MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
WEDNESDAY, NOVEMBER 5, 2025

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, November 5, 2025 at 9:00 a.m. 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 John Leidy; Amy Miller; Kelly Wyatt; David Ryan; Perry Hale; Randy Wells; Chris Montgomery; Nancy Carawan; Joe Costello; Roberta Thuman; Karen Snyder; Shane Hite; Katie Anzalone; Conner Twiddy; Rich Miles; Mike Tatterson; Trey Simmons; Stephen Panaro; Kevin O'Barr; Chris Day; Steven Saunders; Eddie Williams; Keith Sawyer; Will Roepcke; AJ Christ; Tanner Mann; Jan Mielke; Bob Muller; Megan Vaughan; Mark Kasten; John Delucia; Corey Scott; Jackie Hart; Paulette Mathews; Christian Aguirre; Michael Alvarez; Steven Anderson; Matthew Swain; Diego Dayan; Donnie Davis; Molly Harrison; Jerry Celedonia; Mary Celedonia; Mary Pittenger; Samantha Simmons; Thomas Price; David Bowden; Abby Miles; Lynne Miles; Aaron McCall; Chad Motz; Ralph Buxton; Chris Greening; and Town Clerk Brittany A. Phillips

Mayor Cahoon called the meeting to order at 09:00 a.m. and then recognized former mayor Bob Muller. A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA
MOTION: Mayor Pro Tem Siers moved to amend and to approve the November 5th agenda as amended, moving the Nags Head Woods Annual Report and OSHA SHARP Award presentations to follow the new employee recognition and to precede the years of service recognition. The motion was seconded by Comr. Sanders, which passed unanimously.

RECOGNITION
NEW EMPLOYEE – Deputy Town Manager/Finance Officer Amy Miller introduced Deputy Finance Director Stephen Panaro, who was welcomed by the Board to Town employment.

PRESENTATION – Nags Head Woods Annual Report – Aaron McCall, Northeast Land Steward
Steward McCall presented a PowerPoint presentation of the Nags Head Woods Annual Report. He expressed appreciation for the conservation easements secured by the Town of Nags Head and the Town of Kill Devil Hills. Steward McCall's presentation was well received by the Board, who thanked Mr. McCall for his work at the Woods.

His slides are attached to and made a part of these minutes as shown in Addendum "A".

PRESENTATION – OSHA Safety & Health Achievement Recognition Program (SHARP) Award – Kevin O'Barr, NC Department of Labor Bureau Chief of Consultative Services
Deputy Fire Chief Shane Hite spoke to the Board about our Safety Committee and noted that we invite the Department of Labor to the Town annually to do site inspections, look at our injury rates, and to give guidance on making the Town of Nags Head a safer and better workplace.

Mr. O'Barr discussed the SHARP safety program and presented plaques to the Department Heads for Fire Station 16, Fire Station 21, and Public Services Administration.

TWENTY YEARS – Town Manager Andy Garman introduced Planning & Development Director Kelly Wyatt, who was recognized by the Board for twenty years of service.

PRESENTATION – Earl Murray Jr. 2025 Employee of the Year Nominees were presented by Dept Heads:
- IT Administrator Karen Snyder was introduced by Amy Miller.
- Environmental Planner Conner Twiddy was introduced by Kelly Wyatt.
- Facilities Maintenance Crew Leader Rich Miles was introduced by Nancy Carawan.

- Police Officer First Class Mike Tatterson was introduced by Perry Hale.
- Fire Lieutenant Trey Simmons was introduced by Randy Wells.

Mayor Cahoon spoke very favorably about Nags Head's employees, stating that they serve with passion, sincerity, and longevity.

CLOSED SESSION
MOTION: Mayor Pro Tem Siers moved to recess for photographs and then to enter Closed Session to consider an honorarium pursuant to GS 143-318.11(a)(2). The motion was seconded by Comr. Sanders, which passed unanimously. The time was 9:55 a.m.

OPEN SESSION
The Board re-entered Open Session at 10:07 a.m.

On behalf of the Board, Mayor Cahoon announced Conner Twiddy as the Earl Murray Jr. Employee of the Year for 2025.

PUBLIC COMMENT
Town Attorney John Leidy opened Public Comment at 10:10 a.m.

Bob Muller – Nags Head resident and former mayor – praised the Town's exceptional employees and community spirit and then highlighted the current issue with the temporary halt in nutrition assistance (SNAP) payments. He urged the Board to lead by example and proposed that the town contribute $1,000 per week to support local food assistance programs such as the Beach Food Pantry or Albemarle Food Bank until SNAP benefits are restored.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 10:13 a.m.

CONSENT AGENDA
The Consent Agenda consisted of the following items:
- Consideration of Budget Amendment #3 to FY 25/26 Budget
- Consideration of Tax Adjustment Report
- Approval of Minutes
- Consideration of Waiver of Cycle Eight Late Fees and Amendment to Town Code Sec 44-35 re: Payment of Bills
- Consideration of Banking Service Officials Resolution
- Consideration of Capital Project Ordinance Amendment #10
  - S. Old Oregon Inlet Road Stormwater Improvements Project Areas 12/13
- Request for Public Hearing to Consider Text Amendments to the Flood Damage Prevention Section within the Unified Development Ordinance to Revise the Town's Elevation Standards Related to Required Freeboard.
- Request for Public Hearing to Consider a Vested Right/Special Use Permit/Site Plan Amendment submitted by Albemarle & Associates, Ltd. on Behalf of Nags Head Church for Expansion of the Parking Lot

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

Budget Amendment #3, as approved, is attached to and made a part of these minutes as shown in Addendum "B".

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

The minutes from the October 1, 2025, Regular Session were approved by the Board and are on file in the Town Clerk's office and on the Town's website.

The summary sheet for the Consideration of Waiver of Cycle Eight Late Fees and the amendment to Town Code Sec 44-35, as approved, read in part as follows:
"At the November 5, 2025 Board of Commissioners meeting, request Board consideration of waiving late fees for cycle eight water bills mailed through the U.S. Postal Service on September 10, 2025, and approval of an amendment to Town Code Sec. 44-35 re: Payment of Bills that will provide for the town manager to use discretion to approve waiving late fees for water bills.

'On Monday, October 6th, we made a Facebook post about the significant number of water bills that have been returned through the mail, even when the addresses were correct. After speaking with the postal service, we learned this was an issue at their sorting center. We have received several calls, comments, and requests to waive late fees and non-payment penalties. The late bills were mailed on October 6th, and we have 126 accounts with late fees, which is extremely high.

'You may recall this was done previously during COVID when we were having similar issues with the mail service. This ordinance change will give the Town Manager the discretion of waiving late payment fees in extreme circumstances beyond the Town's control in general. In most cases, circumstances that would warrant a waiver, such as mail delays, cannot be anticipated and do not align with Board approval. This type of decision needs to be made with a sense of urgency and on a timeline in order to remediate customer concerns. This would allow for an elevated level of customer service in a timely matter. Additionally, when a late payment fee is waived due to this type of circumstance, it would not count against a one-time allowance every three years to have a customer's late fee waived.

'Recommend waiving late fees for cycle eight water bills and approving Town Code amendment."

The ordinance amending Town Code Sec 44-35, as adopted, is attached to and made a part of these minutes as shown in Addendum "D".

<u>The Resolution Updating the Banking Service Officials, as adopted, read in part as follows:</u>
"BE IT RESOLVED by the Town of Nags Head Board of Commissioners that Southern Bank be, and hereby is, designated as a depository institution for the Town of Nags Head and that funds so deposited may be withdrawn upon a check, draft, note or order of the Town of Nags Head, AND

'BE IT FURTHER RESOLVED that all checks, drafts, notes or orders drawn against said account be signed by any one of the following:

- AMY MILLER, DEPUTY TOWN MANAGER/FINANCE OFFICER; and countersigned by any one of the following:
- STEPHEN PANARO, DEPUTY FINANCE DIRECTOR;
- BENJAMIN CAHOON, MAYOR;
- ANDY GARMAN, TOWN MANAGER;
- BRITTANY PHILLIPS, TOWN CLERK;

'whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed, AND

'BE IT FURTHER RESOLVED that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn whether such checks, drafts, notes or orders be payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the certificate of the Finance Officer or Town Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank."

The Capital Project Ordinance Amendment #10, as adopted, is attached to and made a part of these minutes as shown in Addendum "E".

<u>The summary sheet for the Request for Public Hearing to Consider Text Amendments to the Flood Damage Prevention Section within the Unified Development Ordinance to Revise the Town's Elevation Standards Related to Required Freeboard, as approved, read in part as follows:</u>
"In response to comments received during the Town of Nags Head's 2024 Community Rating System (CRS) audit, and in coordination with the North Carolina Eastern Branch National Flood Insurance Program (NFIP) Coordinator, planning staff are requesting consideration of text amendments to Section 11.42, Flood Damage Prevention, of the Unified Development Ordinance (UDO) and associated definitions. The purpose of these amendments is to clarify the requirement for one foot of "freeboard" town-wide and to align the ordinance with the current NFIP model flood ordinance.

'The proposed amendments will ensure consistency within the Flood Damage Prevention Ordinance and its related definitions. Upon recommendation by the Planning Board and adoption by the Board of Commissioners, the ordinance will be fully aligned with NFIP and CRS guidance. This will allow the Town to continue maximizing its CRS score, resulting in discounted NFIP flood insurance premiums. Adoption of these amendments further demonstrates the Town's commitment to higher regulatory standards that protect life and property, reduce flood-related damages and insurance claims, and maintain community-wide flood insurance discounts through continued participation in the CRS program.

'STAFF RECOMMENDATION
Planning staff find the proposed text amendments to be consistent with the 2022 Comprehensive Land Use Plan and recommend adoption of the amendments as presented.

'PLANNING BOARD RECOMMENDATION
At their October 21, 2025 meeting, the Planning Board voted unanimously to recommend adoption of the proposed text amendments as presented.

'Consider scheduling the Public Hearing for this proposed text amendment at the Board of Commissioners December 3rd, 2025 meeting."
<u>The summary sheet for the Request for Public Hearing to Consider a Vested Right/Special Use Permit/Site Plan</u>

Amendment submitted by Albemarle & Associates, Ltd. on Behalf of Nags Head Church for Expansion of the Parking Lot, as approved, read in part as follows:
"Albemarle & Associates, Ltd., on behalf of Nags Head Church, Inc., has submitted a Vested Right / Special Use Permit / Site Plan Amendment request for the expansion of the church's parking lot and the relocation of an existing storage shed. The property, located at 105 W. Soundside Road, is zoned R-2, Medium Density Residential. Within the R-2 district, "Religious Complex" is classified as a Special Use and subject to the supplemental regulations in Unified Development Ordinance Section 7.45.

'In accordance with UDO Section 4.5, Major Site Plan applications require Planning Board review and a recommendation to the Board of Commissioners for final approval. A Major Site Plan includes any development scope exceeding administrative approval thresholds for a Minor Site Plan, as defined in UDO Section 4.4. the proposed improvements include an increase in overall lot coverage of approximately 18,300 square feet (from 16.5% to 22.9%) to accommodate 42 additional parking spaces and associated stormwater management. This request was first approved by the Board of Commissioners in March 2023; however, that approval has since expired and the applicant is now seeking renewed authorization.

'**STAFF RECOMMENDATION**
Based upon staff's review of the proposal, staff recommends approval of the Vested Right/Special Use Permit/Site Plan Amendment as presented. Staff would note that efforts should be made to preserve as much existing, mature vegetation as possible, especially Live Oaks, the Town Tree.

'**PLANNING BOARD RECOMMENDATION**
At their October 21, 2025, meeting, the Planning Board voted unanimously to recommend approval of the proposed Vested Right/Special Use Permit/Site Plan Amendment as submitted.

'Consider scheduling the Public Hearing for this Vested Right/Special Use Permit/Site Plan Amendment for the Board of Commissioner's December 3rd, 2025 meeting."

PUBLIC HEARINGS
Public Hearing to Consider Proposed Text amendments to the Unified Development Ordinance Related to the Town's Crowd Gathering Permit Process

Notice of the Public Hearing was published in the Coastland Times on Sunday, October 26, 2025 and on Sunday, November 2, 2025 as required by law.

Attorney John Leidy opened the Public Hearing at 10:13 a.m.

Planning Director Kelly Wyatt summarized her report which read in part as follows:
"At the August 6, 2025, Board of Commissioners meeting, Town Manager Andy Garman reported that staff is evaluating revisions to Chapter 4 of the Town Code pertaining to Crowd Gatherings, Pickets, Parades, Outdoor Amusements, and Demonstrations. This review is driven by increasing demand for the use of Town facilities, particularly Dowdy Park and the Soundside Event Site, and staff observations that some permitted events tend to spawn additional side gatherings, outside the primary event, and produce unintended secondary impacts (e.g., noise, parking, traffic, and trespassing). Despite the best efforts of event organizers, they often times have limited control over the individuals or groups attending their events. The Board directed staff to complete a comprehensive ordinance update for implementation in 2026 and provide adequate notice for potential 2026 event organizers.

'Although most revisions to Chapter 4 can be adopted directly by the Board under the Town's general police powers, two related provisions are also contained in the Unified Development Ordinance (UDO). As legislative amendments, these items must follow the state-mandated process, including Planning Board review and recommendation, a public hearing, and Board of Commissioners adoption accompanied by a statement of consistency.

'The UDO currently includes a use titled "Designated Public Events Site" with supplemental standards in Section 7.58. This terminology was originally intended to apply only to the Soundside Event Site; however, the language is ambiguous, and submittal requirements for events being held at the Designated Public Events Site in the UDO do not align with permitting timelines in Chapter 4 for Crowd Gathering Activities.

'The proposed text amendment would:

- Clarify that the Soundside Event Site is the only location classified as a Designated Public Events Site.
- Align UDO application deadlines with those in Chapter 4 to ensure consistent requirements for events subject to both review processes. It should be noted that large events at the Soundside Event Site already go through the existing Crowd Gathering Permit process; this amendment simply ensures consistency between the UDO and the Town Code.

These clarifications will hopefully improve predictability for organizers and enhance the Town's ability to manage event-related impacts.

'During its review, staff identified outdated or duplicative language in Chapter 4 that has been superseded by the Unified Development Ordinance. To avoid inconsistencies and redundancy, staff recommends:

- Eliminating Article I (Sections 4-1 through 4-5) - these provisions are no longer needed, and the definitions are already fully included in UDO Appendix A.4. (Article I is attached for review)
- Preserving Hours of Operation - existing commercial outdoor amusement uses already comply, but to retain this standard, staff proposes incorporating the current provision of Section 4-2(a) into the UDO definition of "Outdoor place of amusement and entertainment."
- Updating the definition of "Place of amusement and entertainment" - removing the outdated list of enumerated uses (e.g., "beer halls, nightclubs") and keeping a generalized, modern description consistent with how permitted uses are regulated in the Table of Uses and Activities.

'These amendments will create a cleaner, more consistent regulatory framework without changing what uses are permitted.

'Staff will also be presenting the broader Chapter 4 amendments that do not require a public hearing at the November 5th, 2025 Board of Commissioners for consideration as well.

'If the Board is prepared to adopt the proposed UDO text amendments following the public hearing, a required Statement of Consistency (Appendix A) has been included for reference.

'STAFF RECOMMENDATION
Planning staff recommends adoption of the proposed text amendments as presented.

'PLANNING BOARD RECOMMENDATION
At their September 16, 2025, meeting, the Planning Board voted unanimously to recommend adoption of the proposed text amendments as presented."

Mayor Cahoon sought clarification that this was a cleanup of definitions without changing the operation of the current event site but noted that activities on the site could potentially be affected by whatever the Board later adopts regarding Chapter 4. Director Wyatt confirmed this was correct.

MOTION: Comr. Sanders moved to adopt the ordinance amending the UDO regarding Designated Public Event Sites and to align with Chapter 4 of the Town Code as presented along with the statement of consistency. 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 "F".

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, November 5, 2025.

'Monthly Activity Report
Attached for the Board's review is the Planning and Development Monthly Report for September 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 October:

- Wednesday, October 1st — Board of Commissioners Meeting
- Thursday, October 2nd — Septic Repair Contractor Workshop, 5:30–6:30pm in Board Room
- Friday, October 3rd - Movie in the Park, Hocus Pocus at 7pm
- Tuesday, October 7th — Technical Review Committee Meeting
- Thursday, October 9th — Board of Adjustment Meeting (no hearings at this time)
- Monday, October 13th — Septic Health Advisory Committee (SHAC) Meeting
- Monday, October 13th — Sand Relocation Contractor Workshop, 5:30–6:30pm in Board Room
- Wednesday, October 15th — Board of Commissioners Mid-Month (if scheduled)
- Tuesday, October 21st — Planning Board Meeting

'Planning Board — Pending Applications and Discussions

'The Planning Board's most recent meeting was held on Tuesday, October 21st, 2025. The following items were on the agenda:

- A Special Use/Site Plan Amendment was submitted by Albemarle & Associates, Ltd. on behalf of Nags Head

Church for the expansion of the existing parking lot located at 105 W. Soundside Road in the R-2, Medium Density Residential zoning district. The Planning Board voted unanimously to recommend approval of the request as presented. This item has been placed on the Board of Commissioners' November 5, 2025 Consent Agenda to schedule a Public Hearing for the December 3, 2025 meeting.

- A Site Plan Amendment was submitted by Albemarle & Associates, Ltd. on behalf of Coastal Bluewater Capital, LLC and TW's Outdoor Outfitters for the expansion of storage space between the existing retail store and existing storage building located at 2230 S. Croatan Highway in the C-2, General Commercial zoning district. The Planning Board voted unanimously to recommend approval of the request as presented, noting that lot recombination will be required prior to issuance of any development permits.

- A Site Plan Amendment was submitted by Albemarle & Associates, Ltd. on behalf of Golasa Holdings and Outer Banks Sports Club for the expansion of the existing fitness facility to include a two-story addition, outdoor gym area, and tennis court located at 2423 S. Croatan Highway in the C-2, General Commercial zoning district. The Planning Board voted unanimously to recommend approval of the request as presented.

- The Planning Board initiated and considered text amendments to the Unified Development Ordinance and Flood Damage Prevention Ordinance to revise and clarify the Town's elevation standards and required freeboard. The Planning Board voted unanimously to recommend adoption of the proposed text amendments as presented.

'The next Planning Board meeting is scheduled for Tuesday, November 18, 2025. At this time, no new applications have been submitted for review. Staff will continue advancing discussions related to multi-family housing opportunities on existing commercially developed sites, as well as ongoing discussions regarding the Commercial Outdoor Recreation Overlay District.

'Board of Adjustment – Recent and Pending Applications - There were no items for the Board of Adjustment's consideration in October 2025.

'Additional Updates

- <u>DWMP/Septic Health Advisory Committee</u> — The SHAC met on October 13, 2025. Isabelle Pala, an intern with UNC's Outer Banks Field Site Program, briefed the committee on her work developing refreshed social media content for the Septic Health Initiative and additional outreach tools (townwide letters and door hangers). Environmental Planner Conner Twiddy reported that since July 2025, the program has completed 34 inspections, processed two low-interest septic repair loans, and issued 35 water credits. Following the meeting, inspections increased notably—likely driven by two townwide mailers (the CRS mailing and the Nags Head Lines newsletter coordinated by PIO, Roberta Thuman). Conner also updated committee members on an October 2nd contractor workshop to gauge participation in the Division of Water Infrastructure no-interest septic loan program, anticipated for rollout to high-risk properties in early 2026; seven local contractors attended and all expressed interest and comfort with Davis-Bacon and American Iron and Steel compliance. On October 27th and 28th in Beaufort, NC, Conner and Town Engineer David Ryan presented at the Coastal Carolina Riverwatch Water Quality for Fisheries Symposium in a session on Wastewater Systems, Septic Failures, and Public Health, highlighting the Town's initiatives. Attendees were engaged and complimentary of the Todd D. Krafft Septic Health Program.

- <u>Estuarine Shoreline Management Plan</u> — While much of the work this month has taken place behind the scenes, staff continue to make progress on implementation of the Estuarine Shoreline Management Plan (ESMP). Current efforts are focused on identifying a local environmental consultant to assist with future community engagement for the two priority project areas—Nags Head Woods Road and Soundside Road. At its October 16th meeting, the Dare County Tourism Board voted to move forward with the latest revised design for the Harvey Soundside Site, which incorporates a rock structure and several elements discussed during the stakeholder meeting. This represents a positive step toward advancing an implementable project that aligns with the broader objectives of the ESMP. Staff anticipate providing additional details and a more comprehensive update at the Board's December 3rd meeting.

- <u>Sand Relocation and Dune Management Cost Share Program</u> – Staff are preparing for the upcoming Sand Relocation season which will begin on November 17th, 2025. We will begin accepting applications for sand relocation on November 1st for review purposes only.

- <u>Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture</u> — The Committee for Art and Culture will meet next on November 12th. The two-hour application period for the Dowdy Park Holiday Markets opened on Wednesday, October 15th, from 8:00–10:00 a.m. The Town received 107 applications, and while we would have loved to accommodate everyone, approximately 50 vendors were accepted based on several factors: commitment to attend all three markets, possession of a valid Tax ID number, uniqueness within their product category, proximity to or residency in Nags Head, and the application time stamp. All applicants have now been notified regarding their acceptance into the 2025 Dowdy Park Holiday Market series. The Holiday Markets will be held on Saturdays, November 8th, November 29th, and December 13th, from 9:00 a.m. to noon.

Event Coordinator Paige Griffin and the Art and Culture Committee have been busy preparing an exciting evening for the Tree Lighting Ceremony, held on the evening of November 29th. This year's event will feature enhanced park lighting, including new decorated areas, and live music from Manteo High School music students, who will help set the festive mood as the community awaits the arrival of Santa Claus.

Tuesday Morning Yoga has wrapped up for the season, but the Town will host a Movie Night at Dowdy Park on November 7th to round out the fall programming schedule.

'Upcoming Meetings and Other Dates

- Tuesday, November 4th - Technical Review Committee Meeting
- Wednesday, November 5th — Board of Commissioners Meeting
- Friday, November 7th - Movie in the Park, TBD, begins at dusk
- Wednesday, November 12th — Committee for Art and Culture Meeting
- Thursday, November 13th — Board of Adjustment Meeting (no hearings at this time)
- Tuesday, November 18th - Planning Board Meeting
- Wednesday, November 19th — Board of Commissioners Mid-Month (if scheduled)"

The Board thanked Director Wyatt for her efforts.

<u>Consideration of a Site Plan Amendment Submitted by Albemarle & Associates, Ltd. on Behalf of Coastal Bluewater Capital, LLC and TW's Outdoor Outfitters for Expansion of Storage Space</u>
Planning Director Kelly Wyatt summarized her report which read in part as follows:
"<u>General Information</u>
'<u>Applicant:</u> Albemarle & Associates, Ltd. on behalf of Coastal Bluewater Capital, LLC and TW's Outdoor Outfitters.

'<u>Application Type:</u> Site Plan Amendment.

'<u>Purpose/Request:</u> Construction of 4,774 square feet of additional storage space between the existing retail store and the existing storage building.

'<u>Property Location:</u> 2230 S. Croatan Highway, Nags Head.

'<u>Existing Land Use:</u> Retail (TW's Bait and Tackle).

'<u>Zoning Classification of Property:</u> C-2, General Commercial Zoning District.

'<u>Zoning Classification of Surrounding Properties:</u> Property to the north, directly across Satterfield Landing Road, is zoned C-2, General Commercial and developed commercially (Outer Banks Professional Center/OBX Bowling). Property to the south is zoned C-2, General Commercial and developed commercially (Plaza del Sol Shopping Center). Property to the west is zoned C-2, General Retail and is currently vacant. Property to the east, directly across US Highway 158 is zoned C-2, General Commercial and is developed commercially (Beach Mart Office).

'<u>Flood Hazard Zone of Property:</u> Property is located in an X Flood Zone. Per the Town of Nags Head local ordinance, the property is subject to an Regulatory Flood Protection Elevation (RRPE)/Local Elevation Standard (LES) 9 feet. The proposed first floor of habitable space must be elevated above the 9-foot RFPE. An Under Construction and Final Elevation Certificate will be required to ensure compliance.

'<u>Land Use Plan Map/Policies:</u> The 2022 CAMA Land Use Plan/Comprehensive Plan Future Land Use Map classifies this property as General Commercial. This proposal is consistent with this land use classification and stated Land Use Policies.

'<u>Specific Information:</u>

'<u>Applicable Zoning Regulations:</u>

'<u>Use Regulations:</u> Section 6.6, Table of Uses and Activities, lists "General Retail" as a Permitted Use within the C-2, General Commercial Zoning District. Per Section 4.5 of the UDO, Major Site Plans require Board of Commissioners approval following Planning Board review and recommendation. A Major Site Plan includes any scope of work that exceeds the thresholds for administrative approval as a Minor Site Plan, as outlined in Section 4.4. Because the proposal includes 4,774 square feet of new habitable area and more than 3,500 square feet of additional lot coverage, it qualifies as a Major Site Plan Amendment.

'Appendix A.4 of the UDO defines General Retail as establishments providing goods directly to the consumer for immediate purchase and removal. The existing principal retail use (TW's Bait and Tackle) consists of 9,072 square feet. Existing accessory storage totals 4,250 square feet. The proposed 4,774-square-foot addition brings the total accessory storage area to 9,024 square feet.

'In addition, Appendix A.4 defines an accessory structure/use as one that:
- Is incidental and customarily found with the principal use;
- Is subordinate to and serves the principal use;
- Is subordinate in area, extent, or purpose;
- Contributes to the needs or convenience of the principal use; and

'Although the total accessory storage area is nearly equal to the principal use (but technically subordinate), the applicant has indicated that the proposed addition is incidental and subordinate in extent and purpose and functions solely to support the principal retail operation. Given that accessory uses are evaluated on both function and relationship to the principal use, the request appears to meet the definition of an accessory use/structure as provided in the UDO.

'Lot Coverage: The C-2, General Commercial Zoning District allows a maximum lot coverage of 55% of the total lot area. Compliance with this standard can only be achieved by combining the subject lot with the adjacent lot to the west, which is under the same ownership. When combined, the proposed development would result in 34% lot coverage. Accordingly, if this Site Plan Amendment is approved, no permits will be issued until the shared lot line is vacated and a recombination plat is filed and recorded with the Dare County Register of Deeds.

'Height: The maximum allowable building height within the Town is 35 feet. However, pursuant to Section 8.2.1, Dimensional requirements, total height may be increased to 42 feet with the use of an 8:12 roof pitch or greater. The applicant has proposed a structure with an overall height of approximately 30 feet measured from grade. Therefore, height is compliant.

'Architecture Design Standards: Section 10.82 of the UDO states that Commercial Design Standards apply to all building construction or remodeling projects requiring a special use permit or site plan review. When the principal retail building was originally approved in November 2005, it was required to obtain 100 architectural design points in accordance with the standards in effect at that time. The building achieved the required points using elements from the Residential Architectural Design Guidelines, including extensive porches, gable brackets, a watchtower feature, column trim, and double-hung windows.

'Under the current UDO, compliance with commercial design standards may be achieved in one of two ways:
1. Earning 150 architectural design points using the Town of Nags Head Residential Design Guidelines, or
2. Meeting the standards in Article 10, Part VI, Commercial Design Standards, Division II, Building Design.

'Because the required number of design points has increased from 100 to 150, the existing structure is considered architecturally nonconforming. Pursuant to Section 5.3, Nonconforming Structure with Conforming Use, a nonconforming structure may not be enlarged in a manner that increases the degree of nonconformity. To address this, the applicant has incorporated additional architectural elements along the north elevation of the proposed addition to ensure the building continues to meet at least the originally required 100 design points.

'The architectural renderings show the existing porch being extended approximately 55 linear feet along the north elevation, with matching column trim and consistent detailing that replicate the character of the original structure. With these features, the project maintains visual continuity and exceeds 100 architectural design points, ensuring there is no increase in the degree of nonconformity and the project remains compliant.

'Parking: The Unified Development Ordinance does not require that accessory structures and uses provide additional parking. A compliant accessory structure and use serves the patrons and is for the convenience of the principal use. Parking for the principal use remains compliant. Therefore, no additional parking is required. Please note that the proposed Site Plan Amendment does depict the existing onsite parking being re-striped to the recently approved parking stall width of 9-feet.

'Buffering/Landscaping: No additional buffering or landscaping is required as part of this scope of work. However, any existing required landscaping or buffer areas that are damaged or disturbed during construction must be repaired, replaced, and restored to compliance.

'Lighting: No change in parking lot lighting is proposed with this request. Any new structure lighting must comply with Article 10, Part IV, Outdoor Lighting, in the UDO.

'Signage: No additional signage is being proposed.

'Water and Sewage Disposal: The Dare County Environmental Health Department has reviewed and approved the existing wastewater system for the addition of 4,774 square feet of storage only (attached).
'Traffic Circulation: Traffic circulation has been reviewed and approved by the Town Engineer with a note that an alternate loading zone will be required in any future development phase.

'Stormwater Management: Supplemental stormwater calculations for the additional built-upon area associated with this phase of construction have been submitted and reviewed and approved by the Town Engineer. Appropriate erosion and sedimentation control measures (e.g., silt fence) must be installed prior to any land-disturbing activity to prevent sediment from entering the infiltration basin.

'Fire: This project will be required to comply with all applicable NC Fire Prevention Code requirements as part of the development permit application review and issuance. Compliance includes the installation of a new fire hydrant in proximity to the sprinkler connection.

'Public Services: Public Services has reviewed and approved the proposed Site Plan Amendment as presented.

'STAFF ANALYSIS
Planning staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant Comprehensive Land Use policies.

'STAFF RECOMMENDATION
Planning staff finds that the proposal is consistent with all applicable use and development standards, as well as the relevant policies of the Comprehensive Land Use Plan. Staff therefore recommends approval of the Site Plan Amendment as submitted.

'PLANNING BOARD RECOMMENDATION
At their October 21, 2025, meeting, the Planning Board voted unanimously to recommend approval of the Site Plan Amendment as presented, noting that the required lot recombination be completed prior to the issuance of any development permits."

John DeLucia of Albemarle and Associates mentioned they were working on another site plan for the vacant lot that would be coming in December, but they needed to start the storage project now to be ready for the season.

MOTION: Comr. Lambert moved to adopt the site plan as presented. The motion was seconded by Comr. Sanders.

Mayor Cahoon noted for the record that he no longer has a financial interest in Cahoon & Kasten Architects.

MOTION CONT: The motion passed unanimously.

Consideration of a Site Plan Amendment Submitted by Albemarle & Associates, Ltd. on Behalf of Golasa Holdings and Outer Banks Sports Club for Expansion of the Fitness Gym to Include a Two-Story Addition, Outdoor Gym Area, and Tennis Court
Planning Director Kelly Wyatt summarized her report which read in part as follows:
"General Information
'Applicant: Albemarle & Associates, Ltd on behalf of Golasa Holdings, LLC and Outer Banks Sports Club.

'Application Type: Site Plan Amendment.

'Purpose/Request: Construction of a new two-story, 4,538-square-foot attached addition south of the existing building, additional 1,795 square feet of floor area within the existing structure and develop an outdoor fitness training area and a tennis court. The two-story addition will include a youth gym on the first floor and an expanded cardio training area on the second floor.

'Property Location: 2423 S. Croatan Highway, Nags Head.

'Existing Land Use: Indoor Fitness Facility.

'Zoning Classification of Property: C-2, General Commercial Zoning District.

'Zoning Classification of Surrounding Properties: Properties to the north and south are zoned C-2, General Commercial and developed commercially (Dirty Dicks Restaurant and Shoppes at 10.5 Shopping Center). Property immediately to the east is zoned C-2, General Commercial and developed commercially (Radio Station). Properties to the east, directly across S. Wrightsville Avenue are zoned R-3, High Density Residential and developed residentially. Properties to the west, directly across US Highway 158 are zoned C-2, General Commercial and developed commercially (South Beach Plaza Shopping Center).

'Flood Hazard Zone of Property: This property is located within the X Flood Zone. Per the Town of Nags Head local ordinance, the property is subject to a Regulatory Flood Protection Elevation (RFPE)/Local Elevation Standard (LES) of 9 feet. The proposed two-story addition is proposed to have a first floor elevation of 12 feet, therefore compliant. An Under Construction and Final Construction Elevation Certificate will be required to ensure compliance.
'Land Use Plan Map/Policies: The 2022 CAMA Land Use Plan/Comprehensive Plan Future Land Use Map classifies this property as General Commercial. This proposal is consistent with this land use classification and stated Land Use Policies.

'Specific Information:

'Applicable Zoning Regulations:

'Use Regulations: Section 6.6, Table of Uses and Activities, lists "Indoor Fitness/Gymnasium" as a Permitted Use within the C-2, General Commercial Zoning District. Per Section 4.5 of the UDO, Major Site Plans require Board of Commissioners approval following Planning Board review and recommendation. A Major Site Plan includes any scope of work that exceeds the thresholds for administrative approval as a Minor Site Plan, as outlined in Section 4.4. Because the proposal includes the addition of 4,538 square feet of new habitable area, it qualifies as a Major Site Plan Amendment.

'Lot Coverage: The C-2 General Commercial zoning district permits a maximum lot coverage of 55%. The existing development currently exceeds this standard at 56.6%. The proposed improvements will reduce overall lot coverage to 53.8% through the use of permeable paving materials and the removal of unnecessary impervious surfaces. As a result, lot coverage will be compliant.

'Height: The maximum allowable building height within the Town is 35 feet. However, pursuant to Section 8.2.1, Dimensional requirements, total height may be increased to 42 feet with the use of an 8:12 roof pitch or greater. The applicant has proposed a structure with an overall height of approximately 31.6 feet measured from grade. Therefore, height is compliant.

'Architecture Design Standards: Section 10.82 of the Unified Development Ordinance (UDO) states that Commercial Design Standards apply to all building construction or remodeling projects requiring a special use or site plan review. For projects involving existing buildings, such as additions or partial remodels, the standards apply only to the new construction.

'Because the existing structure was originally built in 1992, prior to the adoption of the Town's architectural design standards, only the proposed two-story addition must comply. Upon review of Article 10, Part VI, Commercial Design Standards, Division II: Building Design, staff has determined that the proposed architectural elements meet the applicable requirements. The design incorporates features that promote human scale and visual interest, including a first-story awning, a roof pitch of at least 4:12, faux dormers and roof articulations, and residential-style windows comprising between 10% and 40% of each vertical wall area. The total habitable area, including existing and proposed development, remains under 20,000 square feet, and exterior finishes will consist of lap siding. The applicant and designer have made a noteworthy effort to achieve full compliance with current architectural standards while integrating a new addition onto a commercial structure that predates those requirements.

'Parking: Section 10.16 of the UDO, Required Parking by Use, requires one parking space per 300 square feet of gross floor area for an Indoor Fitness/Gymnasium use. The indoor fitness facility contains 19,425 square feet, resulting in a requirement of 65 parking spaces. The proposed outdoor fitness area requires an additional 8 spaces, bringing the total required parking to 73 spaces. A total of 81 parking spaces are proposed. Therefore, parking exceeds the minimum requirement and is compliant.

'Buffering/Landscaping: No additional buffering or landscaping is required as part of this scope of work. However, any existing required landscaping or buffer areas that are damaged or disturbed during construction must be repaired, replaced, and restored to compliance.

'Lighting: No new lighting is proposed at this time. However, the applicant has indicated that lighting will be added for the tennis court in the future. Prior to the installation of any new fixtures, a development permit will be required. At that time, staff will verify that all fixtures and photometric plans comply with Article 10, Part IV, Outdoor Lighting, of the Unified Development Ordinance.

'Signage: No additional signage is being proposed at this time.

'Water and Sewage Disposal: The Dare County Environmental Health Department has reviewed and approved the existing wastewater system for the additional habitable space (attached).

'Traffic Circulation: Traffic circulation has been reviewed and approved by the Town Engineer.

'Stormwater Management: Stormwater management has been reviewed and approved by the Town Engineer.

'Fire: This project will be required to comply with all applicable provisions of the NC Fire Prevention Code as part of the development permit review and approval process. As part of the proposed scope of work, the entire building will be protected by an automatic sprinkler system. Staff requests that the applicant coordinate with the Town regarding the placement of a future fire hydrant.
'Public Services: The Public Services Director has reviewed and approved this proposed Site Plan Amendment as presented.

'STAFF ANALYSIS
Planning staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant Comprehensive Land Use policies.

'STAFF RECOMMENDATION
Planning staff finds that the proposal is consistent with all applicable use and development standards, as well as the relevant policies of the Comprehensive Land Use Plan. Staff therefore recommends approval of the Site Plan Amendment as submitted.

'PLANNING BOARD RECOMMENDATION
At their October 21, 2025, meeting, the Planning Board voted unanimously to recommend approval of this Site Plan Amendment request as presented."

John DeLucia of Albemarle and Associates addressed Mayor Pro Tem Siers' question about the water retention pond overflow, explaining they had reduced lot coverage and eliminated parking along the east side of the retention pond where water tends to rise. He also noted that the new two-story addition would house a youth gym on the first floor and an aerobics room upstairs. The internal square footage addition would connect to the existing second floor for more cardio equipment. An elevator would be installed to make both floors ADA compliant.

MOTION: Mayor Pro Tem Siers moved to adopt the site plan as presented. The motion was seconded by Comr. Lambert, which passed unanimously.

Update on Harvey/Soundside Event Site Living Shoreline Project
Deputy Planning Director Joe Costello introduced this item. The summary sheet read in part as follows:
"The project continues to progress on schedule following the formal kickoff meeting held on August 27th, 2025. Data collection and conceptual design work were completed through September, with conceptual designs presented to the Outer Banks Visitors Bureau on September 18th, 2025. Following that presentation, staff and consultants held a stakeholder feedback session with representatives from the kiteboarding and sailing communities to gather input on watersports access, safety, aesthetics, and site functionality.

'A refined hybrid concept incorporating this feedback was approved by the Visitors Bureau on October 16th, allowing the design team to move into the schematic design and permitting phase. The Town has since received a Basis of Design Report, preliminary cost estimate, and schematic design drawings from Moffatt & Nichol. Staff has reviewed these materials and provided comments to the consultant team.

'At the October 29 progress meeting, discussion focused on finalizing parameters for the rock sill design and preparing for a pre-application meeting with the Division of Coastal Management (DCM), scheduled for Friday, November 21st, to initiate the permitting process. It was noted that the ongoing federal government shutdown may impact the timeline for agency feedback.

'Pending agency coordination and permit review, final design development is scheduled to continue into early 2026, with bidding anticipated by spring 2026 and construction projected for completion by August 2026.

'Planning staff will provide a brief presentation at the Board of Commissioners' upcoming November 5, 2025, meeting."

Deputy Director Costello thanked John Delucia of Albemarle and Associates for his assistance.

Comr. Sanders asked if the designs were hardened structures or partially hardened and living. Costello noted that the Dare County Tourism Board decided to go with a rock sill, which will provide some habitat value while being easier to maintain than proprietary materials. The hope is that this design will extend the marsh and protect against further land erosion and add environmental benefits.

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS
From August 6th Board meeting - Presentation of Proposed Changes to Town Code Chapter 4 Crowd Gathering and Group Demonstrations, Chapter 26, Section 13, Park Use Regulations, Park Use Policies, and the Consolidated Fee Schedule
Town Manager Garman introduced this item. The summary sheet read in part as follows:
"In August, staff presented a recommendation to the Board to consider changes to the town's existing regulations and policies related to crowd gathering activities, group demonstrations, and use of town parks. We have prepared several changes for your consideration:

- Chapter 4 of the Town Code has been redrafted in its entirety. This section establishes regulations to ensure that special events are conducted in an orderly manner while maintaining public safety and limiting community disruption. The ordinance proposes a new permitting tier structure with additional timelines and application requirements for larger events. There is also a new section which establishes unique application submittal requirements for parades. Finally, the ordinance has been drafted to provide additional guidance for when a permit can be denied. An appeal process is included for permits that are denied.

- Article II of Chapter 4 provides regulations and a permitting process for Group Demonstrations. Changes have been proposed to ensure there is enough time to prepare for and provide resources to manage large events. Additional changes have also been suggested to ensure the safety of crowds during these events.

- Chapter 26-13 of the Town Code has been revised to clarify that no firearms are permitted within town parks.

- The parks policy has been revised to ensure consistency with the parks ordinance. There are also proposed limitations on the use of Dowdy Park for non-town-related events. Given the number of town-related events occurring during the season, the policy limits the use of Dowdy Park for non-town-related events from June 1st to September 30th. The remainder of the year, the policy limits the number of non-town-related events at Dowdy Park to no more than two (or three as an option) per month.

- Fees for the review of crowd gathering activity permits have been revised using a new tier structure based on the size and/or impact of the event.

'At the November 5, 2025 Board of Commissioners meeting, Town Manager Garman will review the proposed changes to the Town's Park Use Policies, Town Code Chapter 4 Crowd Gathering, Town Code Section 26-13, and the Consolidated Fee Schedule.

'Staff will provide a detailed presentation on these changes at the upcoming meeting. Our original stated goal was to have these changes ready for the public by the end of the calendar year. The proposed ordinance and policy revisions represent a significant change to our crowd gathering process and will place additional limitations and costs for using town parks for non-town-related events. We urge the board to ask questions and provide feedback in order to be comfortable with these changes before voting."

Manager Garman acknowledged that the proposed changes were extensive and would affect applicants who have held events in the past. He suggested the Board take a month to review the changes before voting in December, noting that staff would need to develop new forms and informational materials for applicants.

Mayor Cahoon confirmed with Attorney Leidy that these changes could be acted on without a public hearing. Attorney Leidy confirmed they could be as it was a police power ordinance. He also wanted to be sure the proposed changes were shared with the Outer Banks Visitor's Bureau. Manager Garman replied that we would be reaching out to them now that we had a complete draft.

Mayor Cahoon questioned Police Chief Hale about the change he wanted to make to what had already been presented. Chief Hale stated that there was a requirement under the group demonstrations that they remain in continuous motion, and he would like that removed as sometimes the demonstrations are stationary. The mayor then asked him to explain a little about the level of planning, in terms of time and effort, for events that are 100 people or more that are near Hwy 158 or that cross Hwy 158.

Chief Hale began by outlining the staffing challenges these events present. He noted that with the increasing popularity of Nags Head as a destination, many people wish to organize events, sometimes with very little notice. These events often require significant resources and coordination, and without adequate notice, the department struggles to provide necessary staffing. Particularly for large events like parades, Chief Hale explained that the entire police department typically works, and they often have to bring in additional support from mid-shift officers to ensure proper coverage and manage traffic control effectively.

Chief Hale emphasized that the timeline requirements proposed in the ordinance are crucial for allowing the police and other town departments sufficient time to plan for such events. He explained that planning involves not only ensuring adequate staffing but coordinating with other agencies and departments to manage road closures, reroute traffic, and ensure participant safety. He underlined the need for a comprehensive plan that includes emergency response measures should unforeseen incidents occur during an event.

Mayor Cahoon discussed the long-standing Kelly's St. Patrick's Day Parade, which has operated for approximately 31–32 years, with one skipped year for COVID. The town has never charged the organizers for services. He noted that while the parade is a cherished tradition, it also presents safety concerns—particularly the mix of vehicles, candy, and small children. Board members acknowledged that new safety requirements may generate pushback but agreed that updated procedures are necessary.

Manager Garman also discussed the need to establish priority criteria for long-standing events at Dowdy Park if the Board proceeds with limiting the events to two or three per month.

It was Board consensus to hear this item again at their December 3rd meeting.

NEW BUSINESS
<u>Committee Reports</u>
Comr. Lambert – acknowledged Planning Director Wyatt's update on the Septic Health Advisory committee. She also noted that the next Government Education Access Channel meeting will be in December.

Mayor Pro Tem Siers – recognized the Deputy Planning Director's report which reflected the Tourism Board's approval of the hybrid concept Estuarine Shoreline Project at their October 16th meeting.

Mayor Cahoon – noted the great summer attendance at Jennette's Pier. The pier planking is being replaced and there will be an alternative display for the memorial fish.

Comr. Sanders – stated the Estuarine Shoreline Management work had been covered by staff and expressed his excitement that the projects were moving forward.

<u>Consideration of Appointment/Reappointment to Board/Committee - Arts and Culture Committee</u>
The agenda summary sheet read in part as follows:
"At the November 5, 2025 Board of Commissioners meeting, request Board consideration of the following appointments/reappointments:

'Arts & Culture:
- Request the Board to appoint a replacement to fill Kerry Oaksmith Sanders' seat.
- Shelli Gates' term expired September 7, 2025. She is interested in being reappointed.
- Jeremy Russell's term expired September 7, 2025. He is interested in being reappointed.
- Peggy Saporito's term expires December 7, 2025. She is interested in being reappointed.

'Attached please find the Candidate Chart."

<u>MOTION</u>: Comr. Lambert moved to reappoint Shelli Gates, Jeremy Russell, and Peggy Saporito to the Arts and Culture Committee. The motion was seconded by Comr. Sanders, which passed unanimously.

<u>MOTION</u>: Comr. Sanders moved to appoint Melanie LaFountaine to the Arts and Culture Committee. The motion was seconded by Comr. Lambert. Mayor Cahoon noted that LaFontaine is not only a member of Arts and Culture and a vendor at the market but also a Nags Head business person with a growing business.

<u>MOTION CONT</u>: The motion passed unanimously.

<u>Consideration of Fall Beach Condition Survey</u>
- Associated Beach Nourishment Maint. Capital Project Ordinance Amendment #17

Town Engineer David Ryan introduced this item. The summary sheet read in part as follows:
"Recent offshore hurricanes and coastal low-pressure systems have created an active wave climate, resulting in escarpments and noticeable changes along portions of the oceanfront. Moffatt & Nichol, the Town's consulting coastal engineer, along with McKim & Creed providing supporting services, have submitted proposals to conduct a fall condition survey. This survey and analysis will deliver critical data on the current shoreline condition and guide decision-making for the upcoming beach nourishment project, which is currently out for bid. Results will be presented to the Board prior to the December workshop. McKim & Creed has proposed $44,228 for land-based and hydrographic surveys, while Moffat & Nichol has proposed $26,350 for the analysis. Funding for both the fall and summer surveys has been allocated through grant funding and will have no fiscal impact.

'Staff recommends adoption of the budget ordinance in support of the fall beach condition survey to evaluate recent storm-related impacts. These funds will cover this fall survey and the next summer survey."

<u>MOTION</u>: Comr. Lambert moved to adopt the Beach Nourishment Capital Project Ordinance Amendment #17 as presented. The motion was seconded by Mayor Pro Tem Siers, which passed unanimously.

The Capital Project Ordinance Amendment #17, as adopted, is attached to and made a part of these minutes as shown in Addendum "G".

Survey results will be presented at the December mid-month meeting.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY
Town Attorney Leidy commented on the proposed crowd gathering ordinance, noting that it is designed to regulate activity protected by the U.S. Constitution. He explained that absent an ordinance, there's little the town can do to control or impose regulations on these events. The law allows the town to adopt time, place, and manner restraints, which is why the ordinance is lengthy and complicated to ensure compliance with limitations while imposing clear, enforceable restrictions.

Regarding the firearms clause in the proposed ordinance, Leidy confirmed that prohibiting firearms at certain crowd gathering activities is supported by specific state statutes, ensuring the town's regulation complies with North Carolina law.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER
<u>Presentation of Proposed Historical Marker to be Located at Epstein Beach Access to Recognize the Former Nags Head Life-Saving Station</u>
Public Information Officer Roberta Thuman presented this item. The summary sheet read in part as follows:

"At the November 5, 2025, Board of Commissioners meeting, Public Information Officer Roberta Thuman will present the proposed marker, recognizing the Nags Head Life-Saving Station, to the Board. The marker will be placed at the Epstein bathhouse.

'Last year marked the 150th Anniversary of the establishment of the US Life-Saving Service in North Carolina. The 1874 Nags Head Life-Saving Station was one of the first seven lifesaving stations in North Carolina. It was located just north of the Epstein Beach Access, where the Windjammer Condos are currently located. The Station was destroyed in the Ash Wednesday Storm in 1962.

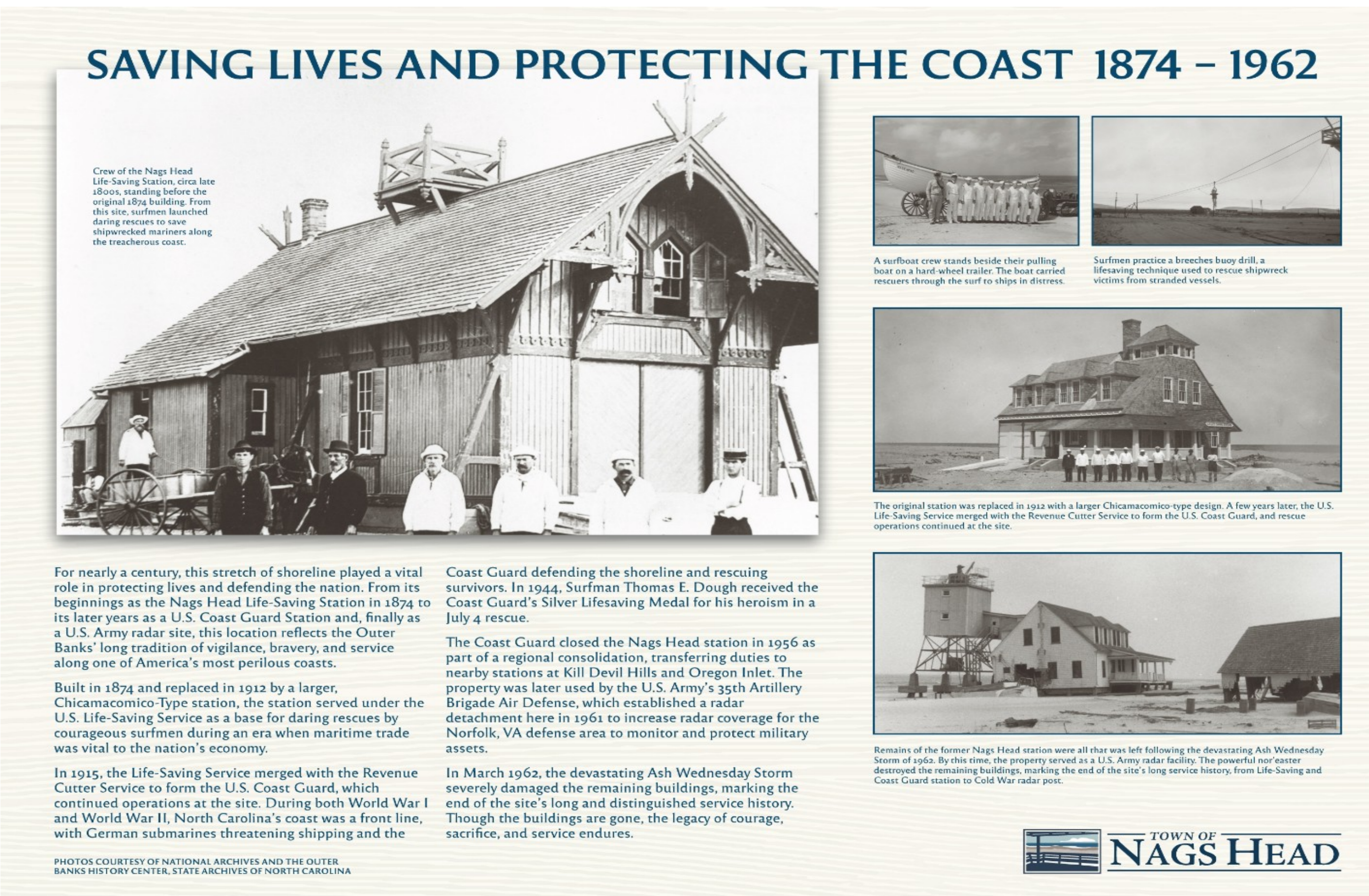
'This marker will allow others to reflect upon the rich heritage of those who sacrificed comfort and risked their own personal safety to save the lives of strangers in danger at sea. It will help ensure that the heroism of those people is never forgotten.

'Thank you to Roberta Thuman and Ralph Buxton for your work on this!"

MOTION: Mayor Pro Tem Siers moved to place the marker at the Epstein Bathhouse. The motion was seconded by Comr. Sanders.

Mayor Cahoon mentioned that he was happy to see this piece to commemorate history be placed in the town and thanked Ralph Buxton for sharing this idea with us. PIO Thuman stated the marker would cost about $1300.00.

MOTION CONT: The motion passed unanimously.



BOARD OF COMMISSIONERS AGENDA
Mayor Pro Tem Siers – congratulated the winners of the previous day's election and thanked the town and its staff for having him to serve for the last eight years. Mayor Cahoon expressed appreciation for his service.

MAYOR'S AGENDA
Mayor Cahoon – initiated a discussion in response to Mr. Muller's public comment. Two immediate actions that were agreed upon by the Board were establishing a collection site at Town Hall where people could drop off food items, with town staff delivering the donations to the food bank and creating a "Nags Head Challenge" where he and former mayor Muller would write a letter challenging current, newly elected, and past board members to donate, with a goal of raising $5,000.

A few other suggestions were mentioned and that if this situation remains unsolved by the December meeting, the Board may consider doing more.

CLOSED SESSIONS
Request for a Closed Session to Consider a Personnel Matter Pursuant to 143-318.11(a)(6)

Request for Closed Session to Consult with the Town Attorney Regarding Matters Protected by the Attorney/Client Privilege and to Preserve that Privilege, to include the Cherry, Inc Litigation Pursuant to GS 143-318.11(a)(3)

MOTION: Mayor Cahoon moved to enter closed session to consider a personnel matter pursuant to GS 143-318.11(a)(6) and to confer re: a matter of attorney/client privilege and to preserve that privilege to include the Cherry Inc. litigation, and other matters protected by attorney/client privilege pursuant to GS 143-318.11(a)(3). The motion was seconded by Comr. Lambert, which passed unanimously. The time was 11:44 a.m.

OPEN SESSION
The Board re-entered Open Session at 12:19 p.m. Attorney Leidy reported that the Board discussed a confidential personnel matter and gave instructions to the attorney regarding Cherry Inc. litigation, but no other actions were taken.

ADJOURNMENT
MOTION: Comr. Sanders moved to adjourn. The motion was seconded by Mayor Pro Tem Siers, which passed unanimously. The time was 12:19 p.m.

____
Brittany A. Phillips, Town Clerk

Date Approved: December 3, 2025

Mayor: ________________________________
Benjamin Cahoon