



DRAFT MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, DECEMBER 4, 2019

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Wednesday, December 4, 2019 at 9:00 a.m.

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

Board members Absent: None

Others present: Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Phil Webster; Perry Hale; Randy Wells; Shane Hite; Amy Miller; Michael Zehner; Roberta Thuman; Holly White; David Ryan; Lucille Lamberto; Robert Muller; and Town Clerk Carolyn Morris

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9:00 a.m. A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

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

RECOGNITION

NEW EMPLOYEE – Public Works Director Ralph Barile introduced Office Assistant Sue Cummings who was welcomed to Town employment by the Board.

NEW EMPLOYEE – Fire Chief Randy Wells introduced Firefighter Skyla Lamberto-Egan who was welcomed to Town employment by the Board.

PRESENTATION - Todd D. Krafft Septic Health Initiative Program - Planning Director Michael Zehner briefly summarized the Town's Septic Health Initiative Program and the importance of Todd Krafft to the program and to the Town and explained the loss to the program and to all who knew Mr. Krafft when he

unexpectedly passed away in September 2019. Director Zehner then introduced former Mayor Bob Muller who was a major figure in the Town's Septic Health Initiative; Mr. Muller provided a brief summary of the history of the program which he explained was adopted by the Board in 2002; Former Town Manager Webb Fuller had moved Todd Krafft from another dept in the Town to head up the program who did such a great job that the program is recognized on local, state, and federal levels. Mr. Muller stated that he feels the proposed resolution to be considered is a wonderful way to recognize the program and the employee who headed up the program. He encouraged its adoption and the renaming of the program to the Todd D. Krafft Septic Health Initiative Program.

Mayor Cahoon read the resolution.

MOTION: Comr. Fuller made a motion to adopt the resolution renaming the program as the Todd D. Krafft Septic Health Initiative Program as presented. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

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

"Whereas, the Town of Nags Head and the Outer Banks community lost a valued, forward-thinking leader, and generous and knowledgeable employee on September 16, 2019 with the death of Todd Davis Krafft; and

"Whereas, Todd Krafft dedicated over 20 years of public service to the Town of Nags Head and was a tireless and passionate advocate for the Septic Health Initiative and the understanding and mitigation of other environmental concerns facing the town; and

"Whereas, Todd Krafft took great pride and care in performing the many duties of the Septic Health Coordinator and Environmental Planner positions, helping to establish, implement, and grow the Town of Nags Head's Septic Health Initiative Program; as part of his work, Todd carried out and oversaw the Septic Tank Inspection and Pumping Programs, Water Quality Monitoring Programs and the development of the Decentralized Wastewater Management Plan; and

"Whereas, Todd Krafft valued opportunities to provide environmental education to the community, including presentations at area schools, realtor groups and professional organizations, civic and community associations, and other municipalities interested in developing a similar program; and

"Whereas, Todd Krafft nurtured and fostered partnerships with many local organizations and education facilities, including the Coastal Studies Institute and the OBX Field Site, North Carolina Coastal Federation, North Carolina Sea Grant, and North Carolina State University; and

"Whereas, Todd Krafft left a lasting legacy at the Town of Nags Head and its residents, leaving a positive impression on everyone who had the pleasure to work with him.

"Therefore, be it resolved, that the Town of Nags Head Septic Health Initiative Program be renamed the Town of Nags Head Todd Krafft Septic Health Initiative Program in honor of his work.

"Now, therefore, be it further resolved, that this resolution be included in the minutes of the Nags Head Board of Commissioners as a permanent record of the achievements of and respect for one of Nags Head's most dedicated employees, and that the original be presented to the family of Todd Davis Krafft with sincere sympathy and appreciation."

The original resolution as well as a plaque for each of Mr. Krafft's children was presented to Kayleigh Krafft.

PRESENTATION - Nags Head Woods Annual Report

Steward Aaron McCall presented the annual Nags Head Woods Report via a powerpoint presentation which was well received by Board members as well as the audience. His presentation is attached to and made a part of these minutes as shown in Addendum "A".

Comr. **Renée** Cahoon, on behalf of the Board, thanked Mr. McCall for his twenty years of service to the Woods. Comr. Fuller pointed out how many years ago Nags Head Woods was slated to be developed; it has been a good partnership with the Nature Conservancy.

PRESENTATION - 2019 Earl Murray, Jr. Employee of the Year Award

Town Manager Ogburn identified the nominees for the 2019 Earl Murray, Jr. Employee of the Year: Tax Collector Linda Bittner, Dep Fire Chief Shane Hite, Police Officer Joseph (JC) Mitchell, Sanitation Superintendent Ricky Spencer, and Code Compliance Officer Ed Snyder.

Mayor Cahoon announced Sanitation Superintendent Ricky Spencer as the winner of the 2019 Earl Murray, Jr. Employee of the Year award.

Mayor Cahoon pointed out that this year's nominees were outstanding and it was very difficult to choose just one during last month's Closed Session.

PRESENTATION - Dare County Motorcycle Toy Run – Terry Gray

Terry Gray, President of the Dare County Motorcycle Toy Run, recognized partnerships with agencies to include the Cat 5G Club to make the annual toy run work. He thanked Treasurer Sam Bowler and Rich and Marie Ball for their help. The main reason for the toy run and the partnerships is to raise money for underprivileged children. He also specifically thanked the Dare County Sheriff's Dept as well as the local municipalities for their assistance in incident-free events each year. It is anticipated that this year the amount raised will be \$42,000 to go to those in need. The video played and was well received. On behalf of the Dare County Motorcycle Toy Run, Mr. Gray presented a plaque of appreciation to Police Chief Phil Webster.

On behalf of the Board, Mayor Cahoon thanked Mr. Gray and his organization for the work done on behalf of underprivileged children.

RESOLUTION – 2020 Census Partnership Resolution

Planning Director Michael Zehner acknowledged the Board's support and encouraged citizen support for the upcoming 2020 Census. He pointed out that many things are dependent on the accuracy of the census.

Mayor Cahoon read the resolution.

MOTION: Comr. **Renée** Cahoon made a motion to adopt the 2020 Census resolution as presented. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

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

"WHEREAS the U.S. Census Bureau is required by the U.S. Constitution to conduct a complete count of the population and provide a historic opportunity to help shape the foundation of our society and play an active role in American democracy; AND

'WHEREAS the Town of Nags Head is committed to ensuring every resident is counted; AND

'WHEREAS federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing; AND

'WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and are necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts; AND

'WHEREAS information from the 2020 Census and American Community Survey is vital for economic development and increased employment; AND

'WHEREAS the information collected by the census is confidential and protected by law; AND

'WHEREAS a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our residents; AND

'WHEREAS the Census count requires extensive work, and the Census Bureau requires partners at the state and local levels to insure a complete and accurate count; AND

'WHEREAS the Town of Nags Head and its appointed Complete Count Committee will bring together a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our community; AND

'NOW, THEREFORE, BE IT RESOLVED that the Town of Nags Head is committed to partnering with the U.S. Census Bureau and the State of North Carolina and will:

- '1. Support the goals for the 2020 Census and will disseminate 2020 Census information;
- '2. Encourage all Town residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;
- '3. Provide CCC members and Census advocates to speak to Town and Community Organizations;
- '4. Support census takers as they help our Town complete an accurate count; and,
- '5. Strive to achieve a complete and accurate count of all persons within our borders."

PERSONAL PRIVILEGE FOR OUTGOING BOARD MEMBERS

Recognition of Outgoing Mayor Pro Tem Susie Walters

Mayor Pro Tem Susie Walters congratulated both Comr. **Renée** Cahoon and Kevin Brinkley on their Commissioner wins in the recent election. As she left her position as Mayor Pro Tem, she emphasized how much she respected and enjoyed working with all Board members over the years whom she mentioned by name to include current Board members and wished the current Board well in planning the Town's future. She played on screen the song "Don't Stop Thinking About Tomorrow" by Fleetwood Mac.

Comr. **Renée** Cahoon said it was an honor and a privilege to serve with Mayor Pro Tem Walters; Comr. Fuller thanked her for her work for the Town and indicated his appreciation working with her; Comr. Siers stated that it has been a privilege and an honor working with her and that he always appreciated her insight; Mayor Cahoon expressed his appreciation for Mayor Pro Tem Walters' mentorship and her passion for her work for the Town.

An engraved plant crock/vase was presented to Mayor Pro Tem Walters on behalf of the Board.

REORGANIZATION OF THE BOARD

Town Clerk Carolyn F. Morris presented the official results of the November 5, 2019 municipal election for the position of Commissioner as follows:

"Kevin Brinkley – Total votes 584
Renée Cahoon – Total votes 536
Keith Sawyer – Total votes 242
Write-In (Miscellaneous) – Total votes 4"

Commissioner oaths of office were given by Town Clerk Carolyn Morris to Comr. **Renée** Cahoon and Kevin Brinkley – followed by a brief photo break. Both Comr. **Renée** Cahoon and Comr. Brinkley were welcomed to their seats on the Board.

The selection of Mayor Pro Tem then took place.

MOTION: Comr. Fuller made a motion to nominate Comr. Siers as Mayor Pro Tem. The motion was seconded by Comr. **Renée** Cahoon which passed unanimously.

Town Clerk Carolyn Morris provided the Mayor Pro Tem oath of office to Comr. Siers who was then welcomed to his seat on the Board.

PUBLIC COMMENT

There being no one present who wished to speak during Public Comment, Attorney Leidy closed Public Comment at 10:17 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of Budget Adjustment #5 to FY 19/20 Budget
- Consideration of Tax Adjustment Report
- Approval of minutes
- Consideration of amendments to the Consolidated Fee Schedule re: Planning fees
- Consideration of amendment to Town Code of Ordinances - Vehicle for Hire section
- Request for Public Hearing to consider proposed text amendments to the Unified Development Ordinance pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditional use permitting requirements

MOTION: Comr. Fuller made a motion to approve the Consent Agenda as presented. The motion was seconded Comr. Renée Cahoon which passed unanimously.

The Budget Adjustment, as approved, is attached to and made a part of these minutes as shown in Addendum "B".

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

The Consolidated Fee Schedule (CFS) changes, as approved, read in part as follows:

"As Staff has begun to administer the Unified Development Ordinance it has become apparent that several of the Miscellaneous Administrative and Zoning Fees included within the Town's Consolidated Fee Schedule needed to be updated. Staff is suggesting the following changes to these fees, consolidating some fee types, as well as reorganizing fees by application type. At this time Staff is not proposing to increase or decrease any fees; however, this may be a consideration as part of the FY20/21 Budget.

Staff requests the Board's approval of the following changes to the Consolidated Fee Schedule; ~~strikethroughs~~ denote proposed deletions of existing content, and text in red denotes proposed additions to or alterations of existing content:

Miscellaneous Administrative and Zoning Fees	
Site Plan, Major	0.50/sf
Site Plan, Minor (without or less than 250 sq. ft. of new floor area or lot coverage)	\$75
Site Plan, Minor (with 250 sq. ft. or greater or new floor area or lot coverage)	\$400
Board of Adjustments Variance or Appeal	\$200
Change of occupancy/use	\$50
Conditional Use/Vested Right	\$200 each or \$300 combined
Erosion & Sedimentation Control	\$50/up to 1 acre + \$40/additional acre and revision
Exempt subdivision/administrative review	\$50/lot
Floodplain Review (not associated with building permit)	\$50
GIS maps 11 X 17	\$5/parcel data only \$10/aerial photography

GIS maps 17 X 22	\$10/ parcel data only \$25/aerial photography
GIS maps 22 x 34 through 36 x 48	\$25/ parcel data only \$50/aerial photography
Home occupation	\$50
Sign permit application review	\$75
Site plan review for Accessory Structures (decks, pools, signs, etc) if required \$50 Remodeling	
Site plan review for signs	\$75
Site plan review fee/duplex	\$275
Site plan review/commercial	0.50/sf
Site plan review/single family	\$150
Site plan/administrative review	\$400
Subdivision plat review	\$75/lot
Zoning permit application (adopted Dec 2002)	\$25
Zoning permit application -- in conjunction with building permit	N/C
Zoning Permit for New Single Family/Duplex	\$150/\$275
Zoning Permit associated with Single Family/Duplex with no Building Permit (i.e. driveway, land disturbance, etc.)	\$25
Zoning Permit for Commercial/Multifamily, in conjunction with Building Permit	No charge
Zoning Permit for Commercial/Multifamily, with no Building Permit (i.e. change of occupancy or use)	\$50
Zoning Permit for Signage	\$75 (per application, inclusive of all signs)
Zoning Permit for Home Occupation	\$50
Zoning Map Amendment	\$200 ea; \$300 if engineering required
Zoning Text Amendment	\$200 ea; \$300 if engineering required
Application/Investigation of Sexually Oriented Business (SOB)	\$300
Subdivision, Minor or Major	\$75 per lot
Exempt Subdivision/Recombination	\$50 per lot
GIS maps 11 X 17	\$5/parcel data only \$10/aerial photography
GIS maps 17 X 22	\$10/ parcel data only \$25/aerial photography
GIS maps 22 x 34 through 36 x 48	\$25/ parcel data only \$50/aerial photography
Site plan review for alterations, additions,	\$75

Town Code – Vehicle for Hire, as approved, read in part as follows:

"The department received notification from SBI that the police department must apply for access to criminal history records checks. This affects our ability to obtain criminal history information for our Taxi permits.

'On October 29, 2019 we received an email from Brittany Hunt of the SBI Access Integrity Unit. She stated in the email they (SBI) had received fingerprints for a Taxi applicant. She researched and found that we do not have an Access Agreement on file for Taxi Applicants with SBI.

'Ms. Hunt sent the required agreement paperwork and additionally stated our town ordinance needed to reflect the requirement for finger printing, which ours currently does not. In order to meet the standard, set forth in GS 160A-304 we must include language in our ordinance to the effect of: "The ordinance shall require any applicant who is subjected to a national criminal history background check to be fingerprinted".

'After updating the ordinance, I will need to submit the ordinance and an access agreement to SBI.

'Attached please find proposed ordinance amendment for consideration."

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

"As discussed and directed at the Board of Commissioners Retreat on September 12, 2019, Staff is providing the Board with proposed amendments to the Unified Development Ordinance pertaining to the reduction of parking based on the provision of bicycle parking, the standardization of findings for all parking-related Conditional Use Permits, and the establishment of minimum standards for required bicycle parking

'Planning Board/Staff Recommendation

Staff concurs with the recommendation of the Planning Board. Staff recommends that the public hearing on the proposed amendments be scheduled.

'The Planning Board, at their November 19, 2019 meeting, voted 4-0 to recommend amendments to UDO as contained in the attached draft ordinance. In making their recommendation, the Planning Board noted their opinion that the proposed amendments were consistent with the relevant policies contained in the Comprehensive Plan."

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

Planning Director Michael Zehner had provided a detailed monthly report of the Planning and Development Department in the Board package. He provided the opportunity for Board members to comment/ask questions of him which he noted is a different format than previously which was as an "FYI" in an email to the Board.

Director Zehner responded to a question from Mayor Pro Tem Siers – the timeline to be online 100% for building permit process he estimated would be in the May 2020 timeframe. Online trade permits he anticipates to be available by the February/March 2020 timeframe.

Comr. Fuller asked if the HVAC and Plumbing permit process would go in before electric; Director Zehner said that some clarification still needs to be done from a process standpoint. Nags Head requires a review

while Currituck County does not. In response to Comr. Fuller, Director Zehner stated that as of today there are 28 short-term rental properties registered.

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

From Nov 6th Board meeting – Update on Little Bridge site; Update on Speed limit reduction

The summary sheet on the Little Bridge site and speed limit reduction read in part as follows:

Little Bridge site - At the November 6th Board of Commissioners meeting, Board members expressed concern that all of the safety items at the site cause confusion for pedestrians as well as motorists. Staff was directed to bring this item back for discussion on December 4th when the new Board is in place. Below is the chronological order of installed items at the site. The Board discussed the possibility of removing all or some of the items placed at this site – to include putting the area back to its original condition. NC DOT Division I Engineer Jerry Jennings has stated that they could not support this request unless fishing was prohibited on the north side of the bridge.

1. Crosswalk (2012)
2. Refuge Island (2013)
3. Advanced Pedestrian Flashing Signal installation (2014)
4. Motion-activated pedestrian signal installation at Crosswalk (2018)

Police Chief Webster provided the following information concerning incidents at the Little Bridge site:

- Since August 2014 there have been a total of 18 accidents, one involving a pedestrian
- In the five years prior to August 2014, there is no record of any accidents

US 158 speed limit reduction to 45 MPH – At the November 6th Board of Commissioners meeting, Mayor Cahoon stated that he would check with the Town of Kill Devil Hills concerning support for lowering the speed limit on US 158 to 45 MPH – when the new Mayor of Kill Devil Hills is in place. Comr. Renée Cahoon asked staff to continue to pursue the speed limit reduction to 45 MPH that the Town requested from NCDOT from the Town line on the Nags Head/Manteo Causeway north to the Nags Head Elementary School. Staff will provide an update on December 4th.

Update on Little Bridge site

Town Manager Cliff Ogburn reported that he has discussed with NCDOT Engineer, Jerry Jennings, expressing the Board's wish to remove what was put in place – they will not until north side of the pier is prohibited for fishing.

Mayor Cahoon summarized the Board's wish to switch to a pedestrian-activated light and to provide the appropriate signage to indicate the function of the lights for drivers who approach Little Bridge as well as to warn pedestrians about to cross. He stated that the Board's primary request is for NCDOT to make the Little Bridge lights work the way intended.

Speed limit reduction

In response to Comr. Renée Cahoon, Town Manager Ogburn said that he would follow up with NCDOT concerning the default speed limit on US 158 to 45 MPH.

Mayor Cahoon reported that he has spoken to Mayor-Elect Ben Sproul of the Town of Kill Devil Hills concerning reducing the speed limit on US 158 to 45 MPH for consistency throughout the towns; Mayor-Elect Sproul indicated that he would discuss this with his Board at an upcoming meeting.

From Nov 6th Board meeting – Update on the following projects to include cost figures ADA Study; Workforce Housing Study/Plan; Building Access Security

The summary sheet read in part as follows:

“Workforce Housing – ADA Study - This year’s budget includes funds to complete the workforce housing and ADA studies using the town’s on-call architect. Staff has worked with DJG to refine the scope and budget for each project. Currently the workforce housing study is quoted at \$22,858. The ADA study is \$23,347. When reviewing the tasks for each of these projects, staff worked with the consultant to combine meetings and site visits to minimize project costs. These refinements have reduced the cost of both efforts by approximately \$15,000. The combined total of these projects, \$46,205, is within budgeted funds. Staff is proceeding with both of these efforts.

‘Building Access Security - As discussed last month, the building security project was initiated by the town’s safety committee and has been an ongoing internal discussion over the course of the last six months. Staff would like assistance from the town’s on-call architect to develop appropriate alternatives to improve safety at the four primary town facilities. The consultant has developed a draft scope which includes three phases. The proposed fee for this effort is \$15,909. Staff has prepared a budget amendment of the same amount using admin facility fees. Staff requests board approval of the requested budget amendment and authorization to proceed with the project scope.

‘Staff memo and proposed budget adjustment are attached.”

Dep Town Manager Andy Garman summarized his memo which read in part as follows:

“At the Board’s November meeting, staff presented a draft scope of work for a seasonal workforce housing study requested by the Board as part of the current budget. The Board discussed the project and clarified goals for the study including who the housing should be designed to accommodate. Staff also presented to the Board a request to conduct an analysis of building security for the four primary public facilities the town operates. These include the town hall complex, fire stations 16 and 21, and public works.

‘Staff is proposing to utilize the town’s on-call architect, DJG, Inc., to conduct both tasks. Staff is also proposing to have DJG complete an ADA study (Americans with Disabilities Act) for the town, which is intended to inventory town facilities, including buildings, parks, and pathways, to determine compliance with ADA and provide guidance to improve the accessibility of these facilities as necessary. The ADA study is required by NCDOT since the town is a recipient of Powell Bill funding.

‘This year’s budget includes funds to complete the workforce housing and ADA studies using the town’s on-call architect. Staff has worked with DJG to refine the scope and budget for each project. Currently the workforce housing study is quoted at \$22,858. The ADA study is \$23,347. When reviewing the tasks for each of these projects, staff worked with the consultant to combine meetings and site visits to minimize project costs. These refinements have reduced the cost of both efforts by approximately \$15,000. The combined total of these projects, \$46,205, is within budgeted funds.

'As discussed last month, the building security project was initiated by the town's safety committee and has been an ongoing internal discussion over the course of the last six months. Staff is reviewing both physical improvements and soft measures to enhance security and mitigate future risk to town staff and facilities. We would like assistance from the town's on-call architect to develop appropriate alternatives to improve "safety at the four primary town facilities. The consultant has developed a draft scope which includes three phases. A summary of the scope is as follows:

Phase I – Site Investigation and Documentation

For each of the primary public facilities within the Town of Nags Head, provide a site survey and documentation of the current conditions. Primary facilities include:

- Town Hall
- Fire Stations (2)
- Public Works Building

Documentation will include the current site access configuration, number of access points, current interior plan configuration, define public use interior building zones vs. town staff zones, identify public building access points vs. staff access points, document any existing building monitoring systems and areas of coverage, and document the type of public visitor expected at each facility.

Kick-off conference and site visits to be completed in concert with the ADA study site work for the subject properties.

Phase II – Improvement Options

- Provide a building tour for the Nags Head Team of a newly constructed government complex in Dinwiddie County, Virginia. At a mutually agreeable time, as a team we will review current technology and current options utilized within the new facility.
- Identify proposed control points for separation of public vs. town staff areas
- Proposed access control modifications to include:
 - Building Access upgrades
 - Interior Physical Security upgrades
 - Camera or other electronic monitoring options
 - Site Access Controls (if appropriate)
- Review meeting with Town Staff to review preliminary available options
- Refine options to incorporate the feedback from the Town
- Review meeting with the Board of Commissioners for review of options

Phase III – Refinement of Options and Budget Estimating

- Based upon discussions with the Board, refine options to incorporate data and feedback provided by the Town
- Provide budget estimate for final recommendations refined following the Board's input
- Prepare final report of findings, recommendations, and project estimates (by facility)

Services by the Town:

- Provide existing building and site plans for the subject facilities
- Provide an escort for DJG with appropriate access to facilities
- Provide DJG with access to appropriate Town Staff members to understand the levels of public access and interaction required / desired at subject facilities.

The proposed fee for this effort is \$15,909. Staff has prepared a budget amendment of the same amount using admin facility fees. Staff requests board approval of the requested budget amendment and authorization to proceed with the project scope.

Dep Town Manager Andy Garman explained that staff is requesting \$15,910 to come from facility fees. Finance Director Amy Miller confirmed this information and stated that this was the only amount that was not approved in the original budget.

MOTION: Comr. Fuller made a motion to approve the Budget Amendment for \$15,910 for the Building Access Security Measures Study as requested. The motion was seconded by Comr. Brinkley which passed unanimously.

NEW BUSINESS

Committee Reports

Mayor Cahoon – he recently attended a NC Rural Conference and one key thing he took away is the need to invite elected officials, consultants, etc. that can address rural issues to schedule a conference in the rural areas so those affected can attend and their issues can be addressed.

Comr. Fuller – the Dare County Tourism Board (DCTB) committee looked at the event site as appointed by the OBVB; he noted that the Outer Banks Voice today had a good rendering of what went on at that meeting. The committee has agreed to engage an engineer to review the conceptual value of the committee and the Town's rules/regulations.

Consideration of Town Board/Committee appointments/reappointments

The summary sheet read in part as follows:

- 1 - Consideration of appointments to the Planning Board.
 - To fill three (3) expiring terms
 - Two of the three whose terms are expiring are not interested in being reappointed. Please see attached Planning chart.

After a recent email inquiry from staff, the following responded and again expressed their interest in serving on the Planning Board: Barbara Ayars, Ellen Heatwole, Gary Ferguson, Al Friedman, and AG (Don) Milbrath.

- 2 - Consideration of appointments to the Committee for Arts & Culture.
 - To fill five (5) expiring terms
 - All current members are interested in being re-appointed
 - Staff suggests staggering the terms so all terms don't expire at the same time

Attached please find the lists of candidates interested in serving on the Planning Board and the Committee for Arts & Culture. Also attached are the tracking charts with the current members of each.

Mayor Cahoon suggested, so that all can evaluate the Planning Board applications, that the Arts & Culture Committee appointments be considered today and the Planning Board appointments be considered at the January 2020 meeting. Board members agreed.

MOTION: Comr. Renée Cahoon made a motion to reappoint the following five (5) members to the Arts & Culture Committee as presented/follows: Leslie Erickson, Lauren Evans, Ginny Flowers, Kerry Oaksmith-Sanders, and Peggy Saporito. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

MOTION: Comr. Fuller made a motion to consider the Planning Board appointments at the January 8, 2020 Board of Commissioners meeting. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

Consideration of appointment/reappointment to Dare County Tourism Board

MOTION: Comr. Renée Cahoon made a motion to nominate Comr. Fuller to another two-year term on the Dare County Tourism Board. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Town Attorney Leidy – Request for Closed Session

Attorney Leidy requested a Closed Session so that he and Attorney Ben Gallop can update the Board on the status of the Beach Nourishment Project condemnation litigation.

It was Board consensus to move the Closed Session to the end of the meeting.

Town Attorney Leidy – Congratulations to Comr. Brinkley

Attorney Leidy congratulated Comr. Brinkley on his election win and wished him well as Commissioner.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Ogburn - Comprehensive Stormwater Maintenance and Projects Update

The following verbal updates were provided on the Town's Comprehensive Stormwater Maintenance and Projects:

Hunter Freeman, Withers Ravenel – He provided a report on the upcoming S Nags Head projects which include project #12 (milepost 19.5) and project #13 (milepost 17.5) as well as improvements adjacent to S Old Oregon Inlet Road. Mr. Freeman's slides are attached to and made a part of these minutes as shown in Addendum "B".

Mike Norris, Town Facilities Maint Supervisor – He updated the Board with information on the upcoming S Nags Head drainage projects as well as some recent work done throughout Town to address stormwater issues. Work done throughout Town included maintenance tasks such as cleaning out culverts and re-

stabilizing ditches. His slides are attached to and made a part of these minutes as shown in Addendum "C".

David Ryan, Town Engineer – Report on "IFLOOD" app which processes information from the field into a common database. Field reports are consolidated and viewed online. Directions for the "IFLOOD" app are: "Mark location on map, Snap a photo, Answer survey questions, Submit report"

Mayor Cahoon encouraged citizens to make use of the "IFLOOD" application as the more data input, the more accurate the data will be.

BOARD OF COMMISSIONERS AGENDA

Comr. Renée Cahoon – Consideration of Resolution Opposing Reclassification of Jurisdictional Waters

MOTION: Comr. Renée Cahoon made a motion to adopt the resolution opposing the reclassification of jurisdictional waters as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

"WHEREAS, in January of 2019, the NC Marine Fisheries Commission (MFC) and the NC Wildlife Resources Commission (WRC) formed a joint committee for the purpose of determining boundaries defining inland and coastal waters; and

"WHEREAS, the joint committee had its last meeting in May of 2019, after having disagreements between the agencies on the "salinity value" to determine boundaries; and

"WHEREAS, in August of 2019, the WRC business meeting was held with little direct notice to the MFC or to the NC Department of Environmental Quality (NCDEQ). At this meeting the WRC decided to move forward with the proposed boundaries based on the arbitrary "2.6 ppt salinity value"; and

"WHEREAS, in 2017 the MFC conducted a review of rules pertaining to delineation (15A NCAC 03Q .0200 et seq) and determined there was no basis to adjust jurisdictional boundaries; and

"WHEREAS, the proposed Reclassification of Jurisdictional Waters would be a loss of approximately 144,984 square acres or 226.5 sq. miles of coastal and commercial fishing waters. Thus, creating even more confusion and regulations to the already over regulated NC commercial fishing industry; and

"WHEREAS, the MFC would be required by law, to perform a comprehensive financial analysis to modify jurisdictional boundaries, which would include a review of all existing rules and a detailed mapping effort expected to take over a year to complete with added costs to the taxpayers of North Carolina; and

"WHEREAS, the financial impact as proposed would exceed \$1,000,000.00 for sustainable economic impact as prescribed in the NC Administrative Procedure Act; and

"WHEREAS, fisheries management plans of important commercial and recreational species under MFC authority follow a criterion initially to establish coastal and joint waters but not inland waters. Thus, a complete review of all MFC rules would have to be completed at NC taxpayer expense.

THEREFORE, BE IT RESOLVED, that the Town of Nags Head Board of Commissioners strongly opposes the Reclassification of Jurisdictional Waters as prescribed by the NC Wildlife Resources Commission. Under such research we have not found where a Salinity Value is a determination of boundary lines between coastal and inland waterways.”

Board members agreed that the resolution should be forwarded to the local municipalities.

MAYOR’S AGENDA

Mayor Cahoon asked the Board to consider a \$100 gift card for each employee in appreciation of their work.

MOTION: Mayor Pro Tem Siers made a motion to approve \$100 gift cards for Town employees in appreciation of their work. The motion was seconded by **Comr. Renée Cahoon** which passed unanimously.

On behalf of the employees, Town Manager Ogburn thanked the Board.

CLOSED SESSION

MOTION: Comr. **Renée Cahoon** made a motion to enter Closed Session to receive an update from the attorney on the Richardson litigation matter under the attorney/client privilege in accordance with GS 143-318.11(a)(3). The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 11:32 a.m.

OPEN SESSION

The Board re-entered Open Session at 12:40 p.m. Attorney Leidy reported that during Closed Session the Board did confer with the attorneys concerning the condemnation litigation and no action was taken.

Comr. Renée Cahoon – Arts & Culture Committee

Comr. **Renée Cahoon** asked the Board to consider staggered terms for the Arts & Culture Committee so that all terms do not expire at the same time.

ADJOURNMENT

MOTION: Comr. Brinkley made a motion to recess the Board meeting to Wednesday, December 11, 2019 at 9:00 a.m. in the Board Room – The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 12:43 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon