



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, MARCH 4, 2020**

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Wednesday, March 4, 2020 at 9:00 a.m.

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

Board members Absent: None

Others present: Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Phil Webster; Perry Hale; Randy Wells; Shane Hite; Michael Zehner; Kelly Wyatt; David Ryan; Amy Miller; Brie Floyd; Roberta Thuman; Karen Snyder; Nancy Carawan; Jackie Hart; Ed Snyder; Ron Watson; Ray Schoonmaker; Paige Griffin; Chris Flynn; Carolyn Brooker; Lee Nettles; David Bragg; Ellen Heatwole; Lauren Kickard; Nelene Gibbs; John Ratzenberger; Arnold Vass; Donald Williams; Geraldine Williams; Donny King; Susan Burroughs; Ralph Buxton; Ginny Flanders; and Town Clerk Carolyn Morris

CALL TO ORDER

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

ADOPTION OF AGENDA

MOTION: Comr. Brinkley made a motion to approve the March 4th agenda as presented. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

RECOGNITION

NEW EMPLOYEE – Dep Town Manager Andy Garman introduced new employee Information Technology Assistant Karen Snyder who was welcomed by the Board to town employment.

TEN YEARS – Police Chief Phil Webster introduced Dep Police Chief Perry Hale who was recognized by the Board for ten years of service.

PROCLAMATION IN SUPPORT OF SAFETY WEEK – Dep Fire Chief Shane Hite announced Safety Week which is scheduled for March 9 – 13, 2020; he introduced the Safety Committee members: Brie Floyd,

Nancy Caraway, Jackie Hart, Ed Snyder, Perry Hale, Ron Watson, and Ray Schoonmaker. Other members Trey Allen, Greg South, Keefe White and Eddie Hawley were not able to attend. Dep Chief Hite detailed the work of the Safety Committee and the upcoming activities planned for Safety Week.

Mayor Cahoon read the proclamation as follows:

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

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

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

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

‘NOW, THEREFORE, the Nags Head Board of Commissioners does hereby proclaim March 9 - 13, 2020 as

‘ACCIDENT PREVENTION WEEK
in the Town of Nags Head, and commends this observance to our citizens.

‘FURTHERMORE, in recognition of this proclamation, I invite all Nags Head employees to attend the annual Nags Head Safety Luncheon on Thursday, March 12, 2020 from 12:00 Noon to 2:00 p.m. at the Douglas A. Remaley Fire Station 16.”

Mayor Cahoon noted fewer claims in the workplace due to the committee’s work.

MOTION: Comr. Fuller made a motion to adopt the Safety Week Proclamation as presented. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

PRESENTATION - Dowdy Park Review of 2019 Season and Plans for 2020 Season
Dep Planning Director Kelly Wyatt summarized accomplishments of the Town’s Art and Culture Committee of 2019 and plans for the upcoming year. Committee members and Coordinator Paige Griffin were present and displayed slides of a successful 2019 season at Dowdy Park.

PRESENTATION – 2nd Annual Community Clean Up – March 28, 2020

Public Works Office Manager Karen Heagy and Public Works Office Assistant Sue Cummings detailed the upcoming 2nd Annual Community Clean Up which is scheduled for Saturday, March 28 beginning at 8 am at Dowdy Park. Ms. Heagy stated that she hopes next year to schedule a more widely-participated clean up with representatives from each of the town’s neighborhoods.

PUBLIC COMMENT

PUBLIC COMMENT – DAVID BRAGG

David Bragg, Village at Nags Head resident; all recycling is being incinerated not recycled; it appears that the contractor was not forthcoming; he is concerned that the 6/30/20 date will come and go with no changes made – he would like a public forum scheduled with Town officials; trash cart rollback issue – the Town pays two people to roll carts back only on the Beach Road; on the Town’s Facebook page – the Town limits postings with no opinions included – he has four pages of why incineration is a terrible idea; he read from a page re: climate rising and other predictions starting from the 1970’s; these things have been linked to the scientists who were sure these things were going to happen just like global warming.

PUBLIC COMMENT – DONNY KING

Donny King, Better Beaches OBX; lives in Nags Head and is owner of Ocean Boulevard Restaurant; he is requesting that more sand fencing be installed for additional beach stabilization; the last fencing installed has done its part and is mostly covered; there is a lot of representation of Better Beaches OBX volunteers in the audience; he would like to help coordinate grass planting on the beach; he would like the town to allocate more funds for sand fencing and to catch more sand in the right places; grass would work now through November which is the next opportunity to plant; in recognition of the recent Town Beach Nourishment Project he applauds the town’s efforts; he thanked the Board.

PUBLIC COMMENT – ELLEN HEATWOLE

Ellen Heatwole, Seagull Drive; she applauded the town for Beach Nourishment Projects which have been fantastic and sand fencing has done its job; a lot of the grass planted however has not survived; she supports Mr. Donny King of Better Beaches OBX and spoke in support of his initiative to install more sand fencing and grass on the beach.

PUBLIC COMMENT – LEE NETTLES

Lee Nettles, Outer Banks Visitors Bureau Executive Director; he spoke of planning discussions that have taken place re: the Soundside Event Site; the proposed facilities are expected to draw new visitors to the area to support year-round visitation to the Outer Banks. He addressed the Board as follows:

“Good morning Mr. Mayor, Board of Commissioners. My name is Lee Nettles, I’m the Executive Director of the Outer Banks Visitors Bureau, and I come before you today to ask for your guidance with regard to planning discussions currently underway for The Soundside Event Site.

‘As you are aware, the Tourism Board has appointed an Advisory Committee to consider options for the development of a multi-use Event Center on the site. These options have been informed by two separate consultant studies and preliminary work done by a local engineering firm.

‘The Event Center that’s recommended within the consultant’s study includes a net useable space of 30,000 square feet. Two of the three options also include a separate ballroom of 5,400 square feet and a hotel with approximately 200 rooms. These facilities are expected to draw *new* visitors to the Outer Banks - 80% of the hotel’s guests, for instance, are projected to be first-time visitors to the Outer Banks. Uses of the Center include sport tournaments, concerts, banquets, consumer tradeshows, meetings and conventions -- in addition to continuing to host outdoor events on the site. Importantly, the focus of the Event Center and the site is to attract visitors to the Outer

Banks during spring, fall and winter, helping to support a year-round tourism economy and driving incremental visitation to existing area businesses.

'Early work conducted by Albemarle & Associates indicates that the facilities can fit on the site within the current ordinance, but doing so may not represent the best possible solution. We can physically fit the maximum required number of paved parking spaces on the site, for example, but doing so compromises the remaining green space and greatly impacts stormwater run-off. A smaller number of spaces may be more appropriate given the particular site uses and the scale of the development.

'In terms of wastewater management, septic can be addressed on-site, but again, at the expense of green space, and when a more environmentally protective option may be possible. Specifically, the committee is interested in the Board of Commissioners' view on tapping into an existing off-site sewage system.

'Please understand that no decisions have been made at this point, neither at the committee level nor at the Tourism Board level. The committee, which has only met two times so far, is simply trying to evaluate the options and prepare its recommendations for the Tourism Board's consideration. Your direction will allow the committee to concentrate its efforts in the most productive manner as we move forward.

'The Advisory Committee recognizes the importance of the Unified Development Ordinance and the possible precedents set by your actions. That said, we also recognize that a building of this type, and scale, has never existed in the Town before nor in the Outer Banks.

'We welcome any opportunity to assist in this discussion as you see fit. Thank you for your consideration and your guidance.'

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 9:41 a.m.

Mayor Pro Tem Siers commented that instead of the Tourism Board purchasing property, that their money could be spent on keeping the beaches nourished – this money could be put into a sustainable beach and have the beaches around a little bit longer.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

Consideration of Budget Adjustment #9 to FY 19/20 Budget

Consideration of Tax Adjustment Report

Report of Tax Delinquent List to be advertised

Approval of minutes

Consideration of resolution clarifying Dare County Control Group / Town MOA of Oct 2015

Consideration of resolution authorizing an installment finance direct borrowing contract to finance the vehicles and equipment identified in the fiscal year 2019/2020 Budget

Request for Public Hearing to consider adoption of a resolution authorizing the Town to enter into an Installment Purchase contract in an amount not to exceed \$1,449,793 to finance cost of the Sidewalk Pedestrian Path, Fuel Tank Conversion, and Dowdy Park improvements as identified in FY 19/20 Budget

Request for Public Hearing to consider a text amendment to the Unified Development Ordinance submitted by a property owner to expand the principal sale items from outdoor stands to include reservations and tickets for events/activities

Request for Public Hearing to consider a text amendment to the UDO to correct identified errors

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

Budget Adjustment #9, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

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

The Tax Delinquent List summary sheet, as approved, read in part as follows:

"At the February 5th Board of Commissioners meeting, Board approval was received to advertise tax liens in the newspaper on March 18, 2020 in accordance with NCGS 105-369.

'Attached please find preliminary tax delinquent listing as of February 27, 2020.

'(Property owners have up to March 1, 2020 to pay to be removed from delinquent list before advertisement is posted.)"

The Resolution clarifying the Dare County Control Group / Town Memorandum of Agreement, as adopted, read in part as follows:

"WHEREAS the document entitled *Memorandum of Agreement Between Dare County Municipalities And The County Of Dare Concerning Emergency Coordination* was presented to municipalities for execution in 2015; AND

'WHEREAS The Memorandum of Agreement (MOA) between the Town and Dare County was signed by the Mayor on October 19, 2015 but was never presented for consideration by the entire Board; AND

'WHEREAS The Town Attorney has stated that the MOU is not enforceable and is more of a statement and that from a legal perspective, he has no major concern with the document; AND

'WHEREAS As noted by Norma Houston of the UNC School of Government, the MOA does not mandate partner municipalities to surrender any legal authority to the County but recognizes that "all municipalities have the authority to declare and manage an emergency independently ..."; AND

'WHEREAS The MOA encourages "cooperation and coordination" among the local municipalities and the county through the Control Group which is described as a "collaborative body that convenes to facilitate decision-making ...to achieve unity of effort.."; AND

'WHEREAS This collaboration between local municipalities and the county is extremely important when dealing with evacuation and re-entry since this impacts everyone.

'NOW, THEREFORE, BE IT RESOLVED that the Town of Nags Head Board of Commissioners does hereby ratify the MOA dated October 19, 2015 and authorizes it as official and binding in the spirit of cooperation among all municipalities and the county through the Dare County Control Group."

The resolutions authorizing three and five year loans for financing vehicles/equipment identified in FY 19/20, as adopted, read in part as follows:

Three-year loan

"WHEREAS, The Town of Nags Head (the "Town") has previously determined to undertake a project for the financing of vehicles and equipment, (the "Project"), and the Town Manager has now presented a proposal for the financing of such Project.

'BE IT THEREFORE RESOLVED, as follows:

'The Town hereby determines to finance the Project through Southern Bank & Trust Company, in accordance with the proposal dated February 24, 2020. The amount financed shall not exceed \$584,701.00 the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.74%, and the financing term shall not exceed two (2) years from closing.

'All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

'The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

'The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Southern Bank & Trust Company financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

'All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately."

Five-year loan

"WHEREAS, The Town of Nags Head (the "Town") has previously determined to undertake a project for

the financing of vehicles and equipment, (the "Project"), and the Town Manager has now presented a proposal for the financing of such Project.

'BE IT THEREFORE RESOLVED, as follows:

'The Town hereby determines to finance the Project through Southern Bank & Trust Company, in accordance with the proposal dated February 24, 2020. The amount financed shall not exceed \$306,328.00 the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.74%, and the financing term shall not exceed four (4) years from closing.

'All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

'The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

'The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Southern Bank & Trust Company financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

'All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately."

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

"Staff is requesting that a Public Hearing be scheduled for the April 15th Board of Commissioners meeting for the adoption of a resolution authorizing the Town to enter into an Installment Purchase contract in an amount not to exceed \$1,449,793.

'These funds are to finance the cost of the following items as identified in the 2019/2020 budget:

- Sidewalk Pedestrian Path
- Fuel Tank Conversion, and
- Dowdy Park improvements"

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

"The proposed text amendment (the applicant for the amendment is Kate Creef, Assistant General Manager, on behalf of Outlets Nags Head) is seeking to amend Section 7.76.1 to expand the principal sale items allowed to be sold from outdoor stands to include "reservations or ticket sales," and to

amend Section 7.76.2. to increase the number of outdoor stands allowed per site from one (1) to two (2). The original proposal sought to amend the UDO to allow "outdoor kiosks" for the sale of tickets and reservations for on-site and off-site recreational facilities; the applicant had explained that a vendor had approached the Outlets about the idea of having a kiosk located on the property to allow patrons to book charter fishing excursions, a concept which was believed would enhance the customers' shopping experience. Based upon input from the Planning Board, the original proposal was revised to the current version. The attached adoption ordinance and markup are as prepared by the applicant.

Planning Board/Staff Recommendation

Staff recommended to the Planning Board that the amendment be adopted with modifications to the standards to require that the sale and advertisement of items be confined to stands and to allow a maximum of two (2) stands, with no more than one (1) stand selling fresh produce, hot dogs, coffee, ice cream or Italian ice, and/or fudge. Additionally, it is suggested that Sections 7.76.3 and 7.76.4. also be amended to provide for a maximum stand area and any time limitations, respectively, for the sale of tickets and reservations; a limitation of 150 square feet and a time limitation consistent with produce stands are likely sufficient. Finally, Staff recommended that the definition of Outdoor Stand be amended consistent with the amendment of Section 7.76.1.

"The Planning Board, at their February 18, 2019 meeting, voted 6-0 to recommend amendments to UDO as recommended by Staff. In making their recommendation, the Planning Board acknowledged their opinion that the proposed amendments were consistent with the relevant policies contained in the Comprehensive Plan."

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

Update from Planning Director - Flood Map ordinance overview

Planning Director Michael Zehner summarized his memo with several updates. He discussed with Board members the flood map ordinance and the state's proposed flood maps. The Flood Map Informational Meeting flyer was displayed – the meeting is scheduled for Monday, March 9th in the Board Room from 5:30 to 6:30 p.m.

Mayor Pro Tem Siers expressed his concern about the flood maps which he feels have no sustainability.

Director Zehner explained that free board is not being removed; if the Board is interested, staff can look at raising standards for elevation on the west side of SR1243.

Comr. Renée Cahoon agreed with Mayor Pro Tem Siers – that most of the modeling for the maps is done on the oceanfront yet most of the flooding does not occur there. We don't need to go back and retrofit, she feels that we need to look at places that are flooding now and modify standards as appropriate. What we know as reality is not what is indicated on the flood maps.

Mayor Cahoon stated that it would be beneficial for the Board to see the information that is to be presented at next week's informational session as soon as possible; to make sure elevation standards we are proposing are adequate.

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

Mayor Cahoon noted that both of these items have been continued by the applicants:

- Consideration of Southridge Subdivision Coastal Villas Subdivision Preliminary Plat
- Consideration of a Major Site Plan for Gone Coastal Shopping Center, 7531 S. Virginia Dare Trail, submitted by Jim and Stephanie Selckmann

NEW BUSINESS

Committee Reports

Comr. Fuller – Dare County Tourism Board (DCTB) – the Tourism Board Advisory Committee is moving forward; he wanted to make sure Board members understood what Executive Director Lee Nettles was speaking about during Public Comment earlier today. Director Nettles was asking if the Board would consider the following concerning proposals for the event site:

- Will the Board consider a reduction in parking standards? and
- Will the Board consider allowing central sewage already located in Nags Head (Village at Nags Head) to be extended to the DCTB event site?

It was Board consensus that there is no interest in reducing parking standards nor allowing an extension of central sewage to the event site and that there is, therefore, no action for staff to take at this time.

Mayor Pro Tem Siers also noted that he has not heard of any interest from citizens for an event site hotel and did not see the need for staff time and money to be spent researching reduction in parking standards and extending central sewage to the event site.

Consideration of recommendations for services:

- Beach Surveying Services
- Coastal Engineering and Design Services

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

“The Town recently issued two separate requests for qualifications (RFQ) to solicit consulting services for the town’s ongoing shoreline management efforts. The first RFQ related to coastal engineering and design services. The second RFQ related to providing surveying services to document project performance as part of the town’s annual maintenance and monitoring plan.

‘Although the Town is not anticipating constructing another nourishment project for several (5-8) years, the Town wishes to obtain consulting assistance now as we consider refinements to our approach, including development of long-term strategies, alternative approaches and associated funding mechanisms, and revisions to the Town’s maintenance and monitoring plan. The Town will also need to maintain an ongoing contract for annual shoreline maintenance and monitoring. It is anticipated that the consultants selected for these RFQs will continue working with the Town to plan and design its next nourishment project.

'For the coastal engineering RFQ, the Town was particularly interested in firms that had a breadth of knowledge, experience, and demonstrated success with creating multi-pronged and adaptive shoreline management approaches considering how we may leverage other county-wide initiatives to maximize the efficiency and economy of our efforts. We are also interested in considering how legislative efforts and broader funding schemes may enhance our capacity to support future projects.

'The Town received three RFQs for coastal engineering: Coastal, Science & Engineering (CSE), Applied Technology and Management (APTM), and Moffat & Nichol. The selection process involved reviewing each proposal and conducting interviews with each consultant team. Based on the criteria established in the RFQ, with a particular focus on the aforementioned capabilities, staff is recommending the consultant team of Moffat & Nichol for coastal engineering and design services. Moffat & Nichol has extensive experience in shoreline management and nourishment projects. M&N is well known for its work in Carteret County where they developed a 50-year plan for shoreline management involving the County and several municipalities. This included the development of a programmatic EIS, which has enabled the County to more efficiently navigate the planning and design stages for nourishment efforts, particularly when there is a declared disaster and they become eligible for FEMA funds. The programmatic EIS and associated permitting mechanisms have significantly reduced the timeframe and administrative work to initiate projects. This plan also considers varying erosion rates for different parts of the County and establishes staggered nourishment thresholds for these areas as part of a maintenance and monitoring plan. We believe the skills presented to us through this RFQ are most well suited to our needs as we explore ways to evolve our nourishment strategy, considering new approaches that leverage additional resources while exploring opportunities to work with neighboring communities. Moffat & Nichol staff would support this project primarily from their Raleigh, NC and Norfolk, VA offices.

'For the beach surveying RFQ, the Town received four submissions to include Coastal Science & Engineering, Precision Measurements Land Surveyors, So Deep/SAM LLC, and McKim & Creed. After conducting the proposal reviews and consultant interviews, staff is recommending the firm of McKim and Creed based on their overall qualifications, firm capacity, as well as direct experience with similar projects. McKim & Creed staff would support this project primarily from their Wilmington, NC office.

'If the Board agrees with staff's recommendation, we will work with each consultant to develop an initial scope of work. We anticipate the two scopes to consider the following tasks:

- Establishing data collection protocols for the town's annual maintenance and monitoring plan.
- Establishing a schedule for annual surveys/monitoring.
- Establishing protocols and requirements for conducting assessments/surveys on an as-needed basis pre- and post-storm events.
- Examining the town's existing reports and historical data to understand past project performance.
- Analyzing data and developing/refining models that will become the basis for design criteria and future project assumptions. Adjusting reach boundaries accordingly to consider how the town aggregates areas with similar performance. Establishing protocols for and considering revisions to the town's maintenance and monitoring plan.
- Working with the Town Board of Commissioners and staff to establish preferred strategies for planning, permitting and design of future projects. This would include consideration of timing of future

efforts in conjunction with other local projects, permitting strategies and timing, and providing input to assist with the development of the town's funding strategy.

Staff anticipates that these initial services would form the basis for the initial project ordinance for the next nourishment project and funding cycle. If the Board chooses to move forward with additional municipal service districts for the purpose of partially funding future projects, it is anticipated that these costs could be funded using revenue generated from these additional districts. Staff anticipates a nominal MSD tax rate would be necessary to fund these costs.

If the Board of Commissioners is in agreement with these recommendations, a motion will be in order to:

- Authorize the Town Manager to enter into contractual negotiations with Moffat and Nichol for coastal engineering and design services for an agreed upon fair and reasonable compensation.
- Authorize the Town Manager to enter into contractual negotiations with McKim and Creed for beach surveying and monitoring services for an agreed upon fair and reasonable compensation.

Upon completion of these negotiations, staff will present to the Board, for their consideration, a professional services fee proposal and draft contract for each service. It is anticipated that the scope of work may be partitioned, as necessary, so as to permit services to be initiated quickly for supporting beach surveying and monitoring services.

Recommendation – Moffatt & Nichol for Beach Surveying Services
Recommendation – McKim & Creed for Coastal Engineering and Design Services”

Mayor Cahoon clarified that the first step would be to determine the company – and to then approve a scope of services; McKim & Creed is a very capable firm and he has no problem identifying them with the understanding that the Board will be seeing the scope.

Beach Nourishment Project – Beach Surveying Services

MOTION: Comr. Renée Cahoon made a motion to invite Moffatt & Nichol to make a presentation to the Board, and to authorize the Town Manager to enter into contractual negotiations with them for Beach Nourishment Project coastal engineering and design services with all relevant material to come back to the Board. The motion was seconded by Comr. Brinkley.

Attorney Leidy reminded the Board that proposals were solicited based on qualifications and not cost.

CONTINUATION OF MOTION: The motion passed unanimously.

Beach Nourishment Project – Coastal Engineering and Design Services

MOTION: Comr. Fuller made a motion to authorize the Town Manager to enter into contractual negotiations with McKim & Creed for Beach Nourishment Project surveying services. The motion was seconded by Comr. Brinkley which passed unanimously.

Discussion/Consideration of proposed Municipal Services Districts

Town Manager Cliff Ogburn summarized his agenda summary sheet which read in part as follows:

“At its February 5, 2020 meeting, the Board considered the establishment of proposed municipal service districts that would be utilized for future beach erosion control, hurricane protection works, and drainage projects. Three new districts were presented to the Board to include additional areas west of NC 12 and SR 1243. The Board is considering how to distribute the costs for completing these projects proportionate to the benefits received by property owners in geographically distinct areas of town. Staff presented a process and timeline for establishing these new districts. Based on the Board’s direction, staff is presenting the Board with the requisite documents needed to initiate this process. Attached for Board review and discussion on March 4th are the following documents pertaining to the creation of Municipal Service Districts:

- Report on establishment of three (3) proposed Municipal Service Districts
- Municipal Service District Timeline
- Existing MSD Map
- Proposed MSD Map
- Notice of Public Hearing on proposed MSD”

Town Manager Ogburn summarized the proposed districts:

District 3 – Eighth Street (northern town line) south to Bonnett Street
(includes all properties east of Wrightsville Avenue)
Eventually this northern mile may need nourishment

District 4 – Bonnett Street south to Gulfstream Street
(from Bonnett Street to Bainbridge Street - includes all properties east of Wrightsville Avenue; from Bainbridge Street to Hollowell Street – includes all properties with frontage on and east of Memorial Avenue; from Hollowell Street to Gulfstream Street – includes all properties east of US 158).

District 5 – Gulfstream Street south to southern town line
(includes all properties south of Gulfstream Street).

MOTION: Comr. Fuller made a motion to schedule a Public Hearing to consider the Municipal Service Districts as presented, to include Old Nags Head Place, for the May 6th Board of Commissioners meeting. The motion was seconded by Comr. Brinkley which passed unanimously.

Consideration of Board/Committee appointments

MOTION: Comr. Renée Cahoon made a motion to reappoint Angelina Lowe and John Mascaro to additional three-year terms on the Board of Adjustment. The motion was seconded by Comr. Fuller which passed unanimously.

MOTION: Comr. Brinkley made a motion to reappoint Perry White and Sandra Futrell to additional three-year terms on the Personnel Grievance Panel. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Ogburn - Sanitation and Recycling – Consideration of trash cart rollback ordinance

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

“At its February 5, 2020 meeting, the Board, at the manager’s request, delayed any decision on action regarding the section of town code regulating proper placement of trash and recycling until its March 4, 2020 meeting. This was done in order to facilitate a meeting with concerned citizens/neighborhood associations that have expressed opposition to this approach.

‘The issue of the town’s ability to enforce this ordinance with available resources is the primary reason staff recommended it be rescinded. The amount of time and staff resources involved in issuing notices of violation for improperly placed trash and recycling carts seems somewhat unproductive. Complaints are primarily isolated to a few sections of town; however, if there is an expectation that the ordinance be fully enforced, more resources would be necessary and the expense associated with this effort would likely not be justified in light of other town goals. Previously, some Board members have resisted the idea that the town would act as the ‘cart police’ in these instances.

‘On February 20, 2020 staff met with residents that would like to see the ordinance remain in place for fear that removing it would cause disregard for cart placement with no mechanism for regulation. Their further concerns relate to community aesthetics, the amount of trash blown from carts left in the right-of-way, and the smell from trash as they walked through their neighborhoods. Discussion focused on the importance of increased education targeted primarily to visitors by the town and property management companies. However, there was a strong opinion that staff would have to issue violations along with civil penalties in order to affect any change towards increased compliance.

‘In lieu of rescinding the ordinance at this time, staff requests the ability to work towards a resolution of this matter through a combined effort of strong education and enforcement for habitual offenders. Staff would evaluate the performance of this approach and report our findings to the Board at the end of the tourist season.”

Town Manager Ogburn asked Board members to authorize him to work with neighborhood homeowners’ associations concerning the trash cart rollback issue and to not rescind the ordinance at this time.

Comr. Fuller noted that there are some ordinances on the books that are not specifically enforced but remain on the books and he feels this one could be the same.

Board members agreed with Town Manager Ogburn to take no action at this time on the trash cart rollback ordinance allowing him to continue working with neighborhood associations on this issue.

Town Manager Ogburn - Consideration of contract for beach sprigging and sandfencing

Comr. Renée Cahoon spoke of Figure Eight Island who is a big supporter of installing bales of hay on their beaches. Town Manager Ogburn indicated that he would like to do a test project and noted that it would not require a General Contractor license to do this work.

It was Board consensus to authorize Town Manager Ogburn to conduct a test pilot project on the beach with hay bales in addition to the sand fencing/sprigging.

MOTION: Comr. Renée Cahoon made a motion to approve Budget Amendment #8 to the Beach Nourishment Capital Project Ordinance as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

The Beach Nourishment Project Capital Project Ordinance, amendment #8, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

Town Manager Ogburn - Discussion/Consideration to request NC DOT reduce the speed limit on NC 1243 from Juncos Street Beach Access south to NC Hwy 12 from 45 mph to 35 mph

MOTION: Comr. Brinkley made a motion to authorize staff to request that NCDOT reduce the speed limit on SR 1243 from Juncos Street south to the town line from 45 MPH to 35 MPH. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Town Manager Ogburn – Recycling with other municipalities

Town Manager Ogburn announced that on March 30th at the Dare County offices, a meeting will be held with the County, municipalities, restaurant associations and DENR to see what future recycling options may be available.

Mayor Cahoon – Upcoming Town information sessions and events

Mayor Cahoon pointed out the following upcoming sessions/events:

- Multi-use path construction meeting – Thursday, March 5th from 5:30 to 7 pm – Board Room
- Flood Map & Flood Map Prevention Ordinance – Monday, March 9th from 5:30 to 6:30 pm – Board Rm
- Town Safety Week – March 9th to 13th
- Green Drinks and Stormwater Updates – Wednesday, March 11th at 7:30 pm at Waveriders Restaurant
- Sunshine Week – March 15-21
- St. Patrick's Parade – Sunday, March 15th
- CIP Workshop – Wednesday, March 25th at 9 am – Board Room
- Community Clean Up starting at Dowdy Park – Saturday, March 28th at 8 am

BOARD OF COMMISSIONERS AGENDA

Comr. Brinkley – Thank you to Donny King and Ellen Heatwole

Comr. Brinkley thanked Donny King of Better Beaches OBX and Ellen Heatwole for speaking concerning the organization and in support of additional beach sand fencing.

Comr. Brinkley – Recycling

Comr. Brinkley confirmed with Attorney Leidy that the Town does not have the option to sue Bay Disposal re: incinerating recycling materials rather than true recycling per the contract. Attorney Leidy said that suing does not apply to that particular provision of the contract – and would also be counter-productive since the Town is still utilizing the company.

MAYOR'S AGENDA

Mayor Cahoon – Workforce Housing

A meeting is being scheduled with local mayors for Thursday, March 12th to discuss J1 workers and housing issues. A location has not yet been finalized. A speaker is coming from Wisconsin where a program was developed to solve their seasonal housing problem. Possibly a model can be utilized for this area.

Town Clerk Carolyn Morris is to send details of the meeting to Board members when received.

Mayor Cahoon - Future Town Vision (from Jan 2020 Board Retreat)

Mayor Cahoon presented his vision for the future of the Town. His memo read in part as follows:

“At the Board’s January 2020 Retreat there was a robust discussion about our shared vision for Nags Head. It was a forward-looking exercise with more consensus than many towns might hope for, and was the kind of exercise towns too seldom undertake. I was personally excited by what the Board generated and felt inspired to put down specific actions (as specific as I could make them) to move in the indicated direction. Too often such visionary aspirations remain non-specific and not actionable, and boards never return to them. I didn’t want that to happen.

‘However, *this is only my own self-generated list*. The specific items do not have Board consensus, and I don’t mean to indicate that they do. I hope instead that you will find more specific actions to add, so that we have a big “shopping list” for future discussions. And, as Commissioner Cahoon suggested at the February Board Meeting, this list should remain open so that new ideas can be a topic at the end of every meeting.

‘This list also has no priority. Priorities can only be set by the Board and might be set at a future time, if and when we take action on some items.

‘And finally, this list does not include the “measurements” that would indicate positive movement or success. Those would also be determined at a future time in collaboration with staff.

‘With those caveats the attached list is offered for your consideration.’’

His list was presented and read in part as follows:

Provide Superior Service-whatever we do, we do really well!

Implement a budget process that addresses levels of service and capital improvement, so Board understands what result will look like

*Board members challenge themselves to raise levels of service and capital improvement when appropriate
Measure public/customer satisfaction and identify improvements
Implement identified customer service improvements, quickly when low-no cost
Benchmark acceptable levels of service so we know what exceeding them looks like (even if it's a clean garbage truck!)*

Motivate staff to do the "best" within the time and resources available, rather than simply accomplish the task/install the improvement

Be creative when dealing with natural hardships like sea level rise.

*Revisit risks listed in the VCAPS report.
Prioritize a set of those risks for further study and recommendations.
Engage with student groups like the current NCSU Sustainability Studio to visualize responses
Invest in a buyout/relocation fund for the distant future
Continue to implement drainage projects and seek grant funding for more*

Enhance our status as a visitor destination and outdoor recreation economy

*Improve remaining unimproved beach and sound accesses
Improve sound accesses for a broader range of sailing/kiting uses
Identify and mitigate potential pollution sources to prevent beach closures
Stay ahead of septic health, clean groundwater, alternative approaches
Maintain control of beach activities that distract from the experience
Survey small recreation product manufacturers and support their needs
Spotlight interesting, unusual or historic outdoor recreation businesses
Board shaping exhibition/festival
Awards program for innovative businesses
Recognition for historic recreation businesses/pioneers
Maintain and enforce barriers to disruptive "party houses"*

Enhance traffic and pedestrian safety and encourage walkability with pathways, greenways and a US 158 Greenway

*Identify US 158 business leaders who will see the benefits and advocate for a greenway
Meet with our NCDOT representative and our legislative representatives to press for the greenway option
Petition NCDOT, at every opportunity, to consider the greenway option
Develop images and messages to develop public support for the greenway option
Continue to identify locations and build multiuse paths
Use MUP construction to connect assets in the Whalebone area*

Maintain our wide non-commercial beaches

*Expand funding to guarantee capacity for the next project
Meet with legislators to press for groin or reef options to slow erosion
Monitor and act quickly on commercial encroachments*

Become More Diverse

Encourage, and when possible develop, diversity of housing, lifestyles, social characteristics, and people
Identify sites for multifamily housing, set parameters, and conduct non-binding design competitions (to illustrate creative options at low-no cost)

Survey or undertake other mechanism to understand housing needs in detail
Create a small summer multi-cultural festival for visiting workers
Educate business owners on commercial site housing options in UDO
Consider an ADU ordinance for the commercial zone only
Maintain barriers to larger houses

Maintain and further develop solid infrastructure including roads, stormwater, health care, the internet, and cultural features/settings/events

Identify champions/monitors for key assets like parks, pathways, etc.
Install signage with contact info for reporting problems/maintenance needs
Create/maintain/monitor work plans for maintaining assets
Conduct regular meetings with hospital leadership to discuss plans and needs
Convene a meeting of remote/tech workers to discuss their tech/internet needs
Maintain farmer's market and summer concert schedule
Maintain partnership with DCAC for events like Artrageous
Expand Artrageous, Roll 'n' Stroll, or another event to include street art
Complete and install a number of art masts

Become home to a creative year-round workforce

(Relates to diversity and outdoor economy goals)

Challenge the Art and Culture Committee to further define creative workforce
Develop a list of target workers and businesses appropriate to Nags Head's scale and capacity
Identify channels to promote the town to those businesses and workers
Identify barriers to creative work and identify measures to eliminate them
(Read "Cities and the Creative Class")
Complete other goals outlined above which will make the town very attractive to workers who have the option to live here and work remotely

Nags Head Wow Factors

Be the leader.

Coastal town model that other towns model themselves after.

Publicize the locations where we have better amenities, more beautiful spaces, or the times when we have innovated in policy or action.
Host events on coastal and small town issues, like recycling/reduction

Be innovative.

Creative thinking.

Cross-disciplinary teams brainstorm solutions to problems (quick strike)
Identify and emulate forward-leaning communities from around the world
Quickly implement low cost ideas

Be competitive among municipal workforces.

Maintain pay and benefits near the top of the range
Offer superior training opportunities
Maintain high-quality management, perceived as fair and supportive

Cool food and art scene.

Challenge the Art and Culture Committee to define this
Modify ordinances to allow more food option experimentation.

Create an annual restaurant awards program, or an award for the Seafood Festival (most creative dish)

Mayor Cahoon encouraged Board members to bring forward their ideas to add to the list.

Closed Session

MOTION: Comr. Fuller made a motion to enter Closed Session, in accordance with GS 143-318.11(a)(6) to discuss the Town Manager's review and to discuss and preserve attorney/client privilege pursuant to GS 143-318.11(a)(3). The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 11:40 a.m.

Open Session

The Board re-entered Open Session at 1:08 p.m. Attorney Leidy stated that during Closed Session the Board did confer with the Town Attorney re: attorney/client privilege item and did discuss the Town Manager's review and did take action which cannot be disclosed for confidentiality reasons.

ADJOURNMENT

Mayor Cahoon recessed the Board meeting to Wednesday, March 11, 2020 at 9 am in the Board Room. The time was 1:10 p.m.

Carolyn F. Morris, Town Clerk

Date Approved: **May 6, 2020**

Mayor: _____
Benjamin Cahoon