



**DRAFT MINUTES**  
**TOWN OF NAGS HEAD**  
**BOARD OF COMMISSIONERS RETREAT**  
**TUESDAY, SEPTEMBER 25, 2018**

The Nags Head Board of Commissioners met at the Villa Dunes Clubhouse on Tuesday, September 25, 2018 for a Board Retreat.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon; Comr. Webb Fuller; and Comr. Michael Siers

Others present: Town Manager Cliff Ogburn; Town Attorney John Leidy; Andy Garman; Amy Miller; Brie Floyd; Kelly Wyatt; Roberta Thuman; and Town Clerk Carolyn Morris

**Welcome – 8:30 a.m.**

Mayor Cahoon thanked everyone for attending and dedicating time for the retreat. He distributed and reviewed with Board members "8 Ground Rules for Today's Retreat".

Mayor Cahoon created posters as a result of Board discussions on each agenda topic. Two posters that were updated throughout the retreat was the "Parking Lot" which contains tasks/projects that will be addressed at a later time – projects that need to be done but are not as immediate as others - and the "Ouija Board" that contains areas that it is felt the Town is behind – projects that need to be done as soon as possible. Both posters in their entirety can be found at the end of the minutes. **NOTE: Information on the posters are initial thoughts of individual Board members, prior to discussion, and do not necessarily reflect Board consensus.**

**COMMERCIALIZATION OF THE BEACH / TENTS ON THE BEACH**

Attorney Leidy's memo re: commercialization of the beach was provided to Board members and was briefly summarized.

Board discussion included the following:

Offsite advertising is an issue and an example of commercialization of the beach.

Skeletons left on the beach are still an issue.

Attorney Leidy - the Town can't prohibit a company from putting a tent on the beach.

The Town prohibited offsite advertising in the past and it is still an issue; tents are occupying space excessively around accesses or in front of private properties so there are two issues.

Attorney Leidy provided a review of commercial speech such as advertising/logo on tents and umbrellas.

Commercial speech is related to a business's economic interest and this is where the Town can regulate – the easiest is by regulating offsite advertising – in the form of a police power ordinance.

Board members agreed that commercial language on the beach is not exclusively tents. Attorney Leidy suggested restricting the use of either logos or language on beach gear that would constitute a

commercial message - that is essentially an identifier - by putting some sort of size restriction on the language and limiting it to the vendor of the equipment. This could be done through a permitting process.

Concern was expressed that a tent on the beach with large signage is the same as signage on the oceanfront, i.e., For Sale signs. How long is the use on the beach - yoga doesn't last all day - tents are on the beach all day.

It was Board consensus to regulate commercial tents on the beach via a permitting process. This would address cluster of tents or placement of tents – permitting tents and umbrellas for a fee would provide a mechanism to control cluster of tents. This would address placement, density, time, and to some degree unattended tents, as well as advertising.

Attorney Leidy emphasized that the Town is addressing a public safety concern by permitting tents and removing skeletons from the beach.

The three (3) posters addressing these issues read as follows:

**COMMERCIALIZATION**

*What does it serve to limit it?*

*What is a commercial activity?*

- *Sale of merchandise*
- *Use of property*
- *Exchange of money on beach*
- *Off-site advertising*
- *(solicitation of business)*
- *Regulate as off-site advertising*
- *How to police?*
- *Incidental*
- *Permitting? (Thru tent placement/vendors)*
- *Within the permitting process ... an identifier*

**TENTS**

*Limit time "time, place, manner"*

*Probably can't prohibit a company*

*Linens example – every house a tent*

*Tent at their cottage/lot*

*Tents (dry sand) at beach accesses = westside cottages*

*Events*

*Tents for benefit of others on someone's private property*

**WHAT ELSE ...**

*Off-site advertising*

*Itinerant merchant – public facilities for private business/profit*

*Tents at beach accesses*

*Tents in front of private property thru private drive*

*Classes/Weddings (Yoga, boot camp, etc.)*

*Invasive/disproportionate/obstructive/monopolize space*

*Unsafe conflict-generating*

*Tents vs commercialization*

*Enforceable 10 am start – 6 pm stop*

*Permit tents and umbrellas for a fee – part of fee (rental co., etc.)  
Placement, density, time, to a limited degree text "spec setup"  
Identifying text/logo for tents/umbrellas/cabanas under permit only*

*FINAL – Live with the unintended consequences!!*

*Two-prong:*

- 1. Dampen off-site advertising - size and type of copy – visible generally to bystanders*
  - 2. Tent placement by permitting*
- Threshold regulation so that events remain okay*

**ACTION:** Staff is to present a permitting process to regulate tents/umbrellas/cabanas on the beach to the Board at its November 7, 2018 meeting.

### **COLA and Merit**

Human Resources Director Brie Floyd presented an update on COLA and Merit – she briefly summarized her memo with the Board.

Board discussion included the following:

Merit should be earned.

Disciplinary actions could prevent merit – not COLA however.

Board members agreed that the goal is to get employees who are worthy to the mid point.

One way to be more competitive is by allowing years of service in a particular position - not necessarily just years with the Town - if someone has the experience, give credit for the experience.

Advertise in order to get the best possible employee - as a matter of practice – for all positions.

**ACTION:** It was Board consensus to 1) Move range with COLA; 2) Budget for COLA and Merit; 3) Present a proposed budget analysis at the January 2019 Board Retreat; 4) Issue to employees in January 2019 half of the 1.1% COLA as a "make-up" COLA effective for half a year in order to keep employees current with CPI; and 5) Use January's CPI as recurring expense in the budget.

### **Lunch – 12:15 p.m.**

Personnel - Town Manager Ogburn briefly reviewed Human Resource Director Brie Floyd's leave accrual memo concerning regular exempt vs department head – proposing that all exempt staff accrue/use leave at the same rate.

New Web Site – PIO Roberta Thuman presented a brief update on the Town's new web site under CivicPlus Management which it is anticipated will be launched by the end of October 2018.

### **Hotel Setbacks**

Dep Town Manager Andy Garman reviewed with Board members comparison charts depicting primary zoning requirements and conditions for hotel development within the Town's zoning districts with standards in the Towns of Kill Devil Hills and Kitty Hawk.

Board discussion included the following:

The 90' setback was questioned; older hotel development was discussed; Board members want to help with the Town's existing hotels but a lot of the issues are with State and Federal regulations. Hotel regulations for ocean and sound were reviewed and it was asked why there is a hotel parcel that would not allow a hotel to be built. The rezoning of the Lakeside Drive property located at 6632 S Croatan Highway to Village Hotel was mentioned - staff was asked to obtain information concerning the site's connection, if any, to the Village sewage plant.

ACTION: It was Board consensus to help existing hotels realizing that a lot of the issues are with state and federal regulations; Staff is to review hotel regulations for ocean and sound.

### **Workforce Housing**

Dep Town Manager Andy Garman summarized the information on workforce housing he provided to Board members. The final report from the Town's Local Business Committee was also provided.

The Workforce Housing poster summarized the Board's discussion and read as follows:

#### ***WORKFORCE HOUSING***

*Viable workforce housing – Where?*

*Our seasonal employees?*

*A Build or adapt existing building*

*B Medical Center*

*C Lease from Peak (wing meet dorm?)*

*B1 Shift current lessee to FS 20*

*B2 Convert old Medical Center to housing, when?*

*B3 Build new housing at old Medical Center*

*1. Build*

*2. Incentivize*

*3. Tiny house ordinance?*

*Can Nags Head Leasing leverage USDA\$*

*School data to find bridge workers?*

*Will C-Zone Accessory Dwelling Unit's help?*

*Contract ourselves for employee housing?*

ACTION: Staff is to review options over the winter focusing first on housing for Town lifeguards.

### **Building Permitting Process**

Board discussion concerning the building permit process included the following:

Board members would like to see staff review and come up with reasonable elements, basic practices, that would simplify the building permitting process. Simplification is needed in order to achieve the goal of making it easier for people to obtain a permit and build a home.

Dep Town Manager Garman suggested only putting in the ordinance what has to be done – minimal instead of exact dimensions. Mayor Cahoon suggested a minimal swale in order to control driveway runoff.

The Building Permitting Process poster read as follows:

**PERMITTING PROCESS**

*Permit issued in 4 days*

- *Permits not clean*
- *Board-created monster - single-family stormwater [stormwater ordinance rewrite]*
- *Q - What is shortest route out of that box?*
- *A - Prescriptive for single-family*
- *De-couple fill and stormwater mgmt.*
- *LID – Gutters and cisterns*

*Staff recommendations*

*Process – immediately notify applicants of application deficiencies*

*Software online in January 2019*

*Short-term*

*Handle on where applicants are [tracking permits]*

*Permit turn-around is improving*

*Be a permit police-person*

*Be a driver*

Action: New permitting software will track building permits and is scheduled to be in place January 2019. Staff is to continue to work toward the more timely issuance of permits.

Parking Lot and Ouija Board posters

Final "Parking Lot" and "Ouija Board" posters read as follows:

**PARKING LOT**

*Lightkeeper Award / Form Re-do*

*Tents and skeletons left on beach after hours*

*Delivery of food/beverage/goods to beach*

*Restoring swales where they help in neighborhoods*

**OUIJA BOARD [ACTIONS]**

*Wastewater/stormwater into ground [Get stormwater projects under construction ASAP]*

*Use Powell Bill funds for streets and not for equipment purchases [Board policy]*

*Consolidation of services: pumps, stormwater, trash pickup, county drainage*

*Reopen required swales in neighborhoods [Provide property owner notification beforehand]*

*FOCUS! [Deliver to Board members by end of 2018]*

*Permitting software [Scheduled for January 2019]*

*Determine the best method to repair and replace [trash] carts including designation of "ownership"*

*Bid procedures [Recycling bid process]*

**Board Evaluation / Misc.**

An evaluation form was distributed by Mayor Cahoon.

Farmers' Market - Comr. Fuller asked that the Farmers Market be rebranded – produce is not often sold as it is not in season and the Farmers Market has turned into an Arts and Crafts Market. Mayor Cahoon felt that for a first season it went well but that it should be revisited before next summer to consider scheduling when produce is in season.

Two items not discussed at the Retreat – Recycling and Beach Nourishment Municipal Service Districts (MSD) are to be discussed at a later time.

Action: Recycling and Beach Nourishment MSD Workshops are to take place before the January 2019 Retreat.

### Summary of Board Retreat Actions

Stormwater – Get stormwater projects under construction as soon as possible; Reopen required swales in neighborhoods

Consolidation of Services – Research consolidation of services (trash pickup, stormwater, etc.)

FOCUS Project – Delivery of Draft UDO document to Board by December 2018

Recycling and Beach Nourishment MSD - Workshops are to take place prior to January 2019 Retreat

Trash carts – Determine the best method to repair and replace carts including designation of “ownership”

Powell Bill policy – Use Powell Bill funds for streets and not for equipment purchases

Building Permitting Process – New permitting software in place January 2019

Commercialization of the Beach – Staff to present permitting process to regulate tents/umbrellas/cabanass on the beach – to return to the Board November 2018

COLA / Merit – Use January CPI for annual COLA

Workforce Housing – Review options over the winter focusing on housing for Town lifeguards

### **Adjournment – 3:26 p.m.**

Mayor Cahoon adjourned the Board Retreat at 3:26 p.m.

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Carolyn F. Morris, Town Clerk

Date Approved: \_\_\_\_\_

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