



***DRAFT* MINUTES**  
**TOWN OF NAGS HEAD**  
**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**WEDNESDAY, OCTOBER 2, 2024**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, October 2, 2024 at 9:00 a.m. for a Regular Meeting.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Kevin Brinkley (resigned at 9:15 a.m.); 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; Shane Hite; Nancy Carawan; Joe Costello; Roberta Thuman; John Stewart; Steve Farrow; Beth Sciaudone; Ayse Karanci; Donna Creef; Megan Vaughan; John Kenny; Jennifer Wells; Gwen Davis; Molly Harrison; David Elder; Amanda Kornegay; Chris Shrader; Kelly Green; Brittany Phillips; and Town Clerk Carolyn F. Morris

**CALL TO ORDER**

Mayor Cahoon called the meeting to order at 9 a.m. Mayor Cahoon asked for a moment of silence to think of our fellow North Carolinians that are in crisis mode [after Hurricane Helene] and to send them good thoughts and support, as able. A moment of silence was followed by the Pledge of Allegiance.

**ADOPTION OF AGENDA**

MOTION: Comr. Sanders made a motion to approve the October 2<sup>nd</sup> agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

**RECOGNITION**

Public Services Director Nancy Carawan introduced Facilities Maintenance Technician John Stewart who was welcomed by the Board to Town employment.

Public Services Director Nancy Carawan introduced Sanitation Equipment Operator Steve Farrow who was welcomed by the Board to Town employment.

Town Manager Andy Garman introduced Fire Chief Randy Wells who was recognized by the Board for five years of service.

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

Dep Fire Chief Shane Hite reported on the upcoming Fire Prevention Week, scheduled for October 6 – 12, 2024. He noted that - *Smoke Alarms: Make Them Work For You* – is this year’s theme. He invited everyone to attend the Fire Prevention Open House scheduled for Thursday, October 10<sup>th</sup> starting at 5 pm at the Douglas Remaley Fire Station #16. Mayor Cahoon read the proclamation as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

‘NOW, THEREFORE, BE IT RESOLVED that I, Ben Cahoon, Mayor of the Town of Nags Head, do hereby proclaim October 6 – 12, 2024, as Fire Prevention Week, and I urge all the people of the Town of Nags Head to make sure their homes have working smoke alarms and to support the many public safety activities and efforts of Nags Head Fire & Rescue. All Town residents and visitors are invited to attend the annual Nags Head Fire &

Rescue Open House, held at the Douglas A Remaley Fire Station 16 on Thursday, October 10, 2024 from 5:00 to 7:30 pm.”

**MOTION:** Comr. Sanders made a motion to approve the proclamation identifying October 6 – 12, 2024 as Fire Prevention Week as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Comr. Brinkley – Submits Resignation as Commissioner

Comr. Brinkley explained that his home in Nags Head was sold in September 2024. Attorney Leidy summarized his previous conversation with Comr. Brinkley concerning his upcoming move out of Town. He explained that specific things must take place to show that a new residence has been established and until completed, Comr. Brinkley was able to continue serving as a Board member. These specific things include an abandoned domicile with no intent to return, establishment of another domicile, and the intent to make the new domicile a permanent home. He noted that Comr. Brinkley had moved to a temporary residence in Manteo. Comr. Leidy stated that additional information was subsequently received from the State Board of Elections – when an elected official moves to another municipality or election district with the intention of remaining, that person shall be considered to have lost their place of residence in the prior municipality. He stated that he then reported this updated information to Comr. Brinkley.

Comr. Brinkley said that resigning today was not how he saw his term playing out but that this move was taking advantage of an opportunity that was the best decision to make for his family. He then asked Mayor Cahoon to accept his resignation

*Mayor Cahoon – Accepts Comr. Brinkley's Resignation*

Mayor Cahoon said that with great sadness he will accept Comr. Brinkley's resignation and said that he will be missed as he has served the Town of Nags Head for over 30 years – as an employee and as a Commissioner.

Board members thanked Comr. Brinkley for his service, both as a Town employee and as a Board member and expressed their appreciation for all he has done for the Town.

Mayor Cahoon called for a brief recess; audience members expressed their appreciation and thanks to former Comr. Brinkley as he left the meeting. The time was 9:15 a.m.

**PUBLIC COMMENT**

PUBLIC COMMENT – DAVID ELDER

David Elder, Nags Head resident and Planning Board member; he spoke concerning the multi-family ordinance stating that the process was difficult to follow; he found that it moved along in fits and starts and it was difficult for him to let people in the area know how it was moving forward as it wasn't clearly moving and information wasn't accessible; he doesn't feel that there is any reason to not split the ordinance and have the Small Multi-family ordinance portion move forward and the Large Multi-family to be considered at a later time; he emphasized that the decision made today is being made for everyone.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 9:30 a.m.

## CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Budget Amendment #4 to FY 24/25 Budget

Consideration of Tax Adjustment Report

Approval of minutes

Consideration of seventh amendment to Verizon lease of Town Hall monopole

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

Consideration of resolution authorizing execution of NC-DEQ grant contract for the June St Beach Access

Consideration of Capital Project Fund ordinance amendments:

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

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

Consideration of resolution accepting NC-DEQ Local Assistance for Stormwater Infrastructure Investments (LASII) funding offer; Authorization for Town Manager to execute contract with McAdams

Request for Public Hearing to consider a Special Use/Site Plan Review for the construction of a 2-story, 8-bedroom dormitory

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

**MOTION:** Comr. Sanders made a motion to approve the Consent Agenda as presented. The motion was seconded by Comr. Lambert which passed unanimously.

Budget Amendment #4, 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".

Minutes - The Board of Commissioners minutes for the September 4<sup>th</sup> and 18<sup>th</sup>, 2024 meetings, as approved, are on file in the Town Clerk's Office.

The summary sheet for the seventh amendment to the Verizon lease of the Town Hall monopole, as approved, read in part as follows:

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

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

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

The summary sheet for the Great Trails State Program grant application, as approved, read in part as follows:

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

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

The resolution authorizing execution of the NC-DEQ grant contract for the June Street Beach Access, as adopted, read in part as follows:

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

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

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

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

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

“BE IT THEREFORE RESOLVED as follows:

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

The summary sheet re: the Capital Project Fund ordinance amendments: Amendment #5 and Amendment #3, as approved, read in part as follows:

“At the October 2<sup>nd</sup> Board of Commissioners meeting, staff is requesting Board consideration of the following Capital Project Ordinances:

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

The Capital Project ordinance amendment #3 for Water CIP Projects, as adopted, is attached to and made a part of these minutes as shown in Addendum "C". The Capital Project ordinance amendment #5 for the Public Works Complex, as adopted, is attached to and made a part of these minutes as shown in Addendum "D".

The summary sheet for the Modification to the Rules of Procedure, as approved, read in part as follows:

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

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

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

The modifications to the Rules of Procedure, as approved, read in part as follows:

"Rule 5: Public Address to the Board of Commissioners \*

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

'Rule 27: Public Hearings

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

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

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

The resolution accepting NC-DEQ Local Assistance for Stormwater Infrastructure investments (LASII), as adopted, read in part as follows:

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

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

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

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

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

The Request for Public Hearing for a special use permit/site plan review for construction of a 3,460 square foot, two story, eight-bedroom dormitory (duplex) and all associated site improvements, as approved, read in part as follows:

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

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

generally works from 9 a.m. to 6 p.m., with some early morning training sessions. Given these staggered schedules, the overlap in parking demand between the clinic and Ocean Rescue staff should be minimal.

**Staff Recommendation/Planning Board Recommendation**

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

The Request for Public Hearing for text amendments to the Unified Development Ordinance (UDO) related to the proposed County EMS Station, as approved, read in part as follows:

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

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

**Planning Staff and Planning Board Recommendation**

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

"At their September 17, 2024, meeting the Planning Board voted unanimously to recommend adoption of the text amendment as presented"

**PUBLIC HEARINGS**

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.

Mayor Pro Tem Siers asked to be recused from this agenda item as he has a conflict of interest as a property owner.

MOTION: Mayor Cahoon made a motion to recuse Mayor Pro Tem Siers from this Public Hearing for a zoning map amendment due to a conflict of interest. The motion was seconded by Comr. Lambert which passed unanimously.

Attorney Leidy introduced the Public Hearing to consider a map amendment request to rezone the property located at 0. W Satterfield Landing Road, Lot 2a-1r of the Charles Sineath Subdivision from C-3 Commercial Services to C-2 General Commercial. The time was 9:25 a.m.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, September 18, 2024 and on Wednesday, September 26, 2024, as required by law.

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

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

#### 'Recent History of Property

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

'In November 2022, the Board of Commissioners approved a Special Use Permit/Site Plan Review, submitted by Mazzi LLC, for the construction of an 11,200 square foot building that includes 8 units operating a "Trade Center", with parking and all associated improvements. When the November 2022 approval expired, the Board of Commissioners re-approved the same requested scope of work at their February 7, 2024, meeting. This new approval is valid until February 7, 2025. However, it is important to note that if the requested rezoning is approved, changing the property's zoning designation to C-2, General Commercial, the Trade Center use would no longer be permitted in this zoning district.

#### 'Analysis

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

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

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

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

'2022 Comprehensive Land Use Plan Consideration

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

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

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

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

'The property in question is located within the Northern Commercial Character Area and is currently zoned C-3, Commercial Services. It is bordered by C-2, General Commercial to the east (TW's Bait and Tackle) and north (OBX Bowling Center), R-2, Medium Density Residential to the south (vacant property), and C-3, Commercial Services to the west (Village Real Estate Rental Management). If the rezoning is approved, it would extend the C-2 zoning designation from the north and east.

'Staff Recommendation

Based upon the evaluation of the intent of each district and the goals listed in the 2022 Comprehensive Land Use Plan, staff recommends adoption of the proposed zoning map amendment as presented. Note that any future development of this property would require Site Plan Review and approval from both the Planning Board and Board of Commissioners.

'Planning Board Recommendation

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

Mayor Cahoon noted that the property to be rezoned is surrounded by the C-2 District which is what it is being rezoned to.

There being no one present who wished to speak, Attorney Leidy concluded the Public Hearing at 9:40 a.m. Attorney Leidy pointed out that this is a legislative decision to make and staff has provided a proposed ordinance which includes various findings and a consistency statement.

**MOTION:** Comr. Sanders made a motion to adopt the ordinance amending the zoning map for Lot 2a-1r of the Charles Sineath Subdivision from C-3 Commercial Services to C-2 General Commercial as presented. The motion was seconded by Comr. Lambert which passed unanimously.

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

## 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 October 2<sup>nd</sup>, 2024.

### 'Monthly Activity Report

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

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

### 'Planning Board - Pending Applications and Discussions

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

- Consideration of a Special Use/Site Plan Review submitted by Quible & Associates, P.C. and Beacon Architecture, PLLC on behalf of the Town of Nags Head, for the construction of a 2- story, 8-bedroom dormitory (duplex). The property is zoned SED-80, Special Environmental District and is located at 425 W. Health Center Drive. The Planning Board voted unanimously to recommend approval of the SUP/Site Plan Review as presented. This item is on the Board of Commissioners October 2<sup>nd</sup> Consent Agenda requesting Public Hearing to be held on November 6<sup>th</sup>, 2024.
- Consideration of text amendments within the SPD-C, Village at Nags Head Commercial-1 Zoning designation to accommodate future construction of a Dare County EMS Station. The Planning Board voted unanimously to recommend adoption of the proposed amendments as presented. This item is on the Board of Commissioners October 2<sup>nd</sup> Consent Agenda requesting Public Hearing to be held on November 6<sup>th</sup>, 2024.
- Continued discussion of minimum required parking standards for hotel uses and restaurant uses. Based upon discussion staff will present a draft ordinance to the Planning Board at their October 15<sup>th</sup> meeting outlining a hotel parking standard of 1.2 parking spaces for each unit to be rented or one (1) parking space per bed, whichever is greater, plus one (1) parking space for every two employees on the largest shift. Staff will continue to discuss minimum required parking standards for restaurant uses with the Planning Board in the coming months.

➤ The Planning Board held two public input sessions, one at their regularly scheduled meeting on Tuesday, September 17<sup>th</sup> at 9am, the second on Wednesday, September 18<sup>th</sup> at 6pm. Between these two community engagement sessions the Planning Board received comments from approximately 16 individuals. The majority of attendees were generally supportive of ADU's if items such as parking, noise, and sanitation were properly addressed. Many felt as though attached ADU's (within the existing footprint of the home), were more acceptable than detached ADU's, especially with concerns of increased lot coverage, stormwater runoff, and density. There was support expressed for allowing both long-term and short-term rental of ADU's should they be permitted. Some individuals expressed a concern with having any type of ADU, attached or detached, on the west side of US 158.

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

'Board of Adjustment – Recent and Pending Applications

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

'Additional Updates

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

- Estuarine Shoreline Management Plan – The Town was awarded a grant of \$500,000 under the N.C. Resilient Coastal Communities Program to assist in completing the engineering and design work for the Villa Dunes and Soundside Road estuarine marsh restoration and marsh stabilization projects. The town has received an initial scope from Biohabitats in anticipation of the receiving and executing the grant contract. It will be November before we know about the NC Land and Water Fund Grant that was applied for to assist with the Harvey Site/OBVB Site.

'Additionally, staff are researching using a combination of Community Conservation Assistance Program (CCAP) funds and Coastal Federation cost share funds for a shoreline stabilization project along the causeway.

- Electric Vehicle Action Plan – The two Level II EV Chargers have been installed and are available for use. We have submitted the reimbursement package and will be scheduling the final inspection from DEQ.

- Sand Relocation and Dune Management Cost Share Program – Staff are preparing for the upcoming Sand Relocation season which will begin on November 15<sup>th</sup>, 2024. We will begin accepting applications for sand relocation on November 1<sup>st</sup> for review purposes only. An educational presentation and Q&A session will be provided on Tuesday, October 15<sup>th</sup> for all equipment operators, property owners, and other interested parties wishing to participate in the sand relocation and dune management cost share program this year.

- Public Beach and Coastal Waterfront Access Grant Program – The town was awarded \$207,669 through

the NC Public Beach and Waterfront Access Program for improvements to the June Street Beach Access. Once the contract has been fully executed, we will put out a Request for Qualifications (RFQ). (Attachment E-6, Consent Agenda)

- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – The following events are coming up in October:
  - Free yoga sessions will continue through October, every Tuesday at 7:30am at Dowdy Park.
  - Friday Night Movie on October 4<sup>th</sup>, beginning around 6:45pm. This movie is being shown in partnership with Outer Banks Health – *The Goonies*.
  - Holiday Market application will be available online Wednesday, October 16<sup>th</sup> from 8am – 10am. After 10am the application will no longer be accessible. Market Rules have been updated regarding the required percentage of handmade or handcrafted items and the radius for vendors producing handcrafts, original artwork and perishables. You will also need to provide your NC sales tax number as part of the application process. For more information, please visit the Dowdy Park Events Facebook page.
  - Event Coordinator, Paige Griffin is collaborating with Nags Head Elementary School to host a Young Entrepreneur Market in conjunction with the Great Pumpkin Fair, held on Friday October 18<sup>th</sup>, 4pm – 7pm.

#### Upcoming Meetings and Other Dates

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

In response to Mayor Cahoon, Ms. Wyatt explained the new vendor rules for holiday markets – to match the summer markets. Holiday markets open for vendors to apply on October 16<sup>th</sup> from 8 am to 10 am. She noted that priority is given to those that can attend all four markets.

#### **OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS**

From Sep 4<sup>th</sup> Board meeting – Consideration of Multi-Family Dwelling Ordinance  
- Workshop held on Sep 18<sup>th</sup>

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

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

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

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

Mayor Cahoon thanked all who have been involved in the multi-family process – to include staff, Planning Board, Working Group, as well as members of the public who have attended meetings and those who have sent emailed comments to the Board. [Emails received are attached to and made a part of these minutes as shown in Addendum "F".] Mayor Cahoon pointed out that there are fewer sites available for multi-family development with the new proposal as this ordinance is more restrictive than the old ordinance.

In response to an inquiry from Comr. Lambert re: density, Attorney Leidy stated that the Board could impose a density limitation in addition to or in place of a cap such as specifying a number of units being allowed within a particular amount of space. This is something which could be added in the future if interested. She echoed the Mayor's comments re: public input received. Comr. Lambert also expressed concerns about stormwater, septic, traffic and a vegetative buffer and appreciated Town Manager Garman's information on these issues.

Mayor Pro Tem Siers echoed Comr. Lambert's comments re: appreciation for the public input received concerning this issue.

Comr. Sanders said that he feels the community survey's comments are included with the proposed ordinance including the requirement for a special use permit.

Comr. Lambert asked about adding a density limitation today to the ordinance. Mayor Cahoon pointed out that each application will be reviewed on a regular basis and that item can be added.

Town Manager Garman stated that the intent of the Working Group was to return at a later time to address other concerns to include the density issue mentioned by Comr. Lambert.

**MOTION:** Comr. Sanders made a motion to adopt the multi-family ordinance - to include the required findings - 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 "G".

## **NEW BUSINESS**

### Committee Reports

Mayor Cahoon – Town Manager Garman and Mayor Cahoon attended a NCLM legislative business session in Rocky Mount – Mayor Cahoon is hopeful that some of the issues brought forward, such as getting houses off the beach, will be included for possible legislation consideration.

Mayor Pro Tem Siers – Dare County Housing Task Force – some great sessions have taken place; He anticipates a public announcement will soon be made by the Housing Task Force Chair, Donna Creef.

Comr. Lambert – Government Access Channel Committee – the Public Information Officer Roberta Thuman attended the recent meeting with her; more updates to follow in the coming months re: the film festival; she reported on the Board of Education Forum recently held and the upcoming Dare County Board Forum sponsored by the League of Women Voters.

Mayor Cahoon noted that Comr. Brinkley represented the Town on the Septic Health Advisory Committee and the Jennette’s Pier Advisory Committee. He stated that Comr. Lambert had shown interest in the Septic Health Advisory Committee.

MOTION: Mayor Pro Tem Siers made a motion to appoint Comr. Lambert to replace Comr. Brinkley as Board representative on the Town’s Septic Health Advisory Committee. The motion was seconded by Comr. Sanders which passed unanimously.

### Consideration of Board/Committee appointments/reappointments

#### Personnel Grievance Panel

MOTION: Comr. Lambert made a motion to reappoint Tina Adderholdt to another 3-year term on the Personnel Grievance Panel, pending her acceptance. The motion was seconded by Comr. Sanders which passed unanimously.

#### Board of Adjustment

MOTION: Mayor Pro Tem Siers made a motion to reappoint Alice Coffey to another 3-year term on the Board of Adjustment, pending her acceptance. The motion was seconded by Comr. Lambert which passed unanimously.

### Estuarine Shoreline Management Project Areas 1 and 2 Engineering and Design

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

Dep Town Manager/Finance Officer Amy Miller summarized the agenda summary sheet which read in part as follows:

“Nags Head was awarded a \$500,000 grant under the N.C. Resilient Coastal Communities Program. This award is to assist the Town in completing the engineering and design work to assess, analyze, and design two estuarine marsh restoration and shoreline stabilization sites, identified in the Town’s Estuarine Shoreline Management Plan (ESMP), to reduce erosion and increase shoreline stability. The McAdams scope includes Moffatt & Nichol and Biohabitats partnering on the project. These firms developed the Town’s ESMP. The scope is on a one-year timeline with a possible extension. The project deliverable of 60% set of plans ready for permitting includes community engagement. These designs will allow the project to be close to shovel-ready to apply for permits. These approval requests are necessary requirements to meet grant contract requirements and milestones. This is a pipeline project directly resulting from the Town’s ESMP.

‘Authorization for Town Manager to enter into a Living Shoreline Design and Engineering contract with McAdams for Estuarine Shoreline Management Project Areas 1 and 2 located at Nags Head Woods Preserve & Villa Dunes Drive and West Soundside Road (the “Project”); Request for authorization for Town Manager to execute a

contract between the Town of Nags Head and the NC Department of Environmental Quality for the Project; and approval of associated budget amendment.

‘The \$40,000 local portion of the grant is included in the Fiscal Year 24/25 adopted budget. The budget amendment is for the grant portion.’

MOTION: Mayor Pro Tem Siers made a motion to adopt the resolution authorizing Town Manager Garman to execute the contract with NC-DEQ for the Estuarine Shoreline Management Project grant as presented. The motion was seconded by Comr. Sanders which passed unanimously.

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

‘WHEREAS: The Town of Nags Head (the “Town”) has been awarded a coastal resiliency grant in completing the engineering and design work to assess, analyze, and design two estuarine marsh restoration and shoreline stabilization sites (Nags Head Woods Preserve & Villa Dunes Drive and West Soundside Road) to reduce erosion and increase shoreline stability; and

‘WHEREAS: The Town is advised that a proposed contract between the Town and the North Carolina Department of Environmental Quality (DEQ) for Resilient Coastal Communities Program grant funds is being presented for the project known as Designing Innovative Living Shorelines to Restore and Protect Coastal Community Infrastructure and discussed; and

‘WHEREAS: That, under the terms of the said contract, the total project cost is \$540,000.00; and

‘WHEREAS: The Town will pay a total local cash contribution of \$40,000 as its local share of the total project costs; and

‘WHEREAS: The total grant assistance requested is \$500,000.00;

‘BE IT THEREFORE RESOLVED, as follows:

‘That a contract between the Town of Nags Head and the North Carolina Department of Environmental Quality be and the same is hereby approved.

‘That the Manager is hereby authorized to sign and execute the said contract for and on behalf of the Town of Nags Head and forward the same to the North Carolina Department of Environmental Quality.

‘That upon final execution, a copy of said contract be filed with the minutes.’

MOTION: Comr. Sanders made a motion to authorize the Town Manager to enter into a contract with McAdams for ESMP areas 1 and 2 at the Nags Head Woods Preserve & Villa Dunes Drive and W Soundside Road, as presented. The motion was seconded by Comr. Lambert which passed unanimously.

MOTION: Comr. Sanders made a motion to approve the budget amendment for the \$40,000 local portion of the DEQ grant as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

#### Consideration of Fire Truck purchase contract

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

"The Fire Department is requesting that the Board authorize the Town Manager to enter into a contract with Atlantic Emergency Services for the procurement of a new fire pumper. This proactive approach to replacing the fire truck is crucial for ensuring timely delivery, following our established replacement schedule. While we are signing the contract now, no funds will be expended until the pumper is delivered.

'Given the current manufacturing delays, the lead time for delivery of fire trucks can extend to several years from the date of order. By initiating the replacement process now, we aim to secure the vehicle as planned, which would be in calendar year 2028.

'Once delivered, the new pumper will replace the existing 2007 fire pumper at Fire Station 21. The 2019 fire pumper will be used as the backup fire pumper. Back-up apparatus are used when front-line vehicles are down for repair or for responses staffed by volunteers or off-duty career staff. The current backup pumper will be sold. We anticipate the new pumper to be delivered after July 1, 2028, aligning with the Town of Nags Head's vehicle replacement schedule, which allocates 10 years for front-line service vehicles followed by an additional 10 years for backup service vehicles.

'Summary of vehicles at each station:  
Fire Station 16 – 2013 Quint and 2002 Pumper  
Fire Station 21 – 2019 Pumper and 2007 Pumper

'Attached is a memo describing the process to procure bids for the replacement of this vehicle."

MOTION: Comr. Lambert made a motion to authorize the Town Manager to enter into a contract with Atlantic Emergency Solutions for the Pierce Custom Pumper fire truck purchase as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Consideration of resolution authorizing application to NC-DEQ Division of Water Infrastructure for Septic Health Project Grant; Consideration of revised Septic Health Loan Policy

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

"Recently, staff spoke with the North Carolina DEQ, Division of Water Infrastructure to discuss a pilot program they have initiated related to supporting on-site wastewater infrastructure. The Division of Water Infrastructure has a loan program to allow for the replacement of failing and/or malfunctioning septic systems. This would also include principal forgiveness for loans where the applicant meets certain income criteria. Their loan would be 0% interest whereas the Town's current septic replacement loan is the prime rate minus 2.5%. This places our current interest rate at 5.5%. Staff would like to apply for this grant to enhance the program we already have in place. We discussed soliciting interest from property owners in targeted areas where aging systems and low-lying conditions create additional risk for ground and surface water contamination. However, this would be made available to anyone in the Town who has a malfunctioning or failing system. Coupled with this grant we would also like to increase the timeframe for repayment of septic loans under our program to enhance the affordability of the loan.

'At the October 2<sup>nd</sup> Board of Commissioners meeting, staff requests Board consideration of attached resolution authorizing a grant application to the NC-DEQ Division of Water Infrastructure for the Town's Septic Health Initiative project. This is for authorization for funds to be used in accordance with the Town's Septic Health Initiative policy.

'The Septic Health Initiative Policy is also attached for your review and approval. This red-lined version updates the policy by authorizing loans to be repaid via automatic bank draft at least monthly and for up to five (5) years instead of the current three (3) years.'

Comr. Lambert spoke highly of the septic pumping program and feels there may be more participation with the loan extension to five years.

**MOTION:** Mayor Pro Tem Siers made a motion to adopt the resolution authorizing application to NC-DEQ for the Septic Health Project grant as presented. The motion was seconded by Comr. Sanders which passed unanimously.

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

'WHEREAS, The Town of Nags Head has need for and intends to apply for Clean Water State Revolving Funds (CWSRF) for wastewater, specifically decentralized wastewater:

- The Town has identified failing and/or malfunctioning decentralized septic systems;
- The Town would like to provide Nags Head homeowners low-interest, no-interest, and/or principal forgiveness loans to replace their failing/malfunctioning septic systems; and

'WHEREAS, The Town of Nags Head intends to request State loan and/or grant assistance for the projects; and

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

- '1. That the Town of Nags Head, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.
- '2. That the Town of Nags Head will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
- '3. That the governing body of the Town of Nags Head agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Nags Head to make scheduled repayment of the loan, to withhold from the Town of Nags Head any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
- '4. That the Town of Nags Head will provide for efficient operation and maintenance of the project on completion of construction thereof.
- '5. The Town Manager, or in absence designee, of the Town of Nags Head is hereby authorized, individually and collectively, to execute and file an application on behalf of the Town of Nags Head with the State of North Carolina for a loan and/or grant to aid in the projects described above.
- '6. That the Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

'7. That the Town of Nags Head has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto."

MOTION: Mayor Pro Tem Siers made a motion to approve the extension of the loan payment time to up to five (5) years as provided for in the updated Septic Health Loan Policy. The motion was seconded by Comr. Sanders which passed unanimously.

#### Discussion of Stormwater Master Plan process/public engagement

Town Engineer David Ryan provided an update on the Stormwater Master Plan process. The agenda summary sheet read in part as follows:

"An NCDEQ - Division of Water Infrastructure Stormwater Planning Grant was received in the amount of \$400,000 to fund the preparation of a stormwater master plan update. As part of the grant funding requirements, preliminary scoping documents were developed, reviewed, and approved through NCDEQ-Division of Water Infrastructure. The preliminary scope of work in the master plan will expand on planning work established in the 2015 stormwater master plan update with a condition assessment, identification of current system deficiencies, development of an updated stormwater CIP listing, public engagement, and planning level cost information for general budgeting.

'Public participation and engagement are identified as an integral part of the stormwater master plan process. Several techniques can be employed to invite participation of various targeted audiences and will be presented for Board consideration. Staff is requesting Board feedback on selecting a public engagement approach considered to be the most beneficial to the stormwater master plan process. A memo is attached which describes in detail prior stormwater planning efforts and public engagement approaches.

'The second part of this request is for consideration of the fee proposal submitted by McAdams to initiate the first phase of work for the Stormwater Master Plan. Requesting the Board to authorize the Town Manager to execute the planning proposal with McAdams in the amount of \$208,000 to begin the stormwater master plan process. Attached is a copy of the September 25, 2024 McAdams proposal."

Mayor Cahoon spoke of the well-attended workshops and felt that pushing notification helped; Comr. Lambert agreed to the importance of community involvement as was done with the septic health project.

Town Engineer Ryan said he would like to keep building momentum on this process and keep it moving forward. He is asking for the first phase of work which consists of data collection, stakeholder and public engagement meetings, and problem area discussion.

Town Manager Garman pointed out that McAdams includes the Bio-Habitat and McKim & Creed agencies.

MOTION: Comr. Sanders made a motion to authorize the Town Manager to execute the planning proposal with McAdams in the amount of \$208,000 to begin the Stormwater Master Plan process. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

#### **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY**

Attorney Leidy had nothing new to report for today's meeting.

## **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER**

Town Manager Garman - Presentation - Annual Beach Condition Survey – Moffat & Nichol  
Consideration of amendment to Beach Nourishment Maintenance Capital Project Ordinance

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 nourishment project area data acquisition in conjunction with additional transect information data acquisition both north and south of the project area. Results of the beach surveys aid in determining nourishment triggers and initiating planning for the next beach nourishment maintenance project. The attached report describes the findings from our beach surveys which were conducted this past June and July.

'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.

'One of the items noted in the draft report is the recent significant erosion within Reaches 3 & 4. We have observed additional erosion in these reaches after the surveys were conducted. The Board may want to consider conducting a supplemental fall survey to evaluate the magnitude and extent of changes to the beach condition. Fee proposal amounts have been submitted by McKim & Creed to perform the survey field work in the amount of \$44,790 and from Moffat & Nichol to conduct analysis of the data in the amount of \$26,350.

'If the Board of Commissioners would like to proceed with approving a fall condition survey, a motion will be in order to authorize the Town Manager to execute change orders in the amount of **\$44,790** with McKim & Creed and **\$26,350** with Moffat & Nichol to conduct the additional monitoring work."

Town Engineer Ryan introduced Beth Sciaudone and Ayse Karanci from Moffat & Nichol. He noted that hard copies of the annual report has been distributed to Board members. Ms. Sciaudone presented her report slides which are attached to and made a part of these minutes as shown in Addendum "H".

She reported gains in Reaches 1 and 2, but in Reaches 3 and 4 there are losses and Reach 4 has over 50% loss. If losses continue, there may be a need to move up the next beach nourishment project. She stated that she will be at the Board's November 6<sup>th</sup> meeting to present an update to the Town's Beach Monitoring and Maintenance Plan.

Mayor Cahoon confirmed that there has not been any evidence that the southernmost outfall is having an impact with no accumulation seen on either side.

Engineer David Ryan confirmed with the Board to move forward as quickly as possible to accelerate the beach nourishment project permitting process. He pointed out that the area most concerning is from Pelican Street to the southern limits of the Town. He questioned if the Board would want to consider an additional fall beach condition survey. Finance Officer Amy Miller reported that funds were available in the Capital Project fund for the additional survey.

MOTION: Mayor Pro Tem Siers made a motion to approve the additional fall beach condition survey and to authorize Town Manager to execute the change orders for McKim & Creed and Moffat & Nichol as presented. The motion was seconded by Comr. Sanders which passed unanimously.

**MOTION:** Mayor Pro Tem Siers made a motion to approve Capital Project Ordinance #12 to transfer funds for the surveying and monitoring line item as presented. The motion was seconded by Comr. Sanders which passed unanimously.

Town Manager Garman reported that he and staff rode the beach recently; For the beach driving season, he has closed beach driving from Pelican St south to the town line as this area is often impassable during high tides.

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

Town Engineer David Ryan provided an update on the Public Services Facility construction. Staff is currently operating out of the new fleet bays and servicing the Town fleet; Solar Panels are now online; the former Public Works office building was recently demolished.

#### Town Manager Garman – Statewide Mutual Aid Agreement

Town Manager Garman presented the Statewide Mutual Aid Agreement for 2023 – the last one adopted by the Town was from 2020.

**MOTION:** Comr. Sanders made a motion to approve the Statewide Mutual Aid Agreement for 2023 as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

A copy of the agreement, as approved, is on file in the Town Clerk's Office.

### **MAYOR'S AGENDA**

#### Mayor Cahoon – Upcoming election

Mayor Cahoon spoke of the resolution the Board adopted a couple of years ago entitled: *A Resolution Showing Appreciation And Support For Dare County Elections Staff And Precinct Workers*. He cited the following from the resolution: "... the Dare County Board of Elections ensures that these elections are free, fair, accurate, convenient and accessible to all voters in Dare County ..." He said that he is proud that there is such great staff that runs these elections.

#### Mayor Cahoon – Vacant Board of Commissioners seat

Mayor Cahoon reported that at the November 6<sup>th</sup> Board meeting the process to fill the Board of Commissioners seat now vacant due to Comr. Brinkley's resignation will be presented. Detailed information will be provided as the Board will be open and transparent about the selection.

**ADJOURNMENT**

MOTION: Mayor Pro Tem Siers made a motion to recess to the Board Retreat on Friday, October 18<sup>th</sup> at 8:30 am at the Public Services Dept Training Room. The motion was seconded by Comr. Lambert which passed unanimously. The time was 11:30 a.m.

\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

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

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