



**BOC ACTIONS  
WEDNESDAY, DECEMBER 6, 2023**

1. Call to order - Mayor Cahoon called the meeting to order at 9 a.m. Mayor Cahoon recognized former Mayor Bob Muller, former Commissioner Susie Walters, and Comr-Elect Megan Lambert in the audience.
2. Agenda – The Board approved the December 6<sup>th</sup> agenda as presented.
3. Recognition

NEW EMPLOYEE - Public Services Director Nancy Carawan introduced Facilities Maintenance Technician Taylor Midgett who was welcomed by the Board to Town employment.

FIVE YEARS - Public Services Director Nancy Carawan introduced Water Distribution Technician Alan Beatty who was recognized by the Board for five years of service.

FIVE YEARS - Fire Chief Randy Wells introduced Fire Lieutenant Trever Tilley who was recognized by the Board for five years of service.

RETIREMENT – Town Clerk Carolyn F Morris introduced Dep Town Clerk Michelle Gray who was recognized and congratulated by the Board on her upcoming retirement after over 27 years of service to the Town.

4. Reorganization of the Board – The Board reorganized after the November 7<sup>th</sup> election.

Megan Lambert was sworn in as Commissioner; Kevin Brinkley was sworn in as Commissioner. The Board elected Mike Siers as Mayor Pro Tem; he was then sworn in as Mayor Pro Tem.

5. Public Comment – No one spoke during Public Comment.
6. Consent Agenda – The Consent Agenda consisted of the following items:
  - Consideration of Tax Adjustment Report
  - Approval of minutes
  - Consideration of Adopt-A-Bench Policy / updated Fee Schedule
  - Consideration of Trafera Computer Lease agreement
  - Resolution authorizing contract with NCDEQ for Public Beach & Coastal Waterfront Access Grant
  - Resolution approving Municipal Accounting Services, Cybersecurity, Technical Assistance MOA
  - Resolution accepting an Offer of Funding from American Rescue Plan an AIA Study
  - Consideration of annual appointment of Director on Nags Head Leasing Board

The Board passed a motion to remove item #4 titled "Consideration of Trafera Computer Lease agreement" from the Consent agenda. Staff had decided to not lease, and instead to purchase, the computer equipment. The Board then approved the Consent Agenda as amended.

7. Public Hearing - to consider a Subdivision Waiver - The requested waiver is from Section 10.47 of the Unified Development Ordinance as it pertains to limiting access to US 158, US 64/264, NC 12, and SR 1243.

The Board approved the Subdivision Waiver from Section 10.47 of the Unified Development Ordinance as submitted by Quible and Associates on behalf of Ronald and Sabrina Mikita for one proposed two-lot Minor Subdivision of Parcel 007323000, PIN 071811556240 as presented - to include staff's two conditions as follows:

a - Should this application proceed forward toward individual lot development, additional existing grade and proposed grade elevation data will be required as part of the individual site development application approval process as outlined in the UDO.

b - For future residential stormwater permitting, direct discharge of runoff from the proposed impervious surfaces into the "404" jurisdictional wetlands is not permissible. Passive or active treatment of runoff should be provided in the form of a filter strip or other approved stormwater control measure.

**8.** Public Hearing – to consider text amendments to the Unified Development Ordinance as it pertains to including the use of "Restaurant, Drive Through" as a permissible use within Commercial Mixed-Use Developments, as well as amending the supplemental regulations associated with this use – The Board passed a motion to table this item and to return it to the Planning Board for additional review, due to today's discussion - and to schedule a Public Hearing for the January 3<sup>rd</sup> Board meeting. The motion passed 4 – 1 with Mayor Cahoon casting the NO vote.

**9.** Public Hearing – to consider text amendments to Sections 6.5, Classification and Review of Unlisted Uses, Section 6.6, Table of Uses and Activities, and Article 7, Supplemental Regulations as it pertains to the appraisal and purchase of precious metals and antiques and collectibles as an acceptable temporary and accessory use to retail jewelry shops – The Board adopted the ordinance as presented with the exception that the 90 days be reduced to 14 days.

**10.** Planning Report - Planning Director Kelly Wyatt summarized her monthly report for the Board which was well received.

**11.** Committee Reports

Comr. Sanders - Shoreline Management - The project was recently turned down on a grant application request.  
Comr. Brinkley - Jennette's Pier Advisory Committee – Date for next meeting has been set for December 11<sup>th</sup>.

**12.** Planning Board – The Board appointed David Thompson to the vacant position on the Planning Board.

**13.** Resolution – The Board adopted the resolution authorizing an application to file for a State Water Resources Development Grant as presented – for the S Nags Head Stormwater Drainage Projects.

**14.** Town Manager Garman - Town Engineer David Ryan provided an aerial view of the Public Services Facility improvements. He summarized building occupation dates and stated that the overall project completion date is scheduled for October 2024 (This includes occupation of all buildings.). Engineer Ryan is to schedule a field trip for Board members with the contractor for the end of the February 7<sup>th</sup> Board meeting.

**15.** Town Manager Garman – It was Board consensus to agree with the proposal presented by Town Manager Garman with the goal to identify desired future needs and determine how they could most efficiently be accommodated in the Town Hall / Fire Station Properties Master Plan.

**16.** Town Manager Garman – He reported that he and staff recently met with Dare County Environmental Health personnel to learn about new changes to regulations that govern the construction and repair of on-site wastewater (septic) systems. There are some fairly significant changes coming forward that staff feels may impact a lot of residents. He pointed out that Dare County has also expressed their opposition to the regulations; he will keep the Board informed.

- 17.** Mayor Pro Tem Siers – He congratulated Comr. Lambert on her recent election win and Dep Town Clerk Michelle Gray on her upcoming retirement.
- 18.** Comr. Brinkley – He thanked staff for their work and wished them a happy upcoming holiday season. He also said that he is honored to be elected to the Board for another four years. He congratulated Comr. Lambert on the recent election and Town Clerk Michelle Gray on her upcoming retirement.
- 19.** Comr. Sanders – He echoed what the other Board members said and thanked the Town for the Dowdy Park events and how nice the park looks.
- 20.** Manager Andy Garman – The Board approved modification to the Town’s Personnel Policy by amending the Health Insurance section from the Town funding 60% of dependent health insurance to 80%, for all full-time employees, no matter the hire date.
- 21.** Mayor Cahoon – The Board approved the 2024 BOC Meeting Calendar and the FY 24/25 Budget Calendar as presented.
- 22.** Mayor Cahoon – He asked Board members to stay for an official new photo after today’s meeting.
- 23.** Mayor Cahoon – He pointed out an article published last week incorrectly stated the Nags Head Board voted down affordable housing – which was not true as the Board had never received an official proposal for voting. Mayor Cahoon said that he reached out to the writer of that article to inform him of this.
- 24.** Mayor Cahoon – The Board approved a Christmas bonus of \$150 for full-time and \$75 for part-time employees.
- 25.** Closed Session – The Board entered Closed Session at 11:45 a.m. to consider Closed Session minutes and to consult with the Town Attorney regarding matters protected by the attorney/client privilege - to include the pending litigation re: Dare County municipalities vs the State of NC zoning authority. The Board re-entered Open Session at 12:12 p.m.
- 26.** Adjournment – The Board adjourned at 12:13 p.m.