



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
WEDNESDAY, DECEMBER 3, 2025**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, December 3, 2025 at 9:00 a.m. for a Regular Meeting.

Board Members Present: Mayor Ben Cahoon; Comr. Bob Sanders; Comr. Megan Lambert
Comr. Elect Megan Vaughan; and Comr. Elect Molly Harrison

Board Members Absent: Mayor Pro Tem Michael Siers

Others Present: Town Manager Andy Garman; Attorney John Leidy; Amy Miller; Kelly Wyatt; David Ryan; Perry Hale; Randy Wells; Chris Montgomery; Joe Costello; Roberta Thuman; Karen Snyder; Shane Hite; Katie Anzalone; Richard Gibbons; Linda Dale; Anna Sadler; Karen Reeder; Melanie Cahoon; Mary Kelley; Stephanie Powers; Cola Vaughan; Eliza Vaughan; Meade Gwinn; Donna Creef; Mike Morway; Terry Moore; Nathanael Stevens; Jackie Hart; Paulette Mathews; Dave Elder; Susie Walters; Nan Perkins; Bruce Shields; Patrick Harrison; Sarah Sage Harrison; Burch Harrison; Duke Geraghty; James Moseman; Brandon Stallings; Jose Ramirez; Will Thomas; and Town Clerk Brittany A. Phillips

Mayor Cahoon called the meeting to order at 09:00 a.m. and then recognized former commissioners Anna Sadler and Susie Walters. He asked everyone to keep Carole and Bob Muller in their thoughts and prayers as Carole is recovering from a recent accident. He also shared Bob Muller's thanks to the first responders for their care during and following the incident. A moment of silence was followed by the Pledge of Allegiance. Mayor Cahoon then noted that Mayor Pro Tem Siers had asked to be excused from the meeting.

ADOPTION OF AGENDA

MOTION: Comr. Sanders moved to approve the December 3rd Agenda as presented. The motion was seconded by Comr. Lambert, which passed unanimously.

Mayor Cahoon and Attorney Leidy remembered our previous Town Attorney, Tom White Jr., who passed away November 24, 2025.

Mayor Cahoon remarked in part as follows:

"We were saddened to learn of the passing of Thomas L. White, Jr., a long-time public servant whose leadership and dedication helped guide the Town of Nags Head for more than three decades.

'Tom served as the Town of Nags Head Attorney from January 1971 through September 2001. Throughout his 30 years in this role, he provided steady, thoughtful, and reliable counsel to the Board of Commissioners and Town staff. His work was marked by professionalism, a deep understanding of municipal government, and an unwavering commitment to the best interests of our community.

'In recognition of his distinguished service, the Board of Commissioners adopted a Resolution of Appreciation in October 2001, commending Tom for his diligence, integrity, and constructive contributions to the Town over three decades. This resolution acknowledged the lasting impact of his work on municipal governance and the community as a whole.

'Beyond his role as Town Attorney, Tom was deeply involved in the culture and history of the Outer Banks. He was a champion of The Lost Colony, serving on its Board of Directors from 1977 to 1997 as General Counsel, Vice Chair, Chair, and Producer, and he also served on the Board of the Outer Banks History Center.

'In June 2016, Tom was honored with the Nags Head Lightkeeper Award, the Town's highest recognition for individuals who have made significant contributions to the community. This award celebrates those whose time, talent, and dedication have shaped the image and direction of Nags Head.

'Tom White's legacy is one of true public service. His work strengthened our Town, and his impact will continue to be felt for years to come. We extend our deepest condolences to his family and to all who knew him."

Attorney Leidy stated that he had the privilege of practicing law with Mr. White for several years and had known him prior to Mr. White joining his law firm. He noted that Mr. White previously served as a senior partner at the Kellogg, White, Evans and Gray law firm in the 1970s. He described Mr. White as a highly influential figure in the legal community, stating that few individuals had made a greater impact on the practice of law in North Carolina or on this community. The attorney noted that Mr. White’s contributions were formally recognized by the Town in 2016, when he and his uncle, Martin Kellogg, were honored with Town awards, the Lightkeeper and Nags Header. He concluded by encouraging all to remember Mr. White’s service and to recognize his lasting contributions to the Town.

RECOGNITION

TWENTY YEARS – Fire Chief Randy Wells introduced Fire Engineer Richard Gibbons who was recognized for twenty years of service.

RECOGNITION OF OUTGOING BOARD MEMBER – Mayor Cahoon recognized outgoing Board member, Mayor Pro Tem Siers. He was recognized as a champion for the business community, advocating for its viability; a strong voice for taxpayers, emphasizing sustainable projects and responsible budgeting; and a supporter of town employees, promoting fair compensation and appreciation of their value. His advocacy positively influenced the work of the board. Mayor Cahoon noted that customary gifts will be presented to Mayor Pro Tem Siers later, and the board expressed its sincere appreciation for his service.

REORGANIZATION OF THE BOARD

- Report on Results of Election
- Oaths of Office
- BREAK
- Selection of Mayor Pro Tem and Oath of Office
- New Board Adoption of Code of Ethics Resolution

Town Clerk Brittany Phillips read the results of the election from the summary sheet which read in part as follows: "At the December 3rd Board of Commissioners meeting, the following procedure will be followed to reorganize the Board after the recent election:

'1. Town Clerk Brittany A. Phillips will report on the results of the November 4, 2025 election. Official election results from the Dare County Board of Elections office are attached.

'Mayor Candidate	Votes
Ben Cahoon	854

'Commissioner Candidate (4yr)	Votes
Bob Sanders	682
Megan Vaughan	673
Michael Siers	419

'Commissioner Candidate (2yr)	Votes
Molly Harrison	656
C.P. (Buster) Nunemaker III	246
Keith Sawyer	69

- '2. Oaths of office given to Mayor Ben Cahoon, Comr. Bob Sanders, Comr. Elect Megan Vaughan, and Comr. Elect Molly Harrison
- '3. BREAK (to allow for seating changes)
- '4. The Board will vote on the Mayor Pro Tem
- '5. Oath of office given to the Mayor Pro Tem
- '6. New Board adoption of Code of Ethics Resolution

'Complete steps listed for the reorganization of the Board."

Town Clerk Brittany Phillips gave the following Oaths of Office:
Ben Cahoon was sworn in as Mayor.
Bob Sanders was sworn in as Commissioner.
Megan Vaughan was sworn in as Commissioner.
Molly Harrison was sworn in as Commissioner.

The Board took a short break to allow for seating changes. The time was 9:16 a.m. The Board returned to session 09:24 a.m.

MOTION: Comr. Sanders moved to nominate Comr. Lambert as Mayor Pro Tem. The motion was seconded by Comr. Harrison, which passed unanimously.

Comr. Megan Lambert was sworn in as Mayor Pro Tem by Town Clerk Brittany Phillips.

The oaths of office, as taken during today's meeting, are attached to and made a part of these minutes as shown in Addendum "A".

MOTION: Comr. Sanders moved to adopt the Code of Ethics resolution as presented. The motion was seconded by Comr. Vaughan, which passed unanimously.

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

'WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,"; and

'WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem,"; and

'WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics; and

'WHEREAS, as public officials we as well as the members of other boards of the Town of Nags Head ("the Town") are charged with upholding the trust of the citizens of this Town, and with obeying the law; and

'WHEREAS, the members of this Board of Commissioners and the members of all other boards of the Town should endeavor to act in a lawful and ethical manner and should use this Code of Ethics as a guide for acting in such a manner;

'NOW THEREFORE, in recognition of the blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of Nags Head, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we, the Board of Commissioners, do hereby adopt the following General Principles and Code of Ethics to guide the Board of Commissioners and all other boards of the Town in their lawful decision making.

'GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board members must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Board members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
 - As decision makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Board members must know how to distinguish between these roles, to determine when each role is appropriate, and to act accordingly.
- Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

'CODE OF ETHICS

'The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Board of Commissioners and all other boards of the Town to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

'Section 1. Board members should obey all laws applicable to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

'At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with the board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

' Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.

- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected or appointed officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- Treating other board members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions.
- Not reaching conclusions on issues until all sides have been heard
- Showing respect for their offices and not behaving in ways that reflect badly on those offices.
- Recognizing that they are part of a larger group and acting accordingly.
- Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board has taken official action as a body delegating such authority.

'Section 3.a. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this Board and other boards will consider impropriety in terms of whether a reasonable person who is aware of all the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

'Section 3.b. If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the Town's Attorney or appropriate board attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

'Section 4. Board members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

'Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

'Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

'Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

'In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delays in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called."

PUBLIC COMMENT

Town Attorney John Leidy opened Public Comment at 09:27 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 Budget Amendment #4 to FY 25/26 Budget
- Consideration of Tax Adjustment Report
- Approval of Minutes
- Consideration of Annual Appointment of a Director to the Board of the Nags Head Leasing Corporation
- Consideration of IT Support Policy for Board of Commissioners

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

Budget Amendment #4, 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 November 5, 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 annual appointment of a Director to the Board of the Nags Head Leasing Corporation, as approved, read in part as follows:

"Nags Head Leasing Corporation is a non-profit, wholly owned subsidiary of the Town of Nags Head – it is not a Town Board/Committee. The corporation is used as a holding company and has saved considerable taxpayer money over the years.

'At the December 3rd Board of Commissioners meeting, in accordance with the corporation's by-laws, we request that the Board re-appoint Town Manager Andy Garman as the President/CEO of the Nags Head Leasing Corporation. One of the Directors of the corporation is to be appointed by the Board of Commissioners on an annual basis. The remaining Directors are elected by the Board of Directors at their annual meeting – held each May."

The amendment to the IT Support Policy for the Board of Commissioners, as approved, is attached to and made a part of these minutes as shown in Addendum "D".

The summary sheet read in part as follows:

"This is to update the Town's Board of Commissioners Policy for assisting commissioners with IT support necessary to perform their duties. This policy modernizes the previous policy from 2003 and reflects the current reporting structure in order to meet the Board's IT needs as efficiently and quickly as possible."

PUBLIC HEARINGS

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

Notice of the Public Hearing was published in the Coastland Times on Wednesday, November 19, 2025 and on Wednesday, November 26, 2025 as required by law.

Attorney John Leidy opened the Public Hearing at 09:28 a.m.

Deputy Planning Director Joe Costello summarized his report which read in part as follows:

"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 the initiation 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.

'As noted in Appendix A, Section A.4, Definitions, Freeboard means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, storm surge or precipitation exceeding the base flood and the hydrological effects of urbanization on the watershed.

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, allowing the Town to continue maximizing its CRS score.

'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.

'POLICY CONSIDERATIONS

MS-1, Provide effective governance to the Town of Nags Head's citizenry, property owners, business owners, and stakeholders to advance the town's mission and vision.

NR-10, Protect the public health and safety of the town from natural and man-made hazards through proactive planning and mitigation efforts.

NR-11, Ensure that the town is a disaster-resilient community that can survive, recover from, and thrive after a natural or man-made disaster event.

NR-13, Support the town's continued participation in the National Flood Insurance Program (NFIP) and Community Rating System (CRS). Participation in the NFIP is key in making federally backed flood insurance available within the town and to improve the town's CRS rating.

'STAFF ANALYSIS AND RECOMMENDATION

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

'The proposed text amendments are attached for the Board of Commissioners' consideration.

'STAFF RECOMMENDATION

Staff recommends approval of this item in order to be compliant with Community Rating System requirements.

'PLANNING BOARD RECOMMENDATION

At their October 21, 2025, meeting, the Planning Board voted unanimously to recommend adoption of the proposed UDO text amendment as presented."

There being no one else present who wished to speak, Attorney Leidy concluded the Public Hearing at 09:30 a.m.

Mayor noted that this was a technical correction to the ordinance.

MOTION: Comr. Sanders moved to adopt the ordinance amending the Flood Damage Prevention section of the UDO revising the Town's elevation standards related to required freeboard as presented along with the statement of consistency. The motion was seconded by Comr. Harrison, which passed unanimously.

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

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

Notice of the Public Hearing was published in the Coastland Times on Wednesday, November 19, 2025 and on Wednesday, November 26, 2025 as required by law.

Attorney John Leidy opened the Public Hearing to consider a vested right/special use permit/site plan amendment for Nags Head Church. He explained that the Board sits as a quasi-judicial body and must make its decision based on competent material and substantial evidence presented at today's meeting by sworn-in witnesses. Board members must be recused if there is a basis for believing that they would not be able to be an impartial decision maker — to include a commissioner having a fixed opinion not susceptible to change. The time was 09:31 a.m.

Attorney Leidy confirmed with the Board that they had no financial conflict, had not received ex parte communications, and have no preconceived opinions or bias on the outcome of this application to disclose. He reminded them that their decision must be based on competent, substantial and material evidence properly entered into the record of this hearing. And noted that this standard was developed in a Town of Nags Head case that Tom White won for the town about 35 years ago.

Town Clerk Brittany Phillips swore in Mike Morway, PE from Albemarle & Associates and Planning Director Kelly Wyatt.

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

'GENERAL INFORMATION

'Applicant: Albemarle & Associates, Ltd. on behalf of Nags Head Church, Inc.

'Application Type: Vested Right/Special Use/Site Plan Amendment.

'Purpose/Request: Expansion of Nags Head Church Parking Lot and relocation of existing storage shed.

'Property Location: 105 West Soundside Road, Nags Head.

'Existing Land Use: Religious Complex.

'Zoning Classification of Property: R-2, Medium Density Residential Zoning District.

'Zoning Classification of Surrounding Properties: The property to the north directly across Soundside Road is zoned SPD-20, Special Planned Development-20 and is developed residentially. Property to the south is zoned R-2, Medium Density Residential and is developed residentially (Coastal Villas and Southridge Subdivision). Property to the west is zoned R-2, Medium Density Residential and developed residentially. Property to the east, directly across US Hwy 158 is zoned C-5, Historic Character Commercial and developed commercially (Mulligans Restaurant).

'Flood Hazard Zone of Property: Portions of this property are located within a Shaded 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. Because the existing shed exceeds 300 square feet, the first floor of the relocated shed must be elevated above the 9-foot RFPE. However, if the applicant removes the existing shed and installs a new shed under 300 square feet, elevation above 9 feet is not required. In that case, the shed must be constructed with salt-treated materials and include properly installed hydrostatic flood vents.

'Land Use Plan Map/Policies: The 2022 Comprehensive Plan Future Land Use Map classifies this property as Residential and is within the Historic Character Area. This proposal is consistent with this land use classification and stated Land Use Policies, noting that preservation of natural vegetation, topography and maintaining open space and view sheds are key elements of preserving the Historic Character Area.

'SPECIFIC INFORMATION

'Applicable Zoning Regulations:

- Use Regulations: Section 6.6, Table of Uses and Activities lists "Religious Complex" as a Special Use within the R-2, Medium Density Residential District, with supplemental regulations set forth in Section 7.45. Section 4.5, Applications Reviewed by the Planning Board and Board of Commissioners, states that Board of Commissioners approval upon Planning Board review and recommendation applies to Major Site Plan requests. A Major Site Plan is any scope of work beyond what can be approved administratively as a Minor Site Plan, noted in Section 4.4 of the Unified Development Ordinance. The scope of work associated with this request requires it to be considered as a Major Site Plan review.
- Lot Coverage: Total allowable lot coverage for this site is 30% but may be increased to 45% with stormwater management facilities designed to retain and infiltrate the two-inch storm event. Proposed lot coverage is 22.9% and is therefore compliant.
- Height and Architectural Design: The proposed request for expansion of the parking lot and relocation of the storage shed does not necessitate any revisions to these review criteria.
- Parking: Pursuant to Article 10, Table 10-2, Required Parking by Use, the Religious Complex shall provide one parking space for each 4 seats in the sanctuary. A total of 97 parking spaces are required for this use and 97 parking spaces currently exist. There is no proposed expansion of seating in the sanctuary requiring this parking expansion. The applicant has noted in the application narrative that while the existing parking lot meets the minimum town zoning requirements, they have found there is a need to expand their parking capacity due to an overlap of parishioners in the facility between masses.

Section 10.92.14.4 of the UDO, Surface Materials, requires a minimum of twenty (20) percent of the surface area of the parking area and drive aisles to be constructed of permeable surface material. The parking lot expansion is resulting in an additional 21,880 square feet of coverage. Of that area, 23.4% is proposed to be in a permeable surface material.

- Buffering and Landscaping: Several sections of the Unified Development Ordinance speak to Buffering and Landscaping as it applies throughout this proposed site:
 - Section 10.92.6.2 of the UDO, Parking and Drive Aisle Setbacks, requires that where off-street parking is provided between the building and the street right-of-way line, a parking lot buffer of at least ten (10) feet in width shall be provided between the parking lot and the street right-of-way. A compliant 10-foot-wide buffer has been shown between the proposed new parking area in the northwest corner, adjacent to Soundside Road.
 - Section 10.93.3.2 of the UDO, Commercial Transitional Protective Yards, requires increased landscaping to be provided and maintained when non-residential land uses are adjacent to a residential use or residential zoning district. This protective landscape buffer is required to be ten (10) feet in width with two rows of acceptable plant material. The properties to the west, as well as those to the north and south of the proposed parking area and the paved access to the stormwater basin and relocated shed, are residential. Therefore, these areas must either preserve existing mature vegetation or install new plantings consistent with the transitional protective yard requirements. A note reflecting this has been included on the landscape plan.
 - Section 10.93.3.7 of the UDO, Interior Parking Lot Landscaping, requires parking lot landscaping be provided at a minimum rate equal to ten percent of the total area of the parking spaces. The minimum area necessary for compliance is 2,611 square feet of vegetation. They are proposing 2,961 square feet of vegetation, approximately 11.3%. Therefore, the interior parking lot landscaping is compliant.
 - Section 10.93.3.8 of the UDO, Vegetation Preservation/Planting Requirements, requires that new development projects either preserve a minimum of ten (10) percent of the lot's total area with

existing natural vegetation and/or dune elevations or plant new vegetation in lieu of preservation. When existing vegetation cannot be preserved, the planting of a minimum of fifteen (15) percent of the lot's total area shall be required. Over 48% of the total lot area will remain undisturbed and all existing, mature vegetation will remain onsite.

- Lighting: The proposed lighting plan has been reviewed and found to be in compliance with the requirements of Article 10, Part IV of the Unified Development Ordinance (UDO). In addition, a light audit will be required prior to issuance of occupancy permits.
- 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 proposal as presented (DCHD Approval Attached).

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

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

'Fire: The project will be required to comply with all applicable NC Fire Prevention Code requirements as part of the development permit application review and issuance.

'Public Services: The Public Services Director has reviewed and approved the proposed site plan amendment as presented.

'ANALYSIS

Staff finds that the proposal is consistent with the applicable use and development standards as well as relevant land use policies.

'Pursuant to Section 3.8.4.6 of the Unified Development Ordinance, the Board of Commissioners shall issue a Special Use Permit if it has evaluated an application through a quasi-judicial process and determined that:

1. The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted.
2. The use, as proposed, will not overburden the firefighting capabilities and the municipal water supply capacity of the Town as such facilities and capabilities will exist on the completion date of the conditional use for which application is made.
3. The conditional use will be in harmony with the existing development and uses within the area in which it is to be located.
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets."

Mike Morway of Albemarle & Associates represented the applicant, explaining that the church faces parking difficulties during peak transition times between services. Morway noted that new parking spaces will be placed where the current stormwater basin is located, which will be relocated further back on the property. He emphasized the design's consideration to maintain as much natural vegetation as possible, especially along the residential buffer areas, ensuring a seamless integration with the surrounding environment.

Attorney Leidy concluded the public hearing at 09:46 a.m.

MOTION: Comr. Harrison moved to approve the vested right/special use permit/site plan amendment with the five findings of fact as presented. The motion was seconded by Comr. Vaughan.

The Board expressed appreciation for the church's efforts to address the parking issues while maintaining the natural buffer between residential properties.

MOTION CONT.: The motion passed unanimously.

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, December 3, 2025.

'Monthly Activity Report

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

- 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)

'Planning Board — Pending Applications and Discussions

'The Planning Board met most recently on Tuesday, November 18, 2025. While there were no action items on the agenda, staff provided an update on board member transitions and the upcoming appointment process. Chair Megan Vaughan and member Molly Harrison were recognized for their election to the Board of Commissioners; November 18th served as their final meeting with the Planning Board. Both will be sworn in at the Commissioners' December 3rd meeting, during which the Board will also appoint two new Planning Board members to fill the resulting vacancies.

'Staff also reviewed the leadership structure for the coming months. In the absence of a Chair at the December 16th meeting, Vice Chair Meade Gwinn will preside. At the January 20, 2026, meeting, the Planning Board will hold its annual election to select a Chair and Vice Chair for the year ahead.

'The next Planning Board meeting is scheduled for Tuesday, December 16, 2025. At this time, the Board is expected to review two sketch plan submissions: one for the development of the vacant parcel immediately west of TW's Bait and Tackle, under the same ownership (Lot 2A-1R, Charles L. Sineath Subdivision), and another for a proposed detached, two-story hotel addition to the Tarheel Motel located at 7001 S. Croatan Highway.

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

'Additional Updates

- DWMP/Septic Health Advisory Committee — Since the last report, activity under the Septic Health Initiative has remained steady. Our fall intern, Isabelle Pala, completed her work with the Town on November 17th. During her time, she developed updated social media materials for the program, including a short video reel that has already reached several thousand viewers. Environmental Planner Conner Twiddy noted that multiple residents have since referenced seeing the reel or related content, a positive sign that our messaging is reaching a broader audience. Recent newsletters and townwide mailings continue to drive participation as well. Approximately 20 inspection requests over the past month can be directly tied to residents reading about the program in Nags Head Lines. Conner continues to manage routine inspections, respond to homeowner inquiries, and prepare for the rollout of the no-interest septic repair loan program for high-risk properties in early 2026. The next quarterly meeting of the Septic Health Advisory Committee is scheduled for January 2026.
- Estuarine Shoreline Management Plan — Staff continue to advance implementation of the ESMP, with ongoing work on the two pilot project areas at Nags Head Woods Road and Soundside Road. The goal is to have an implementable project that meets the needs and desires of the community and adjacent property owners and aligns with the spirit of the Estuarine Shoreline Management Plan. The project designs must also meet the requirements stipulated by the RCCP grant.

The most notable progress this month involves the Harvey Estuarine Access and Soundside Site. Following the Tourism Board's approval of the refined conceptual design on October 16th, the Town has received the basis of design report, preliminary construction cost estimates, and schematic design materials. Staff have completed their initial review and provided comments to the design team.

To support the upcoming permitting phase, staff participated in a pre-application meeting with regulatory agencies on November 21st. On November 24th, representatives from DEQ, DCM, and NC Sea Grant visited the Harvey/OBVB site to gather materials for an RCCP feature and to review the project firsthand. This visit offered an opportunity to discuss design components, permitting expectations, and broader project objectives directly with state leadership. Next steps include finalizing the full permit application and

beginning coordination with adjacent property owners regarding necessary easements. Staff anticipate steady progress in the coming months as the project transitions from conceptual design into permitting and implementation.

- Sand Relocation and Dune Management Cost Share Program – The 2025–2026 sand relocation season opened for applications on November 1st, with authorization letters and the allowance of equipment on the beach beginning November 17th. As of this report, the Town has received 71 sand relocation applications, an unusually high early-season volume, likely driven by the series of recent storms. Nearly all of these applications have already been reviewed and authorized. This season, Greg Daisey is serving as the primary point of contact for sand relocation, with support from Environmental Planner Conner Twiddy and Code Enforcement Officer Jonathan Kirks. Early observations indicate that much of this season's work may focus on filling escarpments rather than pushing sand seaward onto the active beach.

Interest in the Dune Management Cost Share Program is also strong, with approximately 24 applications submitted to date. Overall, the program is off to a significantly busier start than in years past.

- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture — The Committee for Art and Culture met on November 12th, where Event Coordinator Paige Griffin provided updates on remaining 2025 activities and early planning efforts for the year ahead. Looking ahead, the final Dowdy Park Holiday Market of the season is scheduled for Saturday, December 13th, from 9:00 a.m. to noon. The Candy Cane Hunt will follow on Wednesday, December 17th, from 5:00–6:00 p.m., featuring two age-group hunts to ensure a fun and safe experience for younger and older children.

Winter Food Markets will resume in January 2026 and continue through April, taking place on the second Saturday of each month from 9:00 a.m. to noon. These markets provide off-season opportunities for our farmers, perishable makers, and residents to stay connected during the winter months.

The Outer Banks Woman's Club recently celebrated the grand opening of the Free Little Art Gallery (FLAG) at Dowdy Park. The installation has been very well received, with visitors already engaging enthusiastically by browsing, sharing, and contributing artwork.

Paige has also begun planning for spring and summer programming and is currently scouting musical acts and performers for the upcoming concert season. More details will be shared as schedules and bookings are finalized.

'Upcoming Meetings and Other Dates

- Tuesday, December 2nd — Technical Review Committee Meeting
- Wednesday, December 3rd — Board of Commissioners Meeting
- Wednesday, December 3rd - Harvey/OBVB Sound Access Living Shoreline Progress Meeting
- Thursday, December 11th — Board of Adjustment Meeting (no hearings)
- Saturday, December 13th - Holiday Market 9am - noon
- Tuesday, December 16th - Planning Board Meeting
- Wednesday, December 17th - Flashlight Candy Cane Hunt 5pm–6pm
- Wednesday, December 17th — Board of Commissioners Mid-Month (if scheduled)"

Director Wyatt added a special thank you to all those who helped to make the Dowdy Park Tree Lighting a great event.

Mayor Cahoon requested that staff present a report showing sand relocation permits by reach and commended staff for their work on Dowdy Park events.

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. These changes were presented to the Board at the November 5th meeting. Since that meeting, staff recognized some needed clarification and also met with representatives from the Dare County Tourism Board, the Dare County Democratic Party, and the Kelly's St. Patrick's Day Parade for feedback on the items. Attached you will find revisions to the items presented in November incorporating changes based on these meetings:

- Article I of Chapter 4, Crowd Gathering Activities: (new revisions in red)
 - Flexibility to provide the vendor list, insurance, and other agency permits/permissions no less than 15 days prior to the event date versus at the time of application

- Flexibility to provide the list of motorized parade applicants/entries without an order/lineup
- Lowered the age requirement for parade unit operators
- Clarified that parade unit operators must not be under the influence of drugs or alcohol and that no open containers are allowed in or on parade units
- Removed stroller prohibition from parade passenger requirements
- Article II of Chapter 4, Group Demonstrations: (new revisions in red)
 - Removal of continuous motion requirement for use of right of way
 - Addition of a 30-day application submittal maximum
- Use of Dowdy Park Policy: (new revisions in blue)
 - Clarification of reservation priority for repeat events
- Consolidated Fee Schedule
 - Addition of application fee for Group Demonstrations with attendance over 100 people (This is instead of tier schedule.) (new revisions in red)

'At the December 3, 2025 Board of Commissioners meeting, Town Manager Garman will review the revisions to the Town's Park Use Policies, Town Code Chapter 4 Crowd Gathering, Town Code Section 26-13, and the Consolidated Fee Schedule.'

The Board discussed potential further adjustments:

- All members supported allowing three non-town events per month at Dowdy Park during the shoulder season.
- Members expressed support for waiving the insurance requirement for group demonstrations.
- The Board discussed reducing or eliminating the fee for group demonstrations.

After thorough discussion, the Board decided to reduce the fee for group demonstrations to \$25, to maintain the park use fee for Dowdy Park, and to waive insurance requirements for group demonstrations.

MOTION: Comr. Harrison moved to adopt the ordinance replacing Town Code Ch. 4 in its entirety and updating Town Code Sec. 26-13, the updates to Use of Town Parks and Use of Dowdy Park Policies, and the updated Consolidated Fee Schedule, with adjustments of waiving insurance requirements and lowering the fee for group demonstrations to \$25 for crowd gathering activity permit. The motion was seconded by Comr. Sanders, which passed unanimously.

MOTION AMENDMENT: Comr. Harrison amended her motion to add that only three non-town events, per month, in the off season at Dowdy Park. The motion was seconded by Comr. Vaughan, which passed unanimously.

The ordinance, policies, and fee schedule, as adopted, are attached to and made a part of these minutes as Addendum "F".

NEW BUSINESS

Committee Reports

Comr. Sanders – had nothing to add to Planning Director Wyatt's update on Estuarine Shoreline Management.

Mayor Cahoon – confirmed that the Board was comfortable making his temporary appointment to the Jennette's Pier Advisory Board, received after Comr. Brinkley's resignation, into a permanent position. By consensus, the Board agreed that he will continue to serve as the Town's representative on that committee.

Comr. Lambert – noted that the Government Education Access Channel hasn't met yet. She acknowledged Planning Director Wyatt's update on the Septic Health Advisory committee and congratulated Conner Twiddy, Kelly Wyatt, intern Isabelle Pala, and other staff who have helped to increase the popularity of septic health.

Discussion/Consideration of Traffic Signals at Lakeside Street and Soundside Event Site

Manager Garman introduced this item. The agenda summary sheet read in part as follows:

"As the Board is aware, NCDOT has agreed to approve a four-way traffic signal with pedestrian crosswalk at the intersection of Lakeside Street and US 158. This was discussed during the last amendment for the Whalebone Hotel site plan. Additionally, for many years, the Town has requested additional traffic control measures at the entrance to the Soundside Event site. Last year, the Town applied for a Tourism Impact Grant from the Dare County Tourism Board to assist with the installation of a pedestrian signal at the Outer Banks Event site. This was intended to alleviate the need for the operation of a manned crosswalk during large events, which requires significant manpower and can present a safety hazard to staff. After several discussions with NCDOT, we learned that NCDOT would require the pedestrian signal to be offset from the main entrance, thereby lessening the effectiveness of this solution. NCDOT did agree to consider a typical four-way signalized intersection at the event site entrance, which would include a pedestrian crosswalk. However, this would cost more than the pedestrian signal. After discussing this with DCTB staff, we have agreed to pursue an arrangement to pursue a four-way traffic signal with a pedestrian crosswalk at the entrance and sharing the cost between the Town and the DCTB. We are suggesting that the town cover one-third and DCTB cover two-thirds of the cost. Based on the initial estimate of \$350,000, the town would contribute \$120,000 and the DCTB would contribute \$230,000.

'In the Town's FY 2025/26 budget, we included \$175,000 to cover the cost of 1/2 of the Lakeside signal. The Town has been discussing potential funding opportunities with NCDOT to cover the remaining share. We have applied for several grants for these two projects, and should find out if they are awarded in the next few months. We also budgeted \$30,000 in FY 2024/25 to cover the match for the pedestrian signal at the event site, which has been carried over to this year.

'We would like to move forward with executing the reimbursable agreement with NCDOT to get these projects underway. We would also like to begin working with the Dare County Tourism Board on a cost share arrangement to pay for the Soundside Event Site signal. This would require the execution of an MOU between Nags Head and the DCTB. Attached is a memo from Caitlin Spear, the NCDOT Division 1 Engineer, outlining how the reimbursable agreement would work.

'Recommend authorizing the Town Manager to execute the reimbursable agreement with NCDOT pending final review by both agencies and approval of an MOU to share the costs with the Dare County Tourism board for the Soundside Event Site signal."

MOTION: Mayor Cahoon moved to authorize the Town Manager to proceed with the reimbursement plan presented, and the pursuit of the work and financing presented, subject to the Outer Banks Visitor's Bureau agreeing to the cost share. The motion was seconded by Mayor Pro Tem Lambert, which passed unanimously.

Consideration of Appointments to Board/Committee: Planning Board

The agenda summary sheet read in part as follows:

"At the December 3, 2025 Board of Commissioners meeting, request Board consideration of the following appointments:

'Planning Board:

- Replacement of Megan Vaughan who was elected as a Nags Head Commissioner on November 4, 2025
- Replacement of Molly Harrison who was elected as a Nags Head Commissioner on November 4, 2025

'Attached please find Current Roster and Candidate Chart. 'This item is provided for Board appointment."

MOTION: Comr. Vaughan moved to appoint Beverly Head to the Planning Board for a three-year term. The motion was seconded by Mayor Pro Tem Lambert, which passed unanimously.

MOTION: Comr. Sanders moved to appoint Valerie Netsch to the Planning Board for a three-year term. The motion was seconded by Comr. Harrison, which passed unanimously.

Mayor Cahoon directed Town Clerk Brittany Phillips to prepare confirmation letters for the appointees.

Consideration of Recommendations of Appointments to Dare County Boards

- Dare County Land Transfer Tax Appeal Board
- Dare County Tourism Board

The agenda summary sheet read in part as follows:

"At the December 3rd Board of Commissioners meeting, the following recommendations for appointments are requested to replace previous appointments held by outgoing Mayor Pro Tem Siers:

- Dare County Land Transfer Tax Appeal Board — Please provide one recommendation for this Board.
- Dare County Tourism Board — Please provide three recommendations, in order of preference, for this Board.

Once recommendations are complete, the Dare County Application for Appointment will need to be completed by each person. The Dare County Board of Commissioners will be considering this matter at either their December or January meetings."

MOTION: Mayor Pro Tem Lambert moved to nominate Comr. Vaughan as the representative for the Town to serve on the Dare County Tourism Board. The motion was seconded by Comr. Sanders, which passed unanimously.

MOTION: Comr. Vaughan moved to nominate Mayor Cahoon as the representative for the Town to serve on the Dare County Land Transfer Tax Appeal Board. The motion was seconded by Comr. Sanders, which passed unanimously.

RECESS/RECONVENE — The Board took a brief recess at 10:26 a.m. and reconvened at 10:36 a.m.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Leidy noted that he had nothing to present today.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Financial Update

Deputy Town Manager/Finance Officer, Amy Miller presented a financial update to the Board, the summary sheet read in part as follows:
"At the December 3, 2025 Board of Commissioners meeting, Deputy Town Manager/Finance Officer, Amy Miller, will provide a financial update to the Board.

'For shared revenues (sales, occupancy, land transfer taxes), we are projected to be approximately \$69,000 over budget. This covers the first quarter of fiscal year 2026. Land transfer tax is 14% higher than this time last fiscal year, while sales tax is the same and occupancy tax is 2% lower.

'We have collected over 77% of our ad valorem taxes and anticipate to have another wave of payments coming in at the beginning of the year.

'For water utility sales, we have collected 54% of budgeted revenues, which is tracking the same compared to last November.

'Tipping fees are tracking at 45% of the budget, which again aligns with this time last fiscal year.

'We appreciate the Board's confidence and support and staff are available to answer any questions. We will continue to 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."

Miller noted that Beach Nourishment will be addressed at the mid-month meeting. She then highlighted the Capital Investment Fund, which holds about \$3 million currently. She explained that it is a Capital Reserve Fund that adheres to a fund balance policy of 20% of expenditures, while the general fund's policy is 35% of expenditures — any excess moves to the Capital Reserve Fund. The town has about \$200,000 to spend from the Public Services Complex Project by the end of February. Additionally, she noted that Deputy Finance Director Stephen Panaro is working on a new monthly report.

The Board thanked Amy for her efforts.

CIP Project Updates

Manager Garman and Town Engineer Ryan presented this item. The summary sheet read in part as follows:
"Capital Improvement Plan (CIP) Update

'The Town continues an active year of CIP project work, building on FY 24-25 initiatives and advancing new projects through planning, permitting, and construction phases. Below is a summary of completed and ongoing work:

'Continuation of FY 24-25 Projects

- **Streets, Drainage & Watermain Improvements**
Completed upgrades include six cross-street storm drain replacements, drainage extensions at three locations, 2,400 LF of AC water main replacement, and ~2 miles of pavement resurfacing along S. Memorial Ave corridor.
- **S. Virginia Dare Trail Multi-Use Path**
Resurfaced ~2.25 miles in Spring 2025 (Jennette's Pier to Lakeside St. and Epstein St. to north of Dune St.). Work resumes early 2026 toward Curlew St.
- **Drainage Infrastructure – Project Area #12 (S. Nags Head)**
Installed 1,200 LF of drainage system in Spring 2025; ongoing work includes pump station, infiltration gallery, and beach access improvements. Completion expected April 2026.
- **Drainage Infrastructure – Project Area #13 (S. Nags Head)**
Installed 2,500 LF of drainage system, pump station, and infiltration basin. Electrical work pending; system start-up anticipated January 2026.
- **Whalebone Park Pavilion**
Pavilion is now open to the public.

'FY 25-26 CIP Projects

- **Drainage Infrastructure – Project Area #4**
Planned for Fall 2026 along S. Wrightsville Ave. with pump station and infiltration gallery at Bonnett St. Beach Access.
- **Wellness Center**
Construction began September 2025; foundation completed, slab poured Nov. 25. Substantial completion is targeted for September 2026.
- **Driftwood Drive Watermain Extension**
8" waterline extension from S. Croatan Hwy to Shoppes at 10.5. Design complete; bids in December for early 2026 construction.

- **Dune Walkover Replacements**

Three replacements are planned (Gulfstream Way, June St., Juncos St.). Juncos included in Project Area #12 scope; bids for others in December.

- **Sidewalk Extensions**

Proposed at E. Admiral St., E. Grouse St., and connections at W. Baymeadow Dr. and W. Windjammer Dr. Tentative schedule: early 2026.

- **Water Plant Liquid Chlorine Conversions**

These projects are under design."

Engineer Ryan mentioned that the Stormwater Master Plan is being updated based on feedback from the stormwater workshop and additional data collected.

Town Manager Garman noted that the Whalebone Park pavilion was constructed by town staff acting as the general contractor, saving approximately \$150,000-\$250,000 compared to hiring a general contractor. He described some details that were involved in the flood proofing of the building and thanked Public Services Director Carawan and the Public Services staff for their work.

He then discussed recent and planned improvements at Dowdy Park in connection with holiday festivities. Additional electrical work was completed to allow installation of holiday lights along the wavy walkway in the dune area. It was noted that there are remaining maintenance funds from last year's Dowdy Park budget, which could be used for further enhancements.

Several potential projects were identified for future consideration. One proposal is to install irrigation in the western field, which has been underutilized and does not currently have sod like the rest of the park. Irrigation, along with possible sod installation, is expected to improve grass quality and usability. Another item discussed was a previously planned sidewalk along the western edge of the field to create an additional walking path. It was suggested that we obtain bids for this sidewalk project at the same time as bids for other sidewalk projects previously mentioned. Since plans were prepared in prior years, this could be included as an add-alternate, and the Board could decide later whether to proceed based on available funding.

In addition to Dowdy Park improvements, staff also indicated interest in proposing further landscaping and irrigation enhancements at Whalebone Park to complement the new structure recently installed there. These items will be brought back for future discussion.

The next update was regarding the construction of a multi-use path in front of Jockey's Ridge connecting Soundside Road to Hollowell Street. The project has been awarded a \$750,000 grant from the Outer Banks Visitors Bureau, along with a separate state grant to fund the design phase. Design work is expected to begin soon.

The initial focus will be on gathering topographic information for the area, particularly from the pedestrian signal south to Soundside Road. Staff will work with state park personnel to develop a plan that lays back the dune in order to accommodate the path. This approach would not only allow construction of the path but also help reduce ongoing NCDOT maintenance related to sand accumulation and standing water on the roadway.

The goal is to begin the design process within the next month and have a completed design by the summer, if possible. Future progress will depend largely on permitting requirements and the feasibility of moving sand, which will require coordination and assistance from State Parks.

Mayor Cahoon questioned if the expected April completion date represented a significant delay for the southernmost drainage project in South Nags Head. Engineer Ryan responded that the project is not behind schedule. He explained that due to environmental permitting requirements, construction involving the dune infiltration system is restricted to periods outside of turtle nesting season. This seasonal limitation has been the primary constraint affecting the project timeline and was anticipated as part of the planning process.

Mayor Cahoon asked whether the Arts and Culture committee and staff have considered appropriate-scale programming for Whalebone Park now that the park improvements are complete. It was noted that Whalebone Park is a different type of facility than Dowdy Park but is a valuable asset in a prime location. He expressed interest in exploring suitable activities and holiday decorations that match the scale and character of the park.

Commissioner Lambert remarked on the significant amount of activity underway across the town and described Whalebone Park as a "hidden gem" that could be enjoyed by more residents and families.

The Board expressed appreciation to Engineer Ryan and Manager Garman for the updates and echoed support for the focus on Whalebone Park. They also noted the breadth of projects occurring throughout the town, emphasizing that improvements are distributed across multiple areas rather than concentrated in one location. It was shared that while there is a substantial amount of work underway, the Board is likely to support continued progress on infrastructure, asset maintenance, access, mobility, and overall service to town residents.

Beach Nourishment Planning Update

Town Engineer David Ryan introduced this item. The summary sheet read in part as follows:
"On November 13, 2025, the Town received bids for the 2026/2027 Beach Renourishment Project. Two bids were submitted for the 2026 construction window and three bids for the 2027 window.

'Bids were structured across two years due to the limited number of contractors capable of executing projects of this scale and complexity. Advance scheduling and coordination with nearby projects helps optimize contractor availability and improve bid competitiveness.

'A notable change from prior nourishment efforts is the **extension of the beach fill taper by approximately 500 feet onto U.S. National Park Service property**, ensuring a smoother tie-in, reducing scouring, and maximizing benefits for southernmost properties.

'Project Scope

- Base Bid: 2.2 million cubic yards of beach fill.**
- **Additive Alternates:** Two options for additional 100,000 cubic yards each.

'Bid Results
2026 Construction Window Bid A

1. *Weeks Marine, Inc.* – **\$34,934,100** base bid; **\$965,000** per alternate; **Total: \$36,864,400** (lowest bid).
2. *Great Lakes Dredge & Dock Co., LLC*– **\$40,504,554** base bid; **\$1,270,000** per alternate; **Total: \$43,044,554** (highest bid)

2027 Construction Window Bid B

1. *Great Lakes Dredge & Dock Co., LLC*– **\$37,280,751** base bid; **\$1,040,900** per alternate; **Total: \$39,362,551** (lowest bid).
2. *Weeks Marine, Inc.*– **\$38,454,870** base bid; **\$1,066,500** per alternate; **Total: \$40,587,870** (higher bid)
3. *Manson Construction*– **\$42,104,950** base bid; **\$1,421,000** per alternate; **Total: \$44,946,950** (highest bid)

'Next Steps

A **mid-December meeting** (December 17, 2025) is planned to provide additional information to aid the Board in the decision-making process. The following items will be covered:

- Coastal engineer **Moffatt & Nichol** presentation on Fall beach condition survey.
- Moffatt & Nichol comparative analysis of bids; discussion of alternates and recommendations on placement of additional sand
- Financial modeling by **DEC Associates**

'Formal consideration of the bid award is scheduled for the January 7, 2025 Board of Commissioners meeting."

Engineer Ryan reviewed what has occurred to date for this project and then reviewed the bid results. He noted that these results represent an increase of 102% from the 2011 project and a 40% increase from the 2019 maintenance project. He noted that giving the companies options seems to give the greatest flexibility and the best way to get the most competitive pricing. No decision was requested at this meeting; more details will be presented at the mid-month meeting.

Commissioner Harrison raised a question regarding the cost of mobilization and demobilization and whether the bid includes multiple mobilizations in the event of frequent storms requiring equipment to move on and off site. Specifically, clarification was requested on whether additional mobilization costs could be added if weather conditions interrupt work.

Engineer Ryan explained that the mobilization and demobilization costs in the bid cover the initial staging of equipment and final removal from the job site. Weather-related suspensions of work are addressed separately in the bid documents, with predefined pricing included for such interruptions. While these allowances cover a certain amount of suspension time, they may not cover every possible delay that could occur over the course of the project.

He further explained that contractors are required to suspend operations when sea conditions exceed certain thresholds, typically around six-foot wave heights, at which point operations become ineffective. In past projects, contractors have temporarily relocated equipment to other ports, such as Norfolk or Wilmington. If significant

delays occur, suspension-related costs would be incurred; however, these costs are established in advance and are not open-ended.

In recent beach nourishment projects in 2019 and 2022, the town did not incur additional suspension costs. While significant storms have occurred in some past summers, staff indicated that the typical construction window, from April through December, with primary work occurring between early May and mid-to-late August, generally provides the most favorable operating conditions.

Discussion of Potential Safety Improvements in Nags Head Elementary School Zone

Police Chief Hale and Manager Garman introduced this item. The summary sheet read in part as follows:

"At the December 3rd Board meeting, Police Chief Hale and Manager Garman will discuss potential safety improvements in the Nags Head Elementary School Zone and request Board input on whether to pursue these improvements.

'We were recently approached by a concerned citizen requesting that the Town consider additional measures to protect pedestrians near the Nags Head Elementary School zone. Specifically, the concern was the Bonnett/S. Croatan crosswalk and vehicles speeding and running red lights. We have had several discussions with the citizen, and staff at the school are aware of these concerns. We have discussed a range of solutions with NCDOT staff, and would like input from the board on two in particular:

'1) The addition of advance warning flashers north and south of the stop light, indicating that the light is about to turn red when the lights are flashing.

'2) The installation of photo speed enforcement in the school zone. The NC legislature recently passed Senate Bill 391 allowing photo speed enforcement in school zones, which aims to improve safety for children traveling to and from school. This bill went into effect on October 1, 2025. This would allow agencies to recuperate the cost of operating these systems. This authority is limited, and has not yet been extended to red-light cameras. While not a direct mechanism to enforce red light running, photo speed enforcement would increase driver awareness and caution through this area and could assist with controlling red light running.

'Attached is a copy of the newly passed state law. We understand that NCDOT would still need to adopt a policy before they can approve these installations. For now, we are asking for Board feedback on whether this is something we should continue to research and pursue."

One potential improvement discussed by Chief Hale was the installation of an advance warning signal prior to the Bonnett Street intersection, similar to a system recently installed near Kitty Hawk Road. This type of signal would alert drivers to prepare to stop and could improve awareness in advance of the intersection. He noted that NCDOT is already reviewing the feasibility and cost for this option and that newer rapid-flashing warning lights, which are more noticeable than traditional flashing yellow lights, may be recommended.

A second option discussed was the possible use of electronic speed enforcement devices in school zones, recently authorized under new state legislation effective in October. He explained that implementation would require development of a town ordinance and policy, coordination with NCDOT, and sworn law enforcement review of each citation. Violations would be civil, not criminal, with a state-set fine of \$250. Enforcement would be limited to school hours, and school must be in session for the devices to operate. Equipment calibration, staffing demands, administrative processing, and appeals procedures were noted as potential challenges, particularly for a small department.

Attorney Leidy explained that fine proceeds would generally be directed to the county Board of Education under state constitutional requirements, and the town should expect the program to function primarily as a safety measure rather than a revenue source. He noted that while some cost recovery may be possible under special legislation, outcomes have varied statewide and the legal framework remains uncertain.

It was Board consensus that we continue to research and pursue these improvements. They expressed support for exploring the advance flashing warning signal as an initial step and appreciation for the concerned citizen bringing the issue forward. Additional discussion addressed police presence in the area, the role of crossing guards, and the operational limits of electronic enforcement. Staff will continue researching these options, consult with other agencies, and provide updates to the board as more information becomes available.

Dare Housing Foundation Update

Manager Garman introduced this item. The summary sheet read in part as follows:

"At the December 3, 2025 Board of Commissioners meeting, Manager Garman will provide an update on the Dare Housing Foundation."

Manager Garman recognized the Dare Housing Foundation President Donna Creef in the audience. He then provided a brief update on the Dare Housing Foundation. He explained that one of the primary recommendations of the Dare County Housing Task Force was to transition to a nonprofit organization to implement the study's recommendations. As a result, the Dare Housing Foundation has been formed and is now formally replacing the original task force, with activities migrating to the new organization.

Representatives have been appointed from each town and various private entities throughout the county. The Foundation held its initial meeting on November 13th. Significant progress has been made in establishing the nonprofit, including creating a bank account, adopting bylaws, and working with an attorney to file articles of incorporation. A meeting location is being finalized, but Towne Bank has offered to donate space and conference facilities.

At the November meeting, officers were elected: Donna Creef as President, Malcolm Fearing as Vice President, Andy Garman as Secretary, and Matt Neal (Southern Shores) as Treasurer. Several committees were established, including fundraising, financing, and project development. Manager Garman will serve on the Project Development Committee.

The next meeting is scheduled for December 16th. The group will continue organizing and begin addressing project details, with ongoing updates to be provided to the board as progress is made.

MAYOR’S AGENDA

Consideration of 2026 Board of Commissioners Meeting Calendar and FY 26/27 Budget Calendar

MOTION: Comr. Harrison moved to approve the 2026 BOC Meeting Calendar and the FY 26/27 Budget Calendar as presented. The motion was seconded by Comr. Vaughan, which passed unanimously.

The Board of Commissioners Meeting Calendar, as approved, read in part as follows:

- | | | | |
|-----|--------|--------------------------------------|------|
| 1. | Jan 7 | BOC Regular Meeting | 9 am |
| | Jan 21 | BOC mid-month meeting (if scheduled) | 9 am |
| 2. | Feb 4 | BOC Regular Meeting | 9 am |
| | Feb 18 | BOC mid-month meeting (if scheduled) | 9 am |
| 3. | Mar 4 | BOC Regular Meeting | 9 am |
| | Mar 18 | BOC mid-month meeting (if scheduled) | 9 am |
| 4. | Apr 1 | BOC Regular Meeting | 9 am |
| | Apr 15 | BOC mid-month meeting (if scheduled) | 9 am |
| 5. | May 6 | BOC Regular Meeting | 9 am |
| | May 20 | BOC mid-month meeting (if scheduled) | 9 am |
| 6. | Jun 3 | BOC Regular Meeting | 9 am |
| | Jun 17 | BOC mid-month meeting (if scheduled) | 9 am |
| 7. | Jul 1 | BOC Regular Meeting | 9 am |
| | Jul 15 | BOC mid-month meeting (if scheduled) | 9 am |
| 8. | Aug 5 | BOC Regular Meeting | 9 am |
| | Aug 19 | BOC mid-month meeting (if scheduled) | 9 am |
| 9. | Sep 2 | BOC Regular Meeting | 9 am |
| | Sep 16 | BOC mid-month meeting (if scheduled) | 9 am |
| 10. | Oct 7 | BOC Regular Meeting | 9 am |
| | Oct 21 | BOC mid-month meeting (if scheduled) | 9 am |
| 11. | Nov 4 | BOC Regular Meeting | 9 am |
| | Nov 18 | BOC mid-month meeting (if scheduled) | 9 am |
| 12. | Dec 2 | BOC Regular Meeting | 9 am |
| | Dec 16 | BOC mid-month meeting (if scheduled) | 9 am |

The FY 25/26 Budget Calendar, as approved, read in part as follows:

Board adopts Budget Calendar	December 3, 2025
Beach Nourishment Presentation	December 17, 2025; 9 am
Classification & Compensation Project Presentation	February 18, 2026; 9 am
Capital Improvement Program/Budget Workshop	Wed. March 4, 2026; following 9 am Board of Commissioners meeting
Capital Improvement Program/Budget Workshop	Wed. April 1, 2026; following 9 am Board of Commissioners meeting

Presentation of Managers Recommended Budget and Capital Improvement Program	Wed. May 6, 2026; 9 am
Capital Improvement Program/Budget Workshop	Wed. May 20, 2026; following 9 am Board of Commissioners meeting
Budget Public Hearing	Wed. June 3, 2026; 9 am
Capital Improvement Program/Budget Workshop - If continuation is needed	Wed. June 3, 2026; following 9 am Board of Commissioners meeting
Budget Adoption - If not adopted June 3, 2026	Wed. June 17, 2026; 9 am

Request for Nominations for Lightkeeper/Nags Header Awards
Mayor Cahoon invited everyone to present their nominations for those living (Lightkeeper Award) and for those deceased (Nags Header Award) who have made significant contributions to the Town. He asked those interested to fill out the application on the Town’s website and for staff to spread the word on social media.

Discussion of FY 25/26 Retreat
Mayor Cahoon discussed planning the FY25-26 retreat, including reviewing the retreat purpose, examples of past topics, and potential sessions for the future. The Board requested that they receive facilitator information to review and then a retreat date, likely in late January or February, could be selected based on facilitator availability.

Mayor Cahoon — Consideration of employee Christmas bonus
MOTION: Mayor Cahoon moved to approve a Christmas bonus of \$200 for full-time Town employees and \$100 for part-time employees. The motion was seconded by Comr. Sanders, which passed unanimously.

Mayor Cahoon asked Board members to stay for an official new photo after today’s meeting.

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. Sanders, which passed unanimously. The time was 11:48 a.m.

OPEN SESSION

The Board re-entered Open Session at 12:29 p.m. Attorney Leidy reported that the Board discussed confidential personnel matters, litigation matters, and other matters within the attorney/client privilege. He noted that some actions were taken but that nothing else needed reporting at the time.

ADJOURNMENT/RECESS TO MID-MONTH MEETING ON DECEMBER 17, 2025

MOTION: Comr. Sanders moved to recess to the December 17, 2025 mid-month meeting. The motion was seconded by Comr. Harrison, which passed unanimously. The time was 12:30 p.m.

Date Approved: January 7, 2026

Mayor: Benjamin Cahoon

Brittany A. Phillips, Town Clerk