



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
WEDNESDAY, AUGUST 6, 2025**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, August 6, 2025 at 9:00 AM for a Regular Meeting.

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

Board Members Absent: None (One vacancy)

Others Present: Town Manager Andy Garman; Attorney Lauren Arizaga-Womble; Amy Miller; Kelly Wyatt; David Ryan; Perry Hale; Randy Wells; Chris Montgomery; Nancy Carawan; Joe Costello; Roberta Thuman; Karen Snyder; Katie Anzalone; Mary Kelley; Mark Edwards; Missy Edwards; Jackie Hart; Paulette Mathews; Molly Harrison; Megan Vaughan; John Kenny; Skyla Lamberto-Egan; Donna Creef; Richard Gibbons; and Town Clerk Brittany A. Phillips

Mayor Cahoon called the meeting to order at 09:00 a.m. A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

MOTION: Mayor Pro Tem Siers moved to approve the August 6th Agenda as presented. The motion was seconded by Comr. Sanders, which passed unanimously.

RECOGNITION

TWENTY YEARS – Fire Chief Wells introduced Fire Lieutenant Mark Edwards who was recognized by the Board for twenty years of service.

PUBLIC COMMENT

Town Attorney Lauren Arizaga-Womble opened Public Comment at 09:05 a.m.

There was no one present who wished to speak during Public Comment.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of Tax Documents
 - FY 24/25 Year End Tax Adjustment Report
 - FY 24/25 Year End Tax Settlement Report
- Approval of Minutes
- Consideration of Resolution Authorizing the Surplus and Donation of Police Dept Items to the Tyrrell County Sheriff's Department
- Request for Public Hearing Consider a Text Amendment Request Submitted by TW's Outdoor Outfitters, LLC to Amend Section 10.86.2.4.2 of the Unified Development Ordinance to Reduce the Required Building Separation from 20 feet to 10 feet for Buildings Serving as Accessory to the Principal Commercial Use on the Site.

MOTION: Comr. Sanders moved to approve the Consent Agenda as presented. The motion was seconded by Mayor Pro Tem Siers, which passed unanimously.

The tax documents to include the FY 24/25 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 "A".

The minutes from the July 2, 2025, Regular Session meeting were approved by the Board and are on file in the Town Clerk's office and on the Town's website.

The Resolution Authorizing the Surplus and Donation of Police Dept Items to the Tyrrell County Sheriff's Department, as adopted, read in part as follows:

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

'WHEREAS, the Police Department has three (3) Applied Concepts Stalker DSR-E Radar Units which were taken out of service in 2025.

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

'In accordance with GS 160A-280. Donations of personal property to other governmental units. the following described Town owned property is hereby declared surplus and authorized to be donated to Tyrrell County Sheriff's Department:

Fixed Asset Number	Description	Original Cost (\$)	Reason for Surplus	Disposal Method
N/A	(3) Applied Concepts Stalker DSR-E Radar Units	N/A	Items were replaced with vehicle replacement schedule and are no longer under warranty.	Donation"

The Request for Public Hearing consider a text amendment request submitted by TW’s Outdoor Outfitters, LLC to amend Section 10.86.2.4.2 of the Unified Development Ordinance to reduce the required building separation from 20 feet to 10 feet for buildings serving as accessory to the principal commercial use on the site, as approved, read in part as follows:

"Consideration of a text amendment submitted by Chris Greening of TW's Outdoor Outfitters, LLC to amend Section 10.86.2.4.2 of the Unified Development Ordinance (UDO), specifically the Commercial Design Standards related to Building Size/Dimensions. The proposed amendment would reduce the minimum required building separation on properties with multiple buildings from twenty (20) feet to ten (10) feet when the building serves as an accessory use to the principal commercial use on the same site. Section 10.86.2.4.2 is part of the broader Commercial Design Standards established to guide the appearance and form of commercial development in the Town of Nags Head. The entirety of the Towns Commercial Design Standards can be reviewed [HERE](#). This standard, which has existed in various forms since the 1977 zoning ordinance, reflects the Towns long-standing efforts to discourage strip-style development and large, uninterrupted commercial facades, instead promoting architectural character, visual separation between buildings and a pedestrian-scale environment consistent with the community's vision and comprehensive land use goals.

'Staff believes that the requested text amendment to the UDO is inconsistent with the Town's adopted Comprehensive Plan and would recommend denial of the proposed amendment. The town’s development pattern has consistently favored smaller-scale, visually distinct structures with adequate building separation to support aesthetic quality and community character. The current 20- foot separation contributes to improved environmental elements, including enhanced air flow, light access, and opportunities for stormwater infiltration and landscaping between structures. These are all factors that contribute to the town's integrity, sustainability and resiliency. Reducing the building separation requirement would undermine these objectives and could set a precedent inconsistent with the overall goals of the Commercial Design Standards as well as the Comprehensive Plan.

'PLANNING BOARD RECOMMENDATION

At their July 15, 2025 meeting, the Planning voted unanimously to recommend denial of the text amendment.

Schedule Public Hearing for September 3, 2025 Board of Commissioners meeting."

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

Update from Planning Director

Planning Director Kelly Wyatt summarized her report which read in part as follows:
"This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on Wednesday, August 6, 2025.

'Monthly Activity Report

Attached for the Board’s review is the Planning and Development Monthly Report for June 2025. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, staff were involved in the following meetings or activities of note during the month of July:

- Tuesday, July 1st - Technical Review Committee Meeting
- Wednesday, July 2nd - Board of Commissioners Meeting
- Wednesday, July 9th - Committee for Art & Culture Meeting (No July meeting)
- Thursday, July 10th - Board of Adjustment Meeting (no hearings scheduled)
- Tuesday, July 15th - Planning Board Meeting
- Wednesday, July 16th - Board of Commissioners mid-month meeting (not scheduled)
- Wednesday, July 30th - Septic Health Advisory Committee
- Dowdy Park Farmers Market - July 3rd, 10th, 17th, 24th, and 31st
- Summer Concert Series - July 2nd, 9th, 16th, 23rd, 30th

'Planning Board - Pending Applications and Discussions

'The Planning Board's most recent meeting was held on Tuesday, July 15th, 2025. The following items were heard:

Consideration of a text amendment request submitted by TW's Outdoor Outfitters, LLC, proposing to amend Section 10.86.2.4.2 of the Unified Development Ordinance to reduce the required building separation from 20 feet to 10 feet when the additional building is an accessory use. The Planning Board voted unanimously to recommend denial of this text amendment as presented. This item is on the Board of Commissioners' August 6th Consent Agenda with an anticipated Public Hearing to be held on September 3rd.

'Continued discussion and evaluation of the Commercial Outdoor Recreation Overlay District.

'The Planning Board's next meeting is scheduled for Tuesday, August 19, 2025. The agenda is expected to include discussion and proposed text amendments to the Unified Development Ordinance (UDO), prompted by recent changes to NC General Statutes regarding lot coverage calculations and the definition of "built-upon area," as well as a proposed reduction in minimum dimensional requirements for parking spaces.

'The Board will also continue its review of the Commercial Outdoor Recreation Overlay District, focusing on opportunities to support and expand existing businesses, refine the mix of allowable uses by removing less desirable C-2 uses, and implement strategies to preserve soundside views and access. Additional topics include improving wayfinding and the area's sense of place, enhancing pedestrian and bicycle connectivity, and revisiting a variation of the previously considered soundside boardwalk concept.

'Board of Adjustment – Recent and Pending Applications

There were no items for Board of Adjustment consideration in July 2025. We are anticipating a variance request to be heard at the Board of Adjustments at their August 14th, 2025 meeting for redevelopment of the property located at 8525 S. Old Oregon Inlet Road.

'Additional Updates

- DWMP/Septic Health Advisory Committee -The Septic Health Advisory Committee met July 30, 2025, continuing their discussions on the Division of Water Quality (DWI) no-interest loan program. Deputy Planning Director Amy Miller presented information on an amortization schedule demonstrating the Town's ability to repay the DWI loan over multiple cycles, with the potential to use the funds as a revolving loan program. The Committee agreed to notify DWI staff and request approval to proceed in this manner.

'Planning staff outlined plans to pre-qualify local contractors for septic repair work funded by the loan, ensuring compliance with Davis-Bacon wage rates and American Iron and Steel requirements. A contractor workshop is planned to explain expectations and documentation requirements to gauge interest by our local contractors.

'For FY 2024-2025, Environmental Planner Conner Twiddy reported that 110 pumping credits were issued (14 since the increase to \$250), 10 loans processed, and 137 inspections completed. He and Town Engineer David Ryan will speak at the October Water Quality for Fisheries Symposium in Beaufort, NC at the end of October.

- Estuarine Shoreline Management Plan - Deputy Planning Director Joe Costello will provide the Board of Commissioners with an update on the current status of the Estuarine Shoreline Management Plan, including upcoming public engagement opportunities, at their August 6, 2025 meeting (Item F-3).
- Sand Relocation and Dune Management Cost Share Program - Staff will present a request for continued funding of the Dune Management Cost Share Program for FY 25-26 at the August 6, 2025, Board of Commissioners meeting (Item F-2).
- Hargrove Street CAMA Access Grant - Staff has submitted the final application for the NC Public Beach and Coastal Waterfront Access Grant to support the replacement of the Hargrove Street Bathhouse. Funding decisions are expected by late September 2025.

- Dark Skies, Bright Stars Initiative - On July 18, 2025, staff met with representatives from NEST (Network for Endangered Sea Turtles) to discuss collaborative outreach opportunities. As a result, the Town and NEST have agreed to partner on a "Lights Out for Sea Turtles" campaign aimed at educating oceanfront homeowners and visitors on the impacts of artificial lighting on sea turtle nesting and hatchling success. To support this effort, the Town has produced refrigerator clings featuring QR codes linking to both the Town's Dark Skies, Bright Stars webpage and NEST's website. These clings serve as reminders to turn off unnecessary lights, especially those contributing to beach glare. Additionally, small turtle decals have been purchased and will be distributed for placement on indoor light switch plates that correspond to exterior or beach-facing lighting.

'As part of the broader initiative, Planner Chris Trembly has been engaging local retailers, including our local ACE Hardware, about stocking dark sky-friendly fixtures. Chris also created an interactive diorama to demonstrate how unshielded lighting diminishes star visibility and washes out surrounding areas, while properly shielded fixtures direct light downward where it's needed, preserving night skies. He debuted the display inside a blackout tent at the Dowdy Park Farmers Market, engaging over 100 visitors with hands-on education about the impacts of lighting on visibility and nature, with overwhelmingly positive feedback.

- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture - The Committee for Arts and Culture continues to stay active and engaged as summer programming wraps up and fall planning begins. July events were well attended, with strong participation from both locals and visitors.

'Waggin' Wednesdays concluded at the end of July. While attendance varied week-to-week due to the heat, the events consistently drew out-of-town guests who gave a lot of positive feedback.

'Kids Move More, held each Friday morning throughout July, has been a great success, averaging around 45 children per session. The final event will be held Friday, August 1. This family-friendly program blended playful activities, obstacle courses, and special visits, most notably from Riptide of the Corolla Wild Horse Fund, who made a memorable appearance on July 11.

'Fitness Fridays at Dowdy Park continue to be popular, offering weekly Tai Chi, Pilates, and core/balance/stretch sessions through August 22.

'The Summer Concert Series remains a highlight, drawing solid crowds each Wednesday evening. The August lineup includes:

- August 6 – SOULone
- August 13 – Shelli Gates & The Keepers
- August 20 – Stereo in Words
- August 27 – Haze & Dacey

'Family Fun Times continue every Tuesday from 10 to 11:30 a.m. through August 19, featuring a rotating mix of live music, storytelling, educational guests, and interactive performances.

'The Kids Back to School Event is scheduled for Tuesday, August 19th, from 3 to 6 p.m. at Dowdy Park. This free event celebrates the end of summer and helps families get excited for the new school year.

'Farmers Markets continue to thrive, and overall summer engagement at Dowdy Park has been excellent.

'Upcoming Meetings and Other Dates

- Friday, August 1st - CRS Submittal of Elevation Certificates
- Tuesday, August 5th - Technical Review Committee Meeting
- Wednesday, August 6th - Board of Commissioners Meeting
- Thursday, August 7th - ESMP Stakeholder and On-Site Meetings, Villa Dunes & Soundside Road
- Wednesday, August 13th - Committee for Art & Culture Meeting
- Thursday, August 14th - Board of Adjustment Meeting (Sim Variance)
- Tuesday, August 19th - Planning Board Meeting
- Wednesday, August 20th - Board of Commissioners mid-month (if scheduled)
- Dowdy Park Farmers Market - August 7th, 14th, and 21st
- Summer Concert Series - August 6th, 13th, 20th, and 27th

Director Wyatt noted that representatives from the Town of Mount Pleasant, South Carolina visited Nags Head to learn about the town's septic health program with plans to implement something similar. She also extended a special thank you to Emma Ortega, our Seasonal Events Assistant, for her significant contributions to coordinating these successful programs.

The Board thanked Director Wyatt for her efforts.



Consideration of Renewing the Sand Relocation and Dune Management Cost Share Program for FY 2025/26

Planning Director Wyatt presented this item and the agenda summary sheet read in part as follows:

"At the August 6, 2025 Board of Commissioners meeting, staff requests Board consideration of the Sand Relocation and Dune Management Cost Share Program for FY 25/26.

'Attached please find a memo from Planning Director Wyatt pertaining to the Dune Management Cost Share Program with a staff recommendation to include program funding for the upcoming season for dune vegetation, sand fence installation, and ocean sand relocation activities. FY 25/26 is the first year of a new three-year cycle for the Sand Relocation Reimbursement Program. Attached is a Beach Nourishment Maintenance Capital Project Ordinance. There is a \$400,000 increase, which is the recommendation for the FY 26 season. This is inclusive of purchasing dune plantings for Better Beaches not to exceed \$15,000. There is an increase in the Capital Outlay - Other line item and an increase in Intergovernmental Grants as we have received more grants than what was budgeted.

'Staff recommends approving this program for FY 2025/26. As the Board is aware, eligible property owners can receive these grant funds once every three years. FY 2024/25 was the third year of the first three-year cycle. We would like to make the Board aware that approving the program for the upcoming year would be the start of a new three-year cycle."

Director Wyatt's memo 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.

'For reference, the Town has processed the following number of sand relocation permits over the past four years:

- FY 21-22, 190 sand relocation permits
- FY 22-23, 266 sand relocation permits
- FY 23-24, 280 sand relocation permits
- FY 24-25, 200 sand relocation permits

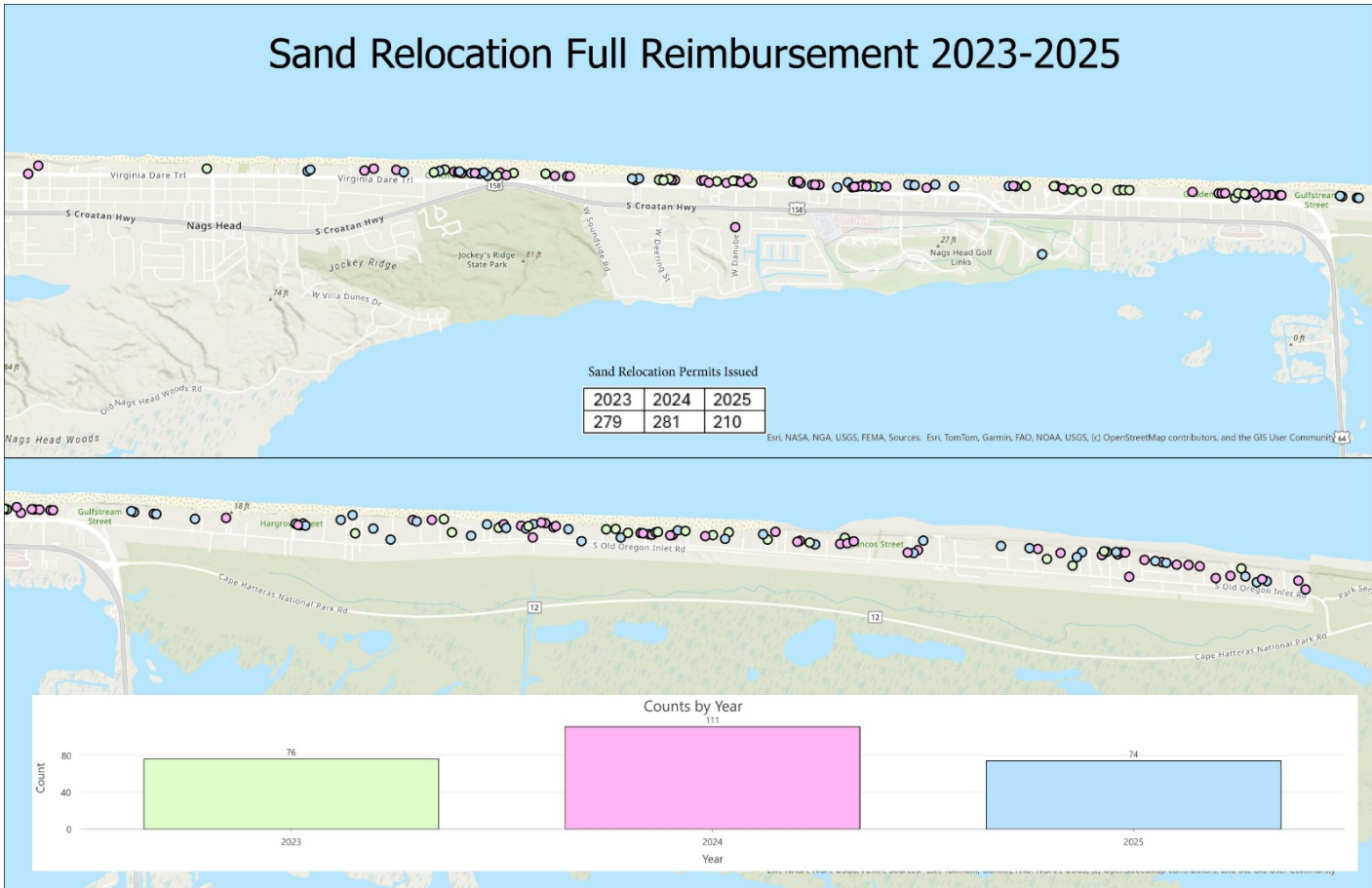
'Dune vegetation stabilization is required for sand relocation reimbursement, with a cap of \$3,500. If sand is not being moved, \$1,000 is the cap for plants and fencing, which does include labor and materials. Currently the application interval for planting and sand fence installation is every year, and the application interval for the sand relocation is once every three years. FY 24-25 marked the third year of the current three-year cycle. As a result, staff anticipate an increase in the number of \$3,500 reimbursement requests in FY2025-2026 as new applicants become eligible under the program cycle.

Activity	FY 22-23	FY 23-24	FY 24-25	FY 25-26	Application Interval	Application Dates
Planting	Yes	Yes	Yes	Yes	Every Year	Oct. 1 - June 30
Sand Fence Installation	Yes	Yes	Yes	Yes	Every Year	Oct. 1 - June 30
Sand Relocation	Yes	Yes	Yes	Yes	Once Every Three Years	Nov. 15 – April 15
Max. Funding Amount per Parcel	\$3,500	\$3,500	\$3,500	\$3,500		
Total Program Funding	\$320,000	\$400,000	\$400,000	\$400,000		
Total Amount Allocated	\$217,152	\$419,000	\$210,500	N/A		
Total Amount Disbursed	\$102,848	\$319,876	\$186,500	N/A		

'OBX Better Beaches

'In prior years, staff has recommended allocating up to \$15,000 annually to OBX Better Beaches to support dune vegetation installation efforts. However, in FY 2023–2024, OBX Better Beaches did not request or utilize any portion of the allocated funds. For FY 2024–2025, staff recommended that the requested \$400,000 in program funding be inclusive of both reimbursement requests and any potential funding requests from OBX Better Beaches, not to exceed \$15,000. Staff recommends maintaining this approach for FY 2025–2026.

'Staff will be available to answer any questions and provide a brief update on the utilization of the dune management cost share funds over the past 3-year period."



Director Wyatt mentioned that approximately half of eligible property owners take advantage of the program, suggesting that increased education and awareness could improve participation.

MOTION: Mayor Pro Tem Siers moved to renew the Sand Relocation and Dune Management Cost Share Program for FY 2025/26. The motion was seconded by Comr. Sanders, which passed unanimously.

Mayor Cahoon inquired whether the Outer Banks Beaches had drawn from this allocation in the past two years. Planning Director Wyatt confirmed that they had not drawn from it in the past two years but noted that the amount would still be available to them as part of the \$400,000 allocation.

Update on Estuarine Shoreline Management Plan

Deputy Planning Director Joe Costello introduced this item. The summary sheet read in part as follows:

"Estuarine Shoreline Management Plan - Geotechnical work and bathymetric data collection tasks were completed for the estuarine marsh stabilization projects along Villa Dunes Drive and W. Soundside Road. The town has received survey maps and a geotechnical report. Dare County Soil and Water assisted by collecting drone imagery of the area to determine the locations of subaquatic vegetation. Field verification surveying of the subaquatic vegetation took place on June 23rd and June 24th. The drone imagery was 98% accurate. Residents were mailed a notice giving them information with regards to the upcoming work planned.

'Coastal Hydrodynamic Modeling and design work was conducted during the month of July, and the Town received the Basis of Design Report on August 1st. A community meeting is scheduled for Thursday, August 7th beginning at 1pm to review the schematic designs and answer questions. The agenda is as follows:

'Town of Nags Head Conference Room located on the 2nd floor of the Municipal Complex:

1:00 PM - Introduction
1:10 PM - Project Kickoff Recap
1:25 PM - Project Update
 Basis of Design
 Design Goals
 Design Overview
1:55 PM - Project Schedule
2:00 PM - Open Discussion

'Site Specific Discussions (Optional):

3:00 PM - Nags Head Woods Preserve, 468 W Villa Dunes Dr, Nags Head
5:30 PM - West Soundside Road, Board of Commissioners Room, 5401 S Croatan Hwy, Nags Head

'These sessions are intended to allow stakeholders and property owners to interact with the project team about the design of each site. This discussion is anticipated to last one (1) hour.

'Residents adjacent to the proposed projects received a letter in the mail informing them of the upcoming meeting with a link to the agenda and ESMP website. Staff emailed residents adjacent to the project for whom we had contact information on file. The ESMP steering committee also received emails informing them of the upcoming meeting. Our consultants have maintained the website throughout the process. We have a sign-up area on the website where people can put in their email and receive information on upcoming meetings and the latest project updates. Approximately ten individuals have called or come into the planning office and requested more information.

'A pre-application meeting and discussion with regulatory agencies is scheduled for August 15th. Final Schematic Design and a joint permit application are scheduled for early September depending on the community response during the meetings, multi-agency feedback during the pre-application meeting as well as final Board of Commissioner approval to submit during the September meeting.

'Current grant funds pay for 60% of design documents and permitting coordination. Staff applied for a NFWF Grant on July 17th for additional funds to go from 60% to final design documents for the Villa Dunes Drive and W. Soundside Road sites. These sites were priority sites one and two in the ESMP.

'For the Harvey Estuarine Site/OBVB site, staff has finalized the contract with NCLWF for the \$500k funding awarded for design and construction. McAdams has provided a scope of work for both design and construction. Due to rising material and installation costs, additional funding is needed to complete the project. Staff applied for a phase 4 RCCP Grant for the gap in funding to deliver the project. The town was notified on July 22nd that we had received an additional \$459,362 which funds the project through construction."

Mayor Cahoon inquired about the timeline for the construction of the Harvey site, seeking clarification on when residents and stakeholders can expect to see physical construction progress. Deputy Planning Director Costello estimated that construction is tentatively anticipated to begin next summer.

Mayor Cahoon had Costello confirm the times of the meetings listed above and Costello also noted that the Town Hall meetings were moved to the Board of Commissioners' room because of the amount of interest shown by stakeholders.

Commissioner Siers questioned the focus of wind data collection, expressing concerns that the designs primarily consider west-southwest wind protection while northwest winds also significantly affect the area. He stressed the necessity of incorporating data from all relevant wind directions and asked about the period of data collection to

confirm all critical seasonal patterns were included.

Deputy Planning Director Costello addressed these concerns, confirming the designs and data collection covered various wind directions, including northwest winds, as emphasized in stakeholder discussions. Coastal engineers were specifically tasked with integrating these considerations into the designs.

Commissioner Sanders, actively involved in the meetings, affirmed that the concerns about northwest winds were thoroughly deliberated with coastal engineers and stakeholders, noting significant community engagement and enthusiasm for the project.

NEW BUSINESS

Committee Reports

Comr. Lambert – Reported that the Government Access Channel met and they've hired a part-time employee that will be assisting Chad. She also extended thanks to Roberta for her exceptional work on the life-saving video.

Mayor Pro Tem Siers – Reported that the Dare Community Housing Task Force is in the process of hiring HREM to handle 501(c)(3) work and explore government land acquisition options to reduce housing costs. Seven potential sites have been identified, and he expects another report by the end of the year. He also noted that the Tourism Board would be meeting on Tuesday to discuss the boardwalk project for the tourism board site.

Comr. Sanders – Acknowledged the report given by Deputy Planning Director Joe Costello and noted that he is looking forward to the community stakeholder meeting on August 7th.

Mayor Cahoon – Reported that the Jennette's Pier Advisory Group had met, and a written report would be shared with the Board.

Consideration of Resolutions Authorizing Fall 2025 Fishing Tournaments

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

Mayor Cahoon brought the resolutions to the Board for approval and prior to consideration, Mayor Pro Tem Siers questioned current beach conditions. Town Manager Garman reported that the beach is in better shape than last year. While the section of beach north of Nags Head Pier will remain closed to vehicles, the southern portion of town from Pelican south that was previously closed has recovered and will be open for beach driving this season. The closure of the northern section helps manage traffic conflicts and provides an area for beachgoers without vehicles.

MOTION: Mayor Pro Tem Siers made a motion to adopt the four (4) resolutions authorizing Fall 2025 Fishing Tournaments for the Nags Head Surf Fishing Club, the Fraternal Order of Eagles, the Outer Banks Association of Realtors, and the Bodacious Babes as presented. The motion was seconded by Comr. Lambert, 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 15-17, 2025; 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, 2025, 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. The tournament is to be held Wednesday, Thursday, and Friday, October 15, 16, and 17, 2025. An additional 20 permits are authorized to be issued to tournament judges/officials – for a total of 260 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 2025 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 25, 2025; 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 8, 2025, 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 two (2) 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 25, 2025. 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 25, 2025. 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 2025 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 3, 2025; 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 9, 2025, 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 3, 2025. 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 3, 2025. 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 2025 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."

Bodacious Babes

"WHEREAS, Bodacious Babes, is sponsoring its Charity Surf Fishing Tournament October 4, 2025; AND

'WHEREAS, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, Bodacious Babes submitted a request on June 2, 2025, for the Town of Nags Head to issue short-term beach driving permits to Bodacious Babes, to be distributed to participants in its 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 Bodacious Babes Charity Surf Fishing Tournament this year.

'BE IT FURTHER RESOLVED as follows: The Town Clerk is authorized to issue up to 36 short-term beach driving permits to each single participant in the Bodacious Babes Tournament to be distributed to the entrants participating in its Surf Fishing Tournament. The tournament is to be held on Saturday, October 4, 2025. Tournament officials are requesting a total of 40 short-term permits which includes 4 permits for judges. These special permits will only be valid for Saturday, October 4, 2025.

'Bodacious Babes, is responsible for the distribution of all short-term beach driving permits for the 2025 Bodacious Babes Charity Surf Fishing Tournament. No individual short-term permits for the tournament will be issued by Staff.

'The name of the entrant 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 Bodacious Babes.

'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 entrant. 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 Amendment to Traffic Control Map re: *No Parking Between Signs - Tow Away Zone* on Wrightsville Ave

Police Chief Hale presented this item and the summary sheet read in part as follows:

"To help with congestion and visibility for those traveling on Wrightsville Ave. from E. Driftwood Street north, I am requesting "*No Parking Between Signs - Tow Away Zone*" signs be extended from the current area which begins at 2229 S. Wrightsville Ave. south to E. Driftwood Street on the east side of the roadway. I have met property owners in this area who have requested the extension due to damage and visibility when traveling north in this area. Parking has increased in the area due to the restaurant's small parking lot.

'Police Chief: To maintain proper sight distance—and after speaking with property owners regarding the current congestion caused by numerous vehicles parking in this area due to the new restaurant—I recommend extending the existing 'No Parking' signs down to E. Driftwood St.

'Adopt an ordinance to amend the TCM extending the *No Parking Between Signs - Tow Away Zone* on Wrightsville Ave. south to E. Driftwood St. on the east side of Wrightsville Ave."



Chief Hale has met with the business owner, who is aware of the proposed change and is seeking alternative parking solutions through property acquisition.

MOTION: Mayor Pro Tem Siers moved to adopt the ordinance to amend the TCM extending the *No Parking Between Signs - Tow Away Zone* from 2229 S. Wrightsville Ave. south to E. Driftwood St. on the east side of Wrightsville Ave. The motion was seconded by Comr. Lambert, which passed unanimously.

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

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Lauren Arizaga-Womble reported that there were no items to present.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Financial Update

Deputy Town Manager/Finance Officer, Amy Miller provided a financial update to the Board, the summary sheet read in part as follows:

"At the August 6, 2025 Board of Commissioners meeting, Deputy Town Manager/Finance Officer, Amy Miller, will provide a financial update to the Board.

'As a follow-up from the budget workshops, an update on shared revenues (sales, occupancy, land transfer taxes) is included. For these three taxes, we are projected to be approximately \$430,000 under budget. June figures for sales and occupancy taxes are not available, so that number will likely change. Land transfer tax revenue totaled \$1.158 million for FY 25, \$58,000 over budget and 15% higher than the previous fiscal year. The potential revenue shortfall for occupancy and sales taxes will be partially offset by utility sales tax, anticipated to be over \$200,000 over budget, at \$950,000. This is close to \$100,000 higher than FY 24. Keep in mind the quarter ending June 30 revenue has not yet been distributed, so this number is also a projection.

'Thanks to the continuation of our historically high tax collection rate, ad valorem taxes were collected almost \$65,000 over budget. We also had some unanticipated revenue that AT&T paid us almost \$47,000 in what they are calling back rent through FY 25. We did not budget for this revenue in the general fund, so that also adds to our fund balance.

'During the budget process we discussed reducing the fund balance appropriation for FY 26. The Board did that, which will add back about \$350,000 to our unassigned fund balance.

'We also mentioned interest income. Recording our investments at fair market value, over all the funds we will see a fair market value gain of over \$1 million. Last year our total fair market value gain was under \$700,000. We do not budget for any fair market value gain. As far as budgeted regular interest income, in the general fund we are over \$100,000 beyond our budget projection.

'We will see another savings from tipping fees. Even though we continue to see higher tipping fee tonnage costs, our tipping fees for the year came in over \$80,000 under budget, at \$800,000. This is almost exactly the same amount as FY 24. We were able to budget tipping fees at \$830,000 in FY 26 in line with this pattern, recognizing that tipping and C&D fees are increasing this fiscal year.

'We anticipate water utility sales to be \$20-25,000 short of the budget. We have not done the accrual yet because those numbers are not available, so that will likely change. Our wholesale water rate decreased from \$2.202 to \$2.109 per 1,000 gallons this year, and even though we owed Dare County about \$50,000 when they did the water rate reconciliation in December, we actually paid less money to Dare County in FY 25, which was a \$25,000 savings compared to FY 24. When looking at revenues and the amount of water purchased, I believe smart meters are doing their job in detecting leaks and proactively conserving water.

'Based on the information provided herein, the revenue shortfall identified from last year's budget is looking a little better for shared revenues than what we originally anticipated, and combined with other financial activity, we are confident that we will stay very close to our fund balance maximum. We are not yet in a position to give an exact percentage because we are still waiting for year-end accruals and June revenues as those are some of the biggest months for sales and occupancy taxes. We appreciate the Board's confidence and support and staff are available to answer any questions.

'Moving forward, we will provide a financial update to the Board on a quarterly basis. This will allow the Board to have a better understanding throughout the year of where we stand and make adjustments, if necessary, before the entire year has passed."

Ms. Miller noted that updated numbers have not been received since she wrote the memo and that the adopted CIP, adopted budget, and the budget in brief are on our website.

The Board thanked Amy for her efforts and Mayor Cahoon recognized that we have maintained a high tax collection rate despite the change in staff.

Manager Garman shared the budget in brief document and noted that quarterly updates would be provided to the Board to allow for adjustments throughout the year.

Ocean Rescue Housing Update

Town Manager Garman and Town Engineer Ryan provided an update on the Ocean Rescue housing project, which is nearing completion.

Engineer Ryan presented recent photos showing the progress on the building, including:

- Completed exterior work and partial landscaping
- Installation of pavers around the entranceways
- Installed kitchen cabinets, sinks, and countertops
- Ongoing bathroom tiling

Engineer Ryan reported that appliances are expected to be delivered in the first week of August, with minor finishing work remaining for electrical, HVAC, and plumbing. The contract substantial completion date is August 28th, but the contractor expects to obtain a Certificate of Occupancy within the next two weeks, ahead of schedule. The town will be purchasing furnishings separately.

The Board thanked David for his efforts.

Discussion of Park Use Policies and Crowd Gathering Permits

Town Manager Garman discussed Park Use Policies and Crowd Gathering Permits. The summary sheet read in part as follows:

"At the August 6, 2025 Board of Commissioners meeting, Town Manager, Andy Garman, will discuss Park Use Policies and Crowd Gathering Permits. In the coming months, we will be recommending that the Town update its ordinances related to crowd gatherings and group demonstrations. This is partially due to our observations where certain events have had a much greater impact on the Town than the specific activities that were permitted. An example would be an event that is permitted on a Saturday and the participants plan other side events and gatherings over the course of the weekend, which were not approved. In some cases, these events have resulted in activities that inherently violate the Town Code or other state laws (i.e. noise and traffic laws) and may also impact private property owners. In these cases, event organizers, despite their best efforts, have had little control over organized groups and individuals who come for the events.

"We would like to research and prepare recommendations for revised ordinances/policies by the end of the calendar year, in order to communicate new procedures and any policy changes to event holders for events that may be held in Spring or Summer of 2026. This may also include revised fees for crowd gathering permits and/or events that demand greater resources from the Town."

Town Manager Andy Garman informed the Board of the necessity to review and modernize Chapter 4 of the town code, which pertains to crowd gathering permits and public gatherings. He highlighted the importance of aligning the ordinance with current practices due to challenges with some permitted events. Dowdy Park is already operating at full capacity for town-sponsored events, yet there is an increasing demand from various organizations wishing to utilize it for additional events. Large events strain local resources, including law enforcement and public services. Our current \$100 permit fee fails to offset associated costs. Staff will assess the ordinance, internal processes, resources needed, and park policies, with the aim of concluding the review process by year-end for execution by 2026.

Mayor Cahoon asked if the Visitors Bureau would be involved in discussions about changes that might affect the event site. Garman confirmed they would be included since they are frequent permit applicants and need to be aware of how their events impact town resources.

Mayor Cahoon also inquired about an update on Whalebone Park's progress. Manger Garman acknowledged that

Public Works Director Carawan has been working diligently on the project, which is nearing completion. The flood-proofing is the last piece, which is awaiting custom-fabricated parts.

It was Board consensus that we examine our ordinances/policies related to crowd gatherings and the use of town facilities for events. Revisions for review/approval will be brought to the November BOC meeting to provide adequate notice to potential event organizers for the 2026 season.

BOARD OF COMMISSIONERS AGENDA

Comr. Sanders – Noted all the positive initiatives happening in town such as the Dark Sky program, the Septic Health Initiative being used as a model for other communities, workforce housing, and the many events at Dowdy Park. He expressed gratitude to the town staff for their hard work and dedication in making these initiatives a success for Nags Head residents and visitors alike.

Mayor Pro Tem Siers – Suggested that with the growing number of park events, the town might need to consider developing a dedicated parks division. He praised staff for accomplishing so much with limited resources.

Comr. Lambert – Agreed with Comr. Sanders and Mayor Pro Tem Siers and thanked everyone involved in ensuring a safe July 4th celebration, particularly emergency services staff.

Mayor Cahoon - Echoed the above sentiments and noted that he receives compliments from other mayors about the appearance of Nags Head and the town's initiatives.

OTHER BUSINESS

Manager Garman introduced Public Information Officer Roberta Thuman who shared one of six social media reels with the Board in recognition of National Water Quality month. These reels support the environmental goals outlined in the Town’s Strategic Plan, specifically addressing the threats to water quality in Nags Head.

The Board complemented the video.

ADJOURNMENT

MOTION: Mayor Pro Tem Siers moved to adjourn. The motion was seconded by Comr. Sanders, which passed unanimously. The time was 10:01 a.m.

Date Approved: September 3, 2025

Mayor: _____

Brittany A. Phillips, Town Clerk