



**MINUTES  
TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
WEDNESDAY, AUGUST 7, 2024**

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

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

Board members Absent: None

Others present: Town Manager Andy Garman; Attorney John Leidy; Amy Miller; Kelly Wyatt; David Ryan; Perry Hale; Randy Wells; Nancy Carawan; Joe Costello; Brittany Phillips; Roberta Thuman; Elizabeth Moran; Jimmy Pierce; Dee Johnson; Phil Wolfe; Trever Tilley; James Phillips; Ocean Rescue staff Hage, Lenz, Federline, Gilbertson, and Dew; Ocean Rescue Supervisor Chad Motz; Colleen Hogan; Amy Klauser; Barbara Bell; Molly Harrison; Ralph Buxton; Sandy Sanderson; Clay White and family; Troy, Robin, Sascha, and Tucker Tilley; David Phillips, Allie Morgan, Harper Phillips; John Kenny; and Town Clerk Carolyn F. Morris

**CALL TO ORDER**

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

**ADOPTION OF AGENDA**

MOTION: Mayor Pro Tem Siers made a motion to approve the August 7<sup>th</sup> agenda as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

**RECOGNITION**

**NEW EMPLOYEE** – Police Chief Hale introduced Administrative Specialist Elizabeth Moran who was welcomed by the Board to Town employment.

**TEN YEARS** – Police Chief Hale introduced Sr. Police Officer/Animal Control Officer Jimmy Pierce who was recognized by the Board for 10 years of service.

**TWENTY YEARS** – Police Chief Hale introduced Systems Administrator Dee Johnson who was recognized by the Board for 20 years of service.

PROCLAMATION - Support of the 150th Anniversary of the Establishment of the U.S. Life Saving Service in North Carolina

Mr. Ralph Buxton presented a power point summarizing the history of the US Life Saving Service in North Carolina and in the Outer Banks. His presentation is attached to and made a part of these minutes as shown in Addendum "A".

Mayor Cahoon read the proclamation in support of the 150<sup>th</sup> anniversary of the establishment of the US Life Saving Service in North Carolina as follows:

"WHEREAS, during the late 1700s and early 1800s, an increase in maritime trade resulted in the greater possibility of near-shore shipwrecks occurring along the East Coast of the United States; AND

'WHEREAS, at that time, large sections of the Eastern Seaboard were sparsely populated, leaving sailors with little hope of being rescued should their ship begin to sink—and a very small chance of survival if they made it to shore due to the isolated nature of the beaches; AND

'WHEREAS, in 1848 the foundation for the future United States Life-Saving Service was laid when the United States government provided a New Jersey congressman with funding to provide life-saving services in this state; AND

'WHEREAS, increasing maritime activity subsequently resulted in a greater loss of lives and vessels along the Eastern Seaboard, and dramatic events involving these losses demonstrated the need for a formal life-saving service to be established; AND

'WHEREAS, on April 20, 1871, the U.S. Congress appropriated \$200,000 in funding for life-saving purposes, and that same year, a network of existing volunteer life-saving stations along the East Coast were formally organized as a separate agency of the U.S. Department of Treasury, resulting in the official establishment of the United States Life-Saving Service; AND

'WHEREAS, by 1874, funds were appropriated to begin building seven life-saving stations along the coast of North Carolina, the first of which to be completed was the Chicamacomico Life-Saving Station in Rodanthe, which was commissioned on December 4, 1874; AND

'WHEREAS, construction of all seven life-saving stations—Chicamacomico, Jones Hill, Caffey's Inlet, Kitty Hawk, Nags Head, Oregon Inlet and Little Kinnakeet—was completed by October 1874; AND

'WHEREAS, a series of additional stations continued to be constructed from the North Carolina/Virginia state line to northern border of South Carolina, eventually totaling 29 stations that were located an average of six miles apart from one another; AND

'WHEREAS, over the course of its 44 years in operation before it was merged with the Revenue Cutter Service and became the United States Coast Guard, the United States Life-Saving Service responded to 28,121 vessels—and of the 178,741 lives that were in peril at sea, crew members successfully saved a record number of 177,286 lives; AND

'WHEREAS, we note that October 2024 is the 150th anniversary of the arrival of the United States Live-Saving Service to the coast of North Carolina; AND

'WHEREAS, we reflect upon the rich heritage of the men and women of Nags Head and Dare County who sacrificed comfort and risked their own personal safety to save the lives of strangers in danger at sea; AND

'WHEREAS, we acknowledge the tireless work that continues to preserve the heritage, stories, and legacies of the United States Life-Saving Service in North Carolina, ensuring that the heroism of these men is never forgotten.

'WE, THE TOWN OF NAGS HEAD BOARD OF COMMISSIONERS, do hereby recognize and celebrate the 150th anniversary of the Chicamacomico Life-Saving Station in Rodanthe and also proclaim October 2024 as "Life-Saving Service Commemoration Month" in Nags Head in honor of those who so bravely served in the United States Life-Saving Service along our shoreline."

MOTION: Comr. Brinkley made a motion to approve the proclamation in support of the 150<sup>th</sup> Anniversary of the establishment of the US Life Saving Service in North Carolina as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

PRESENTATION OF LIFESAVING AWARDS:

- Fire Captain Phil Wolfe, Lt. Trever Tilley, Engineer James Phillips
- Ocean Rescue Staff Hage, Lenz, Federline, Gilbertson, and Dew

Fire Chief Randy Wells described the response shown by the Town's dedicated team on June 9, 2024 near the Hollowell Street Beach Access when Mr. Clay White suffered cardiac arrest; lifeguards began working on Mr. White, followed by Fire Dept and paramedics. These combined efforts saved Mr. White's life and he eventually made a full recovery.

Mr. White and his wife expressed their appreciation to all of the staff who saved his life; Mr. White said he feels truly blessed and Mrs. White expressed her appreciation for those involved to include the good Samaritan bystanders; she referred to all of them as "earth angels". She stated that everyone was in the right place at the right time and because of everyone's respect for their job and their extensive training, it was a positive outcome.

Ocean Rescue Captain Chad Motz presented lifesaving awards to lifeguards Hage, Lenz, Federline, Gilbertson and Dew; Fire Chief Randy Wells presented lifesaving awards to Fire Captain Wolfe, Lt Tilley, and Engineer Phillips.

On behalf of the Board, Mayor Cahoon thanked the lifeguards, fire staff, and everyone involved.

**PUBLIC COMMENT**

Town Attorney John Leidy opened Public Comment at 9:42 a.m.

Colleen Hogan; Kingfisher Street; she would appreciate the Town designating as much No Parking as possible; Lakeside is very chaotic and the No Parking will help especially when the hotel is built.

Molly Harrison; Lakeside Street; she appreciates the Board considering this issue further; the parking modifications suggested will be a good band aid right now but for the future, after the hotel is built, No Parking zones may need to be extended as people will be looking for more areas to park further on Lakeside Street and on Bobwhite; Old Street is a flood zone which causes many to move to Lakeside for parking.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 9:45 a.m.

## **CONSENT AGENDA**

The Consent Agenda consisted of the following items:

Consideration of Budget Amendment #2 to FY 24/25 Budget

Consideration of Tax Documents

- FY 23/24 Year End Tax Adjustment Reports
- FY 23/24 Year End Tax Settlement Report

Approval of minutes

Consideration of resolution to declare surplus/disposition of old water meters

Consideration of addition to Fee Schedule re: EV Charger payment fee

Consideration of modification to Personnel Policy to incorporate Inclement Weather Policy

Sand Relocation and Dune Management Cost Share Program

- Continuation of year three of a three-year program
- Consideration of amendment to Beach Nourishment Maintenance Capital Project Ordinance

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

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

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

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

Budget Amendment #2, as approved, is attached to and made a part of these minutes as shown in Addendum "B".

The tax documents to include the FY 23/24 Year End Tax Adjustment Reports and the Year End Tax Settlement Report, as approved, are attached to and made a part of these minutes as shown in Addendum "C".

The minutes of the July 3<sup>rd</sup> Board meeting, as approved, are on file in the Town Clerk's Office.

The Resolution to declare surplus/disposition of old water meters, as adopted, read in part as follows:

"WHEREAS, The Board of Commissioners of the Town of Nags Head, North Carolina desires to declare surplus and dispose of certain Town-owned property; AND

'WHEREAS, The following described Town owned property is hereby declared to be surplus to the needs of the Town of Nags Head:

ITEM NAME	ASSET #	DESCRIPTION	REASON FOR SURPLUS
Water Meters	N/A	Estimated 6000 - 3/4" 1",1.5",2",3",4",6" water meters	Town-wide manual water meters and meter box lids have been replaced by new AMI smart meters
Water Meter box lids	N/A	Estimated 5000 water meter box lids	

WHEREAS, NCGS 160A-266(a-c) allows the Town to dispose of real or personal property belonging to the Town, subject to limitations and according to procedures prescribed therein; AND

WHEREAS, NCGS 160A-266(d) allows the Town to discard any personal property that: (i) is determined to have no value; (ii) remains unsold or unclaimed after the Town has exhausted efforts to sell the property using any applicable procedure under this Article; or (iii) poses a potential threat to the public health or safety; AND

WHEREAS, the referenced statute does not require the Town to publish notice of the intent to declare or discard surplus property that has no value.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of Nags Head declares the real and personal property as surplus and authorizes the following:

The Town Manager or his designee is hereby authorized to dispose of the listed items by any legal means allowable to include: (1) Private negotiation and sale; (2) Advertisement for sealed bids; (3) Negotiated offer, advertisement, and upset bid; (4) Public auction; (5) Exchange; (6) Donation to non-profit organization, (7) Internet on-line offering, or (8) Destroying."

The Fee Schedule summary sheet detailing the modification, as approved, read in part as follows:

Request approval of listed modification to the Consolidated Fee Schedule:

*Electric Vehicle Charging Fee 0.16 per kilowatt hour*

This fee is to recuperate the energy costs associated with the use of electric vehicle chargers on Town-owned properties. Electric bills across various town owned buildings were reviewed during the month of June. The cost per kilowatt hour varied depending on the location with the highest cost being at just below 0.15 per kilowatt hour. Therefore, we would suggest charging 0.16 per kilowatt hour to allow the Town to recuperate what the Town is paying in electricity plus the 4% surcharge the EvoCharge deducts from each transaction. EvoCharge will also charge an additional credit card processing fee of 3.9% + 0.30 cents per transaction. The cost per kilowatt hour and additional fees can be added and customized at any time on the EvoCharge portal. EvoCharge utilizes Stripe to maintain all customer credit card information and payment processing.

A copy of the affected page from the Fee Schedule is attached."

The modification to the Personnel Policy, as detailed in the agenda summary sheet, as approved, read in part as follows:

Staff recommends replacing the current "Storm Related Compensation Leave" policy located in the Personnel Policy, Article VII, Section 21 which briefly states, "The Board of Commissioners or town manager may, at their

discretion, award straight time to employees that work during storm related events granted by the town manager or mandatory evacuations declared by the Mayor of the Town of Nags Head.”

‘Instead, staff recommends implementing an Inclement Weather policy (attached) to provide more guidance for inclement weather and office closure circumstances. Please refer to the attached memo for additional information.”

The memo detailing the changes to the Sand Relocation and Dune Management Cost Share Program, as approved, read in part as follows:

“To better assist oceanfront property owners with overall dune management, staff recommend funding the cost share program to include dune vegetation, sand fence installation, and ocean sand relocation activities in the upcoming season.

‘As a point of reference, the Town processed the below number of sand relocation permits the past four years:

- FY 20-21, 155 sand relocation permits
- FY 21-22, 190 sand relocation permits
- FY 22-23, 266 sand relocation permits
- FY 23-24, 280 sand relocation permits

‘Dune vegetation stabilization is required for sand relocation reimbursement, with a cap of \$3,500. If sand is not being moved, \$1,000 is the cap for plants and fencing, which does include labor and materials. Currently the application interval for planting and sand fence installation is every year, and the application interval for the sand relocation is once every three years. FY 24-25 is the third year of the three-year cycle for the sand relocation reimbursement program.

<i>Activity</i>	<i>FY 21-22</i>	<i>FY 22-23</i>	<i>FY 23-24</i>	<i>FY 24-25</i>	Application Interval	Application Dates
Planting	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	Every Year	Oct. 1 - June 30
Sand Fence Installation	<i>Yes (Mid-Way)</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	Every Year	Oct. 1 - June 30
Sand Relocation	<i>No</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	Once Every Three Years	Nov. 15 – April 15
Max. Funding Amount per Parcel	<i>\$1,000</i>	<i>\$3,500</i>	<i>\$3,500</i>	<i>\$3,500</i>		
Total Program Funding	<i>\$20,000</i>	<i>\$320,000</i>	<i>\$400,000</i>	<i>\$400,000</i>		
Total Amount Disbursed	<i>\$9,931</i>	<i>\$217,152</i>	<i>\$419,000</i>	<i>N/A</i>		
Total Amount Allocated	<i>N/A</i>	<i>\$102,848</i>	<i>\$319,876</i>	<i>N/A</i>		

‘OBX Better Beaches

Staff has previously recommended allocating \$15,000 to OBX Better Beaches for the purpose of installing dune vegetation. OBX Better Beaches did not request or utilize any portion of this allocation the past season. For the FY 24-25 season, staff recommends that the requested \$400,000 funding include the reimbursements as well as any requests from OBX Better Beaches, not to exceed \$15,000.

'A budget ordinance is included for your approval of this request. Staff will be available to answer any questions.'

The Request for Public Hearing concerning multi-family housing, as approved, read in part as follows:

'At their June 18, 2024 meeting, staff presented the Planning Board with a draft multi-family housing ordinance developed by the Multi-Family Ordinance Working Group. This presentation included a comparison between the working group's ordinance and the previously recommended ordinance by the Planning Board. Following questions primarily related to overall density and parking, staff provided additional updates at the Planning Board's July 16, 2024 meeting.

'This item will be presented again at the Planning Board's August 20, 2024 meeting, with the expectation of receiving a recommendation to the Board of Commissioners. Therefore, staff requests that the Board of Commissioners schedule a public hearing for this proposed amendment at their September 4, 2024 meeting.'

The Request for Public Hearing concerning definition of "Religious Complex", as approved, read in part as follows:

'Joseph Anlauf, P.E. of Anlauf Engineering, PLLC has submitted a text amendment request on behalf of the Ark Church. If adopted, the text amendment would modify the definition of "Religious Complex" to allow for the construction of a single-family dwelling onsite for church staff, in addition to the already permitted parsonage. The applicant notes in the application that the amendment is designed to allow religious complexes the ability to include additional affordable housing options for church staff and their families. More affordable housing options will allow the church to attract and retain additional much needed church staff.

Planning Staff and Planning Board Recommendation

Staff believes that permitting religious complexes to build a single-family dwelling onsite for church staff can offer significant benefits to the church, its staff, and the community, provided all zoning and building regulations are met. Onsite residences could enhance community engagement, ensure staff availability for church-related events and activities and provide a constant presence to respond to any emergencies involving the church. Planning staff finds the proposed text amendment to be consistent with the 2022 Comprehensive Land Use Plan and recommend adoption of the amendment as presented.

'At their July 16, 2024 meeting, the Planning Board voted unanimously to recommend adoption of the text amendment as presented. While not part of the motion, several Planning Board members did inquire about expanding this request to include two-family/duplex options.'

The Request for Public Hearing concerning dormitory use in the SED-80 District, as approved, read in part as follows:

'In response to ongoing discussions regarding workforce housing availability within the County, the Town of Nags Head is actively exploring the potential construction of at least two residential duplexes. These structures would primarily serve as housing for the town's lifeguards. The proposed site for this workforce housing is Town-owned property located at 425 W. Health Center Drive, formerly the Outer Banks Medical Center and now the Community Care Clinic. Specifically, the town is considering construction in the area of the old helipad, which is no longer in use. This property is zoned SED-80, Special Environmental District.

'At their June 18, 2024, meeting, planning staff requested that the Planning Board consider initiating a text amendment. This amendment would allow dormitory use within the SED-80 zoning designation, not only when affiliated with an existing nursing home facility, but also for the purpose of housing the town workforce.

'Planning Board Recommendation

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

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

### Update from Planning Director

Planning Director Kelly Wyatt presented the monthly report from the Planning and Development Dept 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 August 7th, 2024.

### 'Monthly Activity Report

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

Tuesday, July 2nd – Technical Review Committee Meeting

Wednesday, July 3rd - Board of Commissioners Meeting

Wednesday, July 10th – Committee for Art and Culture Meeting

Thursday, July 11th – Board of Adjustment Meeting (no hearings)

Tuesday, July 16th – Planning Board Meeting

Wednesday, July 17th – Board of Commissioners mid-month meeting

Thursday, July 25th – Septic Health Advisory Committee Meeting

Dowdy Park Farmers Market – Thursday, July 4th, 11th, 18th & 25th

Dowdy Park Summer Concert Series – Wednesday, July 3rd, 10th, 17th, 24th, and 31st

### 'Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, July 16, 2024. The following items were heard:

'Consideration of a text amendment to the Unified Development Ordinance submitted by Anlauf Engineering, PLLC on behalf of Ark Church, to modify the definition of "Religious Complex" to include an additional single-family residence for church staff, in addition to existing allowance for an onsite parsonage. The Planning voted unanimously to recommend adoption of this text amendment as proposed. This item is on the Board of Commissioners Consent Agenda on August 7th with request for the Public Hearing to be held on September 4th, 2024.

'Consideration of various amendments to the Unified Development Ordinance as it pertains to the use of multi-family dwelling developments. The Planning Board discussed this item at length and requested that staff return with additional information at their August 20th meeting. This item is on the Board of Commissioners Consent Agenda on August 7th with request for the Public Hearing to be held on September 4th, 2024.

'Consideration of amendments to the Unified Development Ordinance as it pertains to the dormitory use in the SED-80, Special Environmental District. The Planning Board voted unanimously to recommend adoption of the

amendment as presented. This item is on the Board of Commissioners Consent Agenda on August 7th with request for the Public Hearing to be held on September 4th, 2024.

‘Staff provided the Planning Board with the same presentation given to the Board of Commissioners at their July 3rd meeting on Accessory Dwelling Units (ADU’s) and existing within the Town.

‘The Planning Board’s next meeting is scheduled for Tuesday, August 20th, 2024. Currently, the agenda is expected to include consideration various amendments to the UDO related to the use of multi-family dwelling developments and a map amendment request submitted by Chris Greening to rezone the property located 0 Satterfield Landing (Parcel # 005618002) from C-3, Commercial Services to C-2, General Commercial.

‘Board of Adjustment – Recent and Pending Applications  
There were no items for the Board of Adjustments consideration in July 2024.

‘Additional Updates  
DWMP/Septic Health Advisory Committee – The Septic Health Advisory Committee met on Thursday, July 25th and received an update on the number of inspections, pump out credits and loans processed during FY 23-24.

‘The committee also discussed upcoming data collection and mapping initiatives to further the recommendations of the Decentralized Wastewater Management Plan. Additionally, recent water quality advisories for E. Abalone Street and E. Curlew Street were discussed. Environmental Planner Conner Twiddy will present a year-to-date review of the Todd D. Krafft Septic Health Initiative and committee’s work at the Board of Commissioners meeting on August 7th, 2024.

‘Estuarine Shoreline Management Plan – The Town was awarded a grant of \$500,000 under the N.C. Resilient Coastal Communities Program to assist in completing the engineering and design work for the Villa Dunes and Soundside Road estuarine marsh restoration and marsh stabilization projects. It will be November before we know about the NC Land and Water Fund Grant that was applied for to assist with the Harvey Site/OBVB site. Additionally, staff are researching using a combination of Community Conservation Assistance Program (CCAP) funds and Coastal Federation cost share funds for a shoreline stabilization along the causeway.

‘Electric Vehicle Action Plan – LoWire Technologies has completed the installation of two Level II EV chargers at Town Hall. Shoshin is scheduled to install an outside access point for the charging stations. Once we finalize payment and the station management interface, these units will be available for public use. A DEQ representative will conduct an onsite inspection to ensure all grant requirements for reimbursement have been met.

‘Sand Relocation and Dune Management Cost Share Program – Staff are requesting an allocation of \$400,000 for the Sand Relocation and Dune Management Cost Share Program for FY 24-25. This request is listed as Item E-7 on the Board of Commissioners agenda for the August 7th Meeting.

‘Public Beach and Coastal Waterfront Access Grant Program – Staff will be completing and filing the final application for the improvements to the June Street Beach Access prior to the submission deadline of Friday, August 2nd.

‘Permitting Update 3rd & 4th Quarter – See below the total number of permits accepted and the average turnaround time. These numbers do not include trade permits.

2024	Total Permits	Avg Turnaround/days
January	77	2.4
February	73	2.5

March	74	2.5
April	73	3.0
May	48	2.2
June	40	2.3

'Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – For the month of August, the Town will be hosting the following events and activities:

'Yoga on the Lawn, Tuesday mornings 7:30 – 8:30am all month long.

Fitness Fridays, Friday mornings 7:30 – 8:15am through August 16th.

Summer Concert Series, Wednesday evenings 6:30 – 8:00pm.

The Bar Cats Duo on August 7th

Haze & Dacey on August 14th

Intangible Catz on August 21st

Dowdy Park Farmers Markets, Thursdays 9am – 1pm: August 1st, 8th, & 15th. August 15th will be the last market of the summer season. Outer Banks Hospitals "Eat the Rainbow" campaign has been very successful this season.

'Family Fun Night, Tuesday, August 6th at 4pm – 7pm. Storytelling with Liza Yowel begins at 5:30pm. Tuesday, August 20th is Back to School Night with music by Nature Out Loud. Corolla Wild Horse Fund with Riptide to be rescheduled, previously cancelled due to heat.

Movie at Dowdy Park, Friday, August 2nd

'Upcoming Meetings and Other Dates

Tuesday, August 6th – Technical Review Committee Meeting

Wednesday, August 7th - Board of Commissioners Meeting

Wednesday, August 7th – Outer Banks Hazard Mitigation Joint Committee Meeting (1pm)

Thursday, August 8th – Board of Adjustment (no hearings scheduled)

August 10th – August 14th – Planner Chris Trembly attend Certified Zoning Official Conference

Wednesday, August 14th – Committee for Art and Culture Meeting

Tuesday, August 20th – Planning Board Meeting

Wednesday, August 21st – Board of Commissioners mid-month meeting

Wednesday, August 28th – CRS Cycle Verification Visit

Dowdy Park Farmers Market – Thursday, August 1st, 8th, and final market on 15th

Dowdy Park Summer Concert Series – Wednesday, Aug 7th, 14th, and 21st"

Mayor Cahoon asked Ms. Kelly for an update, for the benefit of the citizens, on the Dune Management and Cost Share Program that the Town handles. Ms. Kelly stated that the Town has gone from 155 sand relocations to 280 sand relocation permits making it a very successful program. Director Kelly summarized the program which requested additional money in this year's budget due to the interest in the program. The program includes sand fencing, sprigging – up to \$3,500 for both programs on a 3-year cycle and up to \$1,000 for sprigging only. She expressed her appreciation to the Board for their continuing support of the program.

#### Year-end overview/update on the Todd D Krafft Septic Health Initiative

The agenda summary sheet read in part as follows:

"The Todd D. Krafft Septic Health Initiative had a productive Fiscal Year 23-24. Notable activities include:

- Completion of 117 septic tank inspections by staff and contractors, Kevin Carver and David Swinney.
- Issuance of 121 water credits/rebates for tank pumping.
- Processing of 9 Septic Loans for repair or replacement due to failure or damage.
- Numerous outreach activities, including participation in Dowdy Park Markets and providing updates as part of the Town's annual CRS Mailer. Informational clings have also been distributed to rental companies.
- Installation of 15 groundwater monitoring loggers and 2 water quality monitoring loggers throughout the town.
- Purchase of four (4) additional water quality monitoring loggers for installation in Fall 2024.
- Acquisition of GPS unit to geo-locate existing and new septic tanks within the town.
- Moving forward with long-range data collection and mapping effort educate on septic upkeep and maintenance, including creating an interactive town map with details such as tank age, type, last inspection and findings, pumping history, and credits used, as well as incorporating Hydromet Cloud data on groundwater levels and nitrate readings from new monitoring loggers.
- Adoption of a text amendment to the UDO prohibiting parking on septic system areas.
- Ongoing quarterly Septic Health Advisory Committee Meetings which have provided valuable input, discussion, and guidance as we continue to implement the recommendations of the DWMP. Two new members were appointed: Rob Crawford and Gary Ferguson.
- Environmental Planner Conner Twiddy has been involved in educational opportunities with ECU and CSI and has provided interviews with NC Health News Magazine and Scientific American. Conner also attended the Onsite Wastewater Operator class and will be taking the certification exam in September 2024."

Environmental Planner Conner Twiddy and Dep Planning Director Joe Costello reviewed with Board members a power point presentation summarizing the Septic Health Initiative Program and the long range data collection and mapping efforts. Dep Director Costello explained that the high-end GPS collector to be used with the art collector app which provides exact location data - and with the water quality logger - they will eventually have all septic health data, location, age of pump, etc. to populate as a map layer.

Mr. Twiddy continued with a status of the Septic Health Advisory Committee. He thanked Comr. Brinkley and others for their help with the committee and for all their help with the program. Mayor Cahoon thanked Mr. Twiddy for all his work and his interest in the program.

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

### From July 3<sup>rd</sup> Board meeting – Roanoke Shores Subdivision

- Consideration of Traffic Control Map amendments

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

"At the June BOC meeting, it was requested by the Board to implement No Parking and No Thru Traffic on W. Lakeside St. due to concerns from residents regarding parking in the right-of-way, impacts to visibility created by parked vehicles, and concerns over the future hotel in this neighborhood. While it was requested by the Board to make the entire street No Parking and No Thru Traffic, it would be my recommendation to have only portions of this street marked as No Parking. This recommendation comes after inspecting the area and learning that several of the properties (111- 207) on the southside have steep driveways and limited room for parking on their property if they were designated as No Parking. Additionally, there would be little benefit from the no parking designation in this particular area. Based on these observations, I have included two options for the board to consider.

1. "No Parking Between Signs" the entire length of the street on both the north and south sides of W. Lakeside St.
2. "No Parking Between Signs" from the intersection of US 158 to the property line of 111 W. Lakeside St. on the southside of the roadway. For the northside, "No Parking Between Signs" from US 158 to the intersection of Bobwhite Ave.

'We will place a "No Thru Traffic" sign within 200 feet of the intersection of US 158 as a visual deterrent being this is a public street. I will be available at the Board meeting to answer any questions.'

Comr. Sanders questioned No Parking on the side streets; Chief Hale recommended No Parking on Lakeside only at this time and to bring back amendments as needed.

Comr. Brinkley pointed out that the No Thru Street designation was not enforceable.

Mayor Pro Tem Siers asked about a No Exit Onto Lakeside from the gas station designation. Police Chief Hale said that he will look into this but felt that it would not be enforceable.

MOTION: Comr. Brinkley made a motion to adopt the ordinance amending the Traffic Control Map, Option #2 which designates "No Parking Between Signs – Tow Away Zone" on Lakeside as recommended by Police Chief Hale. The motion was seconded by Mayor Pro Tem Siers.

Comr. Brinkley stated that the Board can always amend the Traffic Control Map later as needed; this designation is what was recommended by the Police Chief.

CONTINUATION OF MOTION: The motion passed unanimously.

Town Manager Garman stated that he, Mayor Cahoon, and Engineer Ryan have reviewed the flood issues in this neighborhood and Engineer Ryan will include this area for future examination.

#### From June 5<sup>th</sup> Board meeting – Consideration of policy for neighborhoods to request traffic calming devices

The agenda summary sheet for this item read in part as follows:

'At the June 5, 2024 Board of Commissioners meeting, staff presented a summary of items for consideration in the development of a traffic calming policy. Guidance was provided to staff by the Board on the process and elements to be incorporated into a policy document.

'Staff has prepared a traffic calming policy to include a process flowchart and an application which can be utilized to process these types of requests.

'The policy allows requests to be reviewed based on traditional traffic engineering criteria and alternatively based on neighborhood support. The traffic calming process also combines past practices with strategies that have been successfully employed by other North Carolina communities

'Town staff will provide a brief overview summarizing the policy along with the process and will be available for questions. A copy of the traffic calming policy, process flowchart and application are included for reference.

'Staff Recommendation:

Staff recommends the Board of Commissioners adopt the Traffic Calming Policy.'

Town Engineer David Ryan presented the proposed policy; he pointed out that the process begins with an application being submitted to the Town Clerk. He reviewed the proposed policy.

Mayor Cahoon said that the radar signs have been placed in some locations, such as Old Nags Head Cove. Engineer Ryan agreed and said that the signs have improved compliance in Old Nags Head Cove, Soundside Road, and at Whalebone Junction with Soundside Road having the largest success with compliance.

Comr. Lambert indicated the huge need for this process and Board members agreed.

Comr. Brinkley thanked Engineer Ryan for his work on the policy and questioned if the policy could utilize an online poll instead of a formal neighborhood meeting. Engineer Ryan agreed as that would be sufficient for providing some documentation for community outreach.

It was Board consensus that in lieu of going through this process, radar signage can be requested for main streets where there are problems as a general practice, as this has seen some degree of success; in addition, staff is to move the permanent installation of the radar speed device to Tier 2.

## **NEW BUSINESS**

### Committee Reports

Comr. Lambert – Government Access Channel/Current TV Committee met on July 24<sup>th</sup> – the LPDI grant application was submitted and approved; Current TV wants to host a film festival where local films/films highlighting the Outer Banks would be shown.

Comr. Brinkley – Septic Health Advisory Committee update has been provided by Planning Director Wyatt.

Comr. Sanders – He thanked Planning Director Wyatt for the Estuarine Access Shoreline Committee update.

### Consideration of resolutions authorizing Fall 2024 Fishing Tournaments

- Nags Head Surf Fishing Club; Fraternal Order of Eagles; Outer Banks Association of Realtors

**MOTION:** Mayor Cahoon made a motion to adopt the three (3) resolutions authorizing Fall 2024 Fishing Tournaments for the Nags Head Surf Fishing Club, the Fraternal Order of Eagles, and the Outer Banks Association of Realtors as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

#### Nags Head Surf Fishing Club

“WHEREAS, the Nags Head Surf Fishing Club is sponsoring its annual Nags Head Surf Fishing Club Tournament October 9 - 11, 2024; AND

‘WHEREAS, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Nags Head Surf Fishing Club submitted a request on July 18, 2024, for the Town of Nags Head to issue short-term beach driving permits to the Nags Head Surf Fishing Club to be distributed to participants in its annual Fishing Tournament.

‘NOW, THEREFORE BE IT RESOLVED by the Town of Nags Head Board of Commissioners that the Town of Nags Head is pleased to offer its assistance for the Nags Head Surf Fishing Club Tournament again this year.

'BE IT FURTHER RESOLVED as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the Nags Head Surf Fishing Club to be distributed to the 80 teams participating in its annual Nags Head Surf Fishing Club Tournament. Judges will be scouting stations on Tuesday, October 8, 2024. The tournament is to be held Wednesday, Thursday, and Friday, October 9, 10, and 11, 2024. An additional 25 permits are authorized to be issued to tournament judges/officials – for a total of 265 permits. These special permits will only be valid for this three-day period. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

'The Nags Head Surf Fishing Club is responsible for the distribution of all short-term beach driving permits for the 2024 Nags Head Surf Fishing Club Tournament. No individual short-term permits for the tournament will be issued by Staff.

'The name of the team to whom a permit is issued shall appear on each permit.

'A pamphlet (to be provided by the Town) on Regulations Governing Beach Vehicular Traffic in the Town of Nags Head shall be supplied with each permit distributed by Nags Head Surf Fishing Club.

'Each permit shall be displayed on the inside front windshield on the passenger side of the vehicle, even if a normal Nags Head Beach Driving Permit is already displayed.

'All beach driving permits MUST always be in the possession of the team. The permits are not transferable.

'The Town of Nags Head Beach Driving Ordinance is to be strictly enforced by the Nags Head Police Dept.

'Should the weather or high tide call for the closure of the beach or a section of the beach, the Town Manager will close the beach."

#### Fraternal Order of Eagles

"WHEREAS, the Fraternal Order of Eagles (FOE), Aerie #4506, is sponsoring its annual Charity Surf Fishing Tournament October 26, 2024; AND

'WHEREAS, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Fraternal Order of Eagles, Aerie #4506, submitted a request on July 12, 2024, for the Town of Nags Head to issue short-term beach driving permits to the Fraternal Order of Eagles, Aerie #4506, to be distributed to participants in its annual Fishing Tournament.

'NOW, THEREFORE BE IT RESOLVED by the Town of Nags Head Board of Commissioners that the Town of Nags Head is pleased to offer its assistance for the Fraternal Order of Eagles, Aerie #4506, Charity Surf Fishing Tournament this year.

'BE IT FURTHER RESOLVED as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the FOE Tournament to be distributed to the teams participating in its annual Surf Fishing Tournament. The tournament is to be held on Saturday, October 26, 2024. Tournament officials are requesting a total of 32 short-term permits which includes 2 permits for judges. These special permits will only be valid for Saturday, October 26, 2024. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

'The Fraternal Order of Eagles, Aerie #4506, is responsible for the distribution of all short-term beach driving permits for the 2024 FOE Charity Surf Fishing Tournament. No individual short-term permits for the tournament will be issued by Staff.

'The name of the team to whom a permit is issued shall appear on each permit.

'A pamphlet (to be provided by the Town) on Regulations Governing Beach Vehicular Traffic in the Town of Nags Head shall be supplied with each permit distributed by the Fraternal Order of Eagles, Aerie #4506.

'Each permit shall be displayed on the inside front windshield on the passenger side of the vehicle, even if a normal Nags Head Beach Driving Permit is already displayed.

'All beach driving permits MUST always be in the possession of the team. The permits are not transferable.

'The Town of Nags Head Beach Driving Ordinance is to be strictly enforced by the Nags Head Police Dept.

'Should the weather or high tide call for the closure of the beach or a section of the beach, the Town Manager will close the beach."

#### Outer Banks Association of Realtors

"WHEREAS, the Outer Banks Association of Realtors (OBAR) is sponsoring its annual Charity Surf Fishing Tournament October 4, 2024; AND

'WHEREAS, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Outer Banks Association of Realtors submitted a request on July 15, 2024, for the Town of Nags Head to issue short-term beach driving permits to the Outer Banks Association of Realtors to be distributed to participants in its annual Fishing Tournament.

'NOW, THEREFORE BE IT RESOLVED by the Town of Nags Head Board of Commissioners that the Town of Nags Head is pleased to offer its assistance for the OBAR Charity Surf Fishing Tournament this year.

'BE IT FURTHER RESOLVED as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the OBAR Tournament to be distributed to the 40 teams participating in its annual OBAR Charity Surf Fishing Tournament. The tournament is to be held on Friday, October 4, 2024. An additional five (5) permits are authorized to be issued to tournament judges/officials – Tournament officials are requesting a total of 90 short-term permits. These special permits will only be valid for Friday, October 4, 2024. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

'The Outer Banks Association of Realtors is responsible for the distribution of all short-term beach driving permits for the 2024 OBAR Charity Surf Fishing Tournament. No individual short-term permits for the tournament will be issued by Staff.

'The name of the team to whom a permit is issued shall appear on each permit.

'A pamphlet (to be provided by the Town) on Regulations Governing Beach Vehicular Traffic in the Town of Nags Head shall be supplied with each permit distributed by the Outer Banks Association of Realtors.

'Each permit shall be displayed on the inside front windshield on the passenger side of the vehicle, even if a normal Nags Head Beach Driving Permit is already displayed.

'All beach driving permits MUST always be in the possession of the team. The permits are not transferable.

'The Town of Nags Head Beach Driving Ordinance is to be strictly enforced by the Nags Head Police Dept.

'Should the weather or high tide call for the closure of the beach or a section of the beach, the Town Manager will close the beach.'

Consideration of ordinance regulating certain fishing practices designed to attract sharks from May 1<sup>st</sup> through Oct 31<sup>st</sup>

Police Chief Hale summarized his memo concerning fishing practices to attract sharks which read in part as follows:

"It is my recommendation to add a section under the Town's Code of Ordinances, Chapter 8, (Beaches and Waterways), that would cover shark fishing or attraction of sharks during our peak season. This ordinance would regulate any person from fishing in the town limits, whether from the shoreline or an erected pier, to target sharks. This would not prevent regular fishing practices that are currently done from these locations, except to those who bait or lure sharks adjacent to the waters of town.

'It is requested this ordinance be added to Ch. 8 Article I. – In General, as a misdemeanor or civil offense. If adopted this would be listed as Sec. 8-10, which is reserved for future changes.

'I have drafted the language below for your review.

'Ordinance Language: Baiting or Attracting Sharks Prohibited

(a) No person fishing from a pier or the shore within the town limits shall bait or cause to be used any bait which attracts sharks of any type to the shores or piers. This section shall not prevent regular and normal fishing now done on piers and shores of the town, except to the extent it affects the baiting and luring of sharks to the waters of the town.

(b) This prohibition shall be in effect beginning 9:00 am to 5:00 pm from May 1 through October 31.

'I will be available at the August BOC meeting for any questions the Board may have.'

**MOTION:** Comr. Sanders made a motion to adopt the ordinance regulating certain fishing practices designed to attract sharks from May 1<sup>st</sup> through October 31<sup>st</sup> 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 "D".

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

Update on kite discussion from July 3<sup>rd</sup> Board meeting

Town Manager Garman stated that he reached out to the Dare County Manager to see if kites flying on the oceanfront had caused an issue with helicopters. He said that Manager Outten indicated that according to the Dare EMS Director it has not been an issue, due mainly to the elevation they usually fly and that they also do not usually fly along the oceanfront. Manager Garman has discussed this issue with Public Information Officer Roberta Thuman and some social media guidelines will be provided.

Town Manager Garman also noted that he spoke to John Harris of Kitty Hawk Kites about adding a notation in his kite pamphlets about not adding additional string to kites when purchased.

Presentation – Oakley-Collier on Town Master Plan – Time Specific 11:00 a.m.

Town Manager Andy Garman introduced Oakley-Collier participants: Principals Tim Oakley and Ann Collier; and Designer Amanda Rider, who were attending via the Zoom Platform due to the uncertainty of Tropical Storm Debby.

Tim Oakley presented and discussed with Board members a power point presentation of a very draft Master Plan for the Town – his slides are attached to and made a part of these minutes as shown in Addendum “E”.

Town Manager Garman emphasized that staff needs to review, program everything out and make sure adequate space is provided.

Mayor Cahoon said that the Master Plan presented today is very draft and the Board and staff are to further review the Plan and provide comments.

Update on construction of the Public Services Facility

- Consideration of Change Order and associated Capital Project Ordinance Amendments

Town Engineer David Ryan provided an update on the Public Services Facility Construction; the focus is on the largest building on the site - the combined Fleet Maintenance and Sanitation Building. He pointed out that several live oaks were able to be saved and create a nice entranceway at this location. The Equipment Building continues to be worked on - the combined building is expected to be completed within the next two weeks to include installation of the septic system. There is a mid September completion date for the Equipment Building. Board members thanked Engineer Ryan for his update.

- Change Order and two (2) associated Capital Project Ordinance amendments
  - Capital Project and a Water Fund ordinance amendments

MOTION: Comr. Brinkley made a motion to approve the Public Services Facility Change Order #6 as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

The Public Services Facility Change Order #6, as approved, is attached to and made a part of these minutes as shown in Addendum “F”.

MOTION: Comr. Brinkley made a motion to adopt the Capital Project Ordinance for the Public Works Complex (Amendment #4) as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

MOTION: Mayor Pro Tem Siers made a motion to adopt the Water Fund Ordinance for the Water Capital Project for Approved Water CIP Projects (Amendment #2) as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

The two Capital Project Ordinances are attached to and made a part of these minutes as shown in Addendum “G”.

## **BOARD OF COMMISSIONERS AGENDA**

### Comr. Megan Lambert – Discussion of hotel parking standards

Comr. Lambert expressed her concern re: parking requirements vs parking needs at hotels which are often different; she would like to have staff review this issue to bring back for discussion.

Mayor Pro Tem Siers questioned the current opportunities in the Town for hotels; Ms. Wyatt stated that available land would allow it in the C-2 district and Hotel Overlay District. Comr. Lambert said she is also concerned about redevelopment.

Mayor Cahoon felt that the Town should be careful of any new standards as existing hotels are already under a lot of regulations and if they want to remodel/improve, we don't want to put a lot of pressure on them.

It was Board consensus to direct staff to look at hotel parking standards with consideration of existing properties and with consultation with the industry – and further to also include restaurant parking standards.

## **MAYOR'S AGENDA**

### Mayor Cahoon - Discussion of Fall 2024 Retreat

It was Board consensus to schedule a one-day Board Retreat on Friday, October 18, 2024. Mayor Cahoon asked Board members to provide any topics of interest for discussion to Town Manager Garman.

## **CLOSED SESSION**

MOTION: Comr. Brinkley made a motion to enter Closed Session to confer with the Board re: matters related to attorney/client privilege to include a CRC variance at Juncos St Beach Access; Use of Town site at 105 W Seachase Drive, and to preserve that privilege, pursuant to GS 143-318.11(a)(3) and to discuss the possible acquisition of real property located at 4222 S Croatan Highway pursuant to GS 143-318.11(a)(5). The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 12:01 p.m.

## **OPEN SESSION**

The Board re-entered Open Session at 12:38 p.m. Attorney Leidy reported that during Closed Session the Board did confer with the Town Attorney and did give instructions to the Town Attorney and the Town Manager.

### Resolutions authorizing the sale of 105 W Seachase Drive and the Town's portion of Soundside Event Site

MOTION: Mayor Pro Tem Siers made a motion to adopt the resolution to authorize the sale of real property pursuant to NCGS 160A-274 re: the Town selling its undivided interest in the Soundside Event site to the Dare County Tourism Board/Dare County. The motion was seconded by Comr. Brinkley which passed unanimously.

MOTION: Comr. Brinkley made a motion to adopt the resolution to authorize the sale of real property pursuant to NCGS 160A-274 re: 105 W Seachase Drive. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

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

105 W Seachase Drive

“WHEREAS, North Carolina General Statutes §160A-274 authorizes the Town of Nags Head to sell real property to another governmental unit upon such terms and conditions as it deems wise, with or without consideration; and

‘WHEREAS, The Town of Nags Head is the owner of property located at 105 W. Seachase Drive, Nags Head, NC, Tax Parcel # 031038001 (the “Seachase Drive Property”); and

‘WHEREAS, the County of Dare, North Carolina, a body politic and corporate (“Dare County”), is a governmental unit for purposes of North Carolina General Statutes §160A-274; and

‘WHEREAS, The Town of Nags Head desires to sell the Seachase Drive Property to Dare County on the terms and conditions set forth on the Offer to Purchase and Contract, a copy of which being attached to this Resolution (the “Seachase Drive Agreement”), for \$1,700,000.00; and

‘WHEREAS, the Dare County desires to purchase the Seachase Drive Property from the Town of Nags Head pursuant to the terms of the Seachase Drive Agreement; and

‘WHEREAS, the Town of Nags Head is also the owner of the following properties: (1) a 17.949% undivided interest in Lot 1, Forbes Commercial Lots, with a property address of 6906 S. Croatan Highway, Nags Head, NC, Dare County Tax Parcel # 012422000; (2) a 17.949% undivided interest in Lot 2, Forbes Commercial Lots, with a property address of 6900 S. Croatan Highway, Nags Head, NC, Dare County Tax Parcel # 012422001, and (3) a 34.783% undivided interest in Lot 3, Forbes Commercial Lots, with a property address of 6800 S. Croatan Highway, Nags Head, NC, Dare County Tax Parcel # 008854000 (collectively, the “Event Site Property”); and

‘WHEREAS, the Dare County Tourism Board, a North Carolina public authority created by the North Carolina General Assembly, which is a governmental unit for purposes of North Carolina General Statutes §160A-274, is the owner of the remaining undivided interests in the Event Site Property not presently owned by the Town of Nags Head; and

‘WHEREAS, the Town of Nags Head desires to sell all of its undivided interests in the Event Site Property to the Dare County Tourism Board on the terms and conditions set forth in an Agreement for Purchase and Sale of Land (the “Event Site Agreement”), for \$2,336,107.00, to be paid in various installments in exchange for deeds from the Town of Nags Head between 2024 and 2034, all as set forth in the Event Site Agreement; and

‘WHEREAS, the Dare County Tourism Board desires to purchase the Event Site Property from the Town of Nags Head pursuant to the terms of the Event Site Agreement; and

‘WHEREAS, the Board of Commissioners of Dare County must approve the Dare County Tourism Board’s expenditure of funds to purchase the Event Site property from the Town of Nags Head (the “County Expenditure Approval”); and

‘WHEREAS, the Town of Nags Head Board of Commissioners desires to confirm that the County Expenditure Approval has occurred before the closing of the sale of the Seachase Drive Property to Dare County.

‘NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the Town of Nags Head as follows:

1. The Town of Nags Head hereby agrees to sell the Seachase Property to Dare County for the sum of \$1,700,000.00, on the terms set forth in the Seachase Drive Agreement.

2. The Town of Nags Head hereby approves the terms and provisions of the Seachase Drive Agreement.
3. The closing of the Town of Nags Head's sale of the Seachase Property to Dare County is contingent on the occurrence of the County Expenditure Approval.
4. The Mayor or his designee and the Town Clerk are hereby authorized to execute a Deed and all necessary documents on behalf of the Town in order to convey the Seachase Property to Dare County pursuant to the Seachase Agreement."

#### Soundside Event Site

"WHEREAS, North Carolina General Statutes §160A-274 authorizes the Town of Nags Head to sell real property to another governmental unit upon such terms and conditions as it deems wise, with or without consideration; and

'WHEREAS, The Town of Nags Head is the owner of the following properties: (1) a 17.949% undivided interest in Lot 1, Forbes Commercial Lots, with a property address of 6906 S. Croatan Highway, Nags Head, NC, Dare County Tax Parcel # 012422000; (2) a 17.949% undivided interest in Lot 2, Forbes Commercial Lots, with a property address of 6900 S. Croatan Highway, Nags Head, NC, Dare County Tax Parcel # 012422001, and (3) a 34.783% undivided interest in Lot 3, Forbes Commercial Lots, with a property address of 6800 S. Croatan Highway, Nags Head, NC, Dare County Tax Parcel # 008854000 (collectively, the "Property"); and

'WHEREAS, the Dare County Tourism Board, a North Carolina public authority created by the North Carolina General Assembly, which is a governmental unit for purposes of North Carolina General Statutes §160A-274, is the owner of the remaining undivided interests in the Property not presently owned by the Town of Nags Head; and

'WHEREAS, The Town of Nags Head desires to sell all of its undivided interests in the Property to the Dare County Tourism Board on the terms and conditions set forth on the Agreement for Purchase and Sale of Land, a copy of which being attached to this Resolution (the "Agreement"), for \$2,336,107.00, to be paid in various installments in exchange for deeds from the Town of Nags Head between 2024 and 2034, all as set forth in the Agreement; and

'WHEREAS, the Dare County Tourism Board desires to purchase the Property from the Town of Nags Head pursuant to the terms of the Agreement.

'NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the Town of Nags Head as follows:

1. The Town of Nags Head hereby agrees to sell the Property described above to the Dare County Tourism Board for the sum of \$2,336,107.00, payable to the Town in installments as set forth in the Agreement.
2. The Town of Nags Head hereby approves the terms and provisions of the Agreement.
3. The Mayor or his designee and the Town Clerk are hereby authorized to execute Deeds and all necessary documents on behalf of the Town from time to time over the term of the Agreement in order to convey the Property to the Dare County Tourism Board pursuant to the installment schedule set forth in the Agreement."

**ADJOURNMENT**

MOTION: Comr. Brinkley made a motion to adjourn. The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 12:41 p.m.

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

Date Approved: September 4, 2024

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