



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

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

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

Board members Absent: None

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

CALL TO ORDER

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

ADOPTION OF AGENDA

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

RECOGNITION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROCLAMATION – National Night Out – October 1, 2024

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

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

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

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

CONSENT AGENDA

The Consent Agenda consisted of the following items:

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

Consideration of Tax Adjustment Report

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

Approval of minutes

Consideration of policy for neighborhoods to request traffic calming devices

- presented at Aug 7th Board meeting

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

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

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

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

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

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

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

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

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

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

'Staff Recommendation/Planning Board Recommendation

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

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

PUBLIC HEARINGS

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

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

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

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

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

'The charge for the working group was as follows:

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

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

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

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

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

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

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

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

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

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

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

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

'Staff Comments:

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

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

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

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

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

Background

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

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

New Multi-Family Ordinance Goals

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

Working Group Ordinance Summary

Two Categories – Large and Small

Large MF

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

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

Small MF

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

Planning Board Recommendation

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

Draft Planning Board Ordinance – Design

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Cahoon addressed some of the comments made today:

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

Townhome provision – he shares these same concerns

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Town Attorney John Leidy introduced the Public Hearing to consider a text amendment to the UDO to modify the definition of "Religious Complex" to include an additional single-family residence for church staff, in addition to the existing allowance for an onsite parsonage. The time was 11:30 a.m.

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

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

"Joseph Anlauf, P.E., of Anlauf Engineering, PLLC has submitted the attached text amendment request on behalf of the Ark Church. If adopted, the text amendment would modify the definition of "Religious Complex" to allow for the construction of a single-family dwelling, in addition to the already permitted parsonage, as a residence for church staff.

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

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

'The applicant has noted in the application that the amendment is designed to allow religious complexes the ability to include additional affordable housing options for church staff and their families. More affordable housing options will allow the church to attract and retain additional much needed church staff.

'Staff believes that permitting religious complexes to build a single-family dwelling onsite for church staff can offer significant benefits to the church, its staff, and the community, provided all zoning and building regulations are met. Onsite residences could enhance community engagement, ensure staff availability for church-related events and activities, and provide a constant presence to quickly respond to any emergencies involving the church. As noted by the applicant, this capability could be particularly beneficial for attracting and retaining qualified and dedicated staff in an area with high living costs.

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

'POLICY CONSIDERATIONS

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

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

'STAFF ANALYSIS AND RECOMMENDATION

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

'PLANNING BOARD RECOMMENDATION

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

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

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

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

MOTION: Mayor Pro Tem Siers made a motion to adopt the ordinance modifying the definition of Religious Complex to include a single family residence for church staff as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

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

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

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

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

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

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

'Town staff have been collaborating with Beacon Architecture and Design, PLLC, and Quible & Associates, PC to develop several potential layouts for these residential structures. The proposed site for this workforce housing is Town-owned property located at 425 W. Health Center Drive, formerly the Outer Banks Medical Center and now the Community Care Clinic. Specifically, the town is considering construction in the area of the old, non-functional helipad.

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

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

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

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

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

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

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

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

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

'POLICY CONSIDERATIONS

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

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

'STAFF RECOMMENDATION

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

'PLANNING BOARD RECOMMENDATION

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

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

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

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

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

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

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

Update from Planning Director

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

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

'Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for July 2024*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month of July:

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

'Planning Board - Pending Applications and Discussions

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

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

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

'Board of Adjustment – Recent and Pending Applications

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

'Additional Updates

- Estuarine Shoreline Management Plan – The Town was awarded a grant of \$500,000 under the N.C. Resilient Coastal Communities Program to assist in completing the engineering and design work for the Villa Dunes and Soundside Road estuarine marsh restoration and marsh stabilization projects. It will be November before we know about the NC Land and Water Fund Grant that was applied for to assist with the Harvey Site/OBVB site. Additionally, staff are researching using a combination of Community Conservation Assistance Program (CCAP) funds and Coastal Federation cost share funds for a shoreline stabilization along the causeway.
- Electric Vehicle Action Plan – LoWire Technologies has completed the installation of two- Level II EV chargers at Town Hall. Shoshin is scheduled to install an outside access point for the charging stations. Once we finalize payment and the station management interface, these units will be available for public use. A DEQ representative will conduct an onsite inspection to ensure all grant requirements for reimbursement have been met
- Sand Relocation and Dune Management Cost Share Program – Following the Board of Commissioners' allocation of \$400,000 for the FY 24-25 Sand Relocation and Dune Management Cost Share Program, staff is currently reviewing and updating educational materials and the sand relocation application. The application period is expected to open on November 1, 2024, for review purposes only. In preparation, staff will host an educational presentation and Q&A session in mid-October for equipment operators, property owners, and other interested parties interested in participating in this season's program.

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

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

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

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

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

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

'Upcoming Meetings and Other Dates

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

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

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

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

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

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

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

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

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

NEW BUSINESS

Committee Reports

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

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

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

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

BOARD OF COMMISSIONERS AGENDA

Comr. Brinkley – Multi-Family Workshop

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

Comr. Brinkley – Nags Head Lifesaving Station Marker

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

Comr. Sanders – Water leak at his restaurant

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

MAYOR'S AGENDA

Recognition of ten years of service - Town Manager Andy Garman

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

CLOSED SESSION

MOTION: Mayor Cahoon made a motion to enter Closed Session to confer with the Board re: matters related to attorney/client privilege and to preserve that privilege, pursuant to GS 143-318.11(a)(3) and to discuss the possible acquisition of real property located at 4222 S Croatan Highway pursuant to GS 143-318.11(a)(5). The motion was seconded by Comr. Brinkley which passed unanimously. The time was 12:14 p.m.

OPEN SESSION

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

ADJOURNMENT

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

Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon