



DRAFT MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, FEBRUARY 7, 2024

The Nags Head Board of Commissioners met in person at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, February 7, 2024 at 9:00 a.m. for a Regular Meeting.

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

Board members Absent: Mayor Pro Tem Michael Siers

Others present: Town Manager Andy Garman; Attorney John Leidy; Amy Miller; Kelly Wyatt; Joe Costello; David Ryan; Perry Hale; Randy Wells; Shane Hite; Nancy Carawan; Brittany Phillips; Roberta Thuman; Larry Bunting; Guy Crocker; Diego Dayan; Basil Belsches; John Chenoweth; Duke Geraghty; Christiana Tambone; John J. Kenny; Santos Ventura; Bob Muller; Ayse Karanci; Beth Sciaudone; and Town Clerk Carolyn F. Morris

CALL TO ORDER

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

ADOPTION OF AGENDA

MOTION: Comr. Brinkley made a motion to approve the February 7th Agenda as presented. The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was excused.).

RECOGNITION

Public Services Director Nancy Carawan introduced new employee Sanitation Equipment Operator Larry Bunting who was welcomed by the Board to Town employment.

Fire Chief Randy Wells introduced Fire Engineer/EMT Guy Crocker who was recognized by the Board for five years of service.

Fire Chief Randy Wells introduced Fire Lieutenant Diego Dayan who was recognized by the Board for twenty-five years of service; on behalf of the Board, Mayor Cahoon presented him with a framed certificate.

PROCLAMATION – Annual Safety Week

Deputy Fire Chief Shane Hite reviewed next month's Annual Safety Week activities scheduled for March 4 – 8, 2024.

Mayor Cahoon read the Proclamation as follows:

'WHEREAS, the Town of Nags Head Board of Commissioners, employees and citizens are committed to the maintenance of a safe and healthful workplace; AND

'WHEREAS, the Town has assumed an active role in the promotion of a safe and healthful work environment by a program of regular occupational worksite evaluations and employee safety education; AND

'WHEREAS, the Town strives to stimulate and maintain an interest in loss control and accident prevention and recognizes past and future services to the employees and citizens of Nags Head; AND

'WHEREAS, the Town seeks to guide and encourage the adoption and institution of safe work practices by all employers and employees in Nags Head.

'NOW, THEREFORE, the Town of Nags Head Board of Commissioners does hereby proclaim March 4 - 8, 2024 as SAFETY WEEK in the Town of Nags Head, and commends this observance to our citizens.

'FURTHERMORE, in recognition of this proclamation, I invite all Nags Head employees to attend the annual Nags Head Safety Luncheon/Chili Cook-Off on Thursday, March 7, 2024 from 12:00 Noon to 2:00 p.m. at the Douglas A. Remaley Fire Station #16."

MOTION: Comr. Brinkley made a motion to adopt the Proclamation declaring Annual Safety Week as March 4 – 8, 2024 as presented. The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was excused.).

PUBLIC COMMENT

Attorney Leidy opened Public Comment at 9:12 a.m.

PUBLIC COMMENT – BOB MULLER

Bob Muller, Nags Head resident; he expressed his appreciation for the improvements the Town had made to the dog park; he presented slides showing the bus-stop type of structure at the Town's Dog Park installed by the Town; the structure expands to both the large dog and small dog sides of the park; he and others who go to the park are very appreciative of the structure as well as the other work that has been done at the park; he especially thanked the Public Services Director and department for keeping up the park as well as they do.

PUBLIC COMMENT – JOHN KENNY

John Kenny, Nags Head resident; he made some suggestions for the Board to consider: 1) an off season switch to once/week instead of twice/week for trash collection; this would allow staff to do other things such as maintenance of the trash trucks; 2) the need for repaving Villa Dunes Drive – property owners were assessed many years ago to improve the street to become a Town street; it's time to repave Villa Dunes Drive; 3) beaches – they are eroding quickly; he has spoken with someone who built a reef in the ocean in New Zealand – the

reef consisted of double sand bags anchored off shore to break down wave action; this would also extend the season for surfers.

There being no one else who wished to speak, Attorney Leidy concluded Public Comment at 9:20 a.m.

Mayor Cahoon stated that he appreciated Mr. Muller's comments on the park and for acknowledging the work of staff; he asked staff to provide the street repaving schedule to Mr. Kenny.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Budget Amendment #8 to FY 23/24 Budget

Consideration of Tax Adjustment Report

Request to advertise delinquent taxes

Approval of minutes

Consideration of Personnel Policy Change - Holiday Schedule amendment

Consideration of amendment to the Beach Nourishment Maintenance Capital Project Ordinance

Consideration of resolution to accept the American Rescue Plan Grant offer for SOOIR Stormwater Infrastructure Improvements

Request for Public Hearing to consider text amendments to the Unified Development Ordinance re: prohibiting drive-through restaurants

MOTION: Comr. Brinkley made a motion to approve the Consent Agenda as presented. The motion was seconded by Comr. Lambert which passed 4 – 0 (Mayor Pro Tem Siers was excused.).

Budget Amendment #8, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

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

The memo to advertise delinquent taxes, as approved, read in part as follows:

"In accordance with NCGS 105-369 advertisement of tax liens on real property for failure to pay taxes "... The municipal tax collector shall advertise municipal tax liens by posting a notice of the liens at the city or town hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period of March 1 thru June 3... The posted notice and newspaper advertisement shall set forth the following information: ...The name of the record owner as of the date the taxes became delinquent for each parcel on which the taxing unit has a lien for unpaid taxes; in alphabetical order;...a brief description of each parcel of land to which a lien has attached and a statement of the principal amount of the taxes constituting a lien against the parcel; a statement that the amounts advertised will be increased by interest and costs and that the omission of interest and costs from the amounts advertised will not constitute waiver of the taxing unit's claim for those items; ...a statement that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes; costs – each parcel of real property advertised pursuant to this section shall be assessed an advertising fee to cover the actual cost of the advertisement...."

"With your approval, staff intends to advertise the liens in the newspaper on March 20, 2024 in accordance with NCGS 105-369 for all amounts outstanding as of end of business on March 15, 2024. Request for Authorization to Begin Foreclosures on 2023 Taxes: In accordance with NCGS 105-374, "Foreclosure of tax lien by action in nature of action to foreclose a mortgage..." and/or NCGS 105-375, "In Rem method of foreclosure..." "docketing certificate of taxes as judgment - in lieu of following the procedure set forth in NCGS 105-374, the governing body of any taxing unit may direct the tax collector to file with the clerk of superior court, no earlier than 30 days after the tax liens were advertised..." With your direction, staff will begin the foreclosure process where necessary on the 2023 delinquent taxes thirty days after advertising."

The agenda summary sheet re: Personnel Policy Change for holidays, as approved, read in part as follows:

"Staff recommends changing the Holiday Policy. Currently, the Town follows the NC State holiday calendar. When Christmas falls on a Wednesday, the NC State holiday schedule observes December 24th (Tuesday), December 25th (Wednesday), and December 26th (Thursday) as holidays, for a total of 3 days. Staff proposes that when Christmas falls on a Wednesday, the Town observes December 23rd (Monday), December 24th (Tuesday), and December 25th (Wednesday), for a total of 3 days."

The Beach Nourishment Maintenance Capital Project Ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

PUBLIC HEARINGS

Public Hearing to consider Special Use/Site Plan review submitted by Quible & Associates, P.C. and Beacon Architecture and Design PLLC, for the construction of a Trade Center. The property is zoned C-3, Commercial Services and is located on Lot 2a of the Charles L. Sineath Subdivision (PIN# 989317113533) vacant lot directly behind TW's Bait and Tackle

Town Attorney Leidy introduced the Public Hearing to consider a Special Use/Site Plan review submitted by Quible & Associates, P.C. and Beacon Architecture and Design PLLC, for the construction of a Trade Center. The property is zoned C-3, Commercial Services and is located on Lot 2a of the Charles L. Sineath Subdivision (PIN# 989317113533) vacant lot directly behind TW's Bait and Tackle. Attorney Leidy explained that the Board sits as a quasi-judicial body and must make its decision: 1) based on competent material and substantial evidence - and those presenting must be sworn in 2) based on the information presented, and 3) Board members must be recused if there is basis for believing that they would not be able to be an impartial decision maker - to include a commissioner having a fixed opinion not susceptible to change. He verified that Board members had no potential conflict and nothing to disclose at this time. The time was 9:20 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, January 24, 2024 and on Wednesday, January 31, 2024 as required by law.

Planning Director Kelly Wyatt was sworn in by Town Clerk Carolyn F. Morris as required for quasi-judicial hearings. Ms. Wyatt summarized her report which read in part as follows:

"BACKGROUND INFORMATION

The initial Special Use/Site Plan review for the Trade Center was reviewed and approved by the Nags Head Board of Commissioners on November 2nd, 2022. This 2022 approval was not a vested right, so the site plan approval expired one (1) year from the date of approval, meaning the site plan approval expired on November 2nd, 2023. Section 4.15, Time Limits for Site Plan, Zoning Permits, & Building Permits, of the Unified

Development Ordinance, sets forth the timeline for permitting following Board approval, and is included below for your review.

'Section 4.15 - Time Limitations for Site Plans, Zoning Permits, & Building Permits.

'The following provisions pertaining to time limitations to obtain building permits, and to commence, continue and complete construction, shall apply in all cases in which a site plan approval or development permit is required unless otherwise provided for in Section 3.6, Establishment of Vested Rights.

'4.15.1. Time Limitation to Obtain Building Permit.

Final approval of a site plan by the Board of Commissioners or approval of a zoning permit by the UDO Administrator shall be valid for twelve (12) months from date of approval. The Building Inspector may issue a building permit within twelve (12) months from the date of such approval, provided that all other requirements are met. If a building permit is not issued within twelve (12) months from the date of final approval of the site plan or zoning permit, the site plan or zoning permit shall expire and the applicant must submit a new site plan conforming to the then current provisions of this Ordinance for review by the Planning Board and Board of Commissioners or a new zoning permit application for review by the UDO Administrator and pay the applicable fees. Upon the issuance of a building permit, the approval of the underlying site plan or zoning permit shall remain valid as long as the corresponding building permit remains valid as provided for in this section.

'Note that following site plan approval by the Board of Commissioners a building permit must be issued within twelve (12) months from the date of approval, or the site plan approval expires, and the applicant must then submit a new site plan review conforming with the current provisions of the Unified Development Ordinance. Given that a development permit application has not been submitted and a building permit issued, the applicant is requesting re-consideration of the initial approved submittal. As such, the applicant has resubmitted their previously reviewed and approved Special Use/Site Plan Review application for the Planning Board and Board of Commissioners consideration. The staff report from the Board of Commissioners November 2nd, 2022 meeting has been provided below for consideration.

'The Planning, Fire, Police, and Public Services Departments as well as the Town Engineer have reviewed the submittal and find it to be consistent, and still in compliance with the November 2, 2022 approved submittal. There have been no changes in the applicable codes for each respective department over the past year that would affect this submittal, therefore staff recommends approval of the Special Use/Site Plan Review application as submitted.

'PLANNING BOARD RECOMMENDATION

At their December 19, 2023, meeting the Planning Board voted unanimously to recommend approval of the Special Use Permit/Site Plan Review as presented.

'Pursuant to Section 3.8.4.6 of the Unified Development Ordinance the Board of Commissioners shall issue a Special Use Permit if it has evaluated an application through a quasi-judicial process and determined that:

1. The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted.
2. The use, as proposed, will not overburden the firefighting capabilities and the municipal water supply capacity of the Town as such facilities and capabilities will exist on the completion date of the conditional use for which application is made.
3. The conditional use will be in harmony with the existing development and uses within the area in which it is to be located.

4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.”

There being no one present who wished to speak, Attorney Leidy concluded the Public Hearing at 9:29 a.m.

MOTION: Comr. Brinkley made a motion to approve the Special Use/Site Plan as presented with the findings as follows:

- The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted.
- The use, as proposed, will not overburden the firefighting capabilities and the municipal water supply capacity of the Town as such facilities and capabilities will exist on the completion date of the conditional use for which application is made.
- The conditional use will be in harmony with the existing development and uses within the area in which it is to be located.
- Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
- Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The motion was seconded by Comr. Lambert which passed 4 – 0 (Mayor Pro Tem Siers was excused.).

Public Hearing to consider various text amendments to the Unified Development Ordinance (UDO) as it relates to multi-family development

Town Attorney John Leidy introduced the Public Hearing to consider various text amendments to the UDO as it relates to multi-family development. The time was 9:31 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, January 24, 2024 and on Wednesday, January 31, 2024 as required by law.

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

“In January 2023 the Nags Head Board of Commissioners adopted an ordinance removing “Multi- Family Dwelling” as a permitted use within the C-2, General Commercial zoning district. This amendment was a result of staff, the Planning Board, and the Board of Commissioners going through the process of evaluating appropriate standards for the C-5, Historic Character Commercial zoning district and determining that multi-family was not an appropriate use in that district, and in addition became aware of several other issues and inconsistencies within the ordinance. The Board of Commissioners then requested that staff and the Planning Board work to propose adequate corrections/clarifications for these issues as well as undertake a comprehensive review of the town’s multi-family standards. 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. Over the course of eight (8) consecutive months/meetings the Planning Board has developed a comprehensive set of draft text amendments for the

Board of Commissioners review and consideration. Staff has provided a timeline of notable events during this eight-month process below:

May 16th, June 20th and July 18th, 2023, Planning Board Meeting Highlights

Staff prepared a list of issues and inconsistencies found within the current multi-family development standards for the Planning Boards consideration. In subsequent meetings, staff provided analysis of each issue, offered comments and ideas, and posed questions to help guide the discussion. As a result, the following elements had Planning Board consensus:

- The creation of new definitions for the terms, "Multi-Family Dwelling" and "Townhouse."
- Removal of the "Townhouse" use from Section 6.6, Table of Uses and Activities, as all agreed that townhouse is a form of multi-family development. The townhouse use remains in Article 9 of the UDO, The Village at Nags Head SPD-C Ordinance.
- To allow multi-family development use in the C-2, General Commercial zoning district via Special Use Permit process with supplemental regulations to be crafted and located in Section 7.5 of the UDO.
- Removal of the "Townhouse" use from SPD-20, Special Planned Development zoning district. This action would result in The Villa's, located at 500 W. Villa Dunes Drive, becoming a nonconforming use. Please note that recent amendments to the regulation of nonconforming uses would allow structures within the Villa's development to be repaired, maintained, or replaced with an identical or similar structure and identical use, regardless of the value provided no new nonconformities are created. In addition, site improvements could be made so long as the improvements met the design and dimensional requirements in the current Unified Development Ordinance.
- Consensus that Section 7.5, Table 7-1, Requirements for Multi-Family Dwellings, Density Standards, be revised to eliminate the language pertaining to the application of a density bonus for "affordable" multi-family dwelling projects. The UDO does not currently define "affordable."
- Consensus that the Town should explore incentivizing multi-family developments in cases where it will accommodate the local workforce.

August 2nd, 2023, Planning Board & Board of Commissioners Joint Workshop

At this meeting staff provided a brief update on the progress made by the Planning Board to date and reviewed a report provided by Attorney Robert Hobbs on how deed restrictions could potentially be used to control the occupancy of multi-family housing to either long term use and/or for use by members of the local workforce. It was noted at the joint workshop that there is workforce housing issue and multi-family housing development could serve as a piece of the workforce housing puzzle.

Attendees of joint workshop generally agreed on the following:

- Multi-family development should be allowed within the C-2, General Commercial zoning district upon lots which front on US Highway 158.
- Density and lot coverage are important considerations in the conversation and maxing out a development is not in keeping with the Nags Head vision. Developing projects at an appropriate density to include adequate greenspace is what separates Nags Head from other areas.
- The minimum lot size for multi-family in the C-2 District should be 26,000 square feet.
- Allow townhome style development but not apartment style developments.
- Multi-family dwelling units should be used as workforce housing only and not affiliated with salary or income, and
- Deed restrictions should be utilized to control occupancy for workforce housing. No direction was provided on whether all units should be deed restricted, or just a percentage.

The group was in agreement that reintroducing a higher density form of housing in Nags Head needs to further a specific goal. The goal should be to create housing opportunities for the workforce and/or residents

and not to increase the supply of vacation rentals. Several members of the group asserted that any multi-family housing units should be deed restricted for these purposes.

August 15th, 2023 Planning Board Meeting Highlights

At this meeting staff and the Planning Board continued the conversation from the Joint Workshop. Staff provided a presentation to the Planning Board on both vacant and developed properties within the Town that would meet the minimum criteria for multi-family development as had been discussed thus far, being properties zoned C-2, a minimum lot size of 26,000 square feet, and frontage on US Highway 158. Using lot area provided in the Dare County parcel cards, staff projected the number of units that could be developed using the standard of 26,000 sf of lot area for the first three (3) units and 3,500 square feet of lot area for each additional unit. It was after this presentation that Planning Board members expressed surprise at the number of properties that would be available for the multi-family use, while also expressing concern with the number of units that many of these lots could yield. Recognizing concerns with the current density standard, the Planning Board requested that staff prepare additional information to help visualize what density may look like with varying square footages required for additional units, i.e.: 4,500 or 5,500 square feet as opposed to 3,500 square feet.

It was at this meeting that staff and the Planning Board began discussing the use of deed restrictions, using information from the Vail InDEED and Breckenridge Housing Helps Program to better understand the concept. Referencing the consensus by all members of the both the Board of Commissioners and the Planning Board at the August 2nd Joint Workshop that the Town does not want multi-family development for the purpose of providing any short-term rental opportunities, the Planning Board decided that ALL units in a new multi-family development should be deed restricted to long term occupancy/tenancy and to additionally deed restrict as necessary to ensure that no less than 60% of the total number of units are allocated for workforce housing.

Additionally, at this meeting the Planning Board came to consensus that long-term occupancy/tenancy should mean that occupant resides in the dwelling unit a minimum of 90 days (NC Vacation Rental Act). They felt as though the 90-day minimum may still be beneficial for summer workers and lifeguards as a minimum of 6-month occupancy would preclude these employees.

September 19th, 2023 Planning Board Meeting Highlights

A significant takeaway from this meeting was that density remains a notable concern and the Planning Board requested that staff explore the potential to create different density standards for large multi-family developments versus smaller pockets or clusters of multi-family development.

In the same vein as encouraging small pockets or clusters of multi-family developments, the Planning Board noted that Accessory Dwelling Units (ADU's) and duplexes represent other opportunities for solutions to the larger housing problem and still need to be discussed.

The Planning Board also discussed potential incentives that could be offered for the development of multi-family units for the purpose of providing housing for the local workforce. Those incentives included:

- Slight increase in the maximum building height for multi-family. The current requirement is 40 feet to the top plate or roof panel to original grade or finished grade, whichever is the greatest distance and total height shall not exceed 47 feet.
- Reduction in the minimum 35-foot setback for side yards.
- Reduction in parking minimums for multi-family development.
- Offer fee waivers for the site plan submittal fee, permit fees or other fee reduction

opportunities. The required fee for a Site Plan Review is .50cents/square foot.

It was the consensus of the Planning Board that a waiver of review fees would be the most acceptable form of incentive.

At this meeting the Planning Board discussed architectural design requirements at length noting that any multi-family development should be architecturally consistent with the Nags Head Style.

October 17th, 2023 Planning Board Meeting Highlights

At this meeting planning staff introduced the concept of having two separate standards for multi-family development, a standard for large multi-family development projects and a standard for small multi-family development projects. The proposed standards for small multi-family developments are notably less stringent than those for large multi-family developments in an effort to incentivize the small pockets of multi-family development.

November 21st, 2023 Planning Board Meeting

At this meeting staff and the Planning Board were focused on finalizing the final elements of the proposed draft ordinances including the following:

- Language was added to the definition of workforce housing clarify that employers can purchase multi-family dwelling units to provide accommodations for their employees so long as the employee meets the employment criteria.
- In an effort to encourage and incentivize small multi-family developments there is not a maximum lot area but rather a maximum number of six (6) dwelling units allowed.
- Language has been included to require building design variations.
- The Planning Board unanimously felt as though apartment style development should be allowed as part of the small multi-family development category as both a principal use and accessory use.

December 19th, 2023 Planning Board Meeting Highlights

Attorney Robert Hobbs had an opportunity to review the proposed amendments and suggested several revisions for clarity and consistency purposes. In addition to the attorney recommendations the Planning Board made the following recommendations:

- Large Multi-Family Dwelling developments shall be considered a High Impact Use, requiring the 25-foot commercial transitional protective yard when adjacent to a residential district.
- Additional accessory uses were added to both the large and small multi-family development categories to include a shed, one pool per development, walls and fences, private parks, and playgrounds.
- Require that both small and large multi-family developments, regardless of size, adhere to the Sketch Plan Review process as outlined in Section 10.84 of the UDO.
- Require that any site improvements occurring on an approved multi-family development site following the original Board of Commissioners Special Use approval be submitted to the UDO Administrator to determine whether additional stormwater management measures may be necessary or recommended.

In summary, the proposed amendments before the Board of Commissioners at their February 7th Public Meeting would accomplish the following:

- Allow multi-family development in the C-2, General Commercial zoning district on properties with frontage on US Hwy 158 only.
- Require that all new multi-family development shall be deed restricted to long-term tenancy/occupancy and a portion will additionally be deed restricted for workforce housing.

- Create standards and regulations for “small” multi-family developments and “large” multi-family developments. This includes minimum lot sizes, setbacks, density, maximum number of units, lot coverage, height, buffering, architectural design, etc.
- Require both “small” multi-family and “large” multi-family developments to be reviewed via the Special Use Permit process.
- Design considerations such that large multi-family developments shall consist of townhouse style development only and small multi-family developments may consist of both townhouse and apartment style design.
- Create definitions for the following terms, “Dwelling, Multiple Family (Multi-family),” “Townhouse”, “Large Multi-family”, “Small Multi-family”, “Long-term occupancy/tenancy”, “Principal Place of Residence”, “Qualified Person”, and “Workforce Housing”.

‘Planning Staff will be available for discussion at the Board of Commissioners February 7th, 2024 meeting.’

Mayor Cahoon questioned about the discussions with the Planning Board concerning townhomes vs flat homes; Ms. Wyatt stated that the townhouse vision was preferred when it came to large developments – costs were not discussed.

John Chenoweth spoke representing the Tarheel Motel and the Kelly Group property owners; he spoke in opposition to the amendments presented today; he stated that there was a lack of notice and full disclosure to the public as well as other legal procedures he felt were not followed; they would like to see a dialogue start between the Town and the Kelly Group; he asked the Board to table this item today and to seek dialogue with the Kelly Group property owners.

Duke Geraghty, Outer Banks Homebuilders Association; he would like to see what comes out of the Dare County Housing Task Force which recently held its first meeting; he wants to see suitable housing units for those who can’t afford to live here; all agree the housing should not be utilized for short-term rental units; construction costs are also a concern; he is trying to put all the discussions the Planning Board held on this issue in order; he requested that the Board postpone a vote on this issue today so important homebuilder issues can be addressed.

Basil Belsches, Nags Head resident; he thanked the Town for its see-click-fix program; he also appreciates the Town’s recent efforts to address homeowners insurance rate increases as well as the Jockey’s Ridge Area of Environmental Concern (AEC) issues; concerning the Public Hearing: He is in favor of the amendments as written; he has never been against multi-family housing in general; he feels the ordinance addresses the appropriate multi-family housing at the appropriate locations; he thanked the Planning Board and staff for all their work on this issue.

Mayor Cahoon asked Ms. Wyatt – what was the intent of restricting units from facing the rear of other units – Ms. Wyatt stated that it was for aesthetic/appearance reasons.

There being no one else present who wished to speak, Attorney Leidy closed the Public Hearing at 10:00 a.m.

Mayor Cahoon noted that comments were received on this item from Outer Banks Realtors Association Government Affairs Representative, Donna Creef, which will be made a part of today’s meeting record. Her comments are attached to and made a part of these minutes as shown in Addendum “D”.

Comr. Sanders feels staff and the Planning Board have done a very good job with the proposed ordinance.

Comr. Brinkley thanked staff and the Planning Board for their work on this proposed ordinance; he does not want to adopt an ordinance that is so restrictive that it won't work; he wants to meet with the builders in the community to come up with a better ordinance.

Comr. Lambert thanked Planning Board and staff for all the work done. She pointed out that she worked on this while serving on the Planning Board and she feels that this ordinance meets the needs they were tasked with – for workforce housing and not short-term rentals. She emphasized that she likes the ordinance presented today.

Mayor Cahoon said that he doesn't want to put this ordinance on the books today – he feels the ordinance does some good and some bad. He feels that a lot of this is a good fit for the Town but that it misses the mark on being financially viable and needs to be more flexible; more information is needed in order to make it work.

Mayor Cahoon asked if the Board was amenable to a small task force involving the development community and business owners to work on this to provide the Board with the information needed to give better guidance to the Planning Board. Comr. Lambert agreed and said she would like to see input from others also not just the homebuilders. Mayor Cahoon agreed to include residents and the business community.

Comr. Lambert suggested that some banking expertise be involved; she also questioned if participation would include a Board member. Mayor Cahoon mentioned inclusion of one or two commissioners, one or two Planning Board members as well as community members.

MOTION: Comr. Brinkley made a motion to table this item and to receive recommendations from staff, with Board input, for a small task force working group for appointment - along with a recommended charge/schedule – at the Board of Commissioners next meeting. The motion was seconded by Comr. Lambert which passed 4 – 0 (Mayor Pro Tem Siers was excused.).

NEW BUSINESS

Presentation from Fire Planning Committee – Time Specific 10:30 a.m.

Dep Fire Chief Shane Hite summarized the agenda summary sheet which read in part as follows:

“At the February 7th Board of Commissioners meeting, Deputy Fire Chief Hite will deliver the findings and recommendations of the Fire Staffing Workgroup. Attached are the group's report and presentation, which comprehensively outline their findings and work details for your review.

‘This report encompasses an examination of the Fire Department's existing staffing model, a needs analysis, a review of relevant National standards, and a recommendation aimed at enhancing the current staffing model.

‘Attached is a copy of the presentation and report.’”

The Committee's report was presented and read in part as follows:

“Introduction - During the Nags Head Board of Commissioners retreat in 2022, a conversation was initiated regarding staffing levels of the Nags Head Fire Department. No action was taken during the 2023-2024 budget preparation cycle. At the September 2023 Board of Commissioners meeting, a request to establish a staffing committee was presented to the Board of Commissioners. The request was granted, and a committee was established consisting of the following individuals:

'Kevin Brinkley- Representing the Nags Head Board of Commissioners
Bob Muller- Past Mayor, Town of Nags Head
Meade Gwinn- Resident of Nags Head
Andy Garman- Town Manager
Amy Miller- Deputy Town Manager
Jan Mielke- Human Resources Director
Randy Wells- Fire Chief
Shane Hite- Deputy Fire Chief

'Staffing for the Nags Head Fire Department is important to effectively mitigate hazards within the Town. Staffing recommendations are generated using guidance from the National Fire Protection Association Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments (NFPA 1710). Other considerations included the current daily staffing, leave amounts, minimum staffing, response areas, and call volumes.

'Current staffing The current staffing utilized by Nags Head Fire Rescue has not changed since Station 21 in South Nags Head was brought online in 2006. A need was previously established to add a fire station and staff fire engines to provide a more efficient response to the citizens of the southern parts of Nags Head and to provide additional resources for responses throughout the Town. Staffing for each station was established as three shifts of four firefighters working 24 hours on duty/48 hours off schedule. The total number of staff assigned per day includes eight firefighters plus a fire chief and deputy chief who work Monday through Friday and are on call during the night and weekends to provide additional staffing and incident management for fires and other emergencies. Each station is staffed daily with a captain, lieutenant, driver operator/engineer and a firefighter. The current staffing model allows for two positions to utilize leave on any given day, reducing the minimum staffing to three on a fire engine or quint. If there are callouts due to sick leave staff members are held over or recalled to ensure the minimum staffing levels are maintained. During fiscal year 21/22, staff worked 878.4 overtime hours and in fiscal year 22/23 1323.75 overtime hours to ensure minimum staffing levels were maintained.

'In consideration of the NFPA 1710 staffing recommendation, incident type and volume are considered when determining a staffing need. During 2023, Nags Head Fire Department responded to 34 fire calls, 626 rescue or emergency medical calls, and 51 hazardous condition calls for service. These numbers represent 60.9% of the annual call volume. These call types represent those that relate to the NFPA 1710 standard.

'Illustration 1- This is an illustration of the two response areas in Nags Head based on a five-mile radius from Stations 16 and 21. The illustration shows a higher number of built upon properties in the Station 16 response area.

'2,820 parcels are within a 5-mile radius of both fire stations
161 vacant parcels are within the 5-mile radius of both fire stations.
2,659 improved parcels are within the 5-mile radius of both fire stations.

'Needs analysis

Station response areas are defined with Gull Street being the divide between Station 16 and 21. Station 16, located at 5314 S. Croatan Highway responds first to all calls to the North of Gull and below the address number 7100. Station 21, located at 8806 S. Old Oregon Inlet Rd. responds first due to all calls starting at 7100 to the South and West. During a three-year average, Station 16 responded first to 74% of the calls in the Town. This area is the highest populated based on residential housing density, commercial property, and population. Station 16 has approximately 4558 developed properties in their response area, whereas Station 21 includes 3179 developed properties. According to Google Maps, Station 21 has a driving time of 12 minutes from their station to the 2500 block of Nags Head. Station 16 has a normal driving time of seven minutes to this same area. In considering these times it is important to note that a unit from Station 16 may be operating for over five minutes

before the arrival of a unit from Station 21. There is also a substantial number of temporary visitors staying in vacation homes which increases the risk of a substantial rescue effort during a fire. Shoulder seasons in the fall and spring are showing higher call volumes and population counts than previous years.

'The National Fire Protection Association Standard on Fire Department Staffing recommends that four personnel be assigned to each fire apparatus to complete the required fireground tasks efficiently and safely. They also recommend that a minimum of 17 personnel be on the scene within an eight-minute travel time on residential structure fires of up to 2000 square feet.

'Illustration II - Illustration of the Fire Station 16 response area.

'Illustration III - Illustration of the Fire Station 21 response area.

'Mutual aid assistance

Mutual aid departments are documented in reporting data as arriving 20 minutes or more after the initial dispatch to structure fire calls in Nags Head. The assistance received from mutual aid departments can be unpredictable due to circumstances beyond these departments' control. These circumstances include availability due to their own responses, staffing availability due to volunteer and off-duty career staffing, response time to their station, and travel times to Nags Head. This places our fire staff of six in a difficult situation as they attempt to extinguish a fire, prevent it from damaging other structures, and possibly conduct a search with a minimum number of staff.

'Call Volume

The call volume within The Town is approximately 1100 responses per year. There has been an increase over the past year of 8.7%. This is attributed to additional medical calls, lift assists, motor vehicle crashes and alarm activations. The three-year average percentage of fire calls in Nags Head is approximately 3.85%, like North Carolina at 5.1% and the National average of 3.7%. It is unknown if the call volume will continue to increase, decrease, or remain the same. We do know that the hazards that we respond to continue to evolve increasing the need for a highly trained firefighting force in Nags Head. Some of these hazards include lightweight building construction, residential homes with higher populations, density of homes, and lithium-ion batteries. Station 16 responds to a higher number of calls for service of all call types. This number includes approximately 74% of all responses in Nags Head.

'Illustration IV - Appendix D illustrates call type percentages based on national data.

'Illustration V - Illustrates the call type percentages based on North Carolina data.

'Leave analysis

Annual leave is approximately 10% of the total scheduled hours. This number is from 2021 as it is considered an average year whereas 2022 and 2023 reflected high leave amounts due to numerous sick leave outages. The higher years were the result of several long-term sick leave situations from different employees. The Annual leave includes vacation, sick leave, bereavement leave, and leave related to school functions. The current staffing model allows for two personnel to use leave each day, reducing the daily staffing to six firefighters. Currently, the daily staffing average is 6.7 firefighters per day when considered on an annual basis. As a result of this process, leave policies are being evaluated and updated. Additional considerations for the shift trade policy are also being considered which will allow shift trades on an annual cycle rather than a 28-day pay cycle.

'National Standards

The National Fire Protection Association (NFPA) is a U.S.-based international nonprofit organization devoted to eliminating death, injury, property, and economic loss due to fire, electrical, and related hazards.

`NFPA 1710, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments includes recommendations for response times for structure fires and medical calls, the number of firefighters needed to staff fire apparatus, and the total recommended staffing for structure fire and other emergency incidents. Currently, NFPA 1710 recommends that a fire pumper or ladder truck always be staffed with a minimum of four personnel and a quint always be staffed with five firefighters.

`OSHA 1910.134 requires that fire departments have a minimum of four personnel on scene prior to making entry into a structure fire or other situation that is immediately dangerous to life and health (IDLH). This is called the two in two out rule. With minimum staffing of three personnel, crews must always wait until a second fire apparatus arrives on scene to enter a structure. If there is an immediate or known rescue, crews can make entry without meeting the two in two out rule.

`The National Institute of Standards and Technology (NIST) conducted a study on the tasks associated with residential fireground tasks. This study evaluated the 22 essential tasks that must be completed during a structure fire to operate safely and effectively. These tasks were conducted in real time with firefighters completing tasks to determine what staffing numbers were needed to perform efficiently.

`Studies show that a room can become fully involved in fire in as little as 200 sec or 3.3 minutes. Time to water on fire- Four-person crews were 6% (8:41) faster than three-person crews (9:15). Ground ladders and ventilation- Four-person crews 25% (7:31) faster than three-person crews (9:35). Initiate primary search of a structure-Four person crews 6% (8:47) faster than three-person crews

- On average, four-person crews completed the 22 essential tasks 5.1 minutes faster (25%) than three-person crews.

`The number of fire personnel on any scene directly affects the efficiency and safety of the operation. Additional staffing during any incident will provide for safer and more effective operations. Additional staffing may also provide for an adjusted response to calls for service. Minor medical responses could be handled with a smaller more efficient vehicle while still providing effective staffing on the larger fire apparatus.

`Other duties

Firefighters in Nags Head have additional duties beyond emergency response. Some of these duties include maintenance of items such as vehicles, stations, and equipment. Items such as fire hose testing are completed annually testing approximately 10,000 feet of fire hose. Other items include fire hydrant testing where our staff flow tests approximately 150-200 hydrants per year, and fire inspections through our fire prevention program. This program includes fire and life safety inspections of nearly 300 businesses per year based on the requirements of the North Carolina Fire Prevention Code. Inspectors are certified as Code Enforcement Officials through the North Carolina Building Council as a Level I, II or III inspector. Training and continuing education requirements are also a substantial commitment for the department with members completing an average of 5000 hours per year.

`Part-time staffing

Part-time firefighters are an option and some benefits can be recognized. These benefits include firefighters who may work in other departments and are already trained, and a part-time position can be more economical as there are no benefits that are paid. A part-time position is limited to 1000 hours per year which means that 2.6 part-time personnel would be needed to equal one full-time position if the part-time personnel are always available when needed. There has been a national trend of a reduction in volunteer firefighters. This is due to numerous reasons including time limitations, priorities, generational changes, and others. Nags Head will continue to recruit volunteer firefighters and retain them to the best of our abilities. Part-time staffing can also be challenging as the part-time personnel have other commitments including their career, family and maintaining the required training for the position.

Grant opportunities

A federal grant opportunity exists that may be available for funding. The grant cycle normally begins in February and includes funding for three years if awarded. To date, there has been no notice of funding opportunities or match percentages announced. We would not recommend this funding for these positions. This is based on the unknowns including match amounts, funding announcement, and continuation of funding. This grant will no longer be available if it is not authorized in the upcoming federal budget process.

Staffing recommendation

The staffing group recommends that Station 16 be staffed with a minimum of four firefighters each day. Station 16 responds to the highest percentage of calls for service in the most populated areas of the Town. Establishing a minimum staffing of four firefighters would increase the daily staffing averages to approximately 7.6 firefighters per day. Total daily staffing will vary based on leave amounts and training. It is recommended to leave the Station 21 staffing at four per day with a minimum of three per day.

"The most practical solution to achieving a minimum staffing of four personnel at Station 16 is to add three firefighters with one new position assigned to each shift. This would bring the daily total staffing to nine firefighters with a minimum of seven on duty. Station 16 staffing will always be maintained at a minimum of four personnel."

Dep Fire Chief Hite's presentation slides were well received and are attached to and made a part of these minutes as shown in Addendum "E".

Board members thanked Dep Fire Chief Hite and all who worked on the report and presentation.

Presentation from Beach Nourishment Project Consultant – Time Specific 11:00 a.m.

Town Engineer David Ryan summarized the agenda summary sheet which read in part as follows:

"Annually, the Town subcontracts surveying and engineering services to perform an annual beach condition survey and engineering data analysis in accordance with the Town's Beach Monitoring & Maintenance Plan. The survey scope of work includes the base project data acquisition of 126 profiles in conjunction with additional transect information data acquisition north of the project area, south of the project area and within reaches 3 and 4.

"At the October 4, 2023 meeting, authorization was given by the Board to proceed with a Fall/Winter survey to monitor the beach conditions following an active fall season. The monitoring results from the summer survey and late fall surveys will be presented at the upcoming meeting.

"The results of the beach surveys aid with forecasting the next beach nourishment maintenance project. Supplemental information will be presented regarding the expected time frame of the next beach nourishment maintenance project and related project construction costs. This information is being presented to assist the Board of Commissioners with financial planning for the next nourishment project.

"Beth Sciaudone, Ph.D., PE and Ayse Karanci, PhD, PE from the consulting firm of Moffat & Nichol will present the findings of the condition surveys and will be available to answer questions from the Board."

A copy of the 2023 Annual Beach Monitoring Survey Evaluation document was distributed to all Board members.

Ms. Karanci summarized her presentation slides which are attached to and made a part of these minutes as shown in Addendum "F".

The "Key Takeaways" slide from Ms. Karanci's presentation follows:

- Scarping observed in Fall 2023, primarily due to multiple high-water level and wave events occurring back-to-back in Fall 2023
- Material captured above the -6 ft NAVD88 contour expected to move back to the subaerial beach (not lost from system)
- Material gain was observed in the system (above -19 ft NAVD88) beyond what was placed during the Post-Dorian project
- Measured volume gains are primarily below -6 ft NAVD88 and unlikely to move onto the subaerial beach in a seasonal timeframe

Town Manager Garman stated that staff is basing upcoming budget discussions on the input provided during today's presentation. Town Engineer David Ryan said that the report distributed today will be included under the Beach Nourishment portion of the Town's website.

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

Update from Planning Director

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

"This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on February 7th, 2024.

Monthly Activity Report

Attached for the Board's review is the Planning and Development Monthly Report for December 2023. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Tuesday, January 2nd - Technical Review Committee Meeting (no items)
- Wednesday, January 3rd - Board of Commissioners Meeting
- Thursday, January 4th - CRS Users Group Meeting
- Wednesday, January 10th – Committee for Arts and Culture Meeting
- Thursday, January 11th – Board of Adjustment Meeting (Surles Appeal)
- Saturday, January 13th – Winter Market from 9am – noon
- Tuesday, January 16th – Planning Board Meeting
- Wednesday, January 17th – Board of Commissioners mid-month meeting (if needed)

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, January 16th, 2023, and included the following:

- Election of the Chair, Vice Chair, and acceptance of the 2024 Submittal Calendar.
- Consideration of text amendments that if adopted would allow the long-term rental of units within existing hotels and motels. The Planning Board and applicant continued to have a productive discussion

and staff will be preparing an amendment for the Planning Board recommendation at their February 20th meeting.

- Consideration of text amendments to remove the use of "Restaurant-Drive-Through" from all zoning districts within the town. The Planning Board voted unanimously to recommend adoption of the proposed ordinance amendment at their January 16th meeting.
- Planning staff presented a draft 2024 Workplan for the Planning Department which included the following:
 - Identify and correct areas of incompatibility between the Comprehensive Land Use Plan guidance and the UDO.
 - Develop and present an Accessory Dwelling Unit (ADU) Ordinance with a menu of regulatory options to consider.
 - Develop and prioritize strategies for implementation of the Estuarine Shoreline Management Plan.
 - Continue implementation of the of the DWMP and devise creative strategies to increase participation in the Septic Health Initiative.
 - Develop non-regulatory approaches to minimize residential lighting impacts, focus on education and outreach.
 - Continue digitization and records management efforts within the department.

'The Planning Board's next meeting is scheduled for Tuesday, February 20th, 2024. Currently, the agenda is expected to include consideration of a text amendment to allow the long-term rental of units within existing hotels and motels and consideration of a proposed text amendment requiring that septic systems and all other components have a barrier around them to prevent vehicles from parking on and possibly damaging them.

'Board of Adjustment – Recent and Pending Applications

At their January 11, 2024 meeting the Board of Adjustment heard an Appeal of an Administrative Decision submitted by Joseph Surles with regard to the issuance of a building permit for the property located at 4313 W. Soundside Road, Nags Head (Martin Residence). The Board of Adjustment voted unanimously to affirm the staff's issuance of the building permit.

'The Board of Adjustment will meet on Thursday, February 8, 2024 to hear an Appeal of Administrative Decision submitted by Bryan Harvey with regard to the issuance of a Notice of Violation for utilizing a detached accessory structure as an unpermitted second dwelling unit. The subject property is located at 309 W. Soundside Road, Nags Head.

'Additional Updates

- DWMP/Septic Health Advisory Committee – The Septic Health Advisory Committee met on January 30, 2024 and newly appointed members Rob Crawford and Gary Ferguson introduced themselves to the group. The committee received updates on the installation of the ground water loggers and water quality loggers, expressing excitement over the intake of more real time data and its uses moving forward. Bob Muller noted that he would like to see more water quality loggers purchased in the future as was recommended in the DWMP. Staff updated the committee on upcoming educational opportunities within the community to get the word out on the Septic Health Initiative, including Realtor fest, Farmers Markets, and a meeting with members of OBAR as facilitated by Government Affairs Director, Donna Creef. Staff are actively preparing the draft ordinance amendments recommended by the Septic Health Advisory Committee requiring a barrier be placed around the perimeter of septic and drain field areas to prevent vehicles from driving over, parking on them and potentially damaging them. This amendment is anticipated to be presented to the Planning Board at their February 20, 2024 meeting.

- Estuarine Shoreline Management Plan – Following notification that the town was not awarded the National Fish and Wildlife Foundation grant, staff has initiated several meetings to discuss next steps in terms of funding opportunities, potential partnerships and site selection. Meetings with the town’s grant writing consultants, Coastal Federation, and Dare County Soil and Water Conservation have led to promising conversations about potential partnerships for living shoreline opportunities along the Nags Head Causeway in the area of Catfish Farm and in collaboration with the Outer Banks Visitors Bureau as they design and construct their soundside boardwalk.
- Electric Vehicle Action Plan – If approved by the Board of Commissioners at their February 7, 2024 meeting, the requested budget amendment (Item E-1) would enable the town to move forward with securing LoWire Technologies to obtain and install the Level 2 EvoCharge equipment. Also included is a five (5) year maintenance agreement with LoWire Technologies as required by the grant. Planning and Public Services are collaborating on creating and installing the required signage and bollard protections.
- Sand Relocation and Dune Management Cost Share Program – As of February 1st, \$187,000 of the \$320,000 allocated to the Dune Management Cost Share Program has been encumbered by 64 applicants. Additionally, we have received 142 Sand Relocation Applications of which 131 have been approved and issued authorization letters.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – The Town held its first Winter Market on Saturday, January 13th from 9am to noon. This market was well attended with over 100 visitors stopping by and many expressing their appreciation for the Town hosting the Winter Markets. These markets are held on the 2nd Saturday of the month through April, the next market will be held on Saturday, February 10th from 9am – noon with five vendors participating. In addition to attending the annual NC Event Planners Conference, Event Coordinator Paige Griffin has been busy getting organized for the upcoming summer markets, booking bands for the upcoming summer concert series, lining up groups and organizations for Family Fun Nights, and meeting with potential sponsors for 2024 happenings. The Committee for Art and Culture will be prepared to give the Board of Commissioners an update on the 2023 Season and their vision for the 2024 Season at their March 6, 2024 regularly scheduled meeting.

Upcoming Meetings and Other Dates

- Tuesday, February 6th - Technical Review Committee Meeting
- Wednesday, February 7th - Board of Commissioners Meeting
- Thursday, February 8th - CRS Users Group Meeting
- Thursday, February 8th – Board of Adjustment Meeting (Harvey Appeal)
- Saturday, February 10th – Winter Market from 9am - noon
- Wednesday, February 14th – Committee for Arts and Culture Meeting
- Thursday, February 15th – Townwide Staff Meeting
- Tuesday, February 20th – Planning Board Meeting
- Wednesday, February 21st – Board of Commissioners mid-month meeting (if needed)

Comr. Sanders asked about feedback received with the Town’s Sand Relocation Program; Ms. Wyatt said that there has been positive feedback. Comr. Sanders thanked staff for continuing to look for grants for the shoreline estuarine program.

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

From Jan 3rd Board meeting - Final acceptance/approval of the Emergency Operations Plan

Fire Chief Randy Wells summarized the agenda summary sheet which read in part as follows:

"At the February 7th Board of Commissioners meeting – Ocean Rescue staff will provide an update on the 2023 Ocean Rescue Operations. In addition, staff will request discussion re: changing the Beach Warning Flag System and Town Code, as appropriate. Staff will also discuss proposed pay rates for Ocean Rescue staff for the upcoming season."

MOTION: Comr. Brinkley made a motion to approve the Emergency Operations Plan (EOP) as presented. The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was excused.).

Committee Reports

Comr. Brinkley – Septic Health Committee – he was on a scheduled trip out of town and unable to attend the latest meeting but an update was provided by Planning Director Wyatt; Jennette's Pier Advisory Committee – he was unable to attend the most recent meeting due to illness but will report on actions at the next meeting.

Comr. Sanders – Estuarine Shoreline Committee – an update was provided by Planning Director Wyatt; Jockey's Ridge State Park 50th Anniversary Committee - he and Town Manager Garman attended the first meeting – events for the anniversary are being scheduled for June 5 - 8, 2025.

Comr. Lambert – New Elected Officials Orientation - she attended the workshop last month; Government Education Access Channels Committee – she was unable to attend the recent meeting due to a previously scheduled trip but saw that the LPDI grant was approved and another meeting has been scheduled for the end of February.

Consideration of Board/Committee appointments

The agenda summary sheet read in part as follows:

"At the February 7th Board of Commissioners meeting, request Board consideration of the following appointment/reappointment:

'Planning Board:

- Megan Vaughan's term expired February 3, 2024. She is interested in being reappointed.

'Attached please find an updated Current Roster, as well as an updated Planning Board Candidate Chart."

MOTION: Comr. Lambert made a motion to reappoint Megan Vaughan to another three-year term on the Planning Board. The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was excused.).

Overview of Ocean Rescue – 2023 Season/Lifeguard pay/New Flag System

The agenda summary sheet read in part as follows:

"At the February 7th Board of Commissioners meeting – Ocean Rescue staff will provide an update on the 2023 Ocean Rescue Operations. In addition, staff will request discussion re: changing the Beach Warning Flag System and Town Code, as appropriate. Staff will also discuss proposed pay rates for Ocean Rescue staff for the upcoming season."

Ocean Rescue Director Chad Motz summarized his memo which read in part as follows:

"We continue to monitor Ocean Rescue pay both locally and regionally in order to ensure we remain competitive with recruiting. We have seen a significant improvement in recruiting and retention with the increases approved last year.

Season	# of Employees	Total Hours
2022	42	30,923
2023	51	32,451

"We have learned that one local agency is proposing a base rate of \$18.50 per hour for the upcoming season. Currently our base rate is \$18 per hour. We would ask that the Board consider a minimum of \$18.50 for the upcoming summer season. We would also ask that the Board consider a minimum of \$19 for the summer of 2025. Alternatively, we could consider \$19 for the coming season. Below is an analysis of the budgetary impact of these proposed rate scenarios:

'2024 Season: \$18.50
2025 Season: \$19.00

'FY 2023-24 increase: \$7,928
FY 2024-25 increase: \$25,394

'For comparison purposes, if the Board were to approve a base rate increase to \$19 to start the upcoming 2024 season, the budgetary impact would be as follows:

'FY 23-24 increase: \$15,856
FY 24-25 increase: \$34,933

'Please keep in mind that these proposed rates are based on a calendar year season, however the budgetary impact is based on a fiscal year.

'If the Board were to a pay increase at the upcoming meeting, we could begin advertising at the new rate immediately. A revision to the pay plan and a budget amendment could be provided at the March regular meeting."

The flag memo read in part as follows:

"The Ocean Rescue Division is seeking the board's approval for an updated beach warning flag system. The purpose of updating the system is to align with National and International standards established in 2004. The updated system would also mirror messaging from Dare County Emergency Management's award-winning safety campaign "Love the Beach, Respect the Ocean", where daily beach, surf and rip current conditions are posted based on the National Weather Service rip current forecast.

'Our overall goal is to provide better safety education, more consistent messaging, and potentially reduce the number of "Ocean Closed" days.

'In conjunction with the new flag system, we are requesting modifications to the language in our Town Code. Changes are highlighted in Yellow.

'Sec. 8-2. Swimming; prohibited during dangerous conditions.

'(a) It is recognized that during certain periods of time, as a result of a combination of environmental conditions, dangerous riptides and undercurrents occur in the ocean surf making ocean conditions unsafe for swimmers. The town manager **or their designee** is authorized, **when he to** make a determination that conditions are unsafe for swimmers in the Atlantic Ocean, to prohibit all swimming in the Atlantic Ocean until such time ~~as he shall determine~~ **that** the unsafe conditions have abated. During such periods in which swimming is prohibited and after **reasonable** notice is given to the public, **by announcement on the local radio station, and by to include** the posting of signs on **lifeguard stands and "Double Red Flags"** at the public accesses to the Atlantic Ocean, swimming in the Atlantic Ocean shall be unlawful. The town manager **or their designee** shall make the determination of whether or not ocean conditions are safe based upon ~~his observations~~ of the effects of winds, tides, storm conditions and other environmental conditions affecting the surf in the Atlantic Ocean. **He The town manager** shall also take into consideration weather reports of existing storms in the Atlantic Ocean and the proximity of those storms to the beaches of the town, and the effect thereof.

'USLA POSITION STATEMENT ON BEACH WARNING FLAGS

For decades, lifeguard agencies in the U.S. and around the world have employed flags to notify swimmers of conditions, to warn of hazards, to identify safer areas for swimming, and to notify beach users about regulated areas. To help ensure global consistency, in 2004 the International Life Saving Federation developed international guidelines for warning flags.

'These guidelines have been adopted, in part, by the International Standards Organization and are endorsed by the United States Lifesaving Association. By consistently following these warning flag guidelines, lifeguard agencies can help ensure a universal understanding of their meaning and thus improve their effectiveness.

'These flags are only approved for use on beaches where lifeguards trained to USLA standards are on duty. Flags are not an acceptable substitute for properly trained and equipped rescuers, but rather a tool for their use.

'To be fully effective, the use of warning flags to notify the public of current hazard levels should be consistent, based on objective, measurable criteria that can be logged and tracked, and then changed as conditions change. They should be accompanied by good public education efforts to explain the meaning of the flags flown.

'Ocean conditions vary throughout the U.S. Conditions that may be considered relatively mild in some places may be seen as a significant safety threat in others. Therefore, in each area where warning flags are employed, the USLA recommends that specific local criteria be developed and that the public be clearly notified of those criteria.

'In some areas of the U.S., green flags are flown to indicate calm or mild conditions. The International Life Saving Federation (ILS) considered this carefully and decided not to adopt the green flag. The primary reason is the fact that there is always a potential hazard present and the view that it is best to notify people when conditions are unusually challenging, rather than suggesting that they are ever completely safe.

'Flag Definitions

The following are specific definitions for each of the flags:

- Yellow – Medium hazard. Moderate surf and/or currents are present. Weak swimmers are discouraged from entering the water. For others, enhanced care and caution should be exercised.

- Red – High hazard. Rough conditions such as strong surf and/or currents are present. All swimmers are discouraged from entering the water. Those entering the water should take great care.
- Double red – Water is closed to public use.”

Attorney Leidy asked about modifying verbiage in the ordinance to include that entering the ocean when Double Red Flags are activated would be prohibited.

In response to Mayor Cahoon, Manager Garman said that the new flag system is already in the budget for this year. Board members spoke in favor of the new flag system.

The ordinance amending the Town Code for the new flag system will be returned after attorney review for Board consideration at the March Board meeting.

Challenges were noted moving forward for lifeguard pay – the Town wants to remain competitive.

MOTION: Comr. Brinkley made a motion to increase lifeguard pay this upcoming (2024) summer season to \$19/hour. The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was excused.).

Presentation of Strategic Plan from Nov 2023 Board Retreat

Town Manager Andy Garman summarized the agenda summary sheet which read in part as follows:

“At the February 7th Board of Commissioners meeting, staff will present the draft 2024 Strategic Plan resulting from the Board’s strategic planning retreat held in November of 2023.

‘The strategic plan has been developed to guide our town's strategic direction and was developed collaboratively with the input from our community members and through a joint effort of our dedicated Board of Commissioners and staff. The starting point for this plan was the mission, vision, and goals from the 2021 Strategic Plan. The foundation of this plan lies in the collective wisdom of Nags Head’s residents and property owners. In addition to reviewing strategic guidance from prior plans, the town actively sought the input of our community to understand their needs, concerns, and aspirations for the town's future in the [2023 Community Survey](#). The insights gathered in the survey played a pivotal role in shaping the strategic priorities outlined in this plan.

‘The 2024 Strategic Plan establishes a revised mission and vision statement for Nags Head. In addition, the strategic plan goes beyond routine operations and defines a set of goals, objectives, and action items that guide the Town's direction. These items are forward-thinking, innovative, and designed to address both current challenges and future opportunities. They represent a commitment to proactive, intentional efforts to enhance the well-being of all residents and visitors. Most action items will be implemented in two years or less; however, some actions will be ongoing and will be implemented as part of the Town’s annual CIP and budget process. Staff looks forward to reviewing the plan with the Board and working to implement the Town’s goals for the coming year and beyond.”

Comr. Lambert expressed her appreciation for staff involvement at the retreat as well as the updated mission/vision statements; she was very pleased with Town Manager Garman’s report.

Comr. Brinkley appreciated staff involvement at the retreat and the inclusion of the community survey.

Comr. Sanders agreed with other Board member statements and thanked Manager Garman for the presentation which he feels is being pro-active.

Mayor Cahoon expressed his appreciation of the November 2023 retreat and how it was conducted. He suggested getting a message to the public re: matching up the plans being made and the survey results to show how the Town is responding to their concerns. Town Manager Garman agreed and stated that it may encourage those who did not participate in the community survey to participate in the future.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Garman - Update on Public Services Facility

Town Engineer David Ryan presented an update of the Public Services Facility construction – a tour of the facility for Board members is scheduled for today following the meeting. He reported that progress is being made in all buildings throughout the complex. He noted the following:

- Solar panels have been installed on all buildings
- Mayor Cahoon confirmed that vehicle charging stations will be located at two of the buildings
- April 2024 is the scheduled date for occupation in the Administration building
- There is some delay taking place due to some of the electrical installation; staff is working with NC Dominion Power to minimize the lag time.

Town Manager Garman - Update on Dare County Housing Task Force meeting

Town Manager Garman summarized the agenda summary sheet which read in part as follows:

"At the February 7th Board of Commissioners meeting, Town Manager Andy Garman will provide an update on the first Dare County Housing Task Force meeting held on Thursday, January 18, 2024.

'Attached is a copy of the draft minutes from the first meeting which have not yet been approved by the Task Force. Also attached is a draft mission statement for your review that will be considered by the Task Force at the upcoming meeting (February 20th)."

The proposed mission statement was displayed which read in part as follows:

DARE COUNTY HOUSING TASK FORCE MISSION STATEMENT

To collaboratively develop short-term and long-term solutions to address housing issues affecting Dare County residents, business owners and workforce. These solutions include identifying physical sites for construction of housing units, building community support through appropriate outreach activities, and implementing regulatory reforms and options that can be tailored to fit each community's unique characteristics and constituency.

MAYOR'S AGENDA

Mayor Cahoon - Water Summit in Greenville

Mayor Cahoon attended the recent Water Summit in Greenville which was a full day of information – the summit focuses on resilience against floods. Mayor Cahoon stated that future meetings would be beneficial for staff and a Board member to attend.

Mayor Cahoon – Governor’s Offshore Wind Energy Resources Task Force

Mayor Cahoon attended the recent Governor’s Offshore Wind Energy Resources Task Force meeting in Charlotte; the main purpose of the task force is to make sure North Carolina gets a cut of the action from offshore wind energy. The meeting was held in Charlotte as that was where the vendor supplying the cable is located and a presentation was provided - the next meeting will be held in Raleigh.

CLOSED SESSION

Request for Closed Session

MOTION: Comr. Brinkley made a motion to enter Closed Session to discuss the possible acquisition of real property in accordance with GS 143-318.11(a)(5). The motion was seconded by Comr. Sanders which passed 4 – 0 (Mayor Pro Tem Siers was excused.). The time was 12:25 p.m.

OPEN SESSION

The Board re-entered Open Session at 12:50 p.m. Attorney Leidy reported that during Closed Session the Board did discuss the acquisition of real estate but no actions were taken.

ADJOURNMENT

Mayor Cahoon recessed the Board meeting to a tour of the Public Services Facility beginning at 1:20 p.m. at the Public Services Facility site – and to adjourn after that time. The time was 12:52 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon