



**MINUTES  
TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
WEDNESDAY, MAY 1, 2024**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, May 1, 2024 at 9:00 a.m. for a Regular Meeting.

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

Board members Absent: None

Others present: Town Manager Andy Garman; Attorney Lauren Womble; Amy Miller; Kelly Wyatt; David Ryan; Perry Hale; Randy Wells; Nancy Carawan; Joe Costello; Brittany Phillips; Roberta Thuman; Shannon Krzyzanowski; Pete Woickelman; Janis Farmer; Debbie Swick; and Town Clerk Carolyn F. Morris

**CALL TO ORDER**

Mayor Cahoon called the meeting to order at 9 a.m. Mayor Cahoon welcomed Attorney Womble substituting for Town Attorney John Leidy. Mayor Cahoon asked that everyone consider during a moment of silence the following police officers who were killed while attempting to serve warrants earlier this week in Charlotte-Mecklenberg: Thomas Weeks, Joshua Eyer, Alden Elliott, and Sam Poloche. The moment of silence was followed by the Pledge of Allegiance.

**ADOPTION OF AGENDA**

MOTION: Comr. Brinkley made a motion to approve the May 1<sup>st</sup> agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

**RECOGNITION**

Finance Officer/Dep Town Manager Amy Miller introduced Customer Service Rep Shannon Krzyzanowski who was recognized by the Board for five years of service.

Public Services Director Nancy Carawan introduced Senior Fleet Mechanic Peter "Pete" Woickelman who was recognized by the Board for ten years of service.

Public Services Director Nancy Carawan introduced Facilities Maintenance Crew Leader Janis Farmer who was recognized and congratulated for 25 years of service.

PROCLAMATION – National Police Officer’s Week

Mayor Cahoon read the proclamation declaring May 12 – 18, 2024 as National Police Officer’s week as follows:

“WHEREAS, The Congress and President of the United States have designated May 15<sup>th</sup> as Peace Officers’ Memorial Day, and the week in which May 15<sup>th</sup> falls as National Police Week; AND

‘WHEREAS, The members of the Nags Head Police Department play an essential role in safeguarding the rights and freedoms of the residents and visitors of the Town of Nags Head; AND

‘WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; AND

‘WHEREAS, The men and women of the Nags Head Police Department unceasingly provide a vital public service; AND

‘WHEREAS, Let each of us take the time to reflect on the ultimate sacrifice Sgt. Earl Murray, Jr. made for the Town of Nags Head on May 15, 2009 and the rest of the officers that have done so nationwide. And let each of us keep their family, friends, and all fellow officers in our thoughts and prayers.

‘NOW, THEREFORE, the Nags Head Board of Commissioners calls upon all citizens of the Town of Nags Head and upon all patriotic, civic, and educational organizations to observe the week of May 12 - 18, 2024 as Police Week with appropriate ceremonies and observances in which all our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their community and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

‘THEREFORE, we do hereby proclaim the week of May 12 - 18, 2024, as Police Week and call upon all citizens of Nags Head to observe the 15<sup>th</sup> day of May 2024, as Peace Officers’ Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.”

MOTION: Comr. Brinkley made a motion to adopt the proclamation recognizing National Police Officer’s Week as May 12 – 18, 2024 as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Police Chief Hale spoke of Sgt. Earl Murray’s death in the line of duty May 15, 2009; the 15-year anniversary of Sgt. Murray’s passing makes this recognition this week even more important. Mayor Cahoon agreed and he and Board members spoke of the job done by our officers every day.

**PUBLIC COMMENT**

Attorney Lauren Womble opened Public Comment.

PUBLIC COMMENT – DEBBIE SWICK

Debbie Swick, Southern Shores resident, president of Ban Balloon Releases organization; she spoke in favor of the ordinance and resolution for the Board's consideration on today's agenda banning the release of balloons on Town property; she speaks at Town and County councils as balloons need to be relearned and people need to be re-educated; restrictions need to be in place that balloons on storefronts, etc. need to be tied as they do break free; she also would like the requirement added that balloons sold in stores need to have a weight on them; wildlife to include whales continue to be lost due to balloons; she expressed her appreciation to the Board for both the resolution and especially for the ordinance on their agenda today.

**CONSENT AGENDA**

The Consent Agenda consisted of the following items:

Consideration of Budget Amendment #11 to FY 23/24 Budget  
Consideration of Tax Adjustment Report  
Approval of minutes  
Consideration of modification to Consolidated Fee Schedule

Request for Public Hearing to consider citizen comment on the Town Manager's proposed operating budget for July 1, 2024 – June 30, 2025, proposed CIP requests for FY 24/25 through FY 28/29, and updated Consolidated Fee Schedule

Request for Public Hearing to consider text amendment to prohibit driving or parking on residential septic systems

Request for Public Hearing to consider text amendment submitted by Jordan Harrell of Jernigan Oil Company, Inc. to allow LED, digital displays for Fueling Stations

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

Budget amendment #11 to the FY 23/24 Budget, 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 modification to the Consolidated Fee Schedule, as approved, was presented in the agenda summary sheet as follows:

"At the May 1<sup>st</sup> Board of Commissioners meeting, request Board consideration of the following changes to the Consolidated Fee Schedule:

'Police Department

Chief Perry Hale is requesting consideration of modification to the *Towing of Automobiles, vans, pick-ups trucks, motorcycles* portion of the Consolidated Fee Schedule. Due to the increased cost of insurance and operational supplies in the industry, it is realized an increase in the fee is necessary. This increase will bring the Town of

Nags Head in line with other agencies in the Troop A-1 area who have already approved the increase. Police Chief Hale's memo with additional details is attached.

'Town Manager

Manager Garman is requesting consideration of modification to the *Public Services: Miscellaneous* portion of the Consolidated Fee Schedule. He would like to add "Keep Off the Dunes" signs for purchase; residents/property owners have requested the signage to assist with trespassers.

'Attached please find the applicable pages from the Consolidated Fee Schedule."

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

"Request that a Public Hearing be scheduled for the June 5, 2024 Board of Commissioner's meeting to consider citizen comment on the following:

- Town Manager's proposed operating budget for fiscal year July 1, 2024 – June 30, 2025,
- Proposed Capital Improvement Program (CIP) requests for FY 24/25 through FY 28/29, and
- Updated Consolidated Fee Schedule"

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

"At their February 20, 2024, meeting, the Planning Board reviewed and recommended adoption of a proposed amendment to the Unified Development Ordinance that would stipulate when a physical barrier must be installed to prohibit driving and parking on residential septic system areas. However, both staff and the Planning Board recognized that the original proposal would likely impose an unnecessary burden on many property owners who would not/do not have issues with parking on their septic areas. In light of this, staff developed a revised amendment that aligns with septic protection goals discussed by the Septic Health Advisory Committee (SHAC), while only mandating physical barriers for properties if found to be in violation of the ordinance.

'The revised amendment expressly prohibits parking on designated septic system areas. Should staff become aware of any violations, either through complaints or proactive monitoring by town staff, a Notice of Violation will be issued to the property owner, and if applicable, provided to the rental agency managing the property. This notice will require the installation of a physical barrier to prevent future infractions. Additionally, when evaluating and issuing permits for residential development where this is a potential for excessive or overflow parking, staff will recommend installation of a physical barrier at the outset.

'Planning Staff and Planning Board Recommendation

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

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

"At their meeting on March 19, 2024, the Planning Board reviewed and recommended the adoption of proposed text amendments that would permit the use of LED digital signage exclusively for displaying fuel prices, provided certain supplemental regulations are met. Following the meeting, the Town's attorney expressed concerns after reviewing the amendments, particularly in light of the Supreme Court decision in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). This ruling has significantly influenced how local governments regulate signage, emphasizing the need for content-neutral sign codes that do not favor one type of speech over another.

'Attorney Leidy noted that the Town's current prohibition on LED and digital signs is a valid content-neutral regulation of speech, as it does not differentiate based on the content of the speech. However, creating an exemption specifically for fuel price displays would likely introduce content-based discrimination, as it would allow certain messages while continuing to restrict others conveyed through LED and digital signs. Considering these concerns, staff, in consultation with the attorney and the applicant, proposed an alternative approach. The revised ordinance language would incorporate the LED digital display standards into the use regulations for fueling stations within Section 7.20 of the UDO. These standards would govern the maximum dimensions of the display, the number of character panels allowed, and the frequency of rotation.

#### 'Planning Staff and Planning Board Recommendation

The town has valid concerns about signs with rotating, flashing, moving, or alternating lights. However, it may be worth revisiting the possibility of allowing digital signs exclusively for fuel price displays. Although we cannot specify that the display area is solely for gas price digits, we have proposed a set of narrow restrictions, expecting that they will primarily be used for fuel pricing. With the recommended supplemental standards, staff believes the proposal is generally consistent with the Town's adopted Comprehensive Plan, however Policy LU-19 does state that the Town will not permit signs that are digital.

'At their April 16, 2024, meeting the Planning Board voted 5-1 (1 member absent) to recommend adoption of the text amendment as proposed and requested that staff provide additional restriction on lighting levels for the digital characters. One member cast a Nay vote and stated a concern that if gas stations are allowed to have digital signs other businesses will likely follow."

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

### Update from Planning Director

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

"This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on May 1<sup>st</sup>, 2024.

#### 'Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for March 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:

'Tuesday, April 2<sup>nd</sup> - Technical Review Committee Meeting

Wednesday, April 3<sup>rd</sup> - Board of Commissioners Meeting

Wednesday, April 10<sup>th</sup> - Committee for Art and Culture Meeting

Thursday, April 11<sup>th</sup> - Board of Adjustment Meeting (no hearings)

Saturday, April 13<sup>th</sup> - Winter Market at Dowdy Park from 9am - noon

Monday, April 15<sup>th</sup> - June Street CAMA Grant Pre-Application Due

Monday, April 15<sup>th</sup> - Multi-Family Working Group Meeting

Tuesday, April 16<sup>th</sup> - Planning Board Meeting

Wednesday, April 17<sup>th</sup> - Board of Commissioners mid-month meeting (if needed)

April 22 – 24 – Planner Chris Trembly attending E&S Local Programs Workshop

April 22 – 25 – Enviro Planner Conner Twiddy attending Onsite Wastewater Operator Training

Wednesday, April 24<sup>th</sup> – CRS 2024 Cycle Verification Meeting (in-person) *Postponed*

Monday, April 29<sup>th</sup> – Multi-Family Working Group Meeting

'Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, April 16, 2024, and included the following:

- Consideration of text amendments submitted by Jordan Harrell of Jernigan Oil Company, Inc. to allow the use of LED, digital displays for Fueling Stations. Staff revised the ordinance in light of concerns raised by the Town Attorney related to content neutrality. The Planning Board voted 5-1 to recommend adoption of the proposed amendments as presented and requested additional feedback on light measurements for LED, digital characters.
- Consideration of text amendments prohibiting driving or parking on residential septic system areas. The Planning Board voted unanimously to recommend adoption of the proposed amendments as presented.
- Staff provided the Planning Board with an update on previous discussions related to a request to install netting along a residential property boundary as a barrier to prevent golf balls from leaving the boundaries of the golf course and causing damage to private property. Staff spoke with Mr. John Hammond, Fish and Wildlife Biologist with US Fish and Wildlife who generally expressed concern with impacts netting may have on bird flight patterns but noted that a thick netting with a tight weave should make the net visible and conspicuous to birds and would have limited impact with proper precautions. Staff will work with the property to obtain a resolution within our existing code allowances. The Planning Board's next meeting is scheduled for Tuesday, May 21st, 2024. Currently, the agenda is expected to include a Site Plan Amendment (3rd Submittal) for Inn at Whalebone, 87-unit Hotel on Lakeside Street for major deviations to the site plan as well as a request to consider amending or eliminating a condition imposed on the previous Site Plan Approval as it pertains to the expansion of W. Lakeside Street.

'Board of Adjustment – Recent and Pending Applications

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

'Additional Updates

- DWMP/Septic Health Advisory Committee – The Septic Health Advisory Committee met on April 17<sup>th</sup>, 2024 and discussed several items including the revised proposed ordinance amendment prohibiting parking on septic system areas and staff efforts in the coming year to carry out the recommendations of the Updated DWMP such as using GPS to map the location of septic systems within the Town and creating tool to analyze all of the water quality sampling and ground water level information to help aid in outreach and education. Staff also updated committee members on the Septic Health Initiatives' performance so far this fiscal year with 6 loans being issued, 90 septic tank inspections completed and 98 water credits awarded.
- Estuarine Shoreline Management Plan – Town staff continues to focus on applying for the necessary grants to continue the implementation of the Estuarine Shoreline Management Plan. Currently, staff are preparing a pre-proposal for a grant from the National Fish and Wildlife Foundation's National Coastal Resilience Fund. This grant is for the design phase of the Villa Dunes and Soundside Road pilot sites. Should we be invited to submit a full proposal, the deadline for submission will be July 2, 2024.
- Electric Vehicle Action Plan – Public Services staff were able to locate and mark the outer periphery of the geothermal lines and wells along the southern portion of the parking area at Town Hall. Staff are now exploring other feasible locations for the two Level 2 EV Chargers.

- Sand Relocation and Dune Management Cost Share Program – As of April 26, 2024, a total of \$361,000 from the Dune Management Cost Share Program has been allocated to 124 applicants. As of April 15, the deadline for submitting Sand Relocation Applications, we had received 280 applications. Although we are no longer accepting new applications, the sand relocation program permits the movement of sand through April 30<sup>th</sup>. Our staff is currently conducting final inspections and finalizing project closures.
- Public Beach and Coastal Waterfront Access Grant Program – Staff have submitted the pre-application for this Public Beach and Waterfront Access Grant through the Division of Coastal Management (DCM) for renovations to the June Street Beach Access.
- Outer Banks Regional Hazard Mitigation Plan Update – The Hazard Mitigation Planning Committee, comprised of representatives from Dare County EM, Dare County staff, staff from each town and members of the public from each community, met on Monday, April 22<sup>nd</sup> to discuss the timeline and process for the HMP Update, the aspects of the update that would be undertaken in order to have the HMP qualify for Community Rating System (CRS) points, and the expectations and deliverables needed from each participating community including various forms of outreach efforts.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – At their April meeting, the Committee for Art and Culture selected the new vendors to participate in the 2024 Dowdy Park Farmers Market and all applicants have been notified. These markets will be held on Thursday, June 13<sup>th</sup> – August 15<sup>th</sup> from 9am to 1pm. Event Coordinator Paige Griffin has finalized the 2024 Summer Concert Series (poster attached) as well as the schedule of fitness events for the season including Yoga on the Lawn every Tuesday May 7<sup>th</sup> – October 29<sup>th</sup> from 7:30 – 8:30am and Fitness Friday's every Friday June 21<sup>st</sup> – August 16<sup>th</sup> from 7:30 – 8:15am. Paige has also booked two storytelling events on Tuesday July 2<sup>nd</sup> and August 6<sup>th</sup> from 5:30-7:00pm. We are also in receipt of two new art panels created by local artists participating in our Art Mast Project. Artist Jackie Koenig has created an art panel with surfers and artist Kate Lawrence has created another with birds. Public Services will be erecting the art masts and installing these new panels soon.



#### 'Upcoming Meetings and Other Dates

- Wednesday, May 1<sup>st</sup> - Board of Commissioners Meeting
- Tuesday, May 7<sup>th</sup> – Technical Review Committee Meeting
- Wednesday, May 8<sup>th</sup> – Committee for Art and Culture Meeting
- Thursday, May 9<sup>th</sup> – Board of Adjustment Meeting (no hearings)
- Saturday, May 11<sup>th</sup> – Artrageous Kids Art Festival 10am – 2pm @ Dowdy Park
- Wednesday, May 15<sup>th</sup> – Board of Commissioners mid-month meeting
- Tuesday, May 21<sup>st</sup> – Planning Board Meeting”

## **NEW BUSINESS**

### Committee Reports

Comr. Lambert – Government Access Channel Committee – met last week and Town Public Information Officer Roberta Thuman also attended; Comr. Lambert encouraged everyone to view the Jockey’s Ridge video.

Mayor Pro Tem Siers – the Dare County Housing Task Force met and Donna Creef and Malcolm Fearing were voted Chair and Vice Chair, respectively, of what is now a standalone committee.

Comr. Brinkley - Septic Health Advisory Committee – Comr. Brinkley added some figures provided by Septic Health Coordinator Conner Twiddy: six loans, 90 inspections, and 98 water credits have been issued to date with the program.

Comr. Brinkley – The Town Multi-Family Ordinance Working Group met and will meet again May 24<sup>th</sup> prior to a report to the Board in June.

Comr. Brinkley - Jennette's Pier Advisory Council next meets May 23<sup>rd</sup>.

Comr. Sanders – Jockey's Ridge 50<sup>th</sup> Anniversary celebration - a lot of behind the scenes work is being done.

Mayor Cahoon – he recently met with the Friends of Jockey's Ridge Chair; State Sen. Bobby Hanig has proposed legislation for consideration during the short session. The legislation would restore the original protections from the 1970's for Jockey's Ridge State Park – to be in effect until the CRC and the Rules Commission come to an agreement. He expressed his appreciation to Sen. Hanig.

Consideration of appointment/reappointment to Boards/Committees

- Firemen's Relief Fund Board
- Arts and Culture Committee

The agenda summary sheet read in part as follows:

"At the May 1<sup>st</sup> Board of Commissioners meeting, request Board consideration of the following appointments/reappointments to Boards/Committees:

'Firemen's Relief Fund Board - Rose Lay's term expires May 2024; she is interested in being reappointed.

'Arts and Culture Committee - The terms of both Ginny Flowers and Samantha Lock expire June 2024; They are both interested in being re-appointed.

'Attached please find the current roster of the Firemen's Relief Fund Board of Trustees as well as the current roster/candidate list for the Arts and Culture Committee."

MOTION: Mayor Pro Tem Siers made a motion to reappoint Rose Lay to the Firemen's Relief Fund Board and to reappoint Ginny Flowers and Samantha Lock to additional terms on the Arts and Culture Committee. The motion was seconded by Comr. Brinkley which passed unanimously.

Discussion of changes to the Town Code of Ordinances to incorporate a ban on the release of balloons on Town property; Discussion of resolution opposing the release of balloons within the Town

Town Manager Garman presented the item re: incorporating a ban on the release of balloons on Town property to include a discussion of a resolution opposing the release of balloons within the Town. The agenda summary sheet read in part as follows:

"At the March 20<sup>th</sup> Board of Commissioners meeting, Board members mentioned the proposal presented during the March 6<sup>th</sup> public comment period from the *Ban Balloon Releases in North Carolina* organization. It was Board consensus that an ordinance banning balloon releases from Town property and public trust areas be discussed/considered at the May 1<sup>st</sup> Board meeting.

'Attached please find a proposed ordinance adding Sec. 26-17 to Town Code Chapter 26 *Offenses and Miscellaneous Provisions* banning the release of balloons.

'In addition, attached please find a proposed resolution opposing the release of balloons town-wide."

Town Manager Garman provided comments from Attorney Leidy on the proposed ordinance: Attorney Leidy recommended that paragraph B (2) be modified to read as follows: "Hot air balloons that are controlled by an operator on board or on ground and are recovered after launching."

MOTION: Comr. Brinkley made a motion to adopt the ordinance incorporating a ban on the release of balloons on Town property with the amended language for paragraph B (2) as follows: "Hot air balloons that are controlled by an operator on board or on ground and are recovered after launching". The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

The Ban Balloons Organization is to be notified of the Board's action.

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

MOTION: Comr. Brinkley made a motion to adopt the resolution opposing the release of balloons within the Town as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

"WHEREAS, The Town of Nags Head's Vision Statement emphasizes preservation of our unique coastal community built upon a legacy rooted in shared values. The Town's Vision includes the preservation and protection of the Nags Head character and environment for present and future generations; AND

'WHEREAS, one of the principles in the Town's Legacy is to ensure access to a well-protected natural coastal environment consistent with the community's vision; AND

'WHEREAS, the release of helium and other lighter-than-air balloons poses a significant environmental threat; AND

'WHEREAS, mylar and latex balloons, found littered along the shoreline, contribute to pollution, detract from the Town's aesthetics, and endanger marine and animal life; AND

'WHEREAS, balloons frequently land in the Atlantic Ocean and the Roanoke Sound, becoming prevalent sources of floating debris; AND

'WHEREAS, research suggests that marine life and animals mistake balloons for edible resources, leading to ingestion and potential harm, risking choking or intestinal blockages; AND

'WHEREAS, government intervention is crucial for mitigating environmental harm and safeguarding public health and safety.

'NOW, THEREFORE, LET IT BE RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD, NORTH CAROLINA, that the Town strongly opposes the release of helium or lighter-than-air balloons within Nags Head to preserve the Town's air, land, and water from contamination, and to protect the well-being of wildlife."

#### Discussion of multi-use path signage

Police Chief Perry Hale summarized his memo which read in part as follows:

"The police department is requesting to add signage to the town's multi-use path in an effort to help with the increasing use of both pedestrians and cyclists. Over the past few years, we have seen an increase in yearly population and vacationers during the summer months which has led to congestion with pedestrians and cyclists. The addition of signage would provide a visual aid in hopes of reducing potential conflicts between pedestrians and cyclists and controlled speeds. Pedestrians will be encouraged to stay to the right to allow for

other faster users to pass on the left. We would be requesting signage for speed limits and walk on the right / pass on the left. In future years, we may also consider striping the path to define travel lanes and provide directional information.

'At the upcoming meeting, the Police Department will provide visuals of suggested measures and request discussion and feedback from the Board.'

Chief Hale displayed photos on screen of possible signage/pavement markings.

Board members spoke in favor of taking some type of action to encourage better behavior by users of the multi-use path. Mayor Cahoon liked the idea of pavement markings instead of additional signage. It was Board consensus to experiment with pavement markings in a high traffic area in an older part of the multi-use path to see if better behavior is observed.

Mayor Pro Tem Siers expressed his appreciation of staff being proactive on this issue.

#### Request for installation of security dash cameras inside/outside sanitation vehicles

Public Services Director Nancy Carawan summarized the agenda summary sheet which read in part as follows:

"Public Services is requesting the installation of dual cameras on the Sanitation trucks in addition to the GPS system we currently have before July 1, 2024. This would allow us to take advantage of a promo for a month of free service for fifteen trucks (\$790.50) and the cameras could be installed in June 2024 at the beginning of our busy season. This will not result in a budget amendment/increase for the current fiscal year. The cameras provide valuable footage that can help protect the town, particularly when documentation is necessary in the event of a crash or incident."

In response to a Board question, Director Carawan noted that the cameras tie in with the current system with an increase in cost and is very helpful during events.

MOTION: Comr. Brinkley made a motion to approve the request for the purchase/installation of security dash cameras inside/outside sanitation vehicles. The motion was seconded by Comr. Lambert which passed unanimously.

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

Attorney Lauren Womble had nothing to report.

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

Town Manager Garman - Consideration of requests for Public Services Dept Sanitation Equipment Operator and Part-time/Seasonal Planning and Development position

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

### "Public Services Dept

Public Services is requesting an additional Sanitation Operator in the FY 24/25 budget. This new position will increase the level of service by contributing to weekend work, bulk-yard coverage and day-to-day high-volume operations. We are requesting to fill this position prior to the start of the fiscal year in order to provide support at the beginning of the busy season. This will not result in a budget amendment/increase for the current fiscal year. Attached please find an updated organizational chart reflecting an additional operator.

### 'Planning and Development Dept

The growing popularity and increasing demands of our Town sponsored events, including the Dowdy Park Farmers Market, Summer Concert Series and Movie Nights, has significantly increased the scope of work and responsibilities of our current Event Planner, Paige Griffin. The addition of a seasonal/part-time position would greatly enhance our ability to maintain the high standards that our community expects and deserves while allowing Paige Griffin the ability to focus on providing quality customer service, detailed event organization, and the ability to have the direct interaction with guests and vendors that make our events special.

'Paige Griffin, who has been instrumental in managing and growing these events, has experienced a noticeable increase in workload, which affects her ability to maintain the unique atmosphere and ensure safety at our Town events. To alleviate this strain and continue providing exceptional service and event management, we are requesting that the Board of Commissioners consider hiring a part-time, seasonal employee for approximately 10 hours per week during the peak season (approximately 10 weeks).

'The financial implication of this request is minimal, with the total cost for the requested seasonal position not exceeding \$4,200 for the 2024-2025 Fiscal Year. We are seeking approval to hire this position immediately to provide necessary support to Paige Griffin and our Town events starting before July 1, 2024."

MOTION: Mayor Pro Tem Siers made a motion to approve the request for a Public Services Dept Sanitation Equipment Operator and for a part-time/seasonal Planning and Development position as presented. The motion was seconded by Comr. Sanders which passed unanimously.

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

Town Engineer David Ryan provided an update on the work on the new Public Services Facility.

A lot of progress was made in the last month in the Administration Building and yesterday furniture was installed; conference room and several offices were displayed. The Water Distribution Building is also almost ready for occupancy.

No definitive move-in date for the Administration Building due to a delay in delivery of the interior doors – Mr. Ryan expects an answer today.

### Town Manager Garman - Presentation of Town Manager's recommended budget

Dep Town Manager Amy Miller distributed the Town Manager's Recommended Budget to Board members.

Town Manager Garman summarized some highlights of his recommended budget as follows:

- No tax or water rate increase
- Town Hall and Fire Station Master Plan – not yet finalized but expects it to be in the next few months and this budget finances the first part of the plan

- Ocean Rescue Housing site at the former Outer Banks Medical Center (OBMC) building
- Fund the Fire Dept Working Group recommendations
- Infrastructure – rehabilitate the multi-use path
- New sidewalks in W Bay Meadow
- Asbestos waterline replacement
- Old Nags Head Place paving
- S Nags Head – S Old Oregon Inlet Road drainage project scheduled for fall 2024
- Alternate power source for traffic signals in the Town
- Pedestrian signal at the Soundside Event site in partner with DCTB and DOT
- Next Beach Nourishment Project in summer of 2027 - planning to begin in 2025
- Continue with sand relocation program
- New vehicles for Public Services and Police Departments
- COLA scheduled at 4%; Continue with employee within-grade increases
- Continue with employee 401K contributions
- Grant applications to continue
- Looking into Cybersecurity grant funding

Manager Garman thanked Finance Officer Miller, Dep Finance Officer Brooke Norris, Public Information Officer Roberta Thuman, Human Resources Coordinator Jan Mielke and all dept heads and staff who worked on the budget as it is a team effort. He also thanked the Board of Commissioners for their engagement and their efforts over the past few years on the budgets.

A Budget Workshop was scheduled for May 15<sup>th</sup> but as some Board members may not be present, he asked the Board if there was another date that would work better.

## **BOARD OF COMMISSIONERS AGENDA**

### Comr. Brinkley - Two Recent Fires in Nags Head

Comr. Brinkley brought up the two fires in Nags Head this past week where both structures were saved by the work of the Town's Fire Dept, Police Dept, and several Mutual Aid Fire Depts. All Board members spoke of the excellent job done in saving the two structures with no injuries. One was in S Nags Head and the other was in Old Nags Head Cove Subdivision. Mayor Cahoon expressed his appreciation as to how well the Nags Head team worked together as observed by Fire Chief Wells with the Police Dept on the spot to assist. Comr. Lambert echoed the sentiments already expressed in appreciation of the Town's Fire Dept along with the neighboring communities.

### Mayor Pro Tem Siers – Nags Head Multi-Family Working Group

Mayor Pro Tem Siers acknowledged the good work being done by the Town's Multi-Family Ordinance Working Group and the Town's Planning Dept, as he has heard from the community. The working group continues to meet in order to review/suggest changes to the proposed ordinance.

Budget Workshop Scheduled

It was Board consensus to schedule a Budget Workshop for Tuesday, May 21<sup>st</sup> in the Town Hall First Floor Police Training Room (due to Planning Board meeting in the Board Room) at 10:30 a.m.

**CLOSED SESSIONS**

MOTION: Comr. Brinkley made a motion to enter Closed Session to discuss possible acquisition of real property located at 4222 S Croatan Highway pursuant to GS 143-318.11(a)(5); to consult with the Town Attorney regarding matters protected by the attorney/client privilege and to preserve that privilege, to include the Cherry, Inc litigation and the pending litigation re: Dare County municipalities vs the State of NC zoning authority pursuant to GS 143-318.11(a)(3). The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 10:21 a.m.

**OPEN SESSION**

The Board re-entered Open Session at 11:24 a.m. Attorney Womble reported that the Board did discuss attorney/client privilege items during Closed Session and no actions were taken.

**ADJOURNMENT**

MOTION: Mayor Pro Tem Siers made a motion to recess to May 21<sup>st</sup> at 10:30 a.m. in the Police Training Room. The motion was seconded by Comr. Brinkley which passed unanimously. The time was 11:25 a.m.

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

Date Approved:     **June 5, 2024**    

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