covenant shall expressly identify the Town as the sole beneficiary of the recorded restrictive covenant, which shall include the express power and authority of the Town to enforce the recorded restrictive both in law and in equity, including the use of judicial injunctive relief. The Town staff shall provide the owner with the exact wording of the restrictive covenant to be recorded by the owner with the Dare County Register of Deeds in order to satisfy this requirement, and Town staff shall verify such recordation. The recorded restrictive covenant shall appear in the recorded chain of title of the dwelling unit and in the case of a multi-family development, the recorded restrictive covenant shall also be contained in the multi-family development's recorded declaration of covenants establishing the multi-family development.

Nothing in this definition shall preclude employers from purchasing workforce housing units to provide accommodation for their employees, provided the employees are qualified persons who occupy such workforce housing units within Dare County and the workforce housing unit is the employee's principal place of residence, even if owned by the employer.

PART II. That **Section 7.5 Dwellings, Multi-Family**, shall be replaced in its entirety by the following:

Multi-family dwelling units are permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Unit Design	Townhouse and Apartment Style Design shall be allowed for both large and small categories.	
Min. Lot Width for Multi-Family Site	150 feet	No minimum
Min. Site Area in Uplands	26,000 square feet	15,000 square feet
Location of Multi-Family Site	Properties with frontage on US Hwy 158 only.	On any lot meeting the minimum site area requirements.
Setbacks	All buildings shall be setback a minimum 35 feet to all property lines.	All buildings shall meet the minimum setbacks: Front: 30 feet Side: 12 feet or 15 feet for corner lots Rear: 20% lot depth not to exceed 30 feet.
Townhome orientation	No townhome structure established as part of a multi-family development shall be situated on a site so as to face/front the rear of another townhome structure within the development or on an adjoining property.	

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

	Large Multi-Family C-2	Small Multi-Family C-2
Density/ Building Size	Floor Area Ratio: 0.32 square feet of gross floor area for each 1 square foot of lot area. Maximum gross floor area for a single building is 10,000 square feet. More than one building may be permitted on a site.	One (1) unit per every 4,000 square feet of lot area. Maximum building gross floor area is 5,000 square feet.
Maximum Bedroom per Acre Standard	Total number of bedrooms within the development shall not exceed 25 per acre.	
Maximum number of units	75 dwelling units	6 dwelling units.
Number of dwelling units per townhome structure	Maximum 6 dwelling units per structure.	No maximum.
Height	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.	
Open Space	50% of side yards to remain as open space.	
Lot Coverage	55%	
Parking	A minimum of 2 parking spaces shall be included for each dwelling unit plus 1 parking space for every 4 units.	
Deed Restrictions	All multi-family dwelling units within a multi-family development shall be deed restricted for long- term occupancy/tenancy. No less than 60% of all units shall be deed restricted for workforce housing.	All multi-family dwelling units in a multi-family development shall be deed restricted for long term occupancy/tenancy and workforce housing.
Unit Sizes/ Categories	Minimum Unit Sizes/Size Categories: <ul style="list-style-type: none"> • Studio/One Bedroom 500 sq. ft. • Two Bedroom 700 sq. ft. • Three Bedroom 1,000 sq. ft. Maximum unit size 1,750 sq. ft.	
Mixture of Units	No more than 60% of the units shall be from any unit size category.	No requirement
Buffer	In addition to the buffering requirements included in the Commercial Design Standards, a minimum 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 and 10.93.3.3 of the UDO.	In addition to the buffering requirements included in the Commercial Design Standards, a 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 of the UDO.
Architectural Design Requirements	All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO. Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.	Buildings shall meet the design requirements for a large residential dwelling. Small multi-family structures shall be approved administratively.

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Building Separation	20 feet; a sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.	Buildings shall be separated from one another by a minimum of ten feet, including projections. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.
Accessory Uses	<p>Management/sales office, not including a trailer, provided that the management office shall be included as a permanent structure in the project's design or may occupy one of the dwelling units.</p> <p>A management/sales office may include, within the particular project, spaces for maintaining supplies, service products and amenities to be used in connection with the units within the project. There shall be sanitary facilities available for customers and employees.</p> <p>Shed.</p> <p>Pool (only one pool per development),</p> <p>Walls and Fences.</p> <p>Private Park/Playgrounds.</p>	<p>Shed.</p> <p>Pool (only one pool per development).</p> <p>Walls and Fences. Private Park/Playgrounds</p>
Outdoor Amenity Area/Common Area	An area designated on the site plan for multi-family development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying the dwelling units shown on such plan provided that it is conveniently accessible to all residents of the development.	No requirement.
Limit on Development Approvals	There shall be a limit of no more than 3 new large multi-family projects approved after the effective date of this ordinance. Existing multi-family development as of the effective date of this ordinance shall be governed by Article V – Nonconformities.	There is no limit on the number of small multi-family projects that can be approved under this ordinance.

7.5.1 The multi-family development shall have a mandatory homeowners' or residents' association. At a minimum, the duties of such association are to ensure compliance with Section [7.5]. The obligation of an owner or lessee to join the association and to provide the information the owner or manager of a multi-family development must be expressed in a declaration of covenants that is recorded in the Dare County Registry and provided to the town prior to any residential occupancy. The homeowners' or residents' association shall provide annually a certification to the town of the multi-family developments' compliance with the restrictive covenant and workforce housing occupancy requirements, using a required certificate of compliance form provided to the association by town staff upon request.

7.5.2 Any site improvements, including construction of additions of any size, accessory structures of any size, and landscaping and buffering projects, that occur following the original Board of Commissioners Special Use Approval of a Large Multi-family dwelling development or Administrative Approval of a Small Multi-family dwelling development shall be submitted for consideration by the UDO Administrator to determine whether additional stormwater management measures are necessary.

PART III. That **Section 10.93.3.3, High Impact Uses**, be amended as follows:

10.93.3.3. High Impact Uses. High impact uses are particular uses of land, which are considered as a whole because of their peculiar or operational and physical characteristics are expected to have an adverse effect on adjoining or adjacent properties. High impact uses include, but are not limited to:

10.93.3.3.27. Large Multi-Family Dwelling Development.

PART IV. That **Section 6.6, Table of Permitted Uses and Activities**, be amended as follows:

	Use Category/Class	Use Type	Residential Districts			Commercial Districts					Special Districts				Overlay Districts			
			R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4	C-5	SPD-20	SED-80	SPD-C*	O&S	CO	HO	SRO
1	Residential	Dwelling, Large Residential	PR	PR	PR	PR		PR			PR	PR	PR		PR			PR
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Small)</u>						PR										
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Large)</u>						SR										
1	Residential	Dwelling, Single-Family (detached)	P	P	P	P	P	P		P	P	P	P		P			P
1	Residential	Dwelling, Two-Family		P	P	P	P	P		P	P							
<u>1</u>	<u>Residential</u>	<u>Townhouse</u>						SR				SR						

ARTICLE IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the _____ day of _____ 2024.

Benjamin Cahoon, Mayor

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: _____
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: AYES _____ NAYS _____

**Town of Nags Head
Planning Board
August 20th, 2024
- DRAFT -**

The Planning Board of the Town of Nags Head met on Tuesday, August 20th, 2024, in the Board Room at the Nags Head Municipal Complex.

Chair Vaughan called the meeting to order at 9:00 a.m. as a quorum was present.

Members Present

Megan Vaughan, Meade Gwinn, Molly Harrison, David Thompson, Gary Ferguson, Kristi Wright,

Members Absent

David Elder

Others Present

Kelly Wyatt, Joe Costello, Andy Garman, Lily Nieberding

Approval of Agenda

Meade Gwinn moved to approve the agenda as presented. Kristi Wright seconded, and the motion passed by unanimous vote.

Public Comment/Audience Response

None

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the July 16th, 2024, meeting. David Thompson moved to approve the minutes as corrected; Meade Gwinn seconded, and the motion passed unanimously.

Action Items

Consideration of a Map Amendment request submitted by Chris Greening of Coastal Bluewater Capital, LLC, as authorized by property owner Mazzi, LLC to rezone the property located at 0 W. Satterfield Landing Road from C-3, Commercial Services to C-2, General Commercial. This is the vacant property west of TW's Bait and Tackle.

Planning Director Kelly Wyatt explained that Chris Greening of Coastal Bluewater Capital, LLC, owner of TW's, had submitted a zoning map amendment request with authorization from current property owner, Mazzi, LLC. If adopted, this map amendment would rezone the property located at 0 W. Satterfield Landing Road (Lot 2a-1r of the Charles Sineath Subdivision, Parcel # 005618002) from C-3, Commercial Services District to C-2, General Commercial District.

Ms. Wyatt noted that in late 2017, the property owner at the time, TLG Greenwater Investments, submitted a request to rezone the easternmost 50 feet of this lot from C-3, Commercial Services, to C-2, General Commercial Services. This rezoning was part of a planned transfer and recombination of the affected portion with Lot 1a-1 (TW's Bait and Tackle). After the map amendment was adopted, TW's Bait and Tackle constructed the accessory storage structure currently on the property.

In November 2022, the Board of Commissioners approved a Special Use Permit/Site Plan Review, submitted by Mazzi LLC, for the construction of a "Trade Center", with parking and all associated improvements. When the November 2022 approval expired, the Board of Commissioners re-approved the same requested scope of work at their February 7, 2024, meeting. This new approval is valid until February 7, 2025. Ms. Wyatt noted that if the requested rezoning is approved, the Trade Center use would no longer be permitted, as that use is not allowed in the C2 zoning district.

When considering a possible re-zoning it is helpful to review the intent of both the giving and receiving zoning classification in conjunction with potential outcomes. The intent of the C-3, Commercial Services District, is to provide for higher intensity land uses that are not compatible with other areas of the Town. The C-3 District accommodates utilities, light industrial uses, warehousing, bulk storage, dog agility, etc. It is in close proximity to the Fresh Pond, actually within that buffer area for the Fresh Pond.

The intent of the C-2, General Commercial District, is to provide for the proper grouping and development of commercial facilities to serve the entire community. The C-2 District allows the broadest range of commercial uses. All C-2 districts shall be at least 5 acres in area and proposed zoning map amendment would result in an increase in the total acre of C-2 designation.

The 2017 Comprehensive Land Use Plan states that the C-3 standards are to regulate and buffer uses so that their location or activities will not be detrimental to adjacent uses, the environment, and the sources of potable water. The Commercial Services District must be at least 10 acres in size and must have direct access to a US highway or collector street improved to town standards. If adopted, the requested rezoning would reduce the overall acreage of C-3 by 0.8 acres, leaving approximately 36 acres of C-3 Commercial Services Remaining.

Ms. Wyatt noted that she had included a link to the table of uses and activities allowed within the existing C-3 and C-2 Zoning Districts, as well as some Land Use Plan considerations in her Staff Report.

Ms. Wyatt stated that based upon the evaluation of the intent of each district and the goals listed in the 2017 Comprehensive Land Use Plan, staff would recommend adoption of the proposed zoning map amendment as presented noting that any future development of this property would require Site Plan Review and approval from both the Planning Board and Board of Commissioners.

Ms. Wyatt stated that she, as well as the applicant Chris Greening, was available to answer any questions for the Board.

Ms. Wyatt confirmed for Mr. Ferguson that the Fresh Pond was still in the AEC noting that there are certain requirements that must be met within 500 ft and 1200 ft. A portion of the property in question is within the 1200 ft., which might affect septic capacity and would be looked at during site plan review.

Ms. Wyatt pulled up an aerial view to the C-3 zoning for the Board's consideration, noting that the parcel where the Town's water plant is located was recently rezoned into the C-3 district.

Mr. Gwinn inquired as to what the parcel would be used for. Applicant Chris Greening stepped to the podium and explained that part of would be used for workforce housing and some for retail. Mr. Greening noted that the proximity of the parcel to his business as well as being slightly off the main road make it an ideal location for workforce housing. Mr. Greening confirmed that the residential would be accessory to the retail use which is currently allowed in the C2.

Meade Gwinn moved to approve the rezoning request as presented. David Thompson seconded and the motion was approved unanimously

Consideration Of Various Amendments to the Unified Development Ordinance as it pertains to the use of multi-family dwelling developments.

Town Manager Andy Garman explained that at last month's meeting, Staff discussed the draft multi-family housing ordinance with the Planning Board.

The Planning Board mainly discussed two provisions of the draft ordinance. This included the parking standard and a provision that would limit the density of projects based on bedrooms per acre. The Planning Board requested that the parking standard be modified to 2.5 spaces per unit. The draft ordinance has been revised to include this proposed parking standard. It also includes a range of standards regulating bedrooms per acre.

Mr. Garman noted that the Planning Board also requested that staff propose a bedrooms per acre standard of between 25 to 30 bedrooms per acre. For discussion purposes, Staff has provided an analysis which compares the results of including an additional standard regulating bedrooms per acre at two different ranges vs. only regulating density using a floor area ratio. Mr. Garman noted that, a bedrooms per acre, standard would provide an additional regulation of density above and beyond just the floor area ratio. If the Planning Board is concerned about being able to control not just the mass of the building but the number of persons that may potentially be on the property, then the bedrooms per acre would be a thing to consider adding into the ordinance. Mr. Garman also reminded the Board that there is a proposed cap of 75 units in the Working Group's Ordinance so in most of the sample cases that provides a sort of artificial limit on the number of units you can have.

5 Acres

- 217,800 square feet x 0.32 = 69,696.
- Let's say 60% of the units are going to be 2 bedrooms with min. unit size of 700 sf = area of 41,817 = 59 units (118 bedrooms).
- Remaining 27,878 sf to be 1 bedroom at 500 sf = 55 units (55 bedrooms).
- This equates to 114 units and 173 bedrooms, however the Working Group proposed cap at 75 units would apply.
- A maximum of 25 bedrooms per acre would allow 125 bedrooms.
- A maximum of 30 bedrooms per acre would allow 150 bedrooms.

4 Acres

- 174,240 square feet x 0.32 = 55,756.
- Let's say 60% of the units are going to be 2 bedrooms with min. unit size of 700 sf = area of 33,454 = 47 units (94 bedrooms).
- Remaining 22,302 sf to be 1 bedroom at 500 sf = 44 units (44 bedrooms).
- This equates to 91 units and 138 bedrooms, however the Working Group cap of 75 units would apply.
- A maximum of 25 bedrooms per acre would allow 100 bedrooms.
- A maximum of 30 bedrooms per acre would allow 120 bedrooms.

3 Acres

- 130,680 square feet x 0.32 = 41,817.
- Let's say 60% of the units are going to be 2 bedrooms with min unit size of 700 sf = area of 25,090 = 35 units (70 bedrooms)..
- Remaining 16,727 sf to be 1 bedroom at 500 sf = 33 units (33 bedrooms)
- This equates to 68 units and 103 bedrooms. Would comply with the Working Group recommended cap of 75. Would not comply with the Planning Board recommended cap of 60 units.
- A maximum of 25 bedrooms per acre would allow 75 bedrooms.
- A maximum of 30 bedrooms per acre would allow 90 bedrooms.

2 Acres

- 87,120 square feet x 0.32 = 27,878.
- Let's say 60% of the units are going to be 2 bedrooms with minimum unit size of 700 sf = area of 16,727 = 23 units (46 bedrooms).
- Remaining 11,151 sf to be 1 bedroom at 500 sf = 22 units (22 bedrooms).
- This equates to 45 units and 68 bedrooms. Would comply with the Working Group and Planning Board cap on units.
- A maximum of 25 bedrooms per acre would allow 50 bedrooms.
- A maximum of 30 bedrooms per acre would allow 60 bedrooms.

Mr. Garman confirmed for Mr. Gwinn and the Board that the floor area ratio controls the size of the building whereas a maximum number of bedrooms per acre controls density. Mr. Garman then presented a plan view sketch developed by Staff, which showed a conceptual site plan on a 5.5-acre parcel based on the draft ordinance. The sketch included five separate buildings totaling 9,900 sq. ft. each, and 188 parking spaces. Mr. Garman noted that this sketch includes the 2.5 parking spaces per unit and was intended to assist the Planning Board with understanding how the ordinance would regulate density of a hypothetical multi-family project.

Mr. Garman explained that you want to have enough parking for all occupants but when you add additional parking you also add additional lot coverage, in this case it amounts to 6000 ft of lot coverage by having the 2.5 spaces per units vs. the other standard so it's something that should be considered. In this scenario, the less restrictive parking standard would likely result in more open space as they would have already maxed out the number of units.

The Board was concerned about building mass, but also the number of people on the property (density) and were in favor of the bedrooms per acre requirement. Mr. Thompson reminded the Board that if some of it is going to be workforce housing there was a big chance that even the one-bedroom apartments would be shared by multiple people.

Mr. Gwinn asked if it was possible to limit the number of multi-family dwellings in town. Mr. Garman stated that he had asked the Town Attorney but did not have an answer yet but reminded the Board that there are already several multi-family dwelling developments in town.

Deputy Planning Director Joe Costello gave a quick presentation showing parcels in the C2 zone. There are 840 unique parcels and there are 207 parcels that are greater than 15,000 SF that could fit a small multi-family dwelling development. 93% of the 840 are developed so any multi-family would more than likely be redevelopment.

Mr. Costello also noted that there are 145 parcels adjacent to US 158, 91 of which are greater than 26,000 SF which could be large multi-family but again most are developed so most would be redevelopment.

The Board discussed and agreed that they wanted to limit the maximum number of bedrooms per acre to 25. The Board were also in agreement that they were in support of the small multi-family development but wanted to include 25 bedroom per acre limitation as well as the parking standard of 2.5 parking spaces per unit plus 1 space per 4 units.

Mr. Garman confirmed for Mr. Ferguson that the restrictions placed by the Flood Ordinance would not be much of a limiting factor when it comes to construction of multi-family development.

As far as large multi-family development, the Board was in consensus that they were ok if it didn't front the bypass. Chair Vaughan stated and the Board agreed that they didn't like the apartment style building for the large family dwelling development, they prefer townhouse style development. The Board was in agreement that they do not want to see a large number of apartments all over town and would like to see the number of developments limited. The Board also would like to see the 25 bedroom per acre limitation as well as the parking standard of 2.5 parking spaces per unit plus 1 space per 4 units.

Meade Gwinn moved to recommend the Small Style Multi-Family Development Amendment as proposed by the Working Group with the following changes:

- Include the maximum 25 bedrooms per acre standard as well as the Parking Standard of 2.5 spaces per unit plus one space for every 4 units.

Mr. Gwinn also moved to recommend the Large Style Multi-Family Development amendment as proposed by the Working group with the following changes:

- Allow townhouse style only, include the 25 bedrooms per acre limitation and the Parking Standard of 2.5 spaces per unit plus one space for every 4 units.

Kristi Wright seconded the motion, and the motion passed with a vote of 5 to 1 with Molly Harrison casting the Nay vote.

Ms. Harrison would like to explore further the idea of putting a limitation on how many could be developed and the Board agreed to recommend that the Board of Commissioners look at a limitation on the number of developments that can be built in Town.

Report on Board of Commissioners Actions –

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note: Several items on Consent Agenda including Requests for Public Hearings for text amendments to the UDO on the use of multi-family dwelling developments, text amendments to the UDO for "Religious Complex" definition modification and text amendments to the UDO re: SED-80 dormitory use. The Board approved \$400K Sand Relocation and Dune Management Cost Share Program which is a continuation of year three of a three-year program. Environmental Planner Conner Twiddy and Dep Planning Director Joe Costello reviewed with Board members a power point presentation summarizing the Septic Health Initiative Program and the long-range data collection and mapping efforts which was very well received. Comr. Lambert expressed her concern re: parking requirements vs parking needs at hotels. It was Board consensus to direct staff to look at hotel parking standards with consideration of existing properties and consultation with the industry and include restaurants in the review.

Town Updates

None

Discussion Items

Discussion and Possible Amendment of minimum required parking standards for hotel use and restaurant use.

Ms. Wyatt introduced a discussion on the parking standards for hotels and restaurants, emphasizing that no immediate recommendations were expected. The purpose of the discussion was to begin a conversation about potential changes to parking requirements, particularly in light of recent concerns following the approval of the hotel on Lakeside.

Ms. Wyatt gave a brief background:

- The Board of Commissioners requested a review of current parking standards for hotels.
- The current standard is one parking space per hotel unit, with additional spaces required for units with kitchens, conference rooms, restaurants, etc.
- Historically, parking standards were slightly stricter:
 - Just before the adoption of the UDO, the standard was 1.2 spaces per unit plus one space for every four employees.
 - In August 1989, the standard was 1.2 spaces per unit or one space per bedroom, whichever was greater, plus one space per employee on the largest shift.

Ms. Wyatt then discussed the relevance, comparing the historical standards to the current requirements and noted that the approved Inn at Whalebone would have required 105 parking spaces under the older standards for its 87 units.

Ms. Wyatt then reviewed an attachment (included in the Meeting Packet) which provided a comparison of hotel parking standards in other coastal communities:

- **Kill Devil Hills:** 1.2 spaces per unit plus one per employee.
- **Kitty Hawk:** 1.5 spaces per rented room plus one per employee.
- **Southern Shores:** 1.5 spaces per rented room plus one per employee.
- **Duck:** 1.5 spaces per rented room plus one for every three employees.
- **Sunset Beach, Wrightsville Beach, Carolina Beach, Emerald Isle, Oak Island, Atlantic Beach:** These were mentioned as additional points of interest for comparison.

Ms. Wyatt found the historical and comparative data on hotel parking standards interesting and suggested that addressing potential changes to hotel parking might be a more straightforward discussion compared to restaurant parking, which could require more in-depth conversations.

Mr. Gwinn asked whether there had been any discussions with counterparts in other towns (KDH, Kitty Hawk, Duck) to understand if their parking standards are working effectively or if they face any challenges. He inquired if feedback on the adequacy of these ordinances had been gathered.

Ms. Wyatt confirmed that she had not yet had those conversations but would do so for the next meeting.

Mr. Thompson shared his personal experience as a sales professional frequently pulling over into hotel parking lots, noting that even in summer, there are often empty spaces during the day. He observed that hotel parking lots are generally full only from 9:00 PM to 7:00 AM during peak season (June-August), and occupancy is lower during the other nine months of the year.

Chair Vaughan agreed, adding that it is probably uncommon for there to be more than one vehicle per hotel room, especially compared to year-round living or workforce housing. However, she emphasized the importance of considering employee parking, which might be underestimated.

Chair Vaughan also noted that most people are at work during the day, leaving parking spaces available, but it seemed that other towns generally have more parking for hotels than Nags Head.

Ms. Wyatt mentioned that the town used to have a standard of 1.2 parking spaces per hotel unit before reducing it to one, while other towns still have standards of 1.2 or 1.5, often with additional requirements for employee parking.

Chair Vaughan pointed out that it's challenging to meet parking demand when additional facilities like kitchens or meeting spaces are present, as these can create unusual levels of demand, especially during events or conferences.

Mr. Thompson asked about the definition of a hotel efficiency unit or kitchen facility, leading to a discussion on the specific criteria for hotel units, efficiency units, and suites.

Ms. Wyatt confirmed for Mr. Thompson that the parking standard does take into account if there is a restaurant associated with the hotel.

Ms. Wyatt concluded by stating that she would gather feedback from other local municipalities on their standards and return in September with more information, potentially leading to a proposed ordinance.

Moving on to restaurant parking, Ms. Wyatt noted that there are several aspects of restaurant parking that will require more detailed review and discussion, these include but are not limited to:

- The current parking standard has been applied to sit down restaurants for well over 10 years, any changes to the standard could result in site nonconformities for existing restaurants.
- Regulating restaurant parking by customer service area can become problematic if that area changes unbeknownst to staff. If a restaurant changes hands, the new tenant may wish to increase the amount of customer service area, thus making the existing parking count inadequate. In this scenario, a parking standard based upon gross floor may be more appropriate. What are the pros and cons of regulating based upon gross floor area? Kill Devil Hills, Sunset Beach, Carolina Beach, Oak Island, and Atlantic Beach regulate restaurant parking based upon gross floor area. Southern Shores and Duck regulates restaurant parking based upon customer seats. Wrightsville Beach regulates restaurant parking based upon the maximum occupancy allowed.
- The existing definition of "customer service area" states that it is the area designated for the purchase and/or consumption of food, drink, or other similar items. The definition further goes on to exclude outdoor seating areas not designated for the purchase of food, drink, or similar items and instead are used primarily as waiting areas for customers who are waiting to be seated in indoor customer service areas. Staff submits that these outdoor areas, while initially were primarily used for waiting, gradually transition into areas which may very well need to be included

in a parking standard (drinks served while waiting, in some instances appetizers being provided while "waiting", etc.).

- Should the town address outdoor entertainment areas associated with restaurants in the parking requirements? Should the town address outdoor entertainment areas generally?
- Should we include a parking requirement for employees/staff? Note that the Town of Duck, Southern Shores, and Wrightsville Beach regulate employee parking.

Chair Vaughan said that they need to look at parking differently, trying to encompass these other areas where people gather as they still have to park somewhere.

Mr. Gwinn believes that outdoor seating should be parked like indoor seating if customers are being served outdoors.

Mr. Thompson noted that something else to consider is that often times people drive separately and meet at a restaurant to eat so there are multiple vehicles per table.

Chair Vaughan stated that they have to strike a balance, because the town wants and needs restaurants, but they need to require enough parking to meet that peak demand so that it's safe and not overflowing into neighboring properties; so many restaurants are maxed out on parking during the season.

Ms. Wright noted that this is changing and more restaurants are busy year round. The Board agreed that coming up with an improved parking standard will be a challenge.

Discussion of potential Accessory Dwelling Unit (ADU) ordinance and existing conditions within the Town.

Ms. Wyatt stated that there has been a lot of discussion about ADUs and reminded the Board that Staff delivered a presentation to both the Board of Commissioners and the Planning Board at their meetings on July 3rd and July 16th, respectively. The presentation emphasized the similarities and interconnectedness among Accessory Dwelling Units (ADUs), Partial-Home Short-Term Rentals (STRs), and Duplexes.

Staff believe that recognizing these overlaps with existing uses in the town is a critical first step as they begin to explore options for allowing ADUs within the Town noting that many of the existing partial-home STRs share similar characteristics and functions with ADUs. Both types of housing provide additional living spaces that can be rented as separate, independent units with similar operational dynamics. Additionally, both partial-home STRs and, if permitted, attached ADUs, would resemble duplexes in terms of structure and use.

Currently, Short-Term Rentals are permitted in all zoning districts within the Town, except for the C-3, Commercial Services District. However, Accessory Dwelling Units are not allowed in any district. Duplexes, or two-family dwellings, are permitted in the R-2, R-3, CR, C-1, C-2, C-4, and C-5 Districts, with a minimum lot size of 22,500 square feet (30,000 square feet in the R-2 district).

Recognizing that many residents may not be familiar with the current codes and ordinances governing these uses, Staff would recommend that the Planning Board consider dedicating time at their upcoming September 17th meeting for an overview of these uses and their associated regulations. This session would allow for a discussion on areas of overlap and any aspects requiring

further clarification, while also providing an opportunity for citizens to offer their input on potential changes to existing language or proposed future language. Given the range of opinions within the community, particularly regarding ADUs and concerns about density, staff want to seek input from both supporters and those with reservations. Ms. Wyatt also asked that if there are specific groups, organizations, or individuals that the Planning Board believes should be personally invited to participate to please share that information with staff.

The Board was in consensus that they would like to have public input and were not opposed to having an evening workshop. Ms. Wyatt will send out a poll with some times and dates for the Board to choose.

July 30th, 2024, Director's Report

Ms. Wyatt briefly discussed her Director's Report with the Board which included various activities involving staff. Ms. Wyatt reminded the Board that one of the Farmer's Markets that was cancelled due to weather has been rescheduled to another date in the afternoon/evening.

Planning Board Members' Agenda

None

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by Molly Harrison. The time was 11:03 AM.

Respectfully submitted,
Lily Campos Nieberding



Agenda Item Summary Sheet

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

Item Title: Committee Reports

Item Summary:

At the October 2nd 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: September 27, 2024

Finance Officer Comment:

N/A

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: September 27, 2024



Agenda Item Summary Sheet

Item No: **I-2**
Meeting Date: **October 2, 2024**

Item Title: Consideration of appointment/reappointment to Boards/Committees

Item Summary:

At the October 2nd Board of Commissioners meeting, request Board consideration of the following appointment/reappointment:

Personnel Grievance Panel:

- Tina Adderholdt's term expires October 6, 2024. She is interested in being reappointed.

Board of Adjustment:

- Alice Coffey's term expires November 3, 2024. She is interested in being reappointed.

Attached please find Current Rosters and Candidate Charts for each.

Number of Attachments: 4

Specific Action Requested:

Provided for Board appointment/reappointment.

Submitted By: Administration

Date: September 27, 2024

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: September 27, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 27, 2024

Town Manager Comment and/or Recommendation:

N/A

Signature: Andy Garman

Date: September 27, 2024

Town of Nags Head **CURRENT** - Personnel Grievance Panel

Meeting Date: October 2, 2024

<i>Name of Board/Committee</i>	<i>Current members</i>	<i>Contact Info</i>	<i>Last appointed date</i>	<i>Seat expires</i>	<i>Eligible for Re-appointment</i>	<i>Notes</i>
Personnel Grievance Panel Meets as necessary 3 Registered Voters 3 Alternates 3-year term	Jeanne Kramer	Phone/email on file	11/1/23	11/1/26	Term not expired	
	Tina Adderholdt	Phone/email on file	10/6/21	10/6/24	Term expiring	Interested in being reappointed
	Jean Flanigan	Phone/email on file	06/7/23	06/7/26	Term not expired	
	Vacant (ALT)					
	Vacant (ALT)					
	Vacant (ALT)					

CANDIDATES Characteristic Chart – Personnel Grievance Panel

Meeting Date: October 2, 2024

Applicant Name	Bd/Comm Interested in Serving	Yrs of Residency	Location of Residency	Role in Community	Attributes to offer Bd/Comm	Special Interest in Bd/Comm	Currently serving on Town Bd/Comm
Robert T. Snyder (1/18/24)	Planning Bd./BOA/Arts & Culture/PGP	14 yrs	Dune Lantern	Condo Assoc President 23 yrs. Served on Tourism Board, Board of Tourism and Maritime Museum Board of Governors in MD.	Previously served 12 yrs as Commissioner in St. Michaels, MD.	Would like serve community by participating in town government	Appointed to Dangerous Animal Appeal Board March 6, 2024

Town of Nags Head **CURRENT** Board of Adjustment

Meeting Date: October 2, 2024

<i>Name of Board/Committee</i>	<i>Current members</i>	<i>Contact Info</i>	<i>Last appointed date</i>	<i>Seat expires</i>	<i>Eligible for Re-appointment</i>	<i>Notes</i>
Board of Adjustment 2 nd Thursday at 9AM as necessary 5 Regular Members 3 Alternate Members 3-year term	Margaret Suppler Chair	Phone/email on file	1/5/22	1/5/25	Term not expired	
	Bobby Gentry Vice-Chair	Phone/email on file	1/3/24	1/3/27	Term not expired	
	Judy Burnette	Phone/email on file	5/4/22	5/4/25	Term not expired	
	Alice Coffey	Phone/email on file	11/3/21	11/3/24	Term expiring	Interested in being reappointed
	Tina Adderholdt	Phone/email on file	5/4/22	5/4/25	Term not expired	
	Angelina Lowe (ALT)	Phone/email on file	7/5/23	7/5/26	Term not expired	
	Dru Ferrence (ALT)	Phone/email on file	1/3/24	1/3/27	Term not expired	
	VACANT (ALT)				June 2019 Board determined to take no action to fill this third Alternate seat	

CANDIDATES Characteristic Chart

Board of Adjustment

Meeting Date: October 2, 2024



Agenda Item Summary Sheet

Item No: **I-3**
Meeting Date: **October 2, 2024**

Item Title: Estuarine Shoreline Management Project Areas 1 and 2 Engineering and Design

Item Summary:

Nags Head was awarded a \$500,000 grant under the N.C. Resilient Coastal Communities Program. This award is to assist the Town in completing the engineering and design work to assess, analyze, and design two estuarine marsh restoration and shoreline stabilization sites, identified in the Town's Estuarine Shoreline Management Plan (ESMP), to reduce erosion and increase shoreline stability. The McAdams scope includes Moffatt & Nichol and Biohabitats partnering on the project. These firms developed the Town's ESMP. The scope is on a one-year timeline with a possible extension. The project deliverable of 60% set of plans ready for permitting includes community engagement. These designs will allow the project to be close to shovel-ready to apply for permits. These approval requests are necessary requirements to meet grant contract requirements and milestones. This is a pipeline project directly resulting from the Town's ESMP.

Number of Attachments: 3

Specific Action Requested:

Authorization for Town Manager to enter into a Living Shoreline Design and Engineering contract with McAdams for Estuarine Shoreline Management Project Areas 1 and 2 located at Nags Head Woods Preserve & Villa Dunes Drive and West Soundside Road (the "Project"); Request for authorization for Town Manager to execute a contract between the Town of Nags Head and the NC Department of Environmental Quality for the Project; and approval of associated budget amendment.

Submitted By: Administration

Date: September 26, 2024

Finance Officer Comment:

The \$40,000 local portion of the grant is included in the Fiscal Year 24/25 adopted budget. The budget amendment is for the grant portion.

Signature: Amy Miller

Date: September 26, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 26, 2024

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Andy Garman

Date: September 26, 2024



Resolution Authorizing Execution of N.C. Resilient Coastal Communities Program Grant Contract

WHEREAS: The Town of Nags Head (the "Town") has been awarded a coastal resiliency grant in completing the engineering and design work to assess, analyze, and design two estuarine marsh restoration and shoreline stabilization sites (Nags Head Woods Preserve & Villa Dunes Drive and West Soundside Road) to reduce erosion and increase shoreline stability; and

WHEREAS: The Town is advised that a proposed contract between the Town and the North Carolina Department of Environmental Quality (DEQ) for Resilient Coastal Communities Program grant funds is being presented for the project known as Designing Innovative Living Shorelines to Restore and Protect Coastal Community Infrastructure and discussed; and

WHEREAS: That, under the terms of the said contract, the total project cost is \$540,000.00; and

WHEREAS: The Town will pay a total local cash contribution of \$40,000 as its local share of the total project costs; and

WHEREAS: The total grant assistance requested is \$500,000.00;

BE IT THEREFORE RESOLVED, as follows:

1. That a contract between the Town of Nags Head and the North Carolina Department of Environmental Quality be and the same is hereby approved.
2. That the Manager is hereby authorized to sign and execute the said contract for and on behalf of the Town of Nags Head and forward the same to the North Carolina Department of Environmental Quality.
3. That upon final execution, a copy of said contract be filed with the minutes.

ADOPTED this the 2nd day of October 2024.

Ben Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



621 Hillsborough Street
Suite 500
Raleigh, NC 27603
919. 361. 5000

TNH22001.27

September 27, 2024

Amy Miller
Deputy Town Manager
Town of Nags Head
PO Box 99
Nags Head, NC 27959

**RE: Town of Nags Head Estuarine Shoreline Management Plan – Living Shoreline Design
Nags Head Woods Preserve & Villa Dunes Drive and West Soundside Road
Nags Head, North Carolina
TNH22001.27**

Dear Ms. Miller,

Project Understanding

The proposed project will advance the design of two living shoreline projects identified as priority in the Town of Nags Head Estuarine Shoreline Management Plan. These two living shoreline projects will proactively support the Town's resiliency improvement process of reducing shoreline erosion and provide protection to community infrastructure. The services proposed will provide site analysis and engineering and design of two community-prioritized estuarine marsh restoration and shoreline stabilization sites, located at Nags Head Woods Preserve & Villa Dunes Drive and West Soundside Road. The alternatives evaluated will integrate nature-based solutions (NBS) and include the of restoration of brackish marshes and construction of offshore living breakwaters to deflect wave energy and encourage the formation of sub-aquatic habitats. The NBS will also consider anticipated climate change impacts including sea level rise and erosion that threatens the Town-owned neighborhood access roads at these locations.

The project team will consist of Biohabitats of North Carolina (BioNC) as the project manager, design lead, and community engagement lead. Moffatt and Nichol (M&N) will lead coastal hydrodynamic modeling, structural design, and state and federal regulatory permitting. M&N will provide support in field studies, basis of design report and community engagement. Coastal Engineering and Surveying (CES) will provide topographic and bathymetric surveying. Catlin Engineers and Scientist (CAT) will provide geotechnical services. McAdams will provide general grant reporting support, team coordination, and grant administration, and will work with the project team and Town to facilitate completion of the project.

Assumptions

This proposal is based on the following assumptions:

- Any public notifications and public engagement will be coordinated through the Town of Nags Head.



Proposed Services + Fees

We propose the following services (Alphanumeric task numbers are for internal coding purposes):

Task 1 - General Project Administration

PROJECT ADMINISTRATION:

Work under this task will be completed by McAdams and includes the following major tasks and components:

- | Coordination and assistance to Town for duration of project;
- | Periodic project updates and status reports;
- | General project management and administration throughout duration of contract; and
- | Participation in periodic virtual meetings and discussions with Town and project team.

PROJECT COORDINATION + MANAGEMENT:

Work under this task will be completed by Biohabitats:

- | Project kickoff meeting with Town and invited stakeholders;
 - BioNC will lead a kickoff team meeting with the Town of Nags Head (Town) and invited stakeholders to confirm overall project goals, desired outcomes, data sources, schedule, lines of communication, billing protocols and deliverables. Following the kick-off meeting, the project team will visit the sites with the Town to review opportunities, areas of concern, property access, boating access, critical habitat, aesthetics, etc. Photos of the site will be collected. BioNC will prepare and distribute meeting minutes.
- | Progress Meetings:
 - BioNC will lead monthly progress meetings (virtual) with the Town and design team to review the project progress and schedule as well as discuss concerns or potential challenges associated with upcoming work. BioNC will prepare and distribute meeting minutes.
- | Team Coordination Meetings:
 - BioNC will lead internal bi-weekly project team coordination meetings to review work progress, scheduling and deliverables. BioNC will maintain a SharePoint site to store documents and coordinate communication.
- | Monthly Status Reports:
 - As part of monthly billing, BioNC will prepare a monthly status report outlining work accomplished during the billing period, schedule updates, issues-at-hand, and, if necessary, additional work efforts.
- | Grant Funding Support:
 - In support of grant reporting requirements, BioNC will provide the Town quarterly updates on the project status and schedule. The Town will be responsible for the preparation of the grant reports and communicating directly with DEQ.
- | Project Debrief and Next Steps:
 - At the conclusion of the project, BioNC will meet with the Town to debrief on our Team's performance and review next steps for preparing bidding documents, contractor procurement and construction.

I Task 1 Deliverables:

- Meeting minutes (as needed);
- Monthly status reports (twelve); and
- Quarterly grant reporting updates (up to four updates, 1-2 pages each).

Task 2 - Data Collection, Field Studies + Coastal Modeling

I Data Collection + Review:

The BioNC Team will collect and review readily accessible data relevant to supporting the design and permitting requirements. This review of assembled data will identify data gaps in coverage that may need to be collected during field surveys and modeling.

I Field Surveys:

The BioNC team will perform the following field surveys to collect data relevant to supporting the design and permitting requirements:

- M&N will conduct a survey of benthic habitats (submerged aquatic vegetation, shellfish and reefs) in compliance with regulatory requirements;
- BioNC will conduct a field characterization of the shoreline and nearshore conditions, visually identifying vegetation communities, shoreline infrastructure (bulkheads, piers, docks, storm drains, erosion control features, etc.) and nearshore and shoreline habitat. BioNC will also identify and collect biological benchmark data to be used in establishing elevations for design features;
- BioNC will perform a jurisdictional non-coastal wetland delineation of the study area. Jurisdictional non-coastal wetlands, if present, will be flagged, surveyed, and mapped. The delineation will be used to inform the placement of design features as well as comply with regulatory permits;

I Cultural and Historic Resources Assessment;

A desktop analysis will be conducted to evaluate potential historical resources within the project area. Early coordination will be conducted with the State Historic Preservation Office (SHPO) to ensure no impacts with cultural resources from project implementation.

I Property + Topographic/Bathymetric Survey:

Coastal Engineering and Surveying (CES) will perform the following:

- Boundary research of properties adjoining project area;
- Provide mailing lists/contact information for adjoining property owners;
- Obtain boundary evidence of adjoining properties to establish accurate boundary line locations;
- Perform topo and bathymetric survey of the areas outlined on email attachment provided on 8/16/202;
- Bathymetric survey information will be comprised of single beam high frequency transducer readings with RTK capabilities, at 100 ' transect spacing, and based on NAVD88 Datum. Topographic survey readings will utilize RTK and be based on NAVD88 vertical datum and NAD83 (2011) horizontal datum;
- Prepare a survey map which will include physical locations of docks, bulkheads, walls, or other structures within the project area, topographic and bathymetric survey information, and property lines/information for all adjoining properties; and
- Provide easement exhibits for any lots that will be affected by temporary construction accesses or staging.

I Geotechnical Investigation

Catlin Engineers & Scientists (CAT) will advance a total of five (5) Standard Penetration Tests (SPT) to depths of approximately 50 feet below bed of the Pamlico Sound at or near the seven (7) proposed wave attenuator sites. The SPT borings will be completed in general accordance with ASTM Method D1586, via a barge mounted CME 45-B drill rig.

Representative soil samples will be collected from these borings and submitted to CAT's soil lab in Wilmington, NC, for classification. CAT will locate all boring locations and elevations utilizing survey grade GPS technology.

CAT will prepare a Subsurface Exploration Report including, but not limited to, the following:

- General description of site and subsurface conditions.
- Summary of testing procedures and results.
- SPT logs.
- Site map with boring locations.
- Geologic setting.
- Soil properties including USCS classification, consistency/density, lateral earth pressure coefficients (at-rest/active/passive), and sliding friction coefficients (as applicable).
- Foundation type and design recommendations.
- Net allowable bearing capacity for shallow foundations.
- Allowable capacities for deep foundations (if deemed necessary).
- Anticipated total/differential settlement estimates for shallow foundations.
- Ground improvement considerations.

ALLOWANCE #1 - Based on recent observations of the project site's substrate conditions, BioNC is assuming that there will be minor inconsistencies in the penetration tests between sampling locations. If there proves to be sufficient inconsistency between penetration tests, then BioNC may direct Catlin to perform up to two (2) additional penetration tests, in accordance with the allowance fee, to further characterize the substrate.

I Coastal Hydrodynamic Modeling

M&N will extract results from their existing hydrodynamic and wave model of the area to establish design criteria for the project elements. Additionally, sediment transport will be qualitatively modeled for typical wind events to determine / confirm transport directions / patterns in the immediate vicinity of the project elements. A brief memo for incorporation into the BOD will be prepared for both efforts.

I Task 2 Deliverables

- Benthic habitat, jurisdictional wetland delineation & cultural and historic resource assessment (included in regulatory permit application)
- Field characterization and biological benchmarks (included in the Basis of Design Report)
- Paper copies and pdf digital transfers of the survey map, signed and sealed by an NC licensed surveyor.
- Paper copies and pdf digital transfers of easement exhibits, signed and sealed by an NC licensed surveyor.
- .dwg file of survey map (if requested)
- Geotechnical investigation analysis (included in the Basis of Design Report)
- Coastal hydrodynamic modeling memorandum (to be included in the Basis of Design Report)

Task 3 - Basis of Design

For the development of a DRAFT Basis of Design (BOD) Report, BioNC, with support from M&N, will compile the information from Task 2 to prepare a BOD report that will include both sites. The BOD will summarize the design decisions, assumptions, and specifications that will be used to develop the schematic design. Target level sill/reef and marsh elevations, design wave and wave attenuation criteria, and water level criteria will be presented in the BOD. The BOD will support the permit application process in Task 5 and will include the following:

- Coastal hydrodynamic modeling memorandum
- Compilation of local wind-wave data, as available
- Desktop analysis of wind-generated wave environment
- Estimation of boat wake
- Water level information
- Sea level change scenarios
- Estimated settlement of substrate
- Benthic habitat impacts
- Targeted elevations for NBS
- Construction access requirements
- Potential risks
- Information gaps

BioNC will submit a draft copy (PDF) of the BOD report to the Town for review.

- | Milestone Review #1 (virtual) – BioNC and M&N will lead a meeting with the Town and invited stakeholders (to be selected by the Town) to review the draft BOD report, address questions, discuss risks and review information gaps. BioNC will prepare and distribute meeting minutes.

FINAL Basis of Design Report – BioNC, with the support of M&N, will make agreed upon revisions to the report and submit a final BOD report (PDF) to the Town, which will serve as the basis for Schematic Design.

- | Task 3 Deliverables
 - Draft BOD report (PDF)
 - Milestone Review #1 meeting minutes
 - Final BOD report (PDF)

Task 4 - Schematic Design (30%)

BioNC and M&N will develop draft schematic designs for each of the two sites; Nags Head Woods Preserve & Villa Dunes Drive and West Soundside Road. The schematic design will build off the concepts developed for the Estuarine Shoreline Management Plan, the BOD report, and integrate geotechnical and geophysical results and stakeholder input. Design features will focus on the use of NBS to reduce shoreline erosion while maintaining maritime access to private docks, piers and Sound access points. NBS may include the restoration of brackish marshes and various types of offshore intertidal and subtidal living breakwaters (oyster reefs, fish reefs, marsh plantings) to deflect wave energy and encourage the formation of sub-aquatic habitats. Layout considerations for the design features will include water quality and circulation, adaptation to sea level rise, wave energy impact and dampening, and focused shoreline stabilization. The coastal hydrodynamic modeling performed in Task 2 will be used to guide the schematic design. M&N will rerun the coastal hydrodynamic modeling to check that the proposed schematic design meets project engineering goals. The schematic design for each site will consist of

scaled illustrative drawings including general layout of design features, typical cross sections, select conceptual details, general notes, labels and legend. BioNC will prepare a preliminary opinion of probable construction costs for each site.

- I Milestone Review #2 (virtual) – BioNC & M&N will lead a meeting with the Town and invited stakeholders to review and solicit feedback on the draft schematic design. Comments and revisions will be incorporated into the Final Schematic Design. BioNC will prepare and distribute meeting minutes.

Final Schematic Design (30%) – BioNC will prepare a final schematic design (30%) based on feedback from the Town, community workshop and field visits.. BioNC will update the preliminary opinion of probable construction costs for the final schematic design.

- I Task 4 Deliverables
 - Draft and Final Schematic Design (PDF)
 - Preliminary estimation of probable construction costs for each site
 - Milestone Review #2 meeting minutes

Task 5 - Regulatory Permitting & Agency Coordination

M&N will provide regulatory guidance on CAMA, 401 Water Quality Certification, and USACE regulatory processes, including the development and submittal of the appropriate permit applications and associated technical documents required for state and federal agency reviews and consultations.

Permit Application Preparation - M&N will compile available biological/ecological data and field assessment analyses performed by the team and other sources and integrate the data into the BOD report. The BOD report will be used to support the narrative to be included with state and federal agency permit applications, as required by the Joint CAMA/Corps review.

Pre-Application Meeting - M&N will facilitate one pre-application meeting with regulatory representatives of the North Carolina Division of Coastal Management, the North Carolina Division of Water Resources, and the USACE, as well as other interested resource agencies, to discuss the proposed shoreline features and identify any concerns the agencies may have prior to submittal of the final Joint Permit application.

Joint Permit Application – M&N will prepare and submit a joint permit application. Once the application is submitted, M&N will assist in responding to agency requests for additional information. Our team has significant experience in problem resolution during permit application review and will use that expertise and relationships with North Carolina regulatory and resource agencies to satisfy any agency concerns that may arise during project and permit development.

Regulatory Feedback -Comments received from regulatory agencies on the schematic design prior to the issuance of the final design documents will be addressed in the BOD report and incorporated into the final design. Completion of this task is not contingent on receiving approved permits.

- I Task 5 Deliverables
 - Completed & Submitted Regulatory Applications
 - Draft & Final Essential Fish Habitat Assessment and Biological Assessment
 - Agency Meeting Minutes
 - Email Status Updates on permits

Task 6 – Design Documents (60%)

BioNC, with support from M&N will complete the necessary design and engineering to produce 60% design documents, including drawings and an outline of specifications. The design drawings will include location and vicinity maps, standard note sheets, grading and site plans, breakwater and living shoreline design and installation, planting and revegetation plans, erosion and sediment control plans, and representative cross sections. Anticipated regulatory requirements will be incorporated into the design documents. BioNC will prepare a construction quantities list and update the opinion of probable construction costs. An electronic copy of the design documents will be provided to the Town for review and comment.

- I Milestone Review #3 (virtual) – BioNC will lead a meeting with the Town and invited stakeholders to review and answer questions regarding the 60% design documents. Revisions will be addressed in a future phase/contract in which 90% design plans will be developed. BioNC will prepare and distribute meeting minutes.

Special Condition: It is anticipated that the Design Documents (60%) will be completed prior to the issuance of all state and federal permits to remain compliant with grant funding scheduling conditions. Design changes that result from regulatory review following the submittal of the Final Design Documents will be addressed in the 90% Design Documents under a separate contract.

60% Design Documents Submittals – BioNC will transmit to the Town digital copies of the 60% Design Documents, the topographic and bathymetric surveys, geotechnical results, technical documents and other material used to support the design and permit applications.

- I Task 6 Deliverables
 - Agency Meeting Minutes
 - 60% Design Documents (AutoCAD and PDF)
 - Topographic and bathymetric surveys and other material used to support the design and permit applications.
 - Construction quantities schedule (PDF)
 - 60% design opinion of probable construction cost (PDF)
 - Milestone Review #3 meeting minutes

Task 7 – Community Engagement

BioNC, with support from M&N, will support the Town in providing community engagement through Schematic and 60% design levels. M&N licenses PublicInput, a collaborative public engagement platform that streamlines the process of engaging with constituents and makes it easy for residents to participate on their own time. The platform centralizes engagement efforts across various modes of communication, collects and processes data from respondents, and streamlines the process of engaging and re-engaging a constituency throughout the span of the planning effort. PublicInput also has valuable tools for filtering and analyzing responses, allowing our team to filter by geography, demographics, and respondent preferences and quickly generate nuanced analyses more efficiently than with public surveys alone. The platform will be instrumental in supporting the Town with comment collection, analysis, and response from the community. The platform can host the virtual component of virtual or hybrid public meetings.

Task 7 - Support for Community Engagement

- M&N, with support from BioNC, will lead an interactive in-person community workshop (2-3 hours) to present and solicit feedback on the Draft Schematic Plan. The workshop will consist of a Power Point presentation followed by a listening session to gather feedback and address questions. Up to three (3) graphic boards depicting the schematic design along with conceptual details will be prepared for the workshop.
- Following the workshop, M&N +BioNC will participate in a half-day of in-person field meetings with property owners and stakeholders to review site conditions, discuss project elements, construction methodologies and project benefits.
- Take-aways from the community engagement session and in-person field meetings will be documented and summarized in a brief memorandum.
- BioNC + M&N will participate in one virtual public meeting to present and solicit feedback on the 60% design documents. Comments will be noted and discussed with the Town. Minor revisions will be addressed in a final 60% draft. More substantial revisions will be incorporated into the 90% design documents under a separate contract.
- BioNC + MN will participate in one Town Council meeting to present findings of the project at the 60% design level.
- M&N, with support from BioNC, will work with the Town to provide a portal on the Town’s existing web site to serve as a public facing information page for the project. The portal will include information about the project, project schedule, public-facing documents, recordings of the community engagement & virtual public meetings and a comment form to solicit feedback. The Town will be responsible for programing , updating and maintaining the web site.

Special Condition: The Town will lead the organization and take responsibility for the logistics of the public engagement session, the field meetings and the virtual Town Council Meeting, including scheduling, arranging for the venue(s), site visits, advertising, food & drink, security, etc. M&N + BioNC will provide guidance and consultation to the Town.

I Task 7 Deliverables

- Community workshop presentation materials, including a PowerPoint presentation & up to 3 project graphic boards.
- Brief memorandum documenting the community workshop and field meetings.
- Notes from the Town Council meeting
- Web portal information as described above.

Contingencies

This proposal includes a \$6,500 allowance for project contingencies and additional tasks that will be identified during the course of the primary scope of work. Example tasks are included below for general information. Additional services may be completed using this contingency with written approval from the Town.

Supplemental Services

Supplemental services are not included in the scope of work for this contract. These services may be performed at the Owner's request with compensation and potential schedule adjustments. Supplemental services that the Town may choose to add to the scope of work include, but are not limited to the following items:

- On-site meetings with local, State, or Federal agencies not included in the scope of work.
- Additional field studies to identify rare, threatened or endangered species; contaminated soils; or water quality sampling.
- Additional surveying or geotechnical investigations due to unforeseen changes in site conditions from weather events and natural and manmade disturbances.
- Additional regulatory coordination beyond the 12-month schedule proposed below, including permit application tracking, responding to requests for additional information and attending meetings requested by the regulatory agencies.
- Supplemental design and engineering work required to meet the requirements of regulatory or funding agencies that are identified after the completion of the 90% final design documents.
- Additions to an engineering report or other document to update or revise original recommendations.
- Revision of designs, drawings, and specifications to incorporate changes arising from Value Engineering review.
- Preparation of a Benefit-Cost-Analysis (BCA).
- Preparation technical specifications or bid documents (100% design documents) and bidding support.
- Securing temporary construction easements.
- Performing construction administration.
- Performing post construction monitoring.
- Producing or hosting a project web site.

Assumptions

The following assumptions have been made in the generation of this proposal's scope and fee.

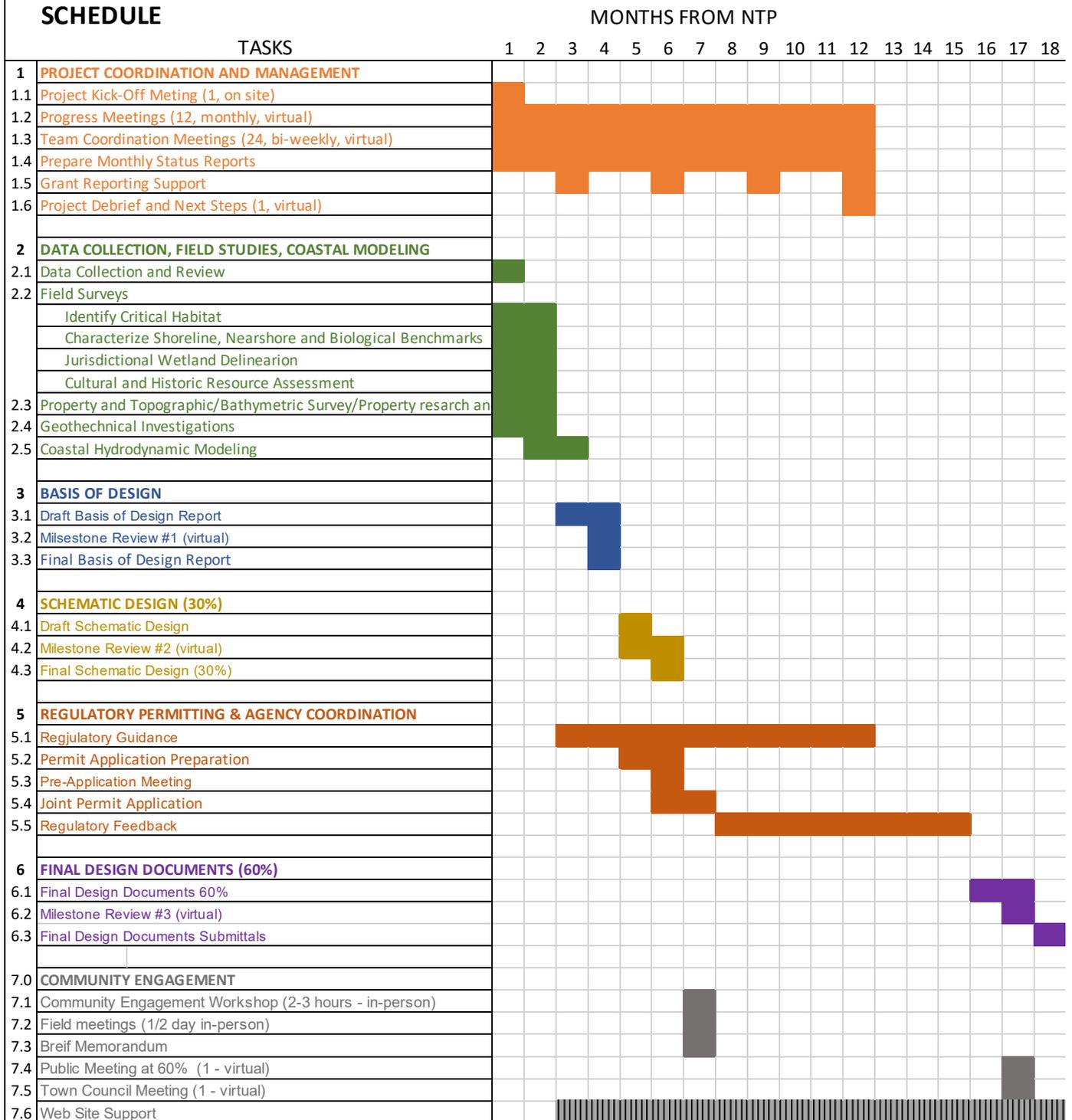
- Available background information helpful to the goals of this project will be provided to the BioNC team within 2 weeks of project award. Non-digital format documents will be scanned and sent, or copies will be provided to the team during the kick-off meeting.
- Unencumbered access to the project sites, shoreline and adjoining properties. The Town shall be responsible for notifying and obtaining permission from the property owners to access the shoreline if needed. Drone photos & videos may be collected when access to certain properties is not feasible. The Town will be notified at least 5 days prior to an anticipated site visit to determine availability of boat-site access.
- All fees and costs associated with the community workshop and permit application will be the responsibility of the Town and are not included within the proposed fee.
- To remain on schedule, the review period of deliverables by the Town has been assumed to be 1 week.

- Additional drilling requested or required in excess of proposed items may incur additional drilling charges, and may also incur additional labor charges for mobilization, field supervision, creation of boring logs, and additional engineering evaluation time.
- If unusual conditions are encountered or suspected, such as obstructions, unstable soils, existing drainage channels where unstable soils may occur, or any other conditions which may require changes to the depth or location of borings, CATLIN will immediately contact the Client for direction. Additional borings or drilling footage required in excess of proposed borings/footage may incur additional charges and/or a second phase of the geotechnical investigation to perform additional services.
- If contaminated material is encountered during drilling activities, field work will stop, and the client will immediately be notified. Costs associated with handling and disposal of contaminated materials are not included in this cost estimate.
- Inability to access the location may result in additional charges for mobilization and field crew travel time.

Project Schedule

The following schedule outlines the anticipated time frames for performing each Task. In accordance with the grant funding requirements and anticipated extension, BioNC anticipates completing the scope of work within 18 months from Notice-to-Proceed, provided there are no delays due to unforeseen conditions including weather delays in conducting field studies, Town of Nags Head delays in meeting schedules and review times for deliverables, or other factors outside of BioNC control. It is anticipated that securing the necessary state and federal permits may require more than 12 months. Work beyond the 18-month period, including permit application tracking, responding to requests for additional information and attending meetings requested by the regulatory agencies is considered supplemental services and not included in this schedule.

Nags Head Estuarine Shoreline Management Design
SCHEDULE



FEE

Compensation for the services described herein are in accordance with the Scope of Work and Schedule specified above. The LUMP SUM FIXED FEE, including expenses, to perform this work is as follows:

- | Project Coordination and Management \$74,704
- | Data Collection, Field Studies, Coastal Modeling \$173,457
- | Basis of Design \$40,590
- | Schematic Design (30%) \$84,330
- | Regulatory Permitting and Agency Coordination \$67,740
- | Design Documents (60%) \$52,959
- | Community Engagement \$38,738
- | Contingency & Allowances \$ 6,500

TOTAL FEE \$539,018

Client Responsibilities

Client shall be responsible for the following:

- | Notification to proceed.
- | Timely review and comments (or approval) of all deliverables or other information presented for Owner approval.
- | Payment of invoices in accordance with Terms and Conditions.
- | Notification to Firm of any problems, in accordance with Terms and Conditions.

General Conditions

- | This proposal is valid for 60 days from the above date.
- | Reimbursable expenses will be billed in accordance with the attached Rate Schedule.

Conclusion

We appreciate this opportunity to propose our services. We are eager to pursue this project further and thank you for your consideration.

Sincerely,

McAdams



Hunter Freeman, PE, LEED AP | Senior Advisor, Water Resources – Green Stormwater Infrastructure
freeman@mcadamsco.com | 919. 361. 5000

HF/kt

Acceptance

By: _____

Date: _____

Name: _____

Title: _____

Accounting Information

Billing Contact: _____

Billing Contact Email Address: _____

Billing Contact Phone Number: _____

Billing Address: _____



621 Hillsborough Street
 Suite 500
 Raleigh, NC 27603
 919. 361. 5000

Hourly Rate Schedule / 2024

1. SPECIFICATIONS FOR CONTRACT BY HOURLY CHARGE, THE FOLLOWING RATES APPLY

Role	Rate
Chairman / President / Vice President	\$290 - 400 /hour
Principal	\$325 /hour
Director / Practice Lead	\$145 - 265 /hour
Technical Manager	\$135 - 240 /hour
Project Manager	\$150 - 230 /hour
Assistant Project Manager	\$120 - 175 /hour
Landscape Architect	\$140 - 230 /hour
Planner	\$110 - 190 /hour
Project Engineer	\$130 - 240 /hour
Graphics + Visualization	\$110 - 160 /hour
Designer / Analyst	\$100 - 200 /hour
Intern	\$55 - 100 /hour
Administrative Services	\$80 - 110 /hour
Construction Administration	\$100 - 155 /hour
Survey Technician	\$95 - 125 /hour
2 Man Survey Crew	\$155 - 175 /hour
3 Man Survey Crew	\$185 - 200 /hour
UAS LiDAR Crew	\$285 /hour
SUE Crew Member	\$55 - 115 /hour

Hourly services are recorded and rounded to the nearest 1/4 hour.

2. THE FOLLOWING CHARGES APPLY ON ALL CONTRACTS, FOR COPIES OF PLANS AND SPECIFICATIONS SENT OUT OF THE ENGINEER'S OFFICE (TO CLIENT, CITY REGULATORY AGENCIES, BIDDERS, CONTRACTOR, OTHER CONSULTANTS, ETC.):

Item	Fee	Item	Fee
Oversize + Color Rep.	\$3.60 /each	Oversize Mylar Sepia	\$24.00 /each
Paper Reproductions	\$2.40 /each	Mylar Sepia	\$18.00 /each
Specifications	\$0.12 /each	Paper Sepia	\$6.00 /each

3. THE FOLLOWING RATES ARE CHARGED IN ADDITION TO THE ABOVE FEES:

Item	Fee
Fees Paid for Permits and Applications	Cost Plus 10%
Outside Photocopying, Travel, Overnight Delivery, Postage for Mass Mailings	Cost Plus 10%
Subcontractor Invoices	Cost Plus 12.5%

4. FEES ARE SUBJECT TO ADJUSTMENT AT THE BEGINNING OF EACH CALENDAR YEAR.

5. PROJECTS ARE BILLED ON A MONTHLY BASIS AND INVOICES ARE DUE UPON RECEIPT. INVOICES WHICH HAVE BEEN NOT BEEN PAID WITHIN 30 DAYS ARE PAST DUE AND SUBJECT TO FINANCE CHARGES OF 1.5% PER MONTH.

Client's Initials _____ Date _____



621 Hillsborough Street
Suite 500
Raleigh, NC 27603
919. 361. 5000

Terms + Conditions

The proposal submitted by THE JOHN R. McADAMS COMPANY (“CONSULTANT”) is subject to the following terms and conditions (collectively referred to as the “Agreement”) and, by accepting the proposal or any part thereof, CLIENT agrees and accepts the terms and conditions outlined below:

1. **Payment:**

CLIENT will pay CONSULTANT for services and expenses in accordance with periodic invoices to CLIENT and a final invoice upon completion of the services. Each invoice is due and payable in full upon presentation to CLIENT. Invoices are past due if not paid in full after 30 days. Past due amounts are subject to interest at a rate of one and one-half percent per month (18% per annum) on the outstanding balance from the date of the invoice.

In an effort to ensure prompt resolution of questions and disputes regarding CONSULTANT’s services and invoices, CLIENT agrees to notify CONSULTANT, in writing / email, of any questions or concerns CLIENT may have regarding the cost, quality or appropriateness of services provided related to an invoice within fifteen (15) days of the invoice date. If CLIENT fails to provide such notice to CONSULTANT, CLIENT waives its right to dispute the accuracy and appropriateness of any portion of such invoice for which notice was not provided.

If CLIENT fails to make payment to CONSULTANT within 30 days after the invoice date, CONSULTANT may, after giving seven (7) days written notice to CLIENT, suspend services under this Agreement until all amounts due are paid in full. If an invoice remains unpaid after sixty (60) days from invoice date, CONSULTANT may terminate the Agreement and/or initiate legal proceedings to collect the fees owed, plus other reasonable expenses of collection including attorney’s fees.

2. **Notification of Breach or Default:**

CLIENT shall provide prompt written / email documentation to CONSULTANT if CLIENT becomes aware of any breach of contract, defect, fault, error, omission or inconsistency arising out of or related to CONSULTANT’s services. The failure of CLIENT to provide such written notice within fifteen (15) days from the time CLIENT became aware of such breach of contract, defect, fault, error, omission or inconsistency, shall constitute a waiver by CLIENT of any claims against CONSULTANT arising out of such breach of contract, defect, fault, error, omission or inconsistency.

3. **Ownership of Instruments of Service:**

All reports, plans, specifications, instruments of service, field data, notes and other documents, including all documents on electronic media, prepared by CONSULTANT shall remain the property of CONSULTANT. CONSULTANT shall retain all common law, statutory and other rights, including intellectual property rights. In the event of termination of this Agreement and upon full payment of fees owed to CONSULTANT, CONSULTANT shall make available to CLIENT copies of all completed plans, specifications, and electronic files.

4. **Change Orders:**

CONSULTANT will treat as a change order request any documented or oral order (including directions, instructions, interpretations or determinations) from CLIENT which request changes in the Agreement or CONSULTANT's scope of work. If CONSULTANT is willing to proceed with such change, CONSULTANT will give CLIENT written notice within fifteen (15) days of a change order request of any resulting increase in CONSULTANT's fees and/or time of performance (a "Change Order"). Unless CLIENT objects in writing within ten (10) days, the Change Order becomes a part of this Agreement.

5. **Site Operations:**

CLIENT will arrange for right-of-entry to the property for the purpose of performing studies, tests and evaluations pursuant to the agreed services. CLIENT represents that it possesses necessary permits and licenses required for all ongoing activities at the site. If CONSULTANT is advised or given data in writing that shows the presence of underground or overground obstructions, such as utilities, CONSULTANT will give special instructions to our field personnel. However, CONSULTANT is not responsible for any damage or losses due to undisclosed or unknown surface or subsurface conditions, owned by CLIENT or third parties. CONSULTANT will take reasonable precautions to minimize damage to the property caused by our operations. CONSULTANT's fee does not include any cost of restoration due to any damage which may result and CONSULTANT is not responsible for any such repairs unless CONSULTANT fails to take reasonable precautions. If CLIENT desires CONSULTANT to repair such damage, CONSULTANT will comply and add the cost to our fee. Field tests or boring locations described in CLIENT's reports or shown on sketches prepared by CONSULTANT are based on specific information furnished by others or estimates made in the field by CONSULTANT's personnel. Such dimensions, depths or elevations should be considered as approximations unless otherwise stated in CONSULTANT's proposal or report.

6. **Project Site:**

Should CLIENT not be owner of the project site, then CLIENT agrees to notify the owner(s) of the possibility of unavoidable alteration and damage to the site and to obtain permission from the owner(s) for such alteration and damage. CLIENT further agrees to indemnify, defend and hold CONSULTANT harmless against any claims by the owner(s) or persons having possession of the site through the Owner which are related to such alteration or damage.

7. **Assignment and Third Parties:**

Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than CLIENT and CONSULTANT, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of CLIENT and CONSULTANT and not for the benefit of any other party. Neither CLIENT nor CONSULTANT shall assign, sublet, or transfer any rights under or interests in this Agreement without the written consent of the other which shall not be unreasonably withheld. However, nothing contained herein shall prevent or restrict CONSULTANT from employing independent subconsultants as CONSULTANT may deem appropriate to assist in the performance of services hereunder.

8. **Survival:**

All of CLIENT's payment obligations and liabilities, including but not limited to, its indemnification obligations and limitations, and CONSULTANT's rights and remedies with respect thereto, as well as the terms of Sections 6, 11, 12, and 14, shall survive completion of and the expiration or termination of this Agreement.

9. Force Majeure:

Should completion of any portion of the services or any obligation under the Agreement be delayed for causes beyond the control of or without the fault or negligence of CONSULTANT, including force majeure, the reasonable time for performance of the service or the deadline under the Agreement shall be extended for a period at least equal to the delay. Force majeure includes but is not restricted to acts of God, acts or failures of governmental authorities, acts of CLIENT's contractors or agents, fire, floods, epidemics, riots, quarantine restrictions, strikes, civil insurrections, freight embargoes, and unusually severe weather.

10. Standard of Care:

CONSULTANT shall perform its services under the Agreement in a professional manner, using the degree of care and skill ordinarily exercised by and consistent with the standards of professionals providing the same services in the same or a similar locality as the project. **THERE ARE NO OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARISING OUT OF OR RELATING TO THE SERVICES PROVIDED BY CONSULTANT UNDER THIS AGREEMENT, AND CLIENT WAIVES ITS RIGHT TO ASSERT SUCH CLAIMS AGAINST CONSULTANT.**

11. Limitation of Liability:

CLIENT agrees that the total collective and aggregate liability of CONSULTANT and its employees, officers, and directors for any and all claims that may be asserted by CLIENT arising out of or related to this Agreement, except for claims for willful or intentional misconduct by CONSULTANT, is limited to \$50,000 or to the fee paid to CONSULTANT under this Agreement, whichever is greater.

12. Waiver of Consequential Damages:

Both CLIENT and CONSULTANT hereby waive any right to pursue claims for consequential damages against one another, including any claims for lost profits.

13. Safety:

Except with respect to CONSULTANT's own employees, CONSULTANT is not responsible for site safety or compliance with the Occupational Safety and Health Act of 1970 ("OSHA"). Job site safety remains the sole exclusive responsibility of CLIENT or CLIENT's contractors. Likewise, CONSULTANT shall have no right to direct or stop the work of CLIENT's contractors, agents or employees.

14. Arbitration:

Any claim or other dispute arising out of or related to this Agreement shall be subject to Arbitration. Such claims and disputes shall first be subject to non-binding mediation, and if mediation is unsuccessful, shall be subject to Arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association currently in effect. Any demand for Arbitration shall be filed in writing with the other party and with the American Arbitration Association. Nothing in this provision shall prevent CONSULTANT from acting to secure any lien rights it may have under applicable law.

15. Independent Contractor:

In carrying out its obligations, CONSULTANT shall be acting at all times as an independent contractor and not an employee, agent, partner or joint venturer of CLIENT. CONSULTANT's work does not include any supervision or direction of the work of other contractors, their employees or agents, and CONSULTANT's presence shall in no way create any liability on behalf of CONSULTANT for failure of other contractors, their employees or agents to properly or correctly perform their work

16. Termination:

Either party may terminate the Agreement with cause upon ten (10) days advance written notice, if the other party has not cured or taken reasonable steps to cure the breach giving rise to termination within the ten (10) day notice period. Either party may terminate the Agreement without cause upon thirty (30) days advance written notice to the other party. If CLIENT terminates without cause or if CONSULTANT terminates for cause, CLIENT will pay CONSULTANT for all services performed, costs incurred, non-cancelable commitments, and fees earned to the date of termination and through demobilization, including any cancellation charges of vendors and subcontractors, as well as reasonable demobilization costs.

17. Severability:

If any provision of this Agreement, or application thereof to any person or circumstance, is found to be invalid then such provision shall be modified if possible, to fulfill the intent of the parties as reflected in the original provision. The remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by the law.

18. No Waiver:

No waiver by either party of any default by the other party in the performance of any provision of this Agreement shall operate as or be construed as a waiver of any future default, whether like or different in character.

19. Merger, Amendment:

This Agreement constitutes the entire Agreement between CONSULTANT and CLIENT, and all negotiations, written and oral understandings between the parties are merged herein. This Agreement can be supplemented and/or amended only by a written document executed by both CONSULTANT and CLIENT.

20. Choice of Law:

The validity, interpretation, and performance of this Agreement shall be governed by and construed in accordance with the law of the State of North Carolina, excluding only its conflicts of laws principles.



**BUDGET AMENDMENT REQUEST
FY 2024-2025**

**BUDGET AMENDMENT NO. 4
Amendment 4.A**
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
10-432100	General Fund Revenues NC DEQ grant	500,000.00		490-577350	General Fund Planning and Development Capital Outlay Improvements	500,000.00
TOTAL CHARGES		\$ 500,000.00		TOTAL CREDITS		\$ 500,000.00

JUSTIFICATION

NC RCCP Grant-ESMP Living Shoreline project design at Villa Dunes Drive and Soundside Road

Engineering scope

ADMINISTRATIVE SERVICES

RECOMMENDED BY

DATE

9/27/2024

APPROVED BY BOC:

DATE

POSTED TO GENERAL LEDGER:

INITIALS



Agenda Item Summary Sheet

Item No: **I-4**
Meeting Date: **October 2, 2024**

Item Title: Consideration of Fire Truck purchase contract

Item Summary:

The Fire Department is requesting that the Board authorize the Town Manager to enter into a contract with Atlantic Emergency Services for the procurement of a new fire pumper. This proactive approach to replacing the fire truck is crucial for ensuring timely delivery, following our established replacement schedule. While we are signing the contract now, no funds will be expended until the pumper is delivered.

Given the current manufacturing delays, the lead time for delivery of fire trucks can extend to several years from the date of order. By initiating the replacement process now, we aim to secure the vehicle as planned, which would be in calendar year 2028.

Once delivered, the new pumper will replace the existing 2007 fire pumper at Fire Station 21. The 2019 fire pumper will be used as the backup fire pumper. Back-up apparatus are used when front-line vehicles are down for repair or for responses staffed by volunteers or off-duty career staff. The current backup pumper will be sold. We anticipate the new pumper to be delivered after July 1, 2028, aligning with the Town of Nags Head’s vehicle replacement schedule, which allocates 10 years for front-line service vehicles followed by an additional 10 years for backup service vehicles.

Summary of vehicles at each station:

Fire Station 16 – 2013 Quint and 2002 Pumper
Fire Station 21 – 2019 Pumper and 2007 Pumper

Attached is a memo describing the process to procure bids for the replacement of this vehicle.

Number of Attachments: 1

Specific Action Requested:

Authorize the execution of the Fire Truck purchase contract pursuant to Town Attorney review.

Submitted By: Randy Wells, Fire Chief Date: September 26, 2024

Finance Officer Comment:

There is no budgetary impact this fiscal year by signing this contract.

Signature: Amy Miller Date: September 26, 2024

Town Attorney Comment:

Signature: John Leidy Date: September 26, 2024

Town Manager Comment and/or Recommendation:

I support this request to maintain the Town’s replacement schedule for fire apparatus.

Signature: Andy Garman Date: September 26, 2024



Nags Head Fire Rescue

Fire Chief Randy C. Wells
P.O. Box 99
Nags Head, NC 27959



To: Town Manager Garman
From: Randy Wells, Fire Chief
Date: September 6, 2024
Re: Recommendation for Purchase of Pierce Custom Fire Pumper

Overview

As part of our effort to maintain the fire department's apparatus replacement schedule, we evaluated proposals for the purchase of a new fire pumper. Following a thorough review of the pricing, specifications, and past performance, I recommend purchasing the Pierce Custom pumper from Atlantic Emergency Solutions for a total price of \$1,348,807.00, including a contingency for shelving and equipment mounting.

Background

Three manufacturers submitted proposals for a new fire pumper in response to a pricing request sent on May 22, 2024, using the HGAC cooperative purchasing alliance. After receiving proposals on June 21, 2024, two met our requirements:

Pierce Custom Pumper – Atlantic Emergency Solutions, initial price: \$1,549,180.00

KME/Spartan Pumper – Safe Industries, initial price: \$1,388,600.00

After negotiations to reduce costs, the adjusted pricing was as follows:

Pierce: \$1,298,807.00 (excluding contingency for shelving)

KME: \$1,235,000.00 (excluding contingency for shelving)



Nags Head Fire
Rescue
Fire Chief Randy C. Wells
P.O. Box 99
Nags Head, NC 27959



Rationale for Recommendation

Cost and Specifications

The Pierce proposal includes the necessary features at a higher final cost of \$1,348,807.00, which includes a \$50,000 contingency for shelving but excludes \$80,000 for loose equipment (to be budgeted separately).

KME's updated proposal was lower, at \$1,285,000.00, which includes a \$50,000 contingency for shelving but excludes \$80,000 for loose equipment (to be budgeted separately).

Performance and Reliability Concerns

Experience with KME apparatus has raised concerns, particularly with long delays and significant changes in their manufacturing process. For instance, the ladder truck purchased in 2021 has experienced a delayed delivery timeline extending to three and a half years, due to KME's transition under the REV Group. There is also uncertainty around parts availability and price surcharges due to new EPA regulations. Pierce, on the other hand, has demonstrated more stable manufacturing processes and a shorter supply chain, with no expected price surcharges due to new emissions standards.

Service and Maintenance

Pierce has a local service facility in Greenville, NC, which offers faster service times, whereas KME's nearest service facility is in Easley, SC.

Pierce has consistently maintained stable production without significant delays or disruptions, ensuring parts availability and a more reliable service network.

Conclusion and Request

Given the lower cost, more reliable service network, and fewer manufacturing delays, I strongly recommend moving forward with the purchase of the Pierce Custom Pumper for \$1,348,807.00. We propose budgeting the additional \$80,000 for equipment separately, over the year before delivery and the year of delivery.

Please consider this recommendation for approval.



Agenda Item Summary Sheet

Item No: **I-5**
Meeting Date: **October 2, 2024**

Item Title: Consideration of resolution authorizing application to NC-DEQ Division of Water Infrastructure for Septic Health Project Grant; Consideration of revised Septic Health Initiative Policy

Item Summary:

Recently, staff spoke with the North Carolina DEQ, Division of Water Infrastructure to discuss a pilot program they have initiated related to supporting on-site wastewater infrastructure. The Division of Water Infrastructure has a loan program to allow for the replacement of failing and/or malfunctioning septic systems. This would also include principal forgiveness for loans where the applicant meets certain income criteria. Their loan would be 0% interest whereas the Town's current septic replacement loan is the prime rate minus 2.5%. This places our current interest rate at 5.5%. Staff would like to apply for this grant to enhance the program we already have in place. We discussed soliciting interest from property owners in targeted areas where aging systems and low-lying conditions create additional risk for ground and surface water contamination. However, this would be made available to anyone in the Town who has a malfunctioning or failing system. Coupled with this grant we would also like to increase the timeframe for repayment of septic loans under our program to enhance the affordability of the loan.

At the October 2nd Board of Commissioners meeting, staff requests Board consideration of attached resolution authorizing a grant application to the NC-DEQ Division of Water Infrastructure for the Town's Septic Health Initiative project. This is for authorization for funds to be used in accordance with the Town's Septic Health Initiative policy.

The Septic Health Initiative Policy is also attached for your review and approval. This red-lined version updates the policy by authorizing loans to be repaid via automatic bank draft at least monthly and for up to five (5) years instead of the current three (3) years.

Number of Attachments: 2

Specific Action Requested:

Provided for Board review and consideration of attached resolution and policy.

Submitted By: Administration

Date: September 26, 2024

Finance Officer Comment:

Staff will write the grant upon Board approval.

Signature: Amy Miller

Date: September 26, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 26, 2024

Town Manager Comment and/or Recommendation:

I support pursuing this opportunity and agree with the recommended policy change.

Signature: Andy Garman

Date: September 26, 2024



RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AND FILE AN APPLICATION ON BEHALF OF THE TOWN OF NAGS HEAD WITH THE STATE OF NORTH CAROLINA FOR A LOAN AND/OR GRANT

WHEREAS, The Town of Nags Head has need for and intends to apply for Clean Water State Revolving Funds (CWSRF) for wastewater, specifically decentralized wastewater:

- The Town has identified failing and/or malfunctioning decentralized septic systems;
- The Town would like to provide Nags Head homeowners low-interest, no-interest, and/or principal forgiveness loans to replace their failing/malfunctioning septic systems; and

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

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

1. That the Town of Nags Head, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.
2. That the Town of Nags Head will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the governing body of the Town of Nags Head agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Nags Head to make scheduled repayment of the loan, to withhold from the Town of Nags Head any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the Town of Nags Head will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. The Town Manager, or in absence designee, of the Town of Nags Head is hereby authorized, individually and collectively, to execute and file an application on behalf of the Town of Nags Head with the State of North Carolina for a loan and/or grant to aid in the projects described above.
6. That the Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the Town of Nags Head has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 2nd day of October 2024.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



CERTIFICATION BY RECORDING OFFICER

RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AND FILE AN APPLICATION ON BEHALF OF THE TOWN OF NAGS HEAD WITH THE STATE OF NORTH CAROLINA FOR A LOAN AND/OR GRANT

The undersigned duly qualified and acting Town Clerk of the Town of Nags Head does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Nags Head duly held on the 2nd day of October, 2024; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of October, 2024.

(Signature of Recording Officer)

(Title of Recording Officer)



Town of Nags Head
Post Office Box 99
Nags Head, North Carolina 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

Board of Commissioners Policy

Septic Health Initiative Program

Adopted: February 15, 2006
Updated: February 4, 2009
Updated: March 14, 2018
Updated: January 8, 2020
Updated: June 17, 2020
Updated: June 1, 2022
Updated: October 2, 2024

Septic Tank Inspection and Pumping Program - Qualified staff may perform septic tank inspections and/or contract with independent inspectors to perform septic tank inspections. The inspection form will document the condition of the septic system. Staff will contact the homeowner and advise them of the results of the inspection and the need to pump the tank.

In order to receive a \$150.00 water credit, the homeowner is only to send to the Town proof that the tank was pumped. Water credits are valid for 90 days from issuance and can be claimed once every three years per property address.

Repair/Replacement Loan Program - The cost for repair/replacement loans is \$12,000. For both owner-occupied homes and non-owner occupied homes, the loan rate is prime less 2.5% but the resultant loan rate shall not be less than 2.50%. Loans are to be repaid via automatic bank draft at least monthly and for up to ~~three-five~~ (35) years. Loans shall only be made to homeowners who have no delinquent debts to the Town.

Septic system repairs under the Loan Program - Upon request from the Deputy Director of Planning and Development, or his or her designee, and upon verification that satisfactory work has been completed, the Town shall issue the loan repair check made out to the contractor who performed the work.

It shall be a policy of the Town of Nags Head not to offer loans to homeowners for the repair or replacement of septic systems on oceanfront or estuarine properties where the septic system has been storm damaged or damaged as a result of erosion.



Agenda Item Summary Sheet

Item No: **I-6**
Meeting Date: **October 2, 2024**

Item Title: Discussion of Stormwater Master Plan process/public engagement

Item Summary:

An NCDEQ- Division of Water Infrastructure Stormwater Planning Grant was received in the amount of \$400,000 to fund the preparation of a stormwater master plan update. As part of the grant funding requirements, preliminary scoping documents were developed, reviewed, and approved through NCDEQ- Division of Water Infrastructure. The preliminary scope of work in the master plan will expand on planning work established in the 2015 stormwater master plan update with a condition assessment, identification of current system deficiencies, development of an updated stormwater CIP listing, public engagement, and planning level cost information for general budgeting.

Public participation and engagement are identified as an integral part of the stormwater master plan process. Several techniques can be employed to invite participation of various targeted audiences and will be presented for Board consideration. Staff is requesting Board feedback on selecting a public engagement approach considered to be the most beneficial to the stormwater master plan process. A memo is attached which describes in detail prior stormwater planning efforts and public engagement approaches.

The second part of this request is for consideration of the fee proposal submitted by McAdams to initiate the first phase of work for the Stormwater Master Plan. Requesting the Board to authorize the Town Manager to execute the planning proposal with McAdams in the amount of \$208,000 to begin the stormwater master plan process. Attached is a copy of the September 25, 2024 McAdams proposal.

Number of Attachments: 2

Specific Action Requested:

Discussion/feedback on the public engagement process; approval of the McAdams proposal to provide consulting assistance for the Stormwater Master Plan.

Submitted By: Public Services

Date: September 26, 2024

Finance Officer Comment:

Grant/project funding has been included in the FY 24/25 adopted budget.

Signature: Amy Miller

Date: September 26, 2024

Town Attorney Comment: N/A

Signature: John Leidy

Date: September 26, 2024

Town Manager Comment and/or Recommendation:

The Town has utilized a Stormwater Advisory Committee to guide past stormwater master planning efforts. This consisted of individuals representing various geographic areas of the Town. Staff will review approaches to soliciting public engagement for the upcoming plan. The Board should think about the merits of utilizing a committee approach vs. collecting feedback through a series of workshops.

Signature: Andy Garman

Date: September 26, 2024

Benjamin Cahoon
Mayor

Michael Siers
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head
Post Office Box 99
Nags Head, NC 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

Kevin Brinkley
Commissioner

Bob Sanders
Commissioner

Megan Lambert
Commissioner

MEMORANDUM

Date: September 24, 2024

To: Board of Commissioners

From: David Ryan, P.E.

RE: Stormwater Master Plan- Public Engagement Memo

In 2015, the Town of Nags Head began an update to the 2006 Stormwater Management Plan. The plan was comprised of an asset inventory update in conjunction with the development of a Stormwater Capital Improvement Plan, (CIP). Thirteen separate stormwater project improvements were identified spanning from the north end of Town to South Nags Head. Of the thirteen project areas, construction of six projects has been completed, three have received Local Assistance for Stormwater Infrastructure Investments (LASII) grant funding with two of the three nearing the bid phase, two were assigned for remedial maintenance and the remaining two failing to meet a cost effectiveness threshold.

The Stormwater Master Plan update evaluates the current state stormwater management and the conditions of storm systems, ditches, and other management measures. The plan charts a path for a more sustainable community by providing a comprehensive framework for managing stormwater and watersheds for the next 10 years.

On August 18, 2023, the Town of Nags Head received an NCDEQ Division of Water Infrastructure (DWI) Stormwater Planning Grant in the amount of \$400,000 for a stormwater master plan update. As part of the grant funding requirements, preliminary scoping documents were developed, reviewed and approved through NCDEQ-DWI. The scope of work in the master plan will expand on planning work established in the 2015 update, with a condition assessment, identification of current system deficiencies, development of an updated stormwater CIP listing, public engagement and planning level cost information for general budgeting.

Several sources were utilized to develop a preliminary stormwater CIP listing in the creation of the preliminary scoping documents. A combination of citizen feedback and post-rainfall event observations were considered in crafting a planning budget for the preliminary project list. This was necessary to meet the grant funding requirements. The location of projects can be altered but the number of projects cannot be exceeded with the total estimate of twelve project improvement areas.

Public participation and engagement is identified as an integral part of the stormwater master plan process. Previously, the Town had selected an advisory stormwater committee comprised of a Board of Commissioners representative, a Planning Board representative and seven citizen representatives from neighborhoods throughout the Town. This committee was in effect for approximately a 12-month duration during the 2015 stormwater master plan update. An advisory committee or working group is one approach of public engagement. Another approach for consideration is to hold a single or multiple workshops to target a broader audience to receive citizen and stakeholder feedback related to local stormwater issues.

Staff is requesting Board feedback on selecting a public engagement approach considered to be the most beneficial to the stormwater master plan process.

As we proceed with initiating the master plan process, authorization to commence with the scope of work will be needed. The engineering consulting firm of McAdams, with support from Moffat & Nichol, Biohabitats, and Coastal Engineering and Surveying will assist with the plan development. The scope of work outlined in the McAdams proposal dated September 25, 2024 segments the work into several different phases. The initial phase of work will consist of initial data collection, stakeholder and public meetings, problem area identification, conceptual design, asset inventory and assessment, geodatabase management and dashboard creation. Future phases will consist of preparation of a stormwater master plan report, watershed restoration plans, and final plan presentation.

The fee proposal for the Phase 1 services is \$208,000.00. All funds shall be expended by December 31, 2026.

The requested Board of Commissioners consideration is to authorize the Town Manager to execute the planning proposal with McAdams in the amount of **\$208,000** to begin the stormwater master plan process.



621 Hillsborough Street
Suite 500
Raleigh, NC 27603
919. 361. 5000

TNH22001.19

September 25, 2024

David Ryan, PE
Town Engineer
Town of Nags Head
PO Box 99
Nags Head, NC 27959

**RE: Town of Nags Head Stormwater Management Plan Update
Nags Head, North Carolina
TNH22001.19**

Dear Mr. Ryan,

Proposed Project

The Town of Nags Head was awarded a Stormwater Planning Grant for \$400,000 from NC Division of Water Infrastructure. The grant application included tasks for a stormwater master plan update, asset inventory and condition assessment, and a watershed restoration plan. Phase 1 of this project includes the kickoff of the stormwater master plan update and the stormwater asset inventory and assessment. Completion of the updated stormwater master plan and completion of watershed restorations plans will be completed at a later date.

A scope and fee is provided for the requested tasks, with the remaining budget committed, but not scoped at this time. Change orders will be sent for future tasks. The total contract amount shall not exceed \$400,000 without written approval from the Town.

Assumptions

This proposal is based on the following assumptions:

- I Any public notifications will be coordinated through the Town of Nags Head;
- I Basic traffic control for pipe inspection work will be conducted by McAdams and its subconsultants. Additional traffic control support may be needed with support by the Town of Nags Head (McAdams will notify the Town at least 48-hours in advance of any needs). Major traffic control needs may need to be sub-contracted out at a higher fee and will be negotiated as an additional service;
- I Detailed inspection methodology (visual, pole camera, etc) will be determined during the course of the project based on a number of factors, including but not limited to: known problem areas, visual inspection, discussion and confirmation between McAdams and the Town Nags Head, or other relevant factors;
- I Opinions of Probable Construction Costs (OPCCs) will be high level, budgetary estimates for planning purposes, based upon best available data and appropriate engineering judgement for each project area. Detailed survey data, subsurface utility exploration information, geotechnical investigations, etc. may be required later to refine costs and obtain bid-level estimates;
- I Project and contract management will be led by McAdams; and



- Tasks will be completed McAdams, Moffatt & Nichol, Biohabitats, and Coastal Engineering & Surveying, or a combination of staff from these firms. Additional firms may be added for specialty work as necessary to complete the grant deliverables.

Proposed Services + Fees

We propose the following services (alphanumeric task numbers are for internal coding purposes):

Phase 1A – General Project Administration

A4.10 PROJECT MANAGEMENT + ADMINISTRATION:

FEE: \$8,000

Work under this phase includes the following major tasks and components:

- Initial project due diligence, records research, as-built information, site investigations, data gap analysis, and (as necessary) plat/easement/deed research;
- Assistance with creation of project notifications and communication of site access to impacted residents;
- Periodic project updates and status reports; and
- General project management and administration throughout duration of Phase 1 of contract.

A4.11 PROJECT MEETINGS:

FEE: \$19,000

Work under this phase includes the following major tasks and components:

- In person project kickoff meeting and initial site visits for stormwater master planning (completed August 2024);
- One (1) in person meeting and presentation to Town stakeholders to discuss project prioritization and asset inventory of pipes and structures;
- Up to two (2) virtual public informational meetings/presentations with Town stakeholders, including any committee or council meetings as directed by the Town of Nags Head; and
 - Meetings in this task may include discussion of all three phases of this contract.

Phase 1B – Stormwater Master Plan Update, Initial Analysis

D4.12 PROBLEM AREA ID + CONCEPTUAL DESIGN:

FEE: \$72,000

For this task, McAdams will provide the following scope of services:

- McAdams will analyze up to eleven (11) areas or systems for flood mitigation and hydraulic improvement;

- Areas shall be determined by the Town and their stakeholders (anticipated fall 2024);
- Alternatives analysis and replacement recommendations should balance the replacement longevity and the cost to each community including upfront and maintenance costs. It is envisioned that alternatives will likely include the following:
 - Upgrade of culvert/drainage systems to meet established design criteria;
 - Upgrade of portions of the culvert/drainage system to lesser design standards (with Town approval);
 - Use alternative stormwater control measures such as stormwater pumps, groundwater lowering, floodplain storage, and green stormwater infrastructure for water quantity and quality control;
 - Improvements along alternative alignments to minimize construction cost and impacts to private property, transportation systems, and other existing infrastructure;
 - Non-structural floodproofing options, including alternative flood-hazard mitigation strategies;
- ▮ Capacity analysis of South Memorial Avenue Trunk Line
 - Determine existing conditions hydrology for contributing drainage area
 - Compare existing conditions to current Town standards, and if the current system does not meet Town standards, determine minimum pipe size necessary to bring infrastructure up to current standard
 - Additional modeling, conceptual design, corridor study, and constructability assessment can be completed as a future Phase if requested.
- ▮ Hydrologic and Hydraulic modeling software(s) will be used to perform high level analyses of select existing storm drainage systems within the project area, including both closed conduit and open channel systems. For the majority of the H+H modeling, McAdams will primarily utilize PC-SWMM to prepare an analysis of integrated systems across Town;
- ▮ For each drainage system of interest and S. Memorial Avenue, McAdams will determine peak flow rates (or flood volumes), provided levels of service, and preliminary sizing of pipes and drainageways to meet intended level of service and/or drainage improvements for problem areas;
- ▮ McAdams will evaluate 1- 2-, and 10-, 24-hour SCS Type III rainfall distribution events as part of our modeling efforts. Rainfall depths will be based on NOAA Atlas 14 data. Additional storms may be analyzed on a case by case basis;
- ▮ Previous completed field survey data and drainage basin maps will be used to develop the hydrologic models;
- ▮ Utilize hydrologic models to verify infrastructure capacities, flood prone areas, and identify system deficiencies and critical assets; and
- ▮ Concept level plans are proposed to be exhibits generated from GIS, and will show locations, type, sizes, and preliminary elevation information for proposed drainage infrastructure.

Phase 1C – Asset Inventory + Assessment

D4.21 ASSEST INVENTORY + FIELD DATA COLLECTION:

FEE: \$38,400

Work under this task will include the following:

- ▮ Initial field walks to verify and confirm system connectivity and limits;
- ▮ All field work support associated with pipe, structure, and outfall inspections (including site visits and any support during pipe cleaning and inspection work), plus additional pole camera inspections as determined appropriate. McAdams will perform data collection efforts for stormwater assets through the following tasks:

- Deploy one (1) two-person field crew to collect information on existing stormwater assets in priority areas (to be determined and agreed upon by McAdams and the Town of Nags Head). This information will be collected using a Trimble Catalyst subscription plan, ESRI's Field Maps software and GPS equipment. All field data will be configured into a Geodatabase format for the development of a GIS inventory for the priority areas; and
- Conduct detailed evaluation and quality assurance of field surveys for existing drainage basins and stormwater infrastructure within the project areas.

D4.22 GEODATABASE MANAGEMENT + DASHBOARD CREATION:

FEE: \$26,100

McAdams will update the Town's stormwater GIS inventory and integrate asset conditions into a project dashboard based upon inspection results and problem identification. This work will include:

- | Data assembly and geodatabase development;
- | GIS Dashboard creation, including real-time viewing of field information during data collection based on feedback with Town staff;
- | Adding pipeline ratings based on Town priorities and condition data to the dashboard with links to field data;
- | Ongoing maintenance of the dashboard throughout the life-cycle of this contract. Data maintenance, revisions to the infrastructure map, and updates to condition assessments after initial project completion can be completed under separate contract, or completed by the Town; and
- | A map showing the areas studies in Phase 1 of this scope of work, and areas within the Town limits that are vulnerable to future flooding.

D4.23 ASSET CONDITION ASSESSMENT:

FEE: \$39,500

For this task, McAdams will review all photographs and assess the storm drainage system to determine current condition and where immediate, remedial action may be necessary. A prioritization list relative to repairs needed based on current conditions will be provided. From this information, McAdams will develop an optimized stormwater infrastructure and operation maintenance plan for the Town considering the full inventory of all stormwater control structures and other planned developments. The purpose of this O&M plan will be to extend the life of the existing infrastructure and to optimize its existing operation.

Deliverables:

- | Structural assessments of pipes, catch basins, and other storm structures within the area of interest;
- | Development of scoring matrix based on structural conditions of pipes and open channels;
- | Integration of individual infrastructure repairs (outside of the eleven project areas) into the CIP prioritization, if warranted; and
- | Revisions and updates based on feedback from the Town of Nags Head.

Extra Services

J. ADDITIONAL SERVICES

When requested by the Client and confirmed by the Client and/or Firm in writing, the Firm shall perform services in addition to those described above in this Agreement and the Client shall compensate the Firm by hourly charges in accordance with the attached Rate Schedule.

K. REIMBURSABLE EXPENSES

Valid expenses include mileage, lodging, reproduction and express delivery service with an anticipated total budget of **\$5,000**. These expenses may be paid by the Town in addition to the fees listed above.

Future Phases

Scope and fee for future phases of this project will be completed when requested by the Town.

Stormwater Master Plan Final Report – estimated \$55,800

- ▮ CIP prioritization, probable construction costs, additional engineering reports for up to five sites, review of Town codes, and implementation planning.

Watershed Restoration Plans – estimated \$65,500

- ▮ EPA 9 Element Plan to address impaired waters in Roanoke Sound

Final Reporting – estimated \$8,000

- ▮ Final reporting for grants or deliverables for Town commissioners.

Miscellaneous Contingency – estimated \$62,700

- ▮ Additional stakeholder meetings, travel, field survey, exhibits, reports, expenses, etc.

Fee Summary

- ▮ Phase 1A – \$27,000
- ▮ Phase 1B – \$72,000
- ▮ Phase 1C – \$104,000
- ▮ Expenses – \$5,000

Total for Phase 1 = \$208,000

Future Phases = \$192,000

Our proposed fee for the scope of services described herein is not to exceed **\$400,000** including future phases, contingency, and reimbursables.

Project Schedule

The Firm's services shall be performed as expeditiously as is consistent with professional skill and care and the orderly progress of the project. The following is the expected schedule for completion of work on this project:

An estimated schedule has been included below. McAdams is proposing to complete all Phase 1 work within approximately 240 working days of Notice to Proceed (NTP) from the Town of Nags Head, including the below breakdown by major milestone. Milestone dates below are approximate and shall be adjusted throughout the duration of the project based on any major changes to the scope of the project and/or site conditions. A more detailed schedule will be completed upon NTP from the Town of Nags Head with more specific deadlines.

- ! **Milestone 1:** Project Kickoff, Work Planning, and Scheduling: **+30-days** from NTP
- ! **Milestone 2:** Stakeholder Meetings: **+90 days** from NTP
- ! **Milestone 3:** Storm Structure Inspections/Field Data Collection: **+120-days** from Milestone 1
- ! **Milestone 4:** Geodatabase Management + Dashboard Creation: **+30-days** from Milestone 2
- ! **Milestone 5:** Preliminary Asset Inspection + Assessment Results: **+30-days** from Milestone 3
- ! **Milestone 6:** Phase 1 Final Report: **+30-days** from Milestone 5

Phase 1A, 1B, and 1C of this project are anticipated to be completed by June 1, 2025.

The time limits and schedule set forth above have been agreed to by the Client and Firm, but the time limits and schedule shall be extended for (1) reasonable cause, or for (2) any delays associated with the Firm's work on the project that are not the sole responsibility of the Firm.

Client Responsibilities

Client shall be responsible for the following:

- ! Notification to proceed;
- ! Timely approval of sketches presented for Client approval;
- ! Payment of invoices in accordance with Terms and Conditions; and
- ! Notification to Firm of any problems, in accordance with Terms and Conditions.

Exclusions

The following services are not included in this Agreement:

- ! Any engineering or surveying service not specifically described above;
- ! Field surveying and environmental studies, delineation, or investigation, except those specifically described above;
- ! Court appearances for litigation, or preparation for same;
- ! Legal advertisements for construction contracts;
- ! Revised directives from Client after design has begun;
- ! Historical, archeological, insect, or terrestrial or aquatic animal surveys that require highly specialized expertise;
- ! Oversight and direction for vegetation clearing to facilitate evaluation of stormwater infrastructure; and
- ! Scope and detailed fees for Future Phases will be provided at a later date

General Conditions

- ! This proposal is valid for 120 days from the above date.
- ! Reimbursable expenses will be billed in accordance with the attached Rate Schedule.

Conclusion

We appreciate this opportunity to propose our services. We are eager to pursue this project further and thank you for your consideration.

Sincerely,
McAdams

Hunter Freeman, PE, LEED AP | Senior Advisor, Water Resources – Green Stormwater Infrastructure
freeman@mcadamsco.com | 919. 361. 5000

HF/kt

Acceptance

By: _____ Date: _____

Name: _____

Title: _____

Accounting Information

Billing Contact: _____

Billing Contact Email Address: _____

Billing Contact Phone Number: _____

Billing Address: _____



Agenda Item Summary Sheet

Item No: **K-2**
Meeting Date: **October 2, 2024**

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

Item Summary:

At the October 2nd Board of Commissioners meeting, Town Manager Andy Garman, along with Town Engineer David Ryan, will present an update on the construction progress of the new Public Services Facility.

Number of Attachments: 0

Specific Action Requested:

Provided for Board information and update.

Submitted By: Administration

Date: September 26, 2024

Finance Officer Comment:

Insufficient information to determine fiscal impact.

Signature: Amy Miller

Date: September 26, 2024

Town Attorney Comment:

N/A

Signature: John Leidy

Date: September 26, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: September 26, 2024