



AGENDA

TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX – BOARD ROOM

WEDNESDAY, MARCH 4, 2026; 9:00 AM

REGULAR SESSION

A. CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

B. ADOPTION OF AGENDA

C. RECOGNITION

1. NEW EMPLOYEE — Sanitation Equipment Operator Terrance Whitley — November 6, 2025
2. Network for Endangered Sea Turtles (NEST) Update and Consideration of Revised Memorandum of Understanding
3. PRESENTATION — Arts & Culture Committee

D. PUBLIC COMMENT

E. CONSENT AGENDA

1. Consideration of Tax Adjustment Report
2. Report of Tax Delinquent List
3. Approval of Minutes
4. Consideration of Cart Rollback Contracts for May-Jun and Jul-Oct 2026
5. Consideration of Annual Audit Contract
6. Consideration of Memorandum of Agreement between the Town and the NC Sedimentation Control Commission
7. Consideration of Memorandum of Understanding with Surfrider Foundation for Adopt-A-Beach Program

F. PUBLIC HEARINGS

1. Public Hearing to Consider a Special Use Permit/Site Plan Review Submitted by Albemarle & Associates, Ltd on behalf of Coastal Bluewater Capital, LLC and TW's Bait and Tackle for a Group Development to be Located at 2230 S. Croatan Highway, Nags Head
2. Public Hearing to Consider a Text Amendment to the Unified Development Ordinance (UDO) Submitted by Albemarle & Associates, Ltd. on behalf of Dare County to Amend the Lighting Ordinance for Publicly Owned and Publicly Accessible Pickleball Courts

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

1. Update from Planning Director
2. Consideration of a Site Plan Review for Construction of an 8,305 Square Foot Dare County EMS Station

and Associated Improvements at 105 W Seachase Dr

3. Update on Estuarine Shoreline Management Plan — Catfish Farm/Causeway Living Shoreline Project
 - Consideration of the revised scope from McAdams for Soundside Road
 - Consideration of scope from Environmental Professionals for Soundside Road
 - Consideration of scope from Environmental Professionals for Catfish Farm/Causeway
 - Consideration of Budget Amendment 7.1
 - Consideration of Capital Project Amendment #11

H. OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

1. Action Necessary to Approve 2026 Beach Nourishment Project
 - Consideration of Notice to Proceed to Weeks Marine, Inc.

I. NEW BUSINESS

1. Consideration of Appeal by Garage Band Charities, Inc. regarding the Denial of a Crowd Gathering Permit Application Submitted January 21, 2026 - Time Specific 11:15 a.m.
2. Committee Reports

J. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

K. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

1. Review of Town Legislative Agenda - Time Specific 10:30 a.m.

L. BOARD OF COMMISSIONERS AGENDA

1. Mayor Pro Tem Megan Lambert – Consideration of Government Education Access Channel Committee FY 26/27 Budget

M. MAYOR'S AGENDA

1. Request for Nominations for Lightkeeper/Nags Header Awards

N. CLOSED SESSIONS

O. OTHER BUSINESS

P. ADJOURNMENT/RECESS TO FY 26/27 BUDGET WORKSHOP



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM C.1.

NEW EMPLOYEE — Sanitation Equipment Operator Terrance Whitley — November 6, 2025

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Welcome!

Specific Action Requested

This item is provided for Board recognition.

Summary

Recognition at the March 4, 2026 Board of Commissioners meeting will include the above-listed items.

Attachments

None



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM C.2.

Network for Endangered Sea Turtles (NEST) Update and Consideration of Revised Memorandum of Understanding

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Staff would suggest working with NEST on educational information related to our Dark Sky Initiative and turtle-friendly lighting to include additional signage at our beach accesses.

Specific Action Requested

Approval of staff recommendation

Summary

We have invited representatives from the Network for Endangered Sea Turtles to update the board on recent activities and initiatives to include sea turtle monitoring, turtle-friendly lighting, and educational campaigns. Staff recently met with NEST and suggested collaborating on these efforts. NEST would like to incorporate educational materials into signage at beach accesses. They are requesting an amendment to the existing MOU to allow for this, which would read as follows:

In addition to the one educational sign currently authorized at each designated beach access, this Memorandum of Understanding permits N.E.S.T. and the Town of Nags Head to collaborate on the development and installation of additional educational signage related to light reduction and sea turtle protection.

Attachments

None



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM C.3.

PRESENTATION — Arts & Culture Committee

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

We look forward to the presentation and await feedback from the Board.

Specific Action Requested

This item is provided for Board information and update.

Summary

Planning Staff and members of the Nags Head Committee for Art and Culture will be providing a brief presentation to the Board of Commissioners at their March 4, 2026, meeting. The intent of the presentation is to highlight efforts by the Committee during the 2025/2026 Season, and to provide information on what the Committee would like to achieve during the upcoming 2026/2027 Season.

2025 Season

2025 Farmers Market Season

The 2025 Farmers Market season continued to reflect the strong attendance, energy, and popularity of the Town's signature community event. Consistent with the Committee's direction, priority was again given to returning vendors in recognition of their ongoing commitment and the relationships they have built with patrons. Due to the high number of returning participants, no permanent vendor spaces were available for new applicants this season. To provide opportunities for emerging vendors, the Committee implemented three (3) rotating vendor spaces, allowing for the introduction of new products and participants while maintaining continuity among established vendors. As in previous years, preference was given to vendors offering consumable goods such as fresh produce, cheeses, baked items, and specialty food products. Attendance remained strong throughout the season, with July continuing to generate the highest turnout. Parking remains the primary logistical constraint associated with the market's success. Overflow parking at Nags Head Elementary School and the YMCA continues to be utilized; however, peak summer attendance frequently results in parking pressures in the surrounding area. Despite these challenges, the market remains one of the Town's most well-attended and positively received community events.

Summer Concert Series & Family Fun Times

The 2025 Summer Concert Series expanded to twelve performances and continued to be a well-attended and anticipated part of the Town's summer programming. Attendance continues to grow, with many familiar faces returning week after week, along with new attendees discovering the series for the first time. The series has developed a consistent rhythm within the community, with families and visitors alike incorporating the concerts into

their regular summer routine.

Family Fun programming transitioned from evening to morning events in 2025, resulting in increased participation. The weekly, kid-friendly offerings were well received and featured a diverse lineup including the Corolla Wild Horse Fund, Ascension Music, storytelling, and interactive variety shows. The Police and Fire Departments once again participated in a special Kids event, fostering positive engagement with families. Overall visitation trends indicate that both programs continue to grow steadily, with strong and sustained community enthusiasm.

Public Art Initiatives

In 2025, the Committee for Art and Culture continued its efforts to expand and maintain public art facilities throughout the Town. While another crosswalk project was not undertaken this year, the Committee remained focused on advancing ongoing initiatives and introducing new creative elements in public spaces. The Art Mast Project continues to move forward, with two additional pieces currently underway by local artists Noah Snyder and Brent Nultemeier. Additionally, a Nature Loom was installed at Town Park, accompanied by educational signage. The interactive installation is already being utilized and provides creative, hands-on experience that encourages engagement with natural materials and the surrounding environment.

Community Fitness, Programming and Partnerships

- **Yoga on the Lawn & Fitness Fridays** – Participation continued to grow in 2025, with both residents and visitors incorporating these wellness offerings into their regular routines. The programs have developed a steady following and are now an expected and well-supported part of the Town's seasonal programming.
- **School & Community Partnerships** – While a Young Entrepreneur Fall Market was not held this year, the Town partnered with Nags Head Elementary School during the annual Pumpkin Fair to host a Halloween movie, maintaining collaboration and engagement with local students and families.
- **Movies in the Park** – Several movie screenings were hosted in 2025, including events supported through community partnerships. Attendance and interest continue to build, reinforcing the program's value as a low-cost, family-friendly evening activity.
- **Waggin' Wednesdays at the Dog Park** - Waggin' Wednesdays was introduced in 2025 as a summer dog park program, held from late June through early August. The weekly sessions were well received in their first season, providing a casual opportunity for dog owners to connect while their pets socialized. Managed by part-time seasonal employee Emma Ortega, the program included interactive activities such as paw print paintings. Due to summer heat, staff anticipate adjusting the start time earlier next season to improve comfort for both pets and participants.

Holiday & Winter Events

- **Holiday Markets** – Three Saturday Holiday Markets were held in 2025. An evening market was not scheduled this year due to lower attendance and vendor participation in prior seasons. The Saturday markets averaged approximately 60 vendors and 325 attendees per event. Community response remained strong, with many residents expressing appreciation for the opportunity to shop locally during the holiday season.
- **5th Annual Tree Lighting Ceremony** – This year's celebration continued to grow in both attendance and programming. Enhancements included additional lighting throughout Dowdy Park (with support from Public Services), the arrival of "Sprinkles the Elf" delivered by the Police Department ahead of Santa's arrival via the Fire Department, and musical performances by the Manteo High School Choral and String Ensemble as well as Ascension Music students. A limited number of commemorative ornaments were distributed during the event. The overall atmosphere and community participation reflected the continued success and evolution of this holiday tradition.
- **4th Annual Flashlight Candy Cane Hunt** – The event experienced record participation this year, with approximately 175 attendees. As in previous years, participants were divided into two age groups, and more than 750 candy canes were hidden throughout the park. This event continues to grow in popularity and has become a highly anticipated

tradition for local families.

- Winter Markets – The Winter Market series remains well attended and appreciated by both vendors and residents. January and February markets have been successful, with March and April dates forthcoming. These events continue to provide access to fresh foods and locally made products during the off-season.

Social Media & Community Engagement

Community response on social media remains positive, reflecting strong support and enthusiasm for these events. Overall, the 2025 season was a success, with increased engagement across various programs. The Art and Culture Committee looks forward to building on this momentum in the coming year.

2026 Season

The Committee for Art and Culture has been actively planning the upcoming season of events in 2026. Below is an overview of anticipated programming and initiatives:

Dowdy Park Farmers Market – 2026 Vision

The 2026 Dowdy Park Farmers Market season is scheduled for Thursdays, June 11 through August 20, from 9:00 AM – 1:00 PM, allowing for eleven (11) markets. As in previous years, the schedule aligns with the Nags Head Elementary School summer break to avoid parking conflicts once school resumes. The market continues to experience strong vendor demand and community attendance. Based on outreach to prior participants, we anticipate most 2025 vendors returning, resulting in limited availability for new artisans. To balance consistency with opportunities for emerging vendors, staff intends to:

- Maintain a core group of full-season vendors.
- Offer a limited number of rotating vendor spaces to introduce new artisans and producers.
- Prioritize producers and consumables where possible to maintain product diversity.

Staff conducted a vendor survey in Fall 2025 and held an after-action meeting to review feedback. The discussion provided helpful insight into vendor operations, customer flow, and overall market experience. Lessons learned from that process will inform minor operational refinements for the 2026 season. Once both full-season and rotating vendors are selected, staff will host a pre-season, in-person meeting to review expectations, logistics, and program goals to ensure a smooth and successful market season. Staff will continue to evaluate market operations, vendor mix, and site logistics to ensure the Dowdy Park Farmers Market remains vibrant, well-managed, and responsive to both community demand and emerging artisan interest.

Summer Concert Series

The Summer Concert Series will continue in 2026 on Wednesday evenings from 6:30 PM – 8:00 PM, running from mid-June through early September. The season will expand to feature fourteen (14) performances, reflecting the program's continued growth and popularity. The series has developed a strong following among residents and visitors, with many now anticipating the weekly concerts and incorporating them into their summer routines. The 2026 lineup will include a thoughtful mix of familiar favorites and new performers, maintaining variety while building continuity and audience loyalty.

Community Wellness and Enrichment Programs

The Town will continue expanding its Fitness & Wellness programming in 2026, building on the strong participation and positive feedback received in 2025.

Adult Wellness Programming

- Yoga on the Lawn: Tuesdays, 7:30 AM – 8:30 AM
- Fitness Fridays: Fridays, 7:30 AM – 8:15 AM
- Wellness Wednesdays: New for 2026, introducing an additional mid-week wellness offering to further diversify morning programming and broaden participation.

These programs have developed a steady following among residents and visitors, many of whom now incorporate them into their weekly routines.

Youth & Family Programming

Kid-friendly events will continue on select Tuesday and Friday mornings, featuring interactive, educational, and movement-based activities. Staff will invite vendors and organizations whose work aligns with each event theme, including makers, growers, performers, and conservation-focused partners.

Collaborations may include returning favorites such as:

- Corolla Wild Horse Fund
- Riptide
- Ascension Music
- JEF
- Storytelling and interactive variety performances

The popular Kids Back-to-School Event will return in 2026, continuing to serve as a well-attended and anticipated end-of-summer tradition for families. As programming grows, staff will continue refining scheduling and partnerships to maintain a balance between wellness, creativity, and family engagement while preserving the welcoming and relaxed atmosphere of Dowdy Park.

Movies in the Park

The Town will continue offering Movies in the Park, with an emphasis on fall scheduling when earlier sunsets allow films to begin at dusk while remaining compatible with young children's evening routines. Summer showings proved more challenging due to later start times that conflicted with family schedules. Staff will continue seeking sponsorships and community partnerships to support the program and enhance offerings. Plans are underway to incorporate a special feature aligned with the Town's Dark Skies, Bright Stars initiative, with a focus on engaging children through themed activities and educational elements.

Waggin' Wednesdays at the Dog Park

Introduced in 2025 at the Satterfield Landing Dog Park, Waggin' Wednesdays provided a fun, low-key opportunity for residents and visitors to connect while their dogs socialized. The first season was well received, though warmer mid-morning temperatures highlighted the need for earlier start times. For the upcoming season, staff anticipate shifting the program to 8:00 AM or 9:00 AM to ensure a more comfortable experience for both pets and their owners. As with many new initiatives, participation is expected to build over time as awareness grows and the program becomes a seasonal staple. Budget impacts remain minimal.

Holiday and Off-Season Markets

- Holiday Markets – The Holiday Market format has been refined to three Saturday markets, as the evening market was discontinued due to lower vendor participation and attendance. The Saturday markets continue to be extremely popular with locals and have become an anticipated seasonal tradition within the community.
- Tree Lighting Ceremony – The Tree Lighting Ceremony will continue building on the enhancements introduced in 2025, which were very well received. Highlights will again include Sprinkles the Elf, Santa, the Manteo High School choral and string ensemble, Ascension Music students, and a limited number of commemorative Town of Nags Head ornaments. Staff will explore opportunities to incorporate an additional special element to further enhance the experience while maintaining the event's charm and community feel.
- Flashlight Candy Cane Hunt – The Candy Cane Hunt experienced record attendance last year and has quickly become a local family favorite. The Committee will continue investing in this event, adding new elements each year to keep it fresh, engaging, and memorable for returning families.
- Winter / Off-Season Markets – Monthly Winter Markets will continue, providing residents with access to fresh foods and perishables during the off-season. These markets have been well received, fostering a loyal customer

base and supporting a small but high-quality group of local vendors.

- Dowdy Park Enhancements – Following the installation of additional electrical infrastructure and expanded holiday lighting in 2025, staff plans to maintain these improvements and continue incrementally adding décor and enhancements to elevate the park’s seasonal atmosphere.

Other Art and Cultural Projects

- Art Mast Project – The Art Mast Project will continue in the upcoming season, with participation from local artists. Carol Hennessey and Dawn Gray Moraga (Red Dawn) are planning to provide new art panels, ensuring continued rotation and fresh creative energy throughout the program.
- Public Art Crosswalk Project – Building on the success of the Bonnett Street installation, the Committee intends to pursue another public art crosswalk project in the coming season, further blending pedestrian safety with creative placemaking.
- Proposed Temporary/Rotating Public Art Installation at Dowdy Park – Artist Piper Allison, in collaboration with the Dare County College of The Albemarle (COA) Campus, is developing a conceptual outdoor sculpture titled “Hometown Swell.” The proposed installation would feature 14–16 donated or locally sourced surfboards arranged in a rising spiral around a central steel pole, reaching approximately 15 feet in height. The spiral form is intended to evoke the motion of a breaking wave and symbolize the energy, movement, and coastal identity of the Outer Banks. The artist has expressed interest in temporarily displaying the sculpture at Dowdy Park, should the project move forward. The concept remains in the early development stage and is contingent upon grant funding. Staff shared the proposal with the Committee for Art & Culture, where it was received very positively.
- Honoring the Legacy of Kerry Oaksmith Sanders – The Committee is deeply honored to be developing plans to celebrate and recognize the life and legacy of Kerry Oaksmith Sanders. Kerry’s passion for art, movement, wellness, and inclusive community programming helped shape the spirit and energy of so many of the Town’s events and gatherings. Her ability to bring people together through creativity and shared experience left a lasting imprint on this community. As plans take shape, the Committee’s goal is to create a meaningful and lasting tribute that reflects Kerry’s vibrant spirit and commitment to connection, expression, and joy. We look forward to sharing more as this project evolves.

Whalebone Park – Future Programming Opportunities

With the recent upfit of Whalebone Park, including the addition of a covered pavilion, restrooms, and picnic area, the Town now has new infrastructure that supports expanded programming opportunities. The Committee for Art & Culture, with significant input from Event Coordinator Paige Griffin, has begun discussing potential new programs and events that would thoughtfully activate this space. Given the park’s location at a highly visible and active intersection near Jennette’s Pier, staff recognize that summer scheduling may present logistical challenges due to traffic and seasonal congestion. As such, early discussions are centered around possible Spring and Fall programming, when the area is more conducive to community-focused events.

This concept is still evolving, and staff will continue to provide updates through the monthly Directors Report as ideas develop. While anticipated budget impacts would be modest, a small future budgetary request may be necessary to successfully launch programming at this location.

Staffing & Support

The Town’s events and community programming continue to grow in both scope and community expectation. The Event Coordinator position is a department of one, responsible for planning and implementing year-round initiatives including the Farmers Markets (in-season and winter), Summer Concert Series, Movies in the Park, fitness and wellness programs, holiday events, dog park programming, sponsorship coordination, vendor management, and support to the Art & Culture Committee. These programs are highly visible and valued components of the Town’s community engagement efforts.

Seasonal part-time support during peak months is appreciated and necessary; however, it does not address the year-round workload or the operational vulnerability created when institutional knowledge rests with a single full-time staff member. Each season requires re-training, limiting the ability to advance longer-term initiatives while managing ongoing programming. To strengthen sustainability, maintain program quality, and reduce vulnerability within this function, staff will be requesting that the Board of Commissioners consider funding a new part-time, year-round support position as part of the upcoming budget discussions. Additional details regarding the proposed role will be presented during the budget process.

Members of the Planning & Development Department, Event Coordinator Paige Griffin, and representatives from the Committee for Art & Culture will be available following this presentation to address any questions and receive feedback from the Board of Commissioners. Thank you for your continued support of arts, cultural programming, and community-building initiatives in Nags Head.

Attachments

None



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM E.1.

Consideration of Tax Adjustment Report

Prepared by

Jackie Szymanski, Tax Collector

Reviewed by

Jackie Szymanski
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

N/A

Specific Action Requested

This item is provided for Board review and approval.

Summary

Attached please find the list of adjustments to the 2025 Tax Levy (per information received from Dare County) for the monthly Property and MSD valuations.

These reports are submitted for your approval at the March 4, 2026 Board of Commissioners meeting.

Attachments

1. 3 E1 Tax Adj Town-Wide Report
2. 3 E1 Tax Adj MSD Report

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2025-2026 TOWN WIDE TAX LEVY
2025 Tax Levy As of Feb 25, 2026 for Mar 4, 2026 BOC

	Town-Wide Tax			Total Levy	
	Property Valuation	Rate	Total Levy	Property Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original levy:					
Property taxed at current 2025 rate	5,171,302,058	0.002320	11,998,450.08	11,998,450.08	
Registered Motor Vehicles at current 2025 rate	28,401,933	0.002320	65,891.35		65,779.88
Registered Motor Vehicles at 2024 year's rate	15,744,417	0.003300	51,956.58		51,956.58
Registered Motor Vehicles at 2023 year's rate	22,400	0.003300	73.95		73.95
Penalties			5,552.37	5,552.37	
Total	5,215,470,808		12,121,924.34	12,004,002.45	117,810.41
Discoveries & Adjustments:					
Current year discoveries & adjustments tax	41,768		88.55	88.55	
Town wide beach nourishment tax			8.35	8.35	
Corporate Utilities discoveries & tax	24,132,206		51,160.27	51,160.27	
Corporate Utilities beach nourishment tax			4,826.43	4,826.43	
Penalty Discoveries			0.00	0.00	
Total	24,173,974.00		56,083.60	56,083.60	
Releases & Adjustments:					
Current year releases & adjustments	(16,996,279)		(36,585.21)	(36,032.10)	(553.11)
Town wide beach nourishment			(3,399.26)	(3,399.26)	
Penalty Releases			(47.76)	(47.76)	
Total	(16,996,279)		(40,032.23)	(39,479.12)	(553.11)
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total Property Valuation	5,222,648,503				
Net levy		12,137,864.23		12,020,606.93	117,257.30
Uncollected Taxes & Penalties		(126,932.34)		(126,932.34)	0.00
Uncollected Town Wide Beach Nourishment		(12,533.51)		(12,533.51)	0.00
TOTAL UNCOLLECTED TAXES AS OF 02/25/26:		(139,465.85)		(139,465.85)	0.00
CURRENT YEAR TAXES COLLECTED:		11,998,398.38		11,881,141.08	117,257.30
CURRENT LEVY COLLECTION PERCENTAGE:		98.851%		98.840%	0.000%

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2025-2026 MSD TAX LEVY
2025 Tax Levy As of Feb 25, 2026 for Mar 4, 2026 BOC

	BEACH NOURISHMENT DISTRICT				
	MSD Valuation	Rate	Total Levy	MSD Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original MSD Levy:					
MSD Beach Nourishment at Current 2025 Dist 1 Rate	966,453,299	0.00090	869,807.94	869,807.94	
MSD Beach Nourishment at current 2025 Dist 2 Rate	826,305,310	0.00090	743,674.87	743,674.87	
MSD Beach Nourishment at Current 2025 Dist 3 Rate	1,764,477,822	0.00005	88,225.53	88,225.53	
MSD Beach Nourishment at Current 2025 Dist 4 Rate	1,181,551,706	0.00010	118,155.31	118,155.31	
MSD Beach Nourishment at Current 2025 Dist 6 Rate	0	0.00000	0.00	0.00	
Registered Motor Vehicles at Current 2025 Dist 1 Rate	1,638,578	0.00090	924.91		924.91
Registered Motor Vehicles at Current 2025 Dist 2 Rate	1,063,000	0.00090	956.70		956.70
Registered Motor Vehicles at Current 2025 Dist 3 Rate	3,937,900	0.00005	201.57		201.57
Registered Motor Vehicles at Current 2025 Dist 4 Rate	2,426,111	0.00010	248.06		248.06
Registered Motor Vehicles at Current 2025 Dist 5 Rate	0	0.00000	0.00		0.00
Registered Motor Vehicles at Current 2025 Dist 6 Rate	0	0.00000	0.00		0.00
Registered Motor Vehicles at 2024 Dist 1 Rate	271,252	0.00143	387.89		387.89
Registered Motor Vehicles at 2024 Dist 2 Rate	822,517	0.00143	1,176.20		1,176.20
Registered Motor Vehicles at 2024 Dist 3 Rate	1,754,200	0.00005	87.71		87.71
Registered Motor Vehicles at 2024 Dist 4 Rate	1,618,500	0.00010	161.85		161.85
Registered Motor Vehicles at 2024 Dist 6 Rate	1,342,600	0.00005	67.13		67.13
Registered Motor Vehicles at 2023 rate	0	0.00143	0.00		0.00
Penalties			0.00		
Total	4,753,662,795		1,824,075.67	1,819,863.65	4,212.02
Discoveries & Adjustments:					
Current year discoveries & adjustments	0		0.00	0.00	
			0.00	0.00	
Total	0		0.00	0.00	
Releases & Adjustments:					
DMV Current year valuation adjustments	0		0.00	0.00	0.00
DMV Current year tax releases	(1,394,194)		0.00	0.00	0.00
Real/Personal Current year releases & adjustments	(8,604,956)		(7,774.64)	(7,774.64)	Dist 2,3 & 4
Total	(9,999,150)		(7,774.64)	(7,774.64)	0.00
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total MSD Valuation	4,743,663,645				
Net levy		1,816,301.03		1,812,089.01	4,212.02
TOTAL UNCOLLECTED MSD AS OF 02/25/26:		(24,339.11)		(24,339.11)	0.00
CURRENT YEAR MSD COLLECTED:		1,791,961.92		1,787,749.90	4,212.02
CURRENT MSD COLLECTION PERCENTAGE:		98.660%		98.657%	0.000%



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM E.2.

Report of Tax Delinquent List

Prepared by

Jackie Szymanski, Tax Collector

Reviewed by

Jackie Szymanski
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

N/A

Specific Action Requested

This item is provided for Board information and update.

Summary

At the February 4th Board of Commissioners meeting, Board approval was received to advertise tax liens in the newspaper on Wednesday, March 18, 2026 in accordance with NCGS 105-369.

Attached please find the preliminary tax delinquent listing as of Wednesday, February 25, 2026.

(Property owners have until Friday, March 13, 2026 to pay and be removed from the tax delinquent listing before the advertisement is posted.)

Attachments

1. 3 E2 Delinquent tax listing

Customer Name	Property ID	Property Location	Total Receivable
3213 SVDT, LLC	006711001	3213 S VA DARE TRL	\$10,570.01
ALL COUNTY BUILDERS LLC	006493000	204 W HERRING CT	\$1,542.79
BOHANNON, MAGGIE	024961465	102 DUNERIDGE CT	\$1,619.03
BOONE, PAULA	024961556	5407 S OLD DUFFER CT	\$2,133.26
BROS FOOD GROUP, INC	006925000	111 W LAKESIDE ST	\$958.08
CANYON WISEMAN, LLC	008570003	S CROATAN HWY	\$11,511.45
CARNEY, DIANE DAUBE	007409001	116 E LIMULUS DR	\$26.07
CARTLIDGE, RICHARD L. TTEE.	006834000	117 W DANUBE ST	\$1,148.27
CHAMPMAN, JOHN F JR	026379406	4905 S VA DARE TRL D-6	\$2,138.97
COBB, WILLIAM T	030429000	4218 W COBBS WAY	\$719.25
COFFIELD, SUSAN V	005753000	2918 S WRIGHTSVILLE AVE	\$1,255.79
DAVIS, ANNE MARSHALL	008046000	111 E OREGON DR	\$2,351.75
EVANOSKY, CAROLYN COHN	006211000	209 W AMBERJACK CT	\$4,019.80
FERGUSON, DENNIS J	006971022	8123 S OLD OREGON INLET RD 205	\$1,495.58
FERGUSON, JANE E.	030633000	103 E SEA SPRAY CT	\$2,489.03
FERGUSON, THOMAS J	026827000	432 W VILLA DUNES DR	\$2,878.67
FERGUSON, THOMAS JAMES	011382000	500 W VILLA DUNES DR L-3	\$927.06
FORBES, J RANDY	028244000	2421 S VA DARE TRL	\$140.49
GARDNER, COLE HANSEN	006062000	3408 S BUCCANEER DR	\$1,123.96
GENDRON, MARK D	006277000	205 W SANDPIPER TER	\$535.29
HARANT, TIMOTHY B	007128000	8634 W INLET CT	\$1,506.85
HARREL, NICHOLAS III	012388002	3529 S VA DARE TRL	\$10,091.01
HARRINGTON, HARRY O	008007000	8711 A E CARIBSEA ST	\$4,984.05
HAWKS NEST COMPANY OF NAGS HEAD I	027790000	204 A E HAWKS NEST CT 13A-1	\$10,607.38
HINES COASTAL HOLDINGS, LLC	005832000	206 W LOST COLONY DR	\$1,092.97
HOFFMIER, MASON W	006837000	127 W DANUBE ST	\$765.10
HOWLETT, ALAN C.	000380062	5217 S VA DARE TRL 9B	\$2,631.85
HOWLETT, ROBYN	000380056	5307 S VA DARE TRL 6B	\$2,663.75
HUNTER, JUDITH T. TTEE.	006536000	204 W DANUBE ST	\$596.43
JACK W AILSTOCK FAMILY TRUST	007903000	8423 C E SEABIRD ST	\$1,930.12
JOHNSON, MARK C.	027418000	4015 A W SOUNDSIDE RD	\$1,173.29
JORDAN, ANTHONY	007322003	10009 S OLD OREGON INLET RD	\$8,719.97
KNIGHT, MONTGOMERY JR TRUSTEE	027266001	S VA DARE TRL	\$5.48
LASSITER CONSTRUCTION CO	005292000	2902 S VA DARE TRL	\$879.62
MANDOZZI, JARROD	007479000	10228 E SEA GULL DR	\$3,750.05
MAY, CHRISTINE IRENE	012410000	511 S HESPERIDES DR	\$1,381.65
MCKEEL, JAMES B	011379000	500 W VILLA DUNES DR K-6	\$965.43
MCMILLAN, MARY ALICE	011405000	500 W VILLA DUNES DR P-2	\$491.42
MCVEARRY, SHIRLEY D	027508001	2508 S VA DARE TRL	\$11,481.94
MEREDITH, ANDREW DALTON	007104003	7612 S VA DARE TRL	\$2,788.09
MIKE AND LISA LLC	006971011	8123 S OLD OREGON INLET RD 102	\$4,495.80
MOORE, DOUGLAS C	006110131	124 W WINDJAMMER RD	\$807.86
NUNEMAKER, CHRISTINE M	005879000	201 W ALBEMARLE DR	\$1,045.29

NUNEMAKER, KAREN CHRISTINE	005623007	2229 S WRIGHTSVILLE AVE	\$1,697.27
OASIS SUITES, LLC	027429000	7710 S VA DARE TRL	\$12,922.82
OLD HARRIS GROCERY LLC	012395000	3948 S VA DARE TRL	\$42.19
ONETO, TINA R.	006066000	141 W WINDJAMMER RD	\$498.21
P&P DARE TRAIL, LLC	005631000	2412 S VA DARE TRL	\$4,288.22
POPE, JOHN M	007464000	10216 S BODIE ISLE CT	\$2,282.16
PURCELL, JO ANN WALDO TRUSTEE	006121006	110 W NORTHPORT LN	\$1,199.77
SCHMIDT, ALLEN J	007769000	508 S HESPERIDES DR	\$1,355.19
SHARP, LINDA R TTEE	007555000	3817 S VA DARE TRL	\$2,905.42
SHEJI, DILDAR	009194000	113 E BERGEN CT	\$1,339.93
STRANDBERG PROPERTIES LLC	007104013	7532 CEDAR ISLAND DR	\$2,660.56
STURK, SUZANNE L.	005959059	203 W OUTLOOK CT	\$1,702.03
THOMPSON-SHAW CORP	006592000	7001 S VA DARE TRL	\$9,223.70
TYSINGER, LARRY RAYMOND	006365000	4724 S BLUE MARLIN WAY	\$3,677.84
UBER TELECOM INC	027934022	2224 S CROATAN HWY C	\$738.02
UNKNOWN OWNER	005788002	W MORNING DOVE ST	\$4.05
UNKNOWN OWNER	005948001	S OLD NAGS HEAD WOOD RD	\$5.96
UNKNOWN OWNER	008658001	S VA DARE TRL	\$6.72
UNKNOWN OWNER	029065001	S LOST COLONY DR	\$20.98
UNKNOWN OWNER (CONFLICT)	028276001	W SOUNDSIDE RD	\$118.95
UNKNOWN OWNER (CONFLICT)	030490000	S CROATAN HWY	\$2.62
WATTS, MICHAEL	030397000	402 W DEERING ST	\$1,320.86
WEBB, JOHN	006625000	7036 S VA DARE TRL	\$2,518.38
WELLS, SUSAN V	005707000	116 E BONNETT ST	\$79.62
WHITE, MICHAEL J. SR.	005401000	203 E BARNES ST	\$1,654.22
WOOD, JAMES P THE HEIRS OF	006514000	4317 W BARRACUDA DR	\$1,363.54
WRIGHTON, JESSIE N	008628000	109 B W DANUBE ST	\$735.64

\$178,804.87



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM E.3.

Approval of Minutes

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

N/A

Specific Action Requested

This item is provided for Board review and approval.

Summary

Attached for Board review and approval are the following DRAFT Board of Commissioners meeting minutes:

February 4, 2026 Regular Session

Attachments

1. 3 E3 Feb 4 2026 DRAFT BOC mins



**DRAFT MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
WEDNESDAY, FEBRUARY 4, 2026**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, February 4, 2026 at 9:00 a.m. for a Regular Meeting.

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

Board Members Absent: Mayor Pro Tem Megan Lambert

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; John Cece; Cody Douglas; Chase Tadlock; Charlie Bliven; Luis Nieves; Steven Gray; Meade Gwinn; David Thompson; Chad Motz; Randy Cartwright; James Moseman; AJ Christ; Jose Ramirez; and Town Clerk Brittany A. Phillips

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

ADOPTION OF AGENDA

MOTION: Comr. Sanders moved to approve the February 4th Agenda as amended, moving the following items to March: New Employee Recognition of Terrence Whitley, Update on Estuarine Shoreline Management Plan, and Review of Town Legislative Agenda. The motion was seconded by Comr. Vaughan, which passed 4 – 0 (Mayor Pro Tem Lambert was excused.). Mayor Cahoon noted that Mayor Pro Tem Lambert was not present and is excused.

RECOGNITION

NEW EMPLOYEE – Police Chief Perry Hale introduced Police Officer Cody Douglas, who was welcomed by the Board to Town employment.

NEW EMPLOYEE – Fire Chief Randy Wells introduced Firefighter Steven Gray, who was welcomed by the Board to Town employment.

FIVE YEARS – Public Services Director Nancy Carawan introduced Fleet Mechanic Luis Nieves, who was recognized by the Board for five years of service.

FIVE YEARS – Dep. Town Mngr./Finance Director Amy Miller introduced IT Administrator Karen Snyder, who was recognized by the Board for five years of service.

TEN YEARS – Town Manager Andy Garman introduced Dep. Town Mngr./Finance Director Amy Miller, who was recognized by the Board for ten years of service.

PROCLAMATION - Annual Safety Week

Deputy Fire Chief Shane Hite reviewed next month's Annual Safety Week activities scheduled for March 1 – 7, 2026.

Mayor Cahoon read the Proclamation as follows:

"WHEREAS, the Town of Nags Head Board of Commissioners, employees and citizens are committed to the maintenance of a safe and healthful workplace; AND

'WHEREAS, the Town has assumed an active role in the promotion of a safe and healthful work environment by a program of regular occupational worksite evaluations and employee safety education; AND

'WHEREAS, the Town strives to stimulate and maintain an interest in loss control and accident prevention and recognizes past and future services to the employees and citizens of Nags Head; AND

'WHEREAS, the Town seeks to guide and encourage the adoption and institution of safe work practices by all employers and employees in Nags Head.

'NOW, THEREFORE, the Town of Nags Head Board of Commissioners does hereby proclaim March 1–7, 2026 as SAFETY WEEK in the Town of Nags Head and commends this observance to our citizens.

'FURTHERMORE, in recognition of this proclamation, I invite all Nags Head employees to attend the annual Nags Head Safety Luncheon on Thursday, March 5, 2026 from 12:00 Noon to 2:00 p.m. at the Douglas A. Remaley Fire Station #16."

MOTION: Comr. Sanders moved to adopt the Proclamation declaring Annual Safety Week as March 1–7, 2026 as presented. The motion was seconded by Comr. Harrison, which passed 4 – 0 (Mayor Pro Tem Lambert was excused.).

The Mayor recognized the Public Services Department for its strong response during the recent snowstorm, noting that the Town received numerous compliments regarding street clearing and overall emergency preparedness. He acknowledged that several staff remained in town throughout the storm, including at the new ocean rescue housing and the fire station, to ensure continuous coverage. He also commended the Fire Department for responding to a structure fire on the oceanfront during severe snow, ice, and wind conditions, and noted that several positive comments were received regarding their performance. He expressed appreciation to Nags Head fire personnel involved, including Fire Chief Randy Wells, Deputy Chief Shane Hite, Captain Phil Wolfe, Captain James Moseman, Captain Matthew Swain, Captain Tanner Mann, Lieutenant Trey Simmons, Lieutenant Brandon Stallings, Engineer Anthony Dillon, Engineer Guy Crocker, Engineer Will Roepcke, Firefighter Scott Hooper, Firefighter Tyree Hughes, Firefighter Jose Ramirez, Firefighter Steve Gray, Firefighter Chad Motz, Part-Time Firefighter Frank Roepcke, and Volunteer Firefighter Mike Rogers, for their professionalism, dedication, and service in keeping Nags Head safe.

PUBLIC COMMENT

Town Attorney John Leidy opened Public Comment at 09:21 a.m.

John Cece — Nags Head resident — spoke on his perceived inequality of funding for the proposed 2026 Beach Nourishment Project. He gave the Board a handout to clarify his comments, see below.

2026 Town of Nags Head Beach Nourishment Cost Distribution Analysis

Reach	Length (feet)	2026 Fill Rate (CY/ft)	Cost per Reach (\$15.13/CY)	Mile	Cubic Yards/ Mile	Cost per Mile (\$15.13/CY)	% of Project Cost	Cost per 70-foot-wide lot (\$15.13/CY)	Cost per 90-foot-wide lot (\$15.13/CY)
---	---	---	---	0	---	---			---
1	29,300	29	\$12,855,961	1	153,120	\$2,316,705	6.28	\$30,714	\$39,480
				2	153,120	\$2,316,705	6.28		
				3	153,120	\$2,316,705	6.28		
				4	153,120	\$2,316,705	6.28		
				5	153,120	\$2,316,705	6.28		
2	13,000	31	\$6,097,390	6	158,400	\$2,396,592	6.50	\$32,832	\$42,213
				7	163,680	\$2,476,478	6.71		
				8	163,680	\$2,476,478	6.71		
3N	5,500	52	\$4,327,180	9	274,560	\$4,154,092	11.26	\$55,073	\$70,808
3S	3,500	145	\$7,670,910	10	750,500	\$11,355,065	30.80	\$153,569	\$197,446
4	1,500	162	\$3,676,590					\$171,574	\$220,595

NOTE: Totals do not equal \$36,854,100 due to 200,000 CY contingency worth \$3,026,000

Beach Nourishment Tax Revenue Generated by an Oceanfront Rental Property Valued at \$1,000,000

Reach	Municipal Service District (tax rate per \$100)					Annual Town Tax Total	Annual County Occupancy Tax*	Town / County Annual Total	5-Year Total	Sand cost for 70-foot-wide lot	5-Year Return on Investment
	Town-Wide (.02)	MSD 1 (.09)	MSD 2 (.09)	MSD 3 (.005)	MSD 4 (.01)						
1	\$200	\$900	---	\$50	---	\$1,150	\$4,000	\$5,150	\$25,750	\$30,714	19%
2	\$200	---	\$900	---	\$100	\$1,200	\$4,000	\$5,200	\$26,000	\$32,832	26%
3N	\$200	---	\$900	---	\$100	\$1,200	\$4,000	\$5,200	\$26,000	\$55,073	111%
3S	\$200	---	\$900	---	\$100	\$1,200	\$4,000	\$5,200	\$26,000	\$153,569	490%
4	\$200	---	\$900	---	\$100	\$1,200	\$4,000	\$5,200	\$26,000	\$171,574	560%

* Annual County Occupancy Tax = 2% of estimated \$200,000 per year rental income = \$4,000

Beach Nourishment Tax Revenue Generated by an Oceanfront Non-Rental Property Valued at \$1,000,000

Reach	Municipal Service District (tax rate per \$100)					Annual Town BN Tax Total	5-Year Total	Sand cost for 70-foot-wide lot	5-Year Return on Investment
	Town-Wide (.02)	MSD 1 (.09)	MSD 2 (.09)	MSD 3 (.005)	MSD 4 (.01)				
1	\$200	\$900	---	\$50	---	\$1,150	\$5,750	\$30,714	434%
2	\$200	---	\$900	---	\$100	\$1,200	\$6,000	\$32,832	447%
3N	\$200	---	\$900	---	\$100	\$1,200	\$6,000	\$55,073	817%
3S	\$200	---	\$900	---	\$100	\$1,200	\$6,000	\$153,569	2,459%
4	\$200	---	\$900	---	\$100	\$1,200	\$6,000	\$171,574	2,759%

Mr. Cece states that the proposed \$36 million beach nourishment project unfairly concentrates spending, with one-third of the funds going to just one mile of beach, disproportionately benefiting certain property owners. Using rough estimates, he claims those owners pay far less in taxes than the value of sand they receive and urges the board to question this imbalance and consider significantly increasing the MSD2 tax rate.

Randy Cartwright — Nags Head resident — requested that the Board review, and amend if needed, the Group Demonstration ordinance to ensure constitutional compliance. He contends that political demonstrations cannot predict attendance numbers in advance and that limiting the number of participants punishes success. He questioned whether the ordinance complied with the First Amendment and asked whether the town attorney had issued an opinion on the matter. He specifically asked about exceptions for spontaneous demonstrations, the criteria governing permit approval, and how the town reconciles the ordinance with case law regarding prior restraint on protected speech.

There being no one else who wished to speak, Attorney Leidy concluded Public Comment at 09:29 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of Budget Amendment #6 to FY 25/26 Budget
- Consideration of Tax Adjustment Report
- Request to Advertise Delinquent Taxes
- Approval of Minutes
- Consideration of Resolution Authorizing Litigation to Confirm and If Necessary Condemn Beach Nourishment Easements
- Request for Public Hearing to Consider a Special Use Permit/Site Plan Review submitted by Albemarle & Associates, Ltd on behalf of Coastal Bluewater Capital, LLC and TW's Bait and Tackle for a Group Development to be Located at 2230 S. Croatan Highway, Nags Head
- Request for Public Hearing to Consider a Text Amendment to the Unified Development Ordinance (UDO) Submitted by Albemarle & Associates, Ltd. on behalf of Dare County to Amend the Lighting Ordinance for Publicly Owned and Publicly Accessible Pickleball Courts

MOTION: Comr. Vaughan moved to approve the Consent Agenda as presented. The motion was seconded by Comr. Sanders, which passed 4 – 0 (Mayor Pro Tem Lambert was excused.).

Budget Amendment #6, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

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

The memo to advertise delinquent taxes, as approved, read in part as follows:

" Request for Approval for Advertisement:

In accordance with NCGS 105-369 advertisement of tax liens on real property for failure to pay taxes, "The municipal tax collector shall advertise municipal tax liens by posting a notice of the liens at the city or town hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period of March 1 thru June 3. The posted notice and newspaper advertisement shall set forth the following information: The name of the record owner as of the date the taxes became delinquent for each parcel on which the taxing unit has a lien for unpaid taxes; in alphabetical order; a brief description of each parcel of land to which a lien has attached and a statement of the principal amount of the taxes constituting a lien against the parcel; a statement that the amounts advertised will be increased by interest and costs and that the omission of interest and costs from the amounts advertised will not constitute waiver of the taxing unit's claim for those items; a statement that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes; costs – each parcel of real property advertised pursuant to this section shall be assessed an advertising fee to cover the actual cost of the advertisement."

'With your approval, staff intends to advertise the liens in the newspaper on March 18, 2026 in accordance with NCGS 105-369 for all amounts outstanding as of the close of business on March 13, 2026.

'Request for Authorization to Begin Foreclosures on 2025 Taxes:

In accordance with NCGS 105-374, "Foreclosure of tax lien by action in nature of action to foreclose a mortgage" and/or NCGS 105-375, "In Rem method of foreclosure..." "docketing certificate of taxes as judgment - in lieu of following the procedure set forth in NCGS 105-374, the governing body of any taxing unit may direct the tax collector to file with the clerk of superior court, no earlier than 30 days after the tax liens were advertised."

'With your direction, staff will begin the foreclosure process where necessary on the 2025 delinquent taxes 30 days after advertising.

'Request Board approval to advertise tax liens; request Board authorization to begin foreclosure process on 2025 taxes as appropriate."

The minutes from the January 7, 2026, Regular Session were approved by the Board and are on file in the Town Clerk's office and on the Town's website.

The resolution authorizing litigation to confirm and if necessary condemn beach nourishment easements, as adopted, read in part as follows:

"WHEREAS, the Town of Nags Head (the "Town") is located adjacent to the Atlantic Ocean; and

'WHEREAS, due to erosion, both constant and sudden, the Town plans to construct beach erosion control or flood and hurricane protection works, including beach renourishment upon the ocean beaches located within the Town (collectively "Beach Protection") to enhance and ensure the public use of the ocean beaches as allowed by North Carolina General Statute Section 40A-3(b1)(10); and

'WHEREAS, the Town intends to engage in acquiring, constructing, reconstructing, extending, or otherwise building or improving Beach Protection via beach nourishment scheduled to occur in the summer of 2026 pursuant to United States Army Corp. of Engineers Permit SAW-2025-01110 (the "2026 Beach Nourishment Project") including, but not limited to, the acquisition of any property that may be required as a source for beach nourishment; and

'WHEREAS, for the purposes allowed by North Carolina General Statute Section 40A-3(b1)(10) and particularly in connection with the 2026 Beach Nourishment Project to be undertaken, the Board of Commissioners for the Town hereby determines that it is desirable, necessary, and in the public interest to ensure that the Town has acquired a limited easement over certain portions of each oceanfront property in the nourishment project area, which extends from southern boundary of the Town along the Atlantic Ocean and ocean beach to the Bonnett Street Beach Access located at 2919 South Virginia Dare Trail ("the Project Area"); and

'WHEREAS, under North Carolina law and pursuant to various legal theories, the Town may maintain, use, and enhance the public's public trust easement in the privately owned portion of the State's ocean beaches via the nourishment and renourishment of said ocean beaches. However, some permitting agencies continue to require the Town to provide voluntary beach nourishment easements documents or beach nourishment easements documented by action of the judicial system in order to issue and allow use of permits for beach nourishment projects; and

'WHEREAS, the Town finds that it is prudent to obtain beach nourishment easements by voluntary conveyance to the greatest extent possible prior to the implementation of the 2026 Beach Nourishment Project; and

'WHEREAS, the Town believes that any easement interest needed in each oceanfront property is of minimal or de minimis value and is worth considerably less than the amount by which work done in connection with the 2026 Beach Nourishment Project will preserve, enhance or increase the value of each affected property; and

'WHEREAS, the Town anticipates that it may be unable to obtain documentation that the Town has acquired the necessary easement rights in some of the properties in the Project Area by the owners' voluntary conveyance; and

'WHEREAS, the Town desires to confirm or otherwise obtain documentation that it holds the necessary limited easement rights on properties within the Project Area so that the Project may proceed without undue delay; and

'WHEREAS, the Town finds that it is in the interest of the public's health, safety, morals and general welfare that the Town should move forward to obtain voluntary conveyance of beach nourishment easements verified by documentation or judicial process in support of future Beach Protection projects; and

'WHEREAS, the Town finds that the sum of Fifty Dollars and No Cents (\$50.00) per lot is sufficient compensation for the easement rights the Town may need to acquire by condemnation, to the extent those rights are not already held by the Town, and hereby authorizes that amount to be deposited as an estimate of the compensation due the owner (if any) when each action is filed in order to ensure that the Town acquires all necessary rights upon the filing of the action.

'NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners for the Town provides as follows:

1. The Town Manager and Town Attorney or their designees are authorized and directed to procure beach nourishment easements sufficient to perform the 2026 Beach Nourishment Project from the owners of the affected properties and may negotiate reasonable easement conditions satisfactory to the Town and its consultants.
2. The Town Manager and Town Attorney or their designees are authorized and directed to procure such easements or documentation thereof: (i) voluntarily, if possible; (ii) through litigation confirming public authority to perform the 2026 Beach Nourishment Project upon the ocean beaches of the Town; or (iii) through the use of eminent domain via the necessary proceedings under Chapter 40A of the North Carolina General Statutes to the extent that the Town does not already possess the rights to perform the 2026 Beach Nourishment Project upon the ocean beaches of the Town. In so doing, the Town Manager and Town Attorney or their designees may take any and all actions necessary in connection with the acquisition process.
3. For each ocean front property in the Project Area, the acquisition, by condemnation if necessary, shall be for

purposes allowed by North Carolina General Statute Section 40A-3(b1)(10) and particularly as and to the extent needed in connection with the 2026 Beach Nourishment Project, an easement in each such property over the ocean beach area of the property extending landward from the mean high water mark to the following locations, whichever is most waterward: the Vegetation Line; the toe of the Frontal or Primary Dune; or the Erosion Escarpment of the Frontal or Primary Dune. As used herein, the capitalized terms shall have the meaning as set forth in 15A of the North Carolina Administrative Code, Section 7H.0305. Such easement shall be effective immediately upon acquisition and may be perpetual or limited in duration so long as sufficient to perform the 2026 Beach Nourishment Project and, if possible, future maintenance thereof.

4. The recording with the Dare County Register of Deeds by the Town Manager or his designee of a beach nourishment easement negotiated by the Town Manager and/or Town Attorney or their designee acts an acceptance of the beach nourishment easement and rights granted therein by the Town of Nags Head."

The summary sheet concerning the request for Public Hearing to consider a Special Use Permit/Site Plan Review submitted by Albemarle & Associates, Ltd on behalf of Coastal Bluewater Capital, LLC and TW's Bait and Tackle for a group development to be located at 2230 S. Croatan Highway, Nags Head, as approved, read in part as follows:

"PROJECT SUMMARY

'Albemarle & Associates, Ltd., on behalf of Coastal Bluewater Capital, LLC and TW's Bait & Tackle, has submitted a Special Use Permit and Site Plan Review request to develop the property located at 2230 S. Croatan Highway, Nags Head, as a Group Development. The proposed scope includes:

- Conversion of the recently approved 4,774 square foot storage area (connecting the principal retail building and the existing storage building) into retail. This would result in the building containing 14,024 square feet of retail space and 4,250 square feet of storage space.
- Construction of a new 6,750 square foot detached building, divided into two units. Unit 1 is proposed to consist of 2,500 square feet of retail space and 1,000 square feet of accessory storage space. Unit 2 is proposed to consist of 3,250 square feet of storage, accessory to TW's Bait & Tackle.
- The above two buildings are proposed to be connected via a 12' x 20' covered sidewalk.
- Construction of a new 3,000 square foot detached building consisting of 2,000 square feet of art gallery use and 1,000 square feet of storage, accessory to the art gallery.

'ANALYSIS & STAFF RECOMMENDATION

The proposal generally complies with applicable use and development standards, including lot area, building height, buffering, and site design requirements. However, staff is unable to recommend approval of the request as submitted due to noncompliance with the Town's adopted Commercial Design Standards.

'The Town's Land Use Plan and Unified Development Ordinance emphasize high-quality architectural design and compatibility, particularly along prominent commercial corridors such as S. Croatan Highway. These objectives are implemented through the Commercial Design Standards in Article 10, Part VI of the UDO, which are intended to ensure that new development contributes positively to the Town's established character and development pattern.

'Staff is prepared to review any revised architectural renderings and provide updated information to the Planning Board at its February 17, 2026 meeting.

'While the proposal is generally consistent with applicable use and development standards, including lot area, height, buffering, and related site design requirements, staff is unable to recommend approval of the request as submitted due to noncompliance with the Town's adopted Commercial Design Standards. Staff is prepared to review any revised architectural renderings and provide updated information to the Planning Board at its February 17, 2026 meeting.

'PLANNING BOARD RECOMMENDATION

At their January 20, 2026, meeting, the Planning Board held substantial discussion regarding the proposed project, with particular focus on architectural compliance. While a majority of Board members were satisfied that the proposal met applicable dimensional standards and use requirements (including lot coverage, building height, and buffering), concerns were raised regarding the architectural design.

'The Planning Board requested that the applicant work with staff to develop revised architectural renderings that more closely align with ordinance standards and intent, and to return with those revisions at the Board's February meeting. At the same time, the Planning Board supported allowing the project to continue moving forward procedurally, including scheduling the required public hearing. As a result, this item is being advanced to the Board of Commissioners' February Consent Agenda for the purpose of setting the public hearing. The expectation is that the Planning Board will consider the revised architectural materials at its February meeting and, contingent upon satisfactory revisions, provide a formal recommendation at that time.

'Consideration of scheduling the Public Hearing for this Special Use Permit at the Board of Commissioners March 4, 2026 meeting."

The summary sheet concerning the request for Public Hearing to consider a text amendment to the Unified Development Ordinance (UDO) submitted by Albemarle & Associates, Ltd. on behalf of Dare County to amend the

lighting ordinance for publicly owned and publicly accessible pickleball courts, as approved, read in part as follows:
"Albemarle & Associates, Ltd., on behalf of Dare County, has submitted a proposed text amendment to the Town of Nags Head Unified Development Ordinance (UDO) to modify illumination standards for outdoor pickleball courts. The amendment would allow publicly owned and publicly accessible pickleball courts to increase average maintained illumination levels from the current 15 footcandles to 30 footcandles for recreational play, with the ability to temporarily increase illumination up to 50 footcandles for competitive or tournament play.

'The request is associated with a previously approved Special Use Permit and Site Plan for ten (10) publicly accessible pickleball courts developed by the Dare County Tourism Board and approved by the Board of Commissioners on January 8, 2025. As a text amendment, the proposed changes would apply town-wide to all publicly owned and publicly accessible pickleball courts.

'The applicant has cited recommendations from the Illuminating Engineering Society (IES) in support of higher illumination levels. Staff notes that while IES guidance addresses visual performance and player safety, local zoning standards must also consider land use compatibility, environmental sensitivity, and night sky impacts, consistent with the Town's adopted policies and "Dark Skies, Bright Stars" initiative.

'Staff has a proposed a tiered system that distinguishes between illumination levels appropriate for everyday recreational use and those intended for intermittent competitive or tournament play.

'Staff also notes that pickleball generates unique noise characteristics, which may be more noticeable in soundside or residential contexts. As a result, the proposed amendment retains Town authority to require additional mitigation measures where substantiated noise impacts occur.

'After reviewing the proposed text amendment, applicable technical guidance, including recommendations from the Illuminating Engineering Society (IES) and DarkSky International's Outdoor Sports Court Lighting Guidelines, and the Town's adopted policy framework, staff recommends adoption of a tiered approach to increased outdoor pickleball court lighting. Staff notes that the applicant has reviewed the proposed tiered approach and has indicated that they are generally comfortable proceeding under the framework as recommended.

PLANNING BOARD RECOMMENDATION

At its January 20, 2026 meeting, the Planning Board voted unanimously to recommend approval of the proposed UDO text amendment, with the following revisions:

- Extend the lighting curfew for pickleball courts from 9:00 p.m. to 10:00 p.m., except for the Satterfield Landing fields, which would retain the existing 9:00 p.m. curfew. This recommendation was based on seasonal daylight conditions, particularly during summer months when it is not fully dark by 9:00 p.m.
- Clarify that the 10:00 p.m. lighting curfew does not apply to approved Crowd Gathering Events. Lighting associated with such events may remain on for the duration of the event; however, illumination levels must be reduced to the standard 30 footcandles for recreational play immediately following the conclusion of the event.
- Extend the allowance for increased illumination levels (up to 30 footcandles) to pickleball courts located within commercial developments, including facilities such as the recently approved courts at the Outer Banks Sports Club.

'Consideration of scheduling the Public Hearing for this text amendment at the Board of Commissioners March 4, 2026 meeting."

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

Update from Planning Director

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

"This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on Wednesday, February 4, 2026.

Monthly Activity Report

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 January:

- Tuesday, January 6th — Technical Review Committee Meeting
- Wednesday, January 7th — Board of Commissioners Meeting
- Wednesday, January 7th - Harvey/OBVB Sound Access Living Shoreline Progress Meeting
- Thursday, January 8th — Board of Adjustment Meeting (no hearings)
- Saturday, January 10th — Dowdy Park Winter Market 9am - noon
- Tuesday, January 20th — Planning Board Meeting
- Wednesday, January 21st - Board of Commissioners Mid-Month (not scheduled)
- Thursday, January 22nd — Local Planners CRS Users Group Meeting

'Planning Board — Pending Applications and Discussions

The Planning Board most recently met on Tuesday, January 20, 2026. At that meeting, the Board took the following actions:

- Elected officers, appointing Meade Gwinn as Chair and David Elder as Vice-Chair.
- Considered a Special Use Permit and Site Plan Review submitted by Albemarle & Associates, Ltd., on behalf of Coastal Bluewater Capital, LLC and TW's Bait & Tackle, for the construction of a Group Development consisting of detached buildings to accommodate retail space, art gallery space, and associated accessory storage. The property, located at 2230 S. Croatan Highway, is zoned C-2, General Commercial. The Planning Board voted unanimously to recommend denial of the request due to noncompliance with the Town's commercial architectural design standards. The Board requested that the applicant work with staff to develop a compliant architectural design and return for reconsideration at the February meeting, while maintaining the public hearing schedule targeting a March Planning Board meeting.
- Considered a text amendment submitted by Albemarle & Associates, Ltd., on behalf of Dare County, to amend lighting levels permitted for publicly owned and publicly accessible pickleball courts. The Planning Board voted unanimously to recommend approval of a tiered lighting framework with additional conditions aligned with the Town's Dark Sky objectives.
- Accepted the 2026 Planning Board Submittal Calendar.

'The next Planning Board meeting is scheduled for Tuesday, February 17, 2026. Anticipated agenda items include reconsideration of the Special Use Permit/Site Plan Review for TW's Bait & Tackle Group Development, specifically related to revised architectural compliance, and consideration of Site Plan Review for construction of a 6,760 square foot Dare County EMS Station located at 105 W. Seachase Drive, as the previous site plan approval has expired.

'Board of Adjustment – Recent and Pending Applications – There were no items for the Board of Adjustment's consideration in January 2026.

'Additional Updates

- DWMP/Septic Health Advisory Committee — The Septic Health Advisory Committee meeting originally scheduled for January 27, 2026, was postponed due to limited availability among both committee members and staff. Staff are currently working to reschedule the meeting for mid to late February.

Environmental Planner Conner Twiddy continues to see consistent participation in the Septic Health Program. In addition, the program has gained regional attention. Following a visit by Mount Pleasant Waterworks (South Carolina) to learn about Nags Head's approach, they have now invited Conner to participate in a one-day "Septic Think Tank" in Columbia, SC. The event will include partners such as South Carolina Sea Grant, South Carolina Department of Environmental Services, Clemson Extension, and regional Councils of Government, and will focus on idea-sharing and best practices. Conner has been asked to present on the Town of Nags Head's Septic Health Program and participate in facilitated discussion, which is a significant professional recognition and a strong endorsement of the Town's program.

Staff also continue to coordinate with the Division of Water Infrastructure (DWI) regarding the Town's proposed zero-interest Septic Repair Loan Program. DWI has provided a series of follow-up questions related to project scope, and staff are actively working to respond. Finally, several malfunctioning groundwater monitoring loggers have been returned to OTT Hydromet for evaluation. OTT Hydromet is currently researching the issues and may schedule a site visit to provide hands-on technical assistance if needed.

- Estuarine Shoreline Management Plan — Deputy Planning Director Joe Costello is scheduled to update the Board of Commissioners at their February 4, 2026, meeting on the progress of projects associated with the implementation of the Estuarine Shoreline Management Plan (ESMP).
- Sand Relocation and Dune Management Cost Share Program – Planning staff continue to process applications for both the Sand Relocation and Dune Management Cost Share programs. As of January 30, 2026, the Town has received a total of 125 sand relocation applications, with the pace of new submittals slowing slightly this month, and 67 dune management cost share applications. To date, approximately \$203,500 of the \$400,000 allocated for these programs has been committed.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture — The first Winter Market, held at Dowdy Park on January 10th, was very well attended and continues to demonstrate strong community interest in off-season programming. The next Winter Market is scheduled for Saturday, February 14th, from 9:00 a.m. to noon at Dowdy Park, with additional Winter Markets planned for March and April.

The Committee for Art and Culture met on January 14th. Members received a program and event update from Event Coordinator Paige Griffin. The Committee is scheduled to meet again on February 11th, with a focus on developing ideas for potential programming at Whalebone Park and preparing for their March update to the Board of Commissioners.

Paige continues to pursue sponsorships for the upcoming event season to sustain existing programs and support the expansion of new initiatives, including programming at Whalebone Park. Anyone interested in learning more about sponsorship opportunities is encouraged to contact Paige Griffin directly. In addition, Paige is working with an artist from the College of The Albemarle who is interested in pursuing a public art installation within the Town. The artist is scheduled to present conceptual ideas to the Committee for Art and Culture in February, and if supported, the concept will be brought forward to the Board of Commissioners in March. Paige is also in the process of finalizing musical performers for the upcoming summer concert series.

'Upcoming Meetings and Other Dates

- Tuesday, February 3rd — Technical Review Committee Meeting
- Wednesday, February 4th — Board of Commissioners Meeting
- Wednesday, February 11th — Committee for Art and Culture Meeting
- Thursday, February 12th — Board of Adjustment Meeting (no hearings)
- Saturday, February 14th — Dowdy Park Winter Market 9am - noon
- Tuesday, February 17th — Planning Board Meeting
- Wednesday, February 18th — Board of Commissioners Mid-Month (if scheduled)
- February 26th & 27th — Board of Commissioners Retreat

'Please find attached a monthly update from Planning Director Kelly Wyatt that includes permitting and code enforcement data through December 2025."

The Board thanked Director Wyatt for her efforts.

RECESS/RECONVENE — The Board took a brief recess at 9:35 a.m. and reconvened at 9:40 a.m.

NEW BUSINESS

Presentation - Annual Audit Report - Time Specific 10:00 a.m.

Deputy Town Manager/Finance Officer Amy Miller introduced this item. The summary sheet read in part as follows: "A video report by the Town's Auditing Firm DMJPS, which acquired Potter & Company, will be presented, and a representative will be available by phone at the February 4th Board of Commissioners meeting. A draft report of the Fiscal Year Ended June 30, 2025, Annual Comprehensive Financial Report is attached for your information. A hard copy will be given to the Board members when final approval is received from the Local Government Commission."

Deputy Town Manager/Finance Officer Amy Miller introduced Emily Mills, a partner with DMJPS (formerly Potter and Company), who presented the Town's annual comprehensive financial report via pre-recorded video due to weather concerns. Mills reported that the firm has issued an unmodified opinion on the Town's financial statements as of June 30, 2025, which is the highest level of assurance independent auditors can issue. The financial statements were submitted to the Local Government Commission (LGC) on January 29, 2026. She noted there were no findings that were considered significant deficiencies or material weaknesses, and no items requiring the town to submit a response to the LGC.

Board members had no questions following the presentation.

The Fiscal Year Ended June 30, 2025, Annual Comprehensive Financial Report will be posted on the website and on file in the clerk's office.

Committee Reports

- Comr. Vaughan – reported on the January 15th Dare County Tourism Board meeting noting that the boardwalk at the Soundside Event site was on schedule for completion in late February. A contractor has been hired to repair the electrical platform that was damaged, with completion expected by late spring. They are currently accepting event grant applications during the first two weeks of February. Occupancy tax collection was reported as flat compared to the previous year, with meals revenue up slightly at 2.5%.

Actions Necessary to Approve 2026 Beach Nourishment Project

- Consideration of Construction Contract - Notice of Award and Authorization for Town Manager to Execute Construction Contract
- Consideration of Capital Project Ordinance Amendment

Town Engineer David Ryan introduced this item. The summary sheet read in part as follows:

"At the December 17, 2025 meeting, the Board of Commissioners authorized issuing the Notice of Intent to Award the bid for the 2026 Beach Nourishment Project to Weeks Marine, Inc. This action represents the next step in the sequence of approvals necessary to move the project toward construction.

'This request seeks approval to issue the formal Notice of Award to Weeks Marine, Inc. in the amount of \$36,412,600, to initiate the construction contract process. Additionally, this request includes authorization for the

Town Manager to execute the contractual agreement with Weeks Marine, Inc. for the construction of the 2026 Beach Nourishment Project.

'The capital project ordinance approval is required in order to pre-audit the contract. This only reflects the contract amount of \$36,412,600. The ordinance will be further amended for contingency, administrative costs, and final financing amounts in advance of Local Government Commission financing approval, tentatively scheduled for April or May. Please note the actual cash capital reserve fund contribution and amount financed are estimated and will be formalized with the Board in advance of LGC approval.

'Staff recommends award/authorization/approval of the following items:

- Issue Notice of Award to Weeks Marine, Inc. for the 2026 Beach Nourishment Project
- Authorize the Town Manager to execute the construction contract with Weeks Marine, Inc in the amount of \$36,412,600
- Approval beach nourishment capital project ordinance amendment #18"

MOTION: Comr. Vaughan moved to approve the Notice of Award to Weeks Marine for the 2026 Beach Nourishment Project. The motion was seconded by Comr. Sanders, which passed 4 – 0 (Mayor Pro Tem Lambert was excused.).

MOTION: Comr. Harrison moved to authorize the Town Manager to execute the construction contract in the amount of \$36,412,600 contingent upon the Town Attorney's review. The motion was seconded by Comr. Vaughan, which passed 4 – 0 (Mayor Pro Tem Lambert was excused.).

The Notice of Award and contract, as approved, are on file in the Town Clerk's office.

MOTION: Comr. Sanders moved to approve Beach Nourishment Maintenance Capital Project Ordinance Amendment#18. The motion was seconded by Comr. Vaughan, which passed 4 – 0 (Mayor Pro Tem Lambert was excused.).

The Beach Nourishment Maintenance Capital Project Ordinance Amendment #18, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

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
Review of Town Activities to Celebrate the 250th Anniversary of the Signing of the Declaration of Independence
Town Clerk Brittany Phillips presented this item. The agenda summary sheet read in part as follows: "At the February 4, 2026 Board of Commissioners meeting, staff will report on the Town's involvement with the Dare County America 250 Committee and share with the Board Town events submitted to Dare County for its America 250 Celebration. Dare County's celebration is one of many nationwide to recognize the 250th anniversary of the signing of the Declaration of Independence.

'Since September, staff has attended regular meetings of the Dare County America 250 Committee, which consists of representatives from Dare County, local municipalities, Outer Banks Visitors Bureau, NC state organizations, National Park Service, non-profits, local businesses, Dare County Schools, College of the Albemarle - Dare Campus, local churches, and a local historian. The meetings are used to provide an overview of the celebration, receive subcommittee reports, event brainstorming, and planning.

'The Dare A250 Committee has developed a passport program and invites residents and visitors to explore places in Dare County that allow it to be known as the "Land of Beginnings". There are 13 sites across the county. During the self-guided experience, participants can scan a QR code and complete a digital form to receive a digital stamp. More information can be found here: [Dare A250 Passport Program](#)

'Nags Head Passport Locations:

Jennette's Pier 7223 S Virginia Dare Tr. Nags Head, NC 27959	Bodie Island Lighthouse 8210 Bodie Island Lighthouse Rd. Nags Head, NC 27959	Jockey's Ridge State Park 300 W Carolista Dr. Nags Head, NC 27959
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'Several staff members worked together to develop ideas on how we could incorporate existing Town events into Dare County's America 250 Celebration. The following events were submitted and are reflected on the Dare County A250 website: [Dare A250 Events](#)

'Family Fun Times — Tuesday, June 30th from 9:00 a.m. to 10:30 a.m. — Dowdy Park Patriotic-themed kids' crafts.
'Summer Concert Series with SOULone — Wednesday, July 1st from 6:30 p.m. to 8:00 p.m. — Dowdy Park
In addition to their regular lineup of crowd-favorite songs, the band will host a patriotic-themed sing-along with the audience.

'Americana Farmer's Market — Thursday, July 2nd from 9:00 a.m. to 1:00 p.m. — Dowdy Park We will ask vendors to participate by offering themed items, if they are available. They can also decorate their booths in patriotic decor.

'Kids Move More — Friday, July 3rd from 9:00 a.m. to 10:00 a.m. — Dowdy Park Colonial-style games for children.

'Fourth of July Fireworks — Saturday, July 4th at 9:25 p.m. — Nags Head Fishing Pier

In the context of America's 250, the fireworks highlight 250 years of independence and the enduring spirit of freedom, patriotism, and unity that have shaped the nation.

'In addition to our planned events, the Town will also be enhancing its patriotic decor located at Town Hall, Dowdy Park, and Town entry points." The Board thanked staff for the presentation.



Discussion of Ordinance Regulating Group Demonstrations

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

"At the February 4th, 2026 meeting, Town Manager Garman will discuss the recently adopted group demonstrations ordinance and some potential practical considerations for regulating these activities. A copy of the ordinance and fee schedule is attached.

'Staff will update the board on recent group demonstrations held in the town and facilitate a discussion on potential modifications to the ordinance."

Town Manager Garman explained that this item was added to the agenda in response to an email from Randy Cartwright regarding concerns about the town's ordinance potentially hampering spontaneous protests.

Attorney Leidy confirmed that the current ordinance meets constitutional requirements and complies with constitutional restrictions on time, place, and manner regulations. He noted that the current ordinance includes a small group exception that allows spontaneous gatherings of fewer than 15 people without a permit, which is consistent with what courts have upheld.

The board discussed potentially increasing the number threshold that triggers the permit requirement. Comr. Vaughan questioned the town's authority over demonstrations on the DOT right-of-way, and Attorney Leidy clarified that the town can regulate public property but not private property. Several commissioners expressed support for increasing the number from 15 to 30, noting that 15 people can gather quickly, especially in a spontaneous situation.

Police Chief Hale provided input, explaining that his primary concern is ensuring adequate staffing to monitor larger events. He noted that recent demonstrations have had between 20–40 participants, and that the current permit process allows the police department to plan staffing appropriately. He emphasized that the police department supports the First Amendment but wants to ensure public safety without diverting resources from normal shifts.

The board also discussed the \$25 fee that applies to gatherings over 100 people, with the Town Manager noting that the fee is nominal and could potentially be eliminated for speech-related events.

Comr. Vaughan moved to amend the ordinance for group demonstration permit requirements to read: provided that groups of less than 30 individuals engaging in processions, picketing, or group demonstrations need not obtain a permit. The motion was seconded by Comr. Sanders, which passed 4 – 0 (Mayor Pro Tem Lambert was excused.).

The board noted that this was a fluid situation, and they would be willing to revisit the ordinance if needed based on feedback from staff, the town attorney, or stakeholders.

MAYOR’S AGENDA

Mayor Cahoon - The Mayor noted that the DC Fly-in he mentioned at last month’s meeting was cancelled due to weather.

CLOSED SESSIONS

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 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). The motion was seconded by Comr. Sanders, which passed 4 – 0 (Mayor Pro Tem Lambert was excused.). The time was 10:19 a.m.

OPEN SESSION

The Board re-entered Open Session at 10:45 a.m. Attorney Leidy reported that the Board discussed matters that are protected by attorney/client privilege, but no other actions were taken.

ADJOURNMENT

MOTION: Comr. Harrison moved to adjourn. The motion was seconded by Comr. Vaughan, which passed 4 – 0 (Mayor Pro Tem Lambert was excused.). The time was 10:45 a.m.

Date Approved: _____

Mayor: _____
Benjamin Cahoon

Brittany A. Phillips, Town Clerk



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM E.4.

Consideration of Cart Rollback Contracts for May-Jun and Jul-Oct 2026

Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

Reviewed by

Amy Miller
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Attached for Board review is the proposed contract for cart rollback with Trash Detail, LLC for the May-June timeframe and for the July-October timeframe. The contract fee is \$207,648 for the calendar year, reflecting a 3% increase from 2025 that totals \$6,048.

Staff would like to continue the positive cart rollback experience for the upcoming season and is requesting Board authorization to execute the contract as presented. There will be no changes to the service.

Specific Action Requested

Request authorization for Town Manager or his designee to execute a contract for cart rollback services from May-June 2026 and July-October 2026 with Trash Detail, LLC.

Summary

Because this contract crosses fiscal years, Board authorization is required. For the purposes of planning and continuity of operations, staff requests that the contract be approved for the full 2026 summer season. The Town has received a number of positive comments and the beach road looks significantly better with this service in place.

Attachments

1. 3 E4 2026 Cart Rollback Contract

Benjamin Cahoon
Mayor

Megan Lambert
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head

Post Office Box 99
Nags Head, NC 27959
Tel. 252-441-5508
Fax 252-441-0776
nagsheadnc.gov

Bob Sanders
Commissioner

Megan Vaughan
Commissioner

Molly Harrison
Commissioner

NORTH CAROLINA
DARE COUNTY

SERVICE CONTRACT
PURCHASE ORDER #2026_____

**THIS CONTRACT IS NOT VALID WITHOUT THE REQUIRED ACCOMPANYING/
CORRESPONDING PURCHASE ORDER**

(CONTRACTOR *initials*)

THIS CONTRACT is made and entered into this the 4th day of March 2026 by and between the TOWN OF NAGS HEAD, a public body corporate of the State of North Carolina, (hereinafter referred to as "the TOWN") party of the first part and Trash Detail, LLC., 1104 W. Colonial Avenue, Elizabeth City, NC 27909, (hereinafter referred to as "CONTRACTOR"), party of the second part.

1. SERVICES TO BE PROVIDED AND AGREED CHARGES

The services and/or material to be furnished under this contract (hereinafter referred to collectively as "SERVICES") and agreed charges are as follows:

To provide Cart Rollout & Rollback service to all residential houses that take direct access to NC 12 or SR 1243 for Monday & Thursday service days for time periods May-June 2026 and July-October 2026 as per attached Quotes dated January 19, 2026.

Total contract price is \$207,648.00 (Two Hundred Seven- Six Hundred Forty-Eight dollars and zero cents.) Price is in accordance with CONTRACTOR's quote, dated January 19, 2026 (referenced above) plus applicable North Carolina taxes.

It is mutually agreed by and between the TOWN and CONTRACTOR that work under this will commence no later than MAY 1, 2026. The completion date shall be OCTOBER 31, 2026.

2. DESCRIPTION OF PROJECT

The CONTRACTOR shall roll trash and/or recycle carts from the home (private property) to the street (public right-of-way) on the day prior to trash/recycle collection days and position the carts so that they may be serviced with the Town's automated trash collection trucks. When the trash and/or recycle carts have been emptied, the carts will be returned from the street (public right-of-way) to the home (private property) on the day of collection.

- The CONTRACTOR shall place door tags at any property where access to the cart is obstructed on the day that the cart is to be rolled out. The CONTRACTOR will not be responsible to return to the home to service the cart, but the door tag shall serve as a reminder to the occupant to roll the carts to the street for collection.
- The CONTRACTOR shall guarantee to continuously service the property during the terms of the CONTRACT regardless of weather, holidays, etc. unless otherwise communicated by the TOWN to the CONTRACTOR.
- In the event of an impending weather event, the TOWN may request adjustments be made to positioning of the carts at the street and/or the timing of SERVICES.
- The CONTRACTOR report carts in need of repair or replacement to the TOWN so that continuous service may be provided to the home. The CONTRACTOR will not be responsible to SERVICE full trash and/or recycle carts that are not able to be rolled to the street. When possible. The CONTRACTOR will place empty, damaged carts upside down near the street for collection by the TOWN.

Location of SERVICES:

- The CONTRACTOR shall be responsible to provide SERVICES to all homes in which the driveway takes direct access to South Virginia Dare Trail (NC 12) and Old Oregon Inlet Road (SR 1243) within the municipal limits of the TOWN OF NAGS HEAD.

3. TERM OF CONTRACT

The term of this CONTRACT for SERVICES is from March 4, 2026, until the obligations of the CONTRACT are fulfilled and accepted by the TOWN pursuant to its terms or until the CONTRACT is terminated pursuant to its terms. Either party may nonetheless cancel this CONTRACT on thirty (30) days written notice to the other party by certified mail or personal delivery. This CONTRACT is subject to the availability of funds to purchase the specified SERVICES and may be terminated at any time if such funds become unavailable.

Notwithstanding provisions of this Section 3 to the contrary, the following shall survive the termination of this CONTRACT: any provision in Section 1 regarding liquidated damages; the provisions of Section 6 regarding indemnity; and the provisions of Section 10.

4. PAYMENT TO CONTRACTOR

The TOWN agrees to pay at the rates specified for SERVICES satisfactorily performed in accordance with this CONTRACT. Unless otherwise specified, the CONTRACTOR shall submit an

itemized invoice to the TOWN by the end of the month in which SERVICES are completed. Payment will be processed promptly upon receipt and approval by the TOWN of the invoice.

5. INDEPENDENT CONTRACTOR

Both the TOWN and the CONTRACTOR agree that the CONTRACTOR shall act as an independent contractor and shall not represent itself as an agent or employee of the TOWN for any purpose in the performance of the CONTRACTOR'S duties under this CONTRACT. Accordingly, the CONTRACTOR shall be responsible for payment of all Federal, State and local taxes arising out of the CONTRACTOR'S activities in accordance with this CONTRACT, including by way of illustration but not limitation, Federal and State income tax, Social Security tax, Unemployment Insurance taxes, and any other taxes or business license fees as required.

In performing the SERVICES, the CONTRACTOR is acting as an independent contractor and shall perform SERVICES in accordance with currently approved methods and practice in the CONTRACTOR'S professional capacity and in accordance with the standards of applicable professional organizations and licensing agencies.

6. INSURANCE AND INDEMNITY

The CONTRACTOR shall indemnify and save harmless the TOWN, its agents and employees from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the TOWN or which the TOWN must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from negligent performance of or failure to perform any of its obligations under the terms of this CONTRACT.

The CONTRACTOR shall be fully responsible to the TOWN for the acts and omissions of its sub-contractors and of persons either directly or indirectly employed by it, as the CONTRACTOR is for the acts and omissions of persons directly employed by it.

In addition, the CONTRACTOR shall comply with the North Carolina Worker's Compensation Act and shall provide for the payment of workers' compensation to its employees in the manner and to the extent required by such Act. In the event the CONTRACTOR is excluded from the requirements of such Act and does not voluntarily carry workers' compensation coverage, the CONTRACTOR shall carry or cause its employees to carry adequate medical/accident insurance to cover any injuries sustained by its employees or agents during the performance of SERVICES.

The CONTRACTOR agrees to furnish the TOWN proof of compliance with said Act or adequate medical/accident insurance coverage upon request.

The CONTRACTOR upon request by the TOWN shall furnish a Certificate of Insurance from an insurance company, licensed to do business in the State of North Carolina and acceptable to the TOWN verifying the existence of any insurance coverage required by the TOWN. The Certificate will provide for sixty (60) days advance notice in the event of termination or cancellation of coverage.

7. HEALTH AND SAFETY

The CONTRACTOR shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work. The CONTRACTOR shall take all necessary

precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees from the work and other persons who may be affected thereby.

8. NON-DISCRIMINATION IN EMPLOYMENT

The CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, or national origin. The CONTRACTOR shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their age, sex, race, creed, or national origin. In the event the CONTRACTOR is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state or local law or this provision, this Contract may be cancelled, terminated or suspended in whole or in part by the TOWN, and the CONTRACTOR may be declared ineligible for further contracts.

9. E-VERIFICATION OF EMPLOYEES

The CONTRACTOR represents and warrants that it has ensured and will ensure for itself and each subcontractor that it uses to perform obligations under this CONTRACT, that either:

- (1) The CONTRACTOR or subcontractor employs less than 25 employees who are employed for 9 months or more during a 12-consecutive period; or
- (2) The CONTRACTOR or subcontractor: (a) employs 25 or more employees who are employed for 9 months or more during a 12-consecutive-month period; and (b) has used the E-Verify program, which program is operated by the United States Department of Homeland Security and is defined in N.C. Gen. Stat. § 64-25 (5), to verify the work authorization of each employee.

10. GOVERNING LAW

This CONTRACT shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this CONTRACT shall be brought in the General Court of Justice of the State of North Carolina or in the Federal District Court for the Eastern District of North Carolina, and the parties hereby submit to venue in and the personal jurisdiction of the said Courts.

11. IRAN DIVESTMENT ACT CERTIFICATION

CONTRACTOR certifies that CONTRACTOR is not listed on the list of persons who engage in investment activities in Iran, which list is created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58 of the Iran Divestment Act.

12. OTHER PROVISIONS

This CONTRACT is subject to such additional provisions as are set forth in any addendum executed separately by each party and attached hereto.

13. CONTRACT DOCUMENTS/AMENDMENTS

This document together with the purchase order and any attached exhibits constitutes the entire contract between the said two parties and may only be modified by a written mutual

agreement signed by the parties and attached hereto. In the event of any conflict between this CONTRACT and any attached documents, the CONTRACT language will prevail.

14. SEVERABILITY

The provisions of this CONTRACT are separate and divisible. In the event that any provision of this CONTRACT shall be held invalid, the remaining provisions shall be construed and shall be valid as if the invalid provisions were not a part of this CONTRACT.

15. SIGNATURES

Both the TOWN and the CONTRACTOR agree to the above CONTRACT.

TOWN OF NAGS HEAD

By:_____

Printed Name:_____

Title:_____ Town Manager _____

Date:_____

CONTRACTOR

Corporate Seal (I/A)

By:_____

Printed Name: _____

Title:_____

Date:_____

"This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act."

Finance Officer



Trash Detail, LLC

Terrance: 252-202-5777

trashdetail@gmail.com

www.trashdetailnc.com

January 19, 2026

Summary

A locally owned business, providing valet curbside roll out and roll back service for trash and recycle bins in North Carolina, including Dare, Currituck, and Wake counties. We work with single-family, condominium, municipalities, and commercial properties.

Procedure

Our crew arrives the day prior to trash/recycle pick-up to roll out your bins to the curb to be emptied by the contracted vendor. After the bins have been emptied, we will return to your property on the day of pick up to return bins to their proper storage location. Our business partners with property managers, property owners, homeowner associations and local businesses to provide solutions for your properties' needs. As a commitment to providing the highest standards in customer service, we will never leave your bins on the street for prolonged periods of time and will always strive to provide clear communication.

Specifics

(The below items are included in our contract at no additional charge and can be customized to fit your specific needs.)

- Our service includes rolling your trash/recycle bins out to the curb the day prior to trash/recycle service days, so they are ready for pick-up. When the bins have been emptied, we return them to their proper location, barring any obstruction, on the day of service.
- Unless instructed otherwise, we will not roll back full bins that are missed during pick-up. We will, however, report those missed bins to the appropriate party, if requested.
- We offer the benefit of having a local team available to service the property during the contracted dates. With our business, you are guaranteed continuous coverage so that your bins are rolled out and returned to the home on time, every service day, rain, shine, or holiday.
- In the event that the trash or recycle bins are not accessible for roll out due to vehicles or other obstruction, we will place door hangers at the home to alert the occupant that trash day is approaching. We will not knock on doors and disturb occupants unless it is an agreed upon procedure with you, the client.

- If requested, we will report damaged bins that need to be replaced or repaired to the appropriate party. We will place empty, damaged bins upside down on the curb for replacement.
- If requested in advance, on roll back day prior to an impending storm, we will lay all bins down to lower the risk of them becoming projectiles.
- During lower occupancy times, our practice is to lay bins down when not in use.
- At request of trash vendors, we will not roll out bins that are full of construction debris. We will place door tags on those homes and instruct the guest/owner to make other arrangements for disposal.
- If trash pick-up service is delayed and encroaches into the following day, we will return to roll back the bins.
- Our business is fully insured and can provide proof upon request.

Additional Services

(These services are available as an add-on to our contract, if requested, and are billed separately)

- We will label all bins with the appropriate house number
- We provide on-site bin cleaning service
- We will provide and install signage near the trash can storage area, reminding guests and owners to not block access

Items to Note

- It's recommended all trash/recycling be placed in the bins no later than 9:00 am on the morning of roll out. This helps ensure no trash/recycling is missed.
- In order to help control the amount of bins that sit on the street, you may see our crew consolidating bags of trash/recycling from one bin into another prior to rolling them out. We will not mix trash with recycling.
- Our crew does not access the backyards of any property that we service. If trash/recycle bins are located in a backyard, they will need to be relocated in order for us to service them.
- We do not address overflow trash outside of trash/recycle bins unless arrangements are made separately with the customer.
- We cannot control weather related incidents (ex. bins blown over due to high winds.) We will try to be conscious of the weather and address what we can, but certain issues are out of our control.

Qualifications

All members of our crew have lived or worked in Dare or Currituck counties for 20+ years, with many of us having worked in the hospitality, HOA, or maintenance industries. Given the weekly turnover rate in our resort location, we recognize the need for a roll out and roll back service that ensures the community roads stay clear of bins and excess garbage.

Pricing/Service

- **Address/Community to Be Serviced:**

The Town of Nags Head, Entire length of multi-use path on Hwy 12 & 1243, East & West
(approx. 1100 houses)

- **Type of Service:**

May 1-June 30, 2026: Trash/Recycle Bin Roll AND Roll Back to and from house for
Monday and Thursday service days

- **Fee:**

\$34,608/month (\$69,216 total)

- **Payment Schedule:** Monthly

Either party may terminate this Agreement at any time, with or without cause, by written notice to the other, such termination to become effective 30 days after receipt of such notice.

Customer Signature

Date

Print Name

Trash Detail Signature

Thank you,

Chris Driver, President
Terrance Riddick, Vice President
Trash Detail, LLC





Trash Detail, LLC

Terrance: 252-202-5777

trashdetail@gmail.com

www.trashdetailnc.com

January 19, 2026

Summary

A locally owned business, providing valet curbside roll out and roll back service for trash and recycle bins in North Carolina, including Dare, Currituck, and Wake counties. We work with single-family, condominium, municipalities, and commercial properties.

Procedure

Our crew arrives the day prior to trash/recycle pick-up to roll out your bins to the curb to be emptied by the contracted vendor. After the bins have been emptied, we will return to your property on the day of pick up to return bins to their proper storage location. Our business partners with property managers, property owners, homeowner associations and local businesses to provide solutions for your properties' needs. As a commitment to providing the highest standards in customer service, we will never leave your bins on the street for prolonged periods of time and will always strive to provide clear communication.

Specifics

(The below items are included in our contract at no additional charge and can be customized to fit your specific needs.)

- Our service includes rolling your trash/recycle bins out to the curb the day prior to trash/recycle service days, so they are ready for pick-up. When the bins have been emptied, we return them to their proper location, barring any obstruction, on the day of service.
- Unless instructed otherwise, we will not roll back full bins that are missed during pick-up. We will, however, report those missed bins to the appropriate party, if requested.
- We offer the benefit of having a local team available to service the property during the contracted dates. With our business, you are guaranteed continuous coverage so that your bins are rolled out and returned to the home on time, every service day, rain, shine, or holiday.
- In the event that the trash or recycle bins are not accessible for roll out due to vehicles or other obstruction, we will place door hangers at the home to alert the occupant that trash day is approaching. We will not knock on doors and disturb occupants unless it is an agreed upon procedure with you, the client.

- If requested, we will report damaged bins that need to be replaced or repaired to the appropriate party. We will place empty, damaged bins upside down on the curb for replacement.
- If requested in advance, on roll back day prior to an impending storm, we will lay all bins down to lower the risk of them becoming projectiles.
- During lower occupancy times, our practice is to lay bins down when not in use.
- At request of trash vendors, we will not roll out bins that are full of construction debris. We will place door tags on those homes and instruct the guest/owner to make other arrangements for disposal.
- If trash pick-up service is delayed and encroaches into the following day, we will return to roll back the bins.
- Our business is fully insured and can provide proof upon request.

Additional Services

(These services are available as an add-on to our contract, if requested, and are billed separately)

- We will label all bins with the appropriate house number
- We provide on-site bin cleaning service
- We will provide and install signage near the trash can storage area, reminding guests and owners to not block access

Items to Note

- It's recommended all trash/recycling be placed in the bins no later than 9:00 am on the morning of roll out. This helps ensure no trash/recycling is missed.
- In order to help control the amount of bins that sit on the street, you may see our crew consolidating bags of trash/recycling from one bin into another prior to rolling them out. We will not mix trash with recycling.
- Our crew does not access the backyards of any property that we service. If trash/recycle bins are located in a backyard, they will need to be relocated in order for us to service them.
- We do not address overflow trash outside of trash/recycle bins unless arrangements are made separately with the customer.
- We cannot control weather related incidents (ex. bins blown over due to high winds.) We will try to be conscious of the weather and address what we can, but certain issues are out of our control.

Qualifications

All members of our crew have lived or worked in Dare or Currituck counties for 20+ years, with many of us having worked in the hospitality, HOA, or maintenance industries. Given the weekly turnover rate in our resort location, we recognize the need for a roll out and roll back service that ensures the community roads stay clear of bins and excess garbage.

Pricing/Service

- **Address/Community to Be Serviced:**

The Town of Nags Head, Entire length of multi-use path on Hwy 12 & 1243, East & West
(approx. 1100 houses)

- **Type of Service:**

July 1-October 31, 2026: Trash/Recycle Bin Roll AND Roll Back to and from house for
Monday and Thursday service days

- **Fee:**

\$34,608/month (\$138,432 total)

- **Payment Schedule:** Monthly

Either party may terminate this Agreement at any time, with or without cause, by written notice to the other, such termination to become effective 30 days after receipt of such notice.

Customer Signature

Date

Print Name

Trash Detail Signature

Thank you,

Chris Driver, President
Terrance Riddick, Vice President
Trash Detail, LLC





AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM E.5.

Consideration of Annual Audit Contract

Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

Reviewed by

Amy Miller
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Would recommend continuing our relationship with DMJPS to perform the annual audit.

Specific Action Requested

Request Board approval of attached contract with DMJPS for FY 25/26 audit services.

Summary

At the February 2, 2022, Board of Commissioners meeting, a contract with Potter & Company, now operating as DMJPS, for audit services for the next five (5) years was approved with the understanding that the contract is to be submitted for Board approval each year. This year the audit fee was increased by \$500. Because state and federal grants require special audits, this year we have a fee for each major grant. This is directly related to the amount of awards expended during the audit period. Detailed examinations ensure compliance with grant agreements and regulations and incur separate fees. These types of audits are mandated for both state and federal awards. This year, the separate fee for each major program is \$3,500, bringing the total contract not to exceed \$61,500, which accounts for both a required federal and state single audit.

Attachments

1. 3 E5 FYE26 Audit Contract

The of and	Governing Board Board of Commissioners
	Primary Government Unit Town of Nags Head
	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name DMJPS PLLC
	Auditor Address 114 N. Church St. Monroe, NC 28112

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/26	Date Audit Will Be Submitted to LGC 12/31/26
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Must be within six months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by "U.S. Auditing Standards – AICPA (Clarified)," referred to as generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). Budgetary comparison information shall be prepared in accordance with applicable GASB standards. Budget-to-actual comparisons at the level of the legally adopted budget ordinance shall be presented as required supplementary information and shall not be included in the basic financial statements. Any other budgetary comparison information shall be presented only as supplementary information for funds required to be budgeted under NCGS Chapter 159, Article 3.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. If the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period, the Auditor shall perform the audit in accordance with *Generally Accepted Government Auditing Standards* (GAGAS). The Governmental Unit is subject to federal single audit requirements in accordance with Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards*, Subpart F (*Uniform Guidance*) and the State Single Audit Implementation Act. Currently the threshold is \$1,000,000 for federal and state single audits, or such other threshold as applicable for the fiscal year under audit. This audit and all associated audit documentation may be subject to review by federal and State agencies in accordance with federal and State laws, including the staff of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501) the Auditor and Governmental Unit(s) should discuss, in advance of the execution of this contract, the responsibility for submission of the audit and the accompanying data collection form (form SF-FAC) to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512) to ensure proper submission.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards* (2018 revision or subsequent revisions, as applicable) issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he or she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and to the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon the Auditor's receipt of an updated peer review report. If the audit firm receives a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed, and the report of audit submitted to LGC Staff, within six months of fiscal year end. At the time of the execution of this contract, if the parties know that the anticipated submission date of the audit exceeds six months after fiscal year end, a written explanation shall be provided to the Secretary of the LGC on this contract form (see the space provided on Page 7). If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as they relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth the Auditor's findings, together with his or her recommendations for improvement. That written report shall include all matters determined to be "significant deficiencies and material weaknesses" in accordance with AU-C §265 "Communicating Internal Control Related Matters Identified in an Audit" of GAAS. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an Auditor issues an AU-C §260 report, "Auditor's Communication With Those Charged With Governance," commonly referred to as a "Governance Letter," LGC staff does not require the report to be submitted unless the Auditor cites significant findings or issues from the audit, as defined in AU-C §260 paragraphs 12 - 14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious for which the Auditor consulted outside the engagement team and, in the Auditor's judgment, are significant and relevant to those charged with governance, and other findings or issues that the Auditor believes are significant and relevant. If matters identified during the audit were required to be reported as described in AU-C §260 paragraphs 12 - 14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.

9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal Single Audit Act and the State Single Audit Act. This does not include fees for any pre-issuance reviews that may be required by the North Carolina Association of Certified Public Accountants (NCACPA) Peer Review Committee or North Carolina State Board of CPA Examiners (see Paragraph 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the Secretary of the Local Government Commission to obtain a pre-issuance review or take corrective action as a result of peer review findings or quality control deficiencies, such corrective action shall be consistent with the authority and requirements of the North Carolina State Board of Certified Public Accountant Examiners, the AICPA Peer Review Program, and established Local Government Commission practice, including the use of report addenda or other remedial measures, as appropriate.

14. In accordance with G.S. 159-34, the Finance Officer of the Unit is responsible for filing the audited financial statements with the Secretary of the Local Government Commission.

The Auditor may upload the audit report and related documents through the LGC's electronic submission system; however, submission shall not be deemed complete until the Finance Officer has reviewed and certified the submission.

The Auditor, Finance Officer, other Unit staff member designated by the Finance Officer, or a third party approved by the Unit may enter all Data Input Report information except the information on the "transmittal doc info" tab. The "transmittal doc info" tab must be completed by the Auditor.

The Finance Officer shall review, approve, and certify the accuracy and completeness of the Data Input Report (DIR) in the LGC's LOGOS system prior to LGC review, regardless of whether the DIR is prepared by the Auditor or the Unit.

Finance Officer certification is required for any corrected or revised submissions.

Finance Officer certification of the DIR shall be completed in a timely manner following notification that the DIR is ready for review and within time frames prescribed by the LGC. Failure to complete certification in a timely manner may result in the audit being considered late due to unit action rather than auditor performance

The Auditor shall conduct the audit in accordance with generally accepted auditing standards and shall ensure that the financial statements are prepared in accordance with generally accepted accounting principles as of the fiscal year end. Budget-to-actual comparisons at the level of the legally adopted budget ordinance shall be presented in required supplementary information, separate from the basic financial statements, and shall not be included in the audit opinion. The Auditor shall confirm that such information reconciles to the financial statements and is consistent with applicable accounting guidance and any LGC reporting requirements.

The Finance Officer shall certify in a timely manner that all data inputted in LOGOS used for preparation of the financial statements and required supplementary information is complete and accurate.

For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.
16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and preaudited if the change includes a change in audit fee (preaudit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.
17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Paragraph 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.
18. Special provisions should be limited. Please list any special provisions in an attachment.
19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in The Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and Finance Officer also shall be included on this contract.
20. The contract shall be executed, preaudited (preaudit requirement does not apply to hospitals) and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.
21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.
24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.
25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
26. E-Verify. The Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if the Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
27. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 or 2024 Revision* (as applicable). Preparing financial statements in their entirety shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.
- All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, the Auditor must document and include in the audit workpapers how the Auditor reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.
28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The Auditor shall present the audited financial statements including any compliance reports to the Government Unit's Governing Board or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary of the LGC. The Auditor's presentation to the Governing Board or audit committee shall include:
- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the Auditor, and any other issues related to the internal controls or fiscal health of the Government Unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the Auditor regarding internal controls as required by current auditing standards;
 - b) the status of the prior year audit findings;
 - c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
 - d) notification to the Governing Board that the Governing Board shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under Rule 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary of the LGC through the LGC's LOGOS system, including completion of the Data Input Report (DIR). Submission is not complete and shall not be accepted by the LGC until the Finance Officer has reviewed and certified the DIR in accordance with Paragraph 14 of this contract.

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Paragraph 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and Units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>.

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. **Applicable to audits with fiscal year ends of June 30, 2025, and later.** The Unit authorizes the LGC to grant access to the LGC's LOGOS system, including the Data Input Report (DIR), to employees of the contracted audit firm who are associated with and acting on behalf of the firm for purposes of performing audit and reporting services under this contract. Such access shall be limited to the scope necessary to perform contracted services and shall not relieve the Auditor or the Unit of their respective responsibilities under this contract.

34. Changes or edits to the text of this contract form are not permitted, except for the Secretary's authority to revise or update this contract form pursuant to LGC Rule 20 NCAC 03. 0502.

For contracts with an anticipated audit submission date exceeding six months after fiscal year end, please use this space to explain the reason for the late submission, as required by Paragraph 6 of this contract form:

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Paragraph 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: ☐ Auditor ☒ Governmental Unit ☐ Third Party

If applicable: The individual at the Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:

Title and Unit / Company:

Email Address:

Amy Miller

Finance Director

amy.miller@nagsheadnc.gov

OR Not Applicable ☐ (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Paragraphs 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit firm for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the Unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in Rule 20 NCAC .0503 shall be submitted to the Secretary of the LGC for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	Town of Nags Head
Audit Fee (financial and compliance if applicable)	\$ 51,000
Fee per Major Program (if not included above)	\$ 3,500
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$ N/A
TOTAL AMOUNT NOT TO EXCEED	\$ 61,500

Discretely Presented Component Unit	N/A
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* DMJPS PLLC	
Authorized Firm Representative (typed or printed)* Emily H. Mills, CPA	Signature* <i>Emily H. Mills, CPA</i>
Date* 02/13/26	Email Address* emily.mills@dmjps.com

GOVERNMENTAL UNIT

Governmental Unit* Town of Nags Head	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)* Ben Cahoon	Signature*
Date	Email Address* ben.cahoon@nagsheadnc.gov

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PREAUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act or by The School Budget and Fiscal Control Act.

Sum Obligated by This Transaction:	\$ 61,500
Primary Governmental Unit Finance Officer* (typed or printed) Amy Miller	Signature*
Date of Preaudit Certificate*	Email Address* amy.miller@nagsheadnc.gov

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Enter date in box to right)	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PREAUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act or by The School Budget and Fiscal Control Act.

Sum Obligated by this Transaction:	\$
DPCU Finance Officer (typed or printed)*	Signature*
Date of Preaudit Certificate*	Email Address*

Remember to print this form, and obtain all
required signatures prior to submission.

PRINT



February 13, 2026

SIGN & RETURN TO DMJPS

To the Board of Commissioners
Town of Nags Head
Nags Head, North Carolina

We are pleased to confirm our understanding of the services we are to provide for the Town of Nags Head for the year ended June 30, 2026.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements, of the Town of Nags Head as of and for the year ended June 30, 2026. Accounting standards generally accepted in the United States of America ("GAAP") provide for certain required supplementary information ("RSI"), such as management's discussion and analysis ("MD&A"), to supplement the Town of Nags Head's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Nags Head's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) GASB Required Supplementary Pension, LEOSA and OPEB reporting

We have also been engaged to report on supplementary information other than RSI that accompanies Town of Nags Head's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditors' report on the financial statements:

- 1) Combining and individual fund statements
- 2) Budgetary schedules
- 3) Ad valorem tax schedules
- 4) Schedule of expenditures of federal and state awards

In connection with our audit of the basic financial statements, we will read the following other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated, If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

- 1) Introductory information
- 2) Statistical section

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditors' report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and Government Auditing Standards will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal and state awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act.

You may request that we perform additional services not contemplated in this engagement letter. If this occurs, we will communicate with you regarding the scope and estimated cost of these additional services. Engagements for additional services may necessitate that we amend the engagement letter or issue an amended contract to reflect the obligations of all parties. In the absence of any other written communications from us documenting additional services, our services will be limited to and governed by the terms of this engagement letter.

Auditors' Responsibilities for the Audit of the Financial Statements and Single Audit

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We have identified the following significant risks of material misstatement as part of our previous audit that we believe are still relevant:

- 1) Revenue recognition
- 2) Management override of controls
- 3) Significant management estimates

We may, from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of the financial statements does not relieve you of your responsibilities.

Audit Procedures-Internal Control

We will obtain an understanding of the government and its environment, including the system of internal control, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal controls. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issues pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal and state award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, will express no such opinion. However, during the audit, we will

communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance and the State Single Audit Implementation Act.

Audit Procedures-Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Nags Head's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issues pursuant to *Government Auditing Standards*.

The Uniform Guidance and State Single Audit Implementation Act requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal and state statutes, regulations, and the terms and conditions of federal and state awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB Compliance Supplement for the types of compliance requirements that could have a direct and material effect on each of the Town of Nags Head's major programs. For federal and state programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on the Town of Nags Head's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

Responsibilities of Management for the Financial Statements and Single Audit

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America and for compliance with applicable laws and regulations (including federal statutes), rules, and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of financial statements, schedule of expenditures of federal and state awards, all financial records, and related information available to us; for the accuracy and

completeness of that information (including information from outside of the general and subsidiary ledgers); and for the evaluation of whether there are any conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for the 12 months after the financial statements date or shortly thereafter (for example, within an additional three months if currently known). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance and the State Single Audit Implementation Act; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal and state awards; federal and state award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance and the State Single Audit Implementation Act, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains, and indicates that we have reported on, the schedule of expenditures of federal and state awards. You also agree to make the audited financial statements readily available to intended users of the schedule of expenditures of federal and

state awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance and the State Single Audit Implementation Act; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including the financial statements, schedule of expenditures of federal and state awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the Federal Audit Clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after the receipt of the of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to the Board of Commissioners of the Town of Nags Head; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of DMJPS PLLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the State of North Carolina Local Government Commission or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of DMJPS PLLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the State of North Carolina Local Government Commission. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

Emily H. Mills, CPA is the audit engagement partner and is responsible for supervising the engagement and signing the report, or authorizing another individual to sign it. We expect to begin our audit in May 2026.

Our fee estimate and completion of our work is based upon the following criteria:

- 1) Anticipated cooperation from the Town of Nags Head's personnel
- 2) Timely responses to our inquiries
- 3) Timely and accurate completion and delivery of client assistance requests
- 4) Timely communication of all significant accounting and financial reporting requests
- 5) Assumption that unexpected circumstances will not be encountered during the engagement

If any of the aforementioned criteria are not met, then fees may increase, not to exceed the amount stated within the audit contract. All invoices are due and payable 15 days from date of invoice. In the event your account becomes past due, we respectfully reserve the right to suspend services.

You may request that we perform additional significant services not contemplated by this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We will issue a separate engagement letter and amended contract covering these additional significant services.

Reporting

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Board of Commissioners of the Town of Nags Head. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditors' report, or if necessary, withdraw from this engagement. If our opinion is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or withdraw from this engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. Any modification to the terms of this engagement letter must be made in writing and signed by both parties. If you agree with the terms of our engagement as described in this letter, please sign below and return this letter to us.

Very truly yours,

DMAPS PLLC

Certified Public Accountants
Monroe, North Carolina

RESPONSE:

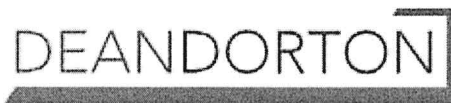
This letter correctly sets forth the understanding of the Town of Nags Head.

Management Signature

Title

Governance Signature

Title



Report on the Firm's System of Quality Control

To the Partners of DMJPS PLLC and the
Peer Review Committee, Coastal Peer Review, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of DMJPS PLLC (the firm) in effect for the year ended February 28, 2023. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an engagement performed under Government Auditing Standards, including a compliance audit under the Single Audit Act, and audits of employee benefit plans.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of DMJPS PLLC in effect for the year ended February 28, 2023, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. DMJPS PLLC has received a peer review rating of *pass*.

Dean Dorton Allen Ford, PLLC

Dean Dorton Allen Ford, PLLC

July 19, 2023



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM E.6.

Consideration of Memorandum of Agreement between the Town and the NC Sedimentation Control Commission

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

N/A

Specific Action Requested

Request Board approval of updated MOA.

Summary

Similar to the Division of Coastal Management's Coastal Resources Commission, the Sedimentation Control Commission oversees the Division of Energy, Mineral, and Land Resources. The Land Quality Section of this Division and delegated local erosion and sedimentation control programs administer the regulations of the Sedimentation Pollution Control Act of 1974. Nags Head is one of the locally designated programs and the Town's regulations are found in our Unified Development Ordinance (UDO) Article 11, Part II, Soil Erosion and Sedimentation Control.

The Sedimentation Control Commission (SCC) has approved an updated Memorandum of Agreement (MOA) between the Delegated Local Governments and the Commission. The last mass update was over 10 years ago and Nags Head's last MOA was signed in 2012. This updated MOA includes new language of "Part III, F-Termination of Local Program" that outlines the process of terminating your program's jurisdiction either in whole or in a select area (such as a County program who covers a Town and no longer wishes or is able to do so). This is simply to set out a process and timeframes that should be met for various steps to ensure a smooth transition. This update will also bring us in line with the current language, such as removing mention of "Approvals with Performance Reservations", which has long been removed from the General Statutes.

The attached updated MOA is to be signed by the Mayor and Town Attorney. It outlines the responsibilities of the program and will not change the Town's authority or the process by which the Town carries out the requirements for local and state sedimentation and erosion control.

Attachments

1. 3 E6 Sedimentation Control Commission MOA

MEMORANDUM OF AGREEMENT

BETWEEN

The North Carolina Sedimentation Control Commission

AND

The Town of Nags Head

This MEMORANDUM OF AGREEMENT is entered into between the **North Carolina Sedimentation Control Commission** (hereinafter, “Commission”) and The Town of Nags Head (hereinafter, “**Local Government**,” collectively, “Parties”) for the purpose of clarifying their roles in the enforcement of the Sedimentation Pollution Control Act of 1973, N.C. Gen. Stat. Ch. 113A Art. 4 and any rules adopted pursuant to the Act (hereinafter collectively, “SPCA.”)

Part I. Local Program Creation.

A. Model Ordinance

The Parties agree that the Commission shall do the following:

1. Per N.C. Gen. Stat. § 113A-54 (d) (1), provide a model erosion and sedimentation control ordinance (hereinafter, “model ordinance”) for adoption by local governments who wish to operate a delegated local erosion and sedimentation control program (hereinafter, “local program.”)
2. Update its model ordinance upon changes in the SPCA.

B. Proposed Ordinance Review

The Parties agree that:

1. Local governments who choose to create and operate a local program may do so by ordinance (hereinafter, “local program ordinance”.) However, the local government must submit the proposed local program ordinance to the Commission for review prior to adoption.
2. North Carolina General Statute § 113A-60(b) requires the Commission to review, approve, approve as modified, or disapprove proposed local program ordinances based upon the minimum requirements of the SPCA.
3. The Commission shall review a local program ordinance submitted and, within 90 days of receipt thereof, shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved.
4. The local program’s erosion and sedimentation control standards must equal or exceed those of the SPCA.
5. The Local Government has an existing local program and an ordinance approved by the Sedimentation Control Commission.

Part II. Responsibilities and Expectations of the Commission.

A. Local Program Review

The Parties agree that the Commission shall do the following:

1. Review periodically approved local programs for compliance with the SPCA. The results of the reviews shall be presented at the next quarterly meeting of the Commission.
2. If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement.
3. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.

B. Training and Education for Local Programs

The Parties agree that the Commission shall provide the following:

1. Educational programs in erosion and sedimentation control directed toward persons engaged in land-disturbing activities, general educational materials on erosion and sedimentation control, and instructional materials for persons involved in the enforcement of the SPCA and erosion and sedimentation control rules, ordinances, regulations, and plans.
2. Manuals and publications to assist in the design, construction and inspection of erosion and sedimentation control measures.
3. Periodic reviews of local erosion and sedimentation control programs and through the reviews provide recommendations to improve program administration.
4. Technical assistance in review of draft erosion and sedimentation control plans for complex activities.

C. Concurrent Jurisdiction

The Parties agree that the Commission shall maintain concurrent jurisdiction with the local government for land-disturbing activities and may take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

D. Exclusive Jurisdiction

The Parties agree that the Commission shall maintain exclusive jurisdiction to administer the SPCA for all land disturbing activities that:

1. Are outlined in North Carolina General Statute § 113A-56; or

2. Relate to oil and gas exploration and development on the well pad site.

Part III. Responsibilities and Expectations of the Local Government.

A. Enforcement

The Parties agree that the local government shall administer its own local program ordinances, through the following:

1. Enforce the provisions of the SPCA.
2. Administer the SPCA for all land-disturbing activity within its jurisdiction, including existing sites at the time the local government received program delegation. The Commission may continue to administer the SPCA over specific projects under enforcement action upon mutual agreement with the local government. The local program is not responsible for activities over which the Commission has exclusive jurisdiction.
3. Employ a sufficient number of qualified personnel. Qualified personnel shall be competent to review sedimentation and erosion control plans and conduct inspections of land- disturbing activities.
4. Provide adequate resources for plan review and compliance inspections.

B. Reporting

The Parties agree that the local government shall provide the following reports/information:

1. Monthly activity reports to the Commission.
2. Notification to the appropriate regional office of DEMLR of issuance of Notices of Violation at the time the violator is notified.
3. Current contact information for their local program to the Division of Energy, Mineral, and Land Resources.

C. Sediment and Erosion Control Plans for Land-Disturbing Activity Review

The Parties agree that the local government shall review erosion and sedimentation control plans for land-disturbing activity (hereinafter, “plans”) submitted to its local program under the following standards:

1. Review plans within 30 days of receipt of a new plan and within 15 days of a revised plan.
2. Approve, approve with modifications, or disapprove draft plans in conformance with the basic control objectives contained in 15A NCAC 04B .0106.
3. Notify in writing the person submitting the plan that it has been approved, approved with modifications, or disapproved within 30 days of receipt of a new plan and within 15 days of a revised plan.
4. Include in written notifications of plan approval the following:

- a. reference to NPDES General Stormwater Permit NCG 010000,
 - b. expiration date of the approval,
 - c. the right of periodic inspection, and
 - d. condition the approval upon the applicant's compliance with federal and State water quality laws, regulations, and rules.
5. Enclose with all written permit notifications the Certificate of Approval for posting at the site of the land-disturbing activity.

D. Inspection

The Parties agree that the local government shall inspect all sites undergoing land-disturbing activity under the following standards:

- 1. Periodically and regularly inspect sites undergoing land-disturbing activity within its jurisdiction. Periodically and regularly means with sufficient frequency to effectively monitor compliance with the SPCA and rules adopted pursuant to the SPCA and the local erosion and sedimentation control ordinance.
- 2. Document all inspections in writing, including electronic documents.
- 3. Inspection reports shall include, at a minimum, all information in the model sedimentation inspection report developed by the Commission.
- 4. Maintain inspection records for active projects in accordance with State and local record retention policies.

E. Enforcement

The Parties agree that the local government shall enforce its local program ordinance under the following standards:

- 1. Issue Notices of Violation (hereinafter, "NOV") for any significant violation of the SPCA, rules adopted pursuant to the SPCA, or the local erosion and sedimentation control ordinance documented in an inspection report. An NOV shall be issued to the persons responsible for the violations, pursuant to N.C. Gen. Stat. § 113A-61.1.
- 2. The NOV shall specify the following:
 - a. describe the violation with reasonable particularity
 - b. request that all illegal activity cease
 - c. the actions that need to be taken to comply with the SPCA and the local ordinance
 - d. a date by which the person must comply with the SPCA and the local ordinance
 - e. inform the violator that any person who fails to comply within the time specified

is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and the local ordinance

3. Undertake appropriate enforcement actions, including injunctive relief, or assessment of civil penalties for an initial penalty or a daily penalty for continuing violations.
4. Require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

F. Termination of Local Program

1. Should a Local Government decide to end their local program, or portions thereof, and return jurisdiction to the Commission, the Local Government shall provide 120 days written notice of their intent to the Commission and to the Department of Environmental Quality (hereinafter “Department”) to end the local program and transfer existing projects to the Commission, by and through the Department.
2. To terminate all or part of their local program, a Local Government must comply with the following:
 - a. The notice of intent must include a list of all open projects that are anticipated to be transferred.
 - b. Any legal action or existing litigation undertaken by the Local Government under the local program must stay with the Local Government and cannot be transferred to the Department. This does not prevent the Department from taking new actions against violators for new or continuing violations of the SPCA.
 - c. Local Government shall make a good faith effort to resolve any Notices of Violation prior to transferring projects to the Department provided doing such would not adversely affect any enforcement actions or possible litigation.
 - d. At least 90 days prior to the transfer of all or part of their local program, the Local Government shall provide the Department copies of all its local program project files including all applications, inspection reports, and if applicable, enforcement documentation. Staff from the Local Government shall make themselves available to the Department staff to conduct any necessary joint site visits or coordinate joint inspections.
 - e. At least 60 days prior to the transfer, the Local Government shall notify the responsible parties of all open projects that the local program is ending and shall provide contact information for the Department.
 - f. At least 30 days prior to the transfer of all or part of the local program, Local Government must notify DEMLR upon the termination or expiration of any inter-local agreements.
 - g. At least 30 days prior to the transfer of all or part of their local program, the Local Government shall no longer accept applications for new or revised land-disturbing activities within the

jurisdiction they are transferring to the Department and shall redirect such applications to the Department. Written notification of when new or revised applications can no longer be submitted to the Local Government shall be made public at least 60 days prior to the date of transfer to the Department.

- h. Within 14 days prior to the transfer of the local program, Local Government shall provide a written update to the Department of all open projects to be transferred to the Department; including contact information for each project, copies of relevant permits, available photos of the project, descriptions of any enforcement actions taken, and the status of each project.
 - i. Local Government shall demonstrate to the Commission that the Local Government has removed provisions in their local ordinance pertaining to the local program or local jurisdiction for the SPCA.
3. This section only applies to local governments who choose to terminate their local programs or portions of them. In an instance where a local program fails to comply with the terms of this Agreement or fails to satisfactorily administer or enforce the terms of the SPCA as determined under Part II Section A above, the Commission shall establish a schedule for the transfer of the local program to the Department.

IN WITNESS HEREOF, the Parties enter into this Memorandum of Agreement, this the 4th
day of March, 2026.

SEDIMENTATION CONTROL COMMISSION

By: _____
Susan N. White

Title: Commission Chair

Dated: _____

Approved as to Form

By: _____
Sarah Zambon

Title: Counsel to the Commission

Dated: _____

By: _____
Benjamin Cahoon

Title: Mayor

Dated: March 4, 2026

Approved as to Form

By: _____
John Leidy

Title: Attorney

Dated: March 4, 2026

Appendix I.

NORTH CAROLINA GENERAL STATUTES

Sedimentation Pollution Control Act (Ch. 113A Art. 4)

(selected statutes)

§ 113A-54. Powers and duties of the Commission.

- (1) In implementing the erosion and sedimentation control program, the Commission shall:
- (2) Assist and encourage local governments in developing erosion and sedimentation control programs and, as a part of this assistance, the Commission shall develop a model local erosion and sedimentation control ordinance. The Commission shall approve, approve as modified, or disapprove local programs submitted to it pursuant to G.S. 113A-60.

§ 113A-56. Jurisdiction of the Commission.

- (a) The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:
 - (1) Conducted by the State.
 - (2) Conducted by the United States.
 - (3) Conducted by persons having the power of eminent domain other than a local government, except for an airport authority as set forth in subsection (a1) of this section.
 - (4) Conducted by a local government, except for an airport authority as set forth in subsection (a1) of this section.
 - (5) Funded in whole or in part by the State or the United States
- (a1) An airport authority operating an airport located wholly or in part in a county with a population greater than 250,000 according to the latest certified population totals of the State demographer may elect

to be regulated under the jurisdiction of a local program authorized under G.S. 113A-60. An airport authority to which this subsection applies that is located in more than one county may elect to be regulated under local programs authorized under G.S. 113A-60 in each county for property of the airport authority located in each county. An airport authority making a local program election under this subsection shall be subject to the following requirements:

- (1) The governing board of the local government operating the local program must enact a resolution accepting jurisdiction over the airport authority.
- (2) The airport authority must provide notice to the Commission that includes (i) a certified copy of the resolution required by subdivision (1) of this subsection and (ii) specification of a date not less than 90 days after the date of the notice on which the local program will assume jurisdiction.
- (3) Any existing erosion and sedimentation control permits issued by the Commission shall, despite assumption of permitting authority by a local government, remain under the jurisdiction of the Commission until the airport authority has submitted a permit modification request consistent with this Article to transfer the permit to the local program.
- (b) The Commission may delegate the jurisdiction conferred by G.S. 113A-56(a), in whole or in part, to any other State agency that has submitted an erosion and sedimentation control program to be administered by it, if the program has been approved by the

Commission as being in conformity with the general State program.

- (c) The Commission shall have concurrent jurisdiction with local governments that administer a delegated erosion and sedimentation control program over all other land-disturbing activities. In addition to the authority granted to the Commission in G.S. 113A-60(c), the Commission has the following authority with respect to a delegated erosion and sedimentation control program:

- (1) To review erosion and sedimentation control plan approvals made by a delegated erosion and sedimentation control program and to require a revised plan if the Commission determines that a plan does not comply with the requirements of this Article or the rules adopted pursuant to this Article.
- (2) To review the compliance activities of a delegated erosion and sedimentation control program and to take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

(1973, c. 392, s. 7; c. 1417, s. 4; 1987, c. 827, s. 130; 1987 (Reg. Sess., 1988), c. 1000, s. 4; 2002-165, s. 2.5; 2006-250, s.2.)

§ 113A-60. Local erosion and sedimentation control programs.

- (a) A local government may submit to the Commission for its approval an erosion and sedimentation control program for its jurisdiction and may adopt ordinances and regulations necessary to establish and enforce erosion and sedimentation control programs. An ordinance adopted by a local government may establish a fee for the review of an erosion and sedimentation control plan and related activities. The fee shall be, on the option of the applicant, either (i)

calculated on the basis of the number of acres disturbed or (ii) no more than one hundred dollars (\$100.00) per lot developed in the case of a single-family lot that is less than one acre, including such a lot that is part of a larger common plan of development. Local governments are authorized to create or designate agencies or subdivisions of local government to administer and enforce the programs. Except as otherwise provided in this Article, an ordinance adopted by a local government shall at least meet and may exceed the minimum requirements of this Article and the rules adopted pursuant to this Article.

- (a1) Two or more units of local government are authorized to establish a joint program and to enter into any agreements that are necessary for the proper administration and enforcement of the program. The resolutions establishing any joint program must be duly recorded in the minutes of the governing body of each unit of local government participating in the program, and a certified copy of each resolution must be filed with the Commission.
- (b) The Commission shall review each program submitted and within 90 days of receipt thereof shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved. The Commission shall only approve a program upon determining that its standards equal or exceed those of this Article and rules adopted pursuant to this Article.
- (b1) When a development project contains an approved erosion control plan for the entire development, a separate erosion control plan shall not be required by the local government for development of individual residential lots within that development that disturb less than one acre if the developer and the builder are the same financially responsible person. For review of an erosion control plan for a single-family lot in a

common plan of development under this subsection where the developer and builder are different, the local government may require no more than the following information:

- (1) Name, address, telephone number, and email of owner of lot being developed.
- (2) Street address of lot being developed.
- (3) Subdivision name.
- (4) Lot number.
- (5) Tax parcel number of lot being developed.
- (6) Total acreage of lot being developed.
- (7) Total acreage disturbed.
- (8) Anticipated start and completion date.
- (9) Person financially responsible.
- (10) Signature of person financially responsible.
- (11) Existing platted survey of the lot.
- (12) A sketch plan showing erosion control measures for the lot being developed, but the sketch shall not be required to be under the seal of a licensed engineer, landscape architect, or registered land surveyor unless there is a design feature requiring such under federal or State law or regulation.

(b2) Except as may be required by federal law, rule, or regulation, a local erosion control program under this Article shall provide for all of the following:

- (1) That no periodic self-inspections or rain gauge installation is required on individual residential lots where less than one acre is being disturbed on each lot.
- (2) For a land-disturbing activity on more than one residential lot where the total land disturbed exceeds one acre, the person conducting the land-disturbing activity may submit for approval a single erosion control plan for all of the disturbed lots or may submit for review and approval under subsection (b1) of this section the erosion control measures for each individual lot.

(b3) No development regulation under Chapter 160D of the General Statutes or any erosion and sedimentation control plan under a local program shall require any of the following:

- (1) A silt fence or other erosion control measure to be placed in a location where, due to the contour and topography of the development site, that erosion control measure would not substantially and materially retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract.
 - (2) A wire-backed reinforced silt fence where, due to the contour and topography of the development site, that fence would not substantially and materially retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract.
- (c) If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.
- (d) A local government may submit to the Commission for its approval a limited erosion and sedimentation control program for its jurisdiction that grants the local government the responsibility only for the assessment and collection of fees and for the inspection of land-disturbing activities within the jurisdiction of the local

government. The Commission shall be responsible for the administration and enforcement of all other components of the erosion and sedimentation control program and the requirements of this Article. The local government may adopt ordinances and regulations necessary to establish a limited erosion and sedimentation control program. An ordinance adopted by a local government that establishes a limited program shall conform to the minimum requirements regarding the inspection of land-disturbing activities of this Article and the rules adopted pursuant to this Article regarding the inspection of land-disturbing activities. The local government shall establish and collect a fee to be paid by each person who submits an erosion and sedimentation control plan to the local government. The amount of the fee shall be an amount equal to eighty percent (80%) of the amount established by the Commission pursuant to G.S. 113A-54.2(a) plus any amount that the local government requires to cover the cost of inspection and program administration activities by the local government. The total fee shall not exceed one hundred fifty dollars (\$150.00) per acre. A local government that administers a limited erosion and sedimentation control program shall pay to the Commission the portion of the fee that equals eighty percent (80%) of the fee established pursuant to G.S. 113A-54.2(a) to cover the cost to the Commission for the administration and enforcement of other components of the erosion and sedimentation control program. Fees paid to the Commission by a local government shall be deposited in the Sedimentation Account established by G.S. 113A-54.2(b). A local government that administers a limited erosion and sedimentation control program and that receives an erosion control plan and fee under this subsection shall immediately transmit the plan to the

Commission for review. A local government may create or designate agencies or subdivisions of the local government to administer the limited program. Two or more units of local government may establish a joint limited program and enter into any agreements necessary for the proper administration of the limited program. The resolutions establishing any joint limited program must be duly recorded in the minutes of the governing body of each unit of local government participating in the limited program, and a certified copy of each resolution must be filed with the Commission. Subsections (b) and (c) of this section apply to the approval and oversight of limited programs.

- (e) Notwithstanding G.S. 113A-61.1, a local government with a limited erosion and sedimentation control program shall not issue a notice of violation if inspection indicates that the person engaged in land-disturbing activity has failed to comply with this Article, rules adopted pursuant to this Article, or an approved erosion and sedimentation control plan. The local government shall notify the Commission if any person has initiated land-disturbing activity for which an erosion and sedimentation control plan is required in the absence of an approved plan. If a local government with a limited program determines that a person engaged in a land-disturbing activity has failed to comply with an approved erosion and sedimentation control plan, the local government shall refer the matter to the Commission for inspection and enforcement pursuant to G.S. 113A-61.1.

(1973, c. 392, s. 11; 1993 (Reg. Sess., 1994), c. 776, s. 7; 2002-165, s. 2.8; 2006-250, s. 3; 2021-121, s. 5(c); 2021-180, s. 12.10A(b); 2023-108, s. 10.)



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM E.7.

Consideration of Memorandum of Understanding with Surfrider Foundation for Adopt-A-Beach Program

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

N/A

Specific Action Requested

This item is provided for Board review and approval.

Summary

At the March 4, 2026 Board of Commissioners meeting, request Board consideration of an updated Memorandum of Understanding (MOU) with the Surfrider Foundation for the Adopt-A-Beach Program. The original MOU was approved by the Board on February 6, 2008. This updated MOU adds three additional locations to the agreement: Isabella St., James St., and Surfside Dr. The Town's Public Services Department works with the Surfrider Foundation for the sign installation.

Attachments

1. 3 E7 Surfrider Foundation MOU

Memorandum of Understanding
Town of Nags Head
and
The Outer Banks Chapter of Surfrider Foundation

The Outer Banks Chapter of the Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves, and beaches for all people, through conservation activism, research, and education.

The Town of Nags Head is a municipal corporation organized under the laws of the State of North Carolina.

The Town of Nags Head desired to implement an "Adopt-A-Beach" program whereby businesses and individuals can volunteer to adopt the beach accesses, as well as the entire stretch of beach along the Atlantic Ocean within the corporate limits of the Town. Beach accesses in Nags Head include the following: Albatross, Gallery Row, Abalone, Admiral, Baltic, Barnes, Bittern, Blackman, Bladen, Bainbridge, Bonnett, Curlew, Hollowell, Huron, Conch, Small, Enterprise, NH Town Center, Epstein, Loggerhead, Forrest, Grouse, Glidden, Gull, Gray Eagle, Gulfstream, Governor, Hargrove, Jockey's Ridge, Danube, Ida, Holden, E. Limulus, E. Indigo, E. Jacob, E. June, E. Jay, E. Islington, Juncos, James, Isabella, and Surfside Dr.

The Outer Banks Chapter of the Surfrider Foundation currently sponsors an "Adopt-A-Beach" program whereby the organization recruits organizations, businesses, and individuals to adopt beach accesses and beaches within the municipalities of Dare County, with ongoing programs in existence in Kitty Hawk and Kill Devil Hills.

When organizations, businesses, or individuals volunteer through the Outer Banks Chapter of the Surfrider Foundation to adopt-a-beach access, the adopters monitor and clean the accesses and beaches at least six (6) times per year. Each organization, business, or group of individuals that adopt a beach access and stretches of beach report collection summaries to the Outer Banks Surfriders following each cleanup during cleanup efforts. Typically, the following items are collected at the accesses and stretches of beach: Glass bottles, cigarette butts, Styrofoam, plastic cups, plastic food wrappers/containers, balloons, fireworks, boards/wood, fishing line/gear, rope, and other debris items.

The Outer Banks Chapter of the Surfrider Foundation, in its offer to the Nags Head Board of Commissioners, would solicit organizations, businesses, and individuals to adopt specific beach accesses and also stretches of the beach that extend on the beach half the distance from the adopted beach access to the next nearest access.

The Nags Head Town Manager will be the point of contact for the execution of this agreement and the Adopt-A-Beach program manager of the Outer Banks Surfrider Foundation will be the point of contact for execution of this agreement. The "points of contact" for both organizations will maintain good communications to ensure rapid

resolution of problems or other issues arising from the execution of this memorandum of understanding.

For each beach access and stretch of beach adopted through the Outer Banks Chapter of the Surfrider Foundation, the Town of Nags Head would erect a 12” x 18” sign at the respective access that would read:

“Adopt-A-Beach”
This Beach Access Has Been Adopted By:
(Name of Organization, Business, Individual)
Co-Sponsored by
Town of Nags Head
and
Outer Banks Surfrider Foundation

The Town of Nags Head would further encourage its departments and employees to participate in the “Adopt-A-Beach” program.

The Outer Banks Surfrider Foundation would coordinate its efforts with the Nags Head Public Services Department and the Public Services Department would cooperate with the Surfrider Foundation to accomplish its purpose and goals with regard to the “Adopt-A-Beach” program.

Should either the Outer Banks Chapter of the Surfrider Foundation or the Town of Nags Head decide at any time to cease the “Adopt-A-Beach” program in the Town of Nags Head, the Chapter or the Town would provide a 90-day formal notice of termination.

This Memorandum of Understanding signed on the 4th day of March, 2026 by the Mayor of the Town of Nags Head and the Chair of the Outer Banks Chapter of the Surfrider Foundation.

Ben Cahoon
Mayor
Town of Nags Head

Taylor McConnell
Chair
Surfrider Foundation
Outer Banks Chapter



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM F.1.

Public Hearing to Consider a Special Use Permit/Site Plan Review Submitted by Albemarle & Associates, Ltd on behalf of Coastal Bluewater Capital, LLC and TW's Bait and Tackle for a Group Development to be Located at 2230 S. Croatan Highway, Nags Head

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Staff finds the proposal consistent with applicable use and development standards, as well as relevant land use policies, and therefore recommends approval of the Special Use Permit and Site Plan as presented.

PLANNING BOARD RECOMMENDATION

At its January 20, 2026 meeting, the Planning Board reviewed the proposed project and found it generally compliant with applicable use and dimensional standards, including lot coverage, height, and buffering. However, concerns were expressed regarding the architectural design and its alignment with the Town's Commercial Design Standards. The Board requested that the applicant work with staff to refine the architectural renderings and return with revisions, while allowing the project to proceed procedurally, including scheduling the required public hearing.

Following that meeting, the project architect coordinated closely with planning staff and submitted revised renderings, which are included in your packet. At its February 17, 2026, meeting, the Planning Board re-reviewed the request with primary focus on the updated architecture. Based on the revised plans and staff's analysis, the Planning Board voted unanimously to recommend approval of the Special Use Permit and Site Plan for Group Development as presented. Board members expressed appreciation to the applicant and architect for their efforts to revise the design to a compliant and ordinance-consistent standard.

Specific Action Requested

Conduct the Public Hearing for this Special Use Permit at the Board of Commissioners March 4, 2026 meeting.

Summary

PROJECT General Information

Applicant: Albemarle & Associates, Ltd. on behalf of Coastal Bluewater Capital, LLC and TW's Bait & Tackle.

Application Type: Special Use Permit/Site Plan Review.

Purpose/Request: This Special Use Permit/Site Plan Review includes the following elements:

- Conversion of the recently approved 4,774 square foot storage area (connecting the principal retail building

and the existing storage building) into retail. This would result in the building containing 14,024 square feet of retail space and 4,250 square feet of storage space.

- Construction of a new 6,750 square foot detached building, divided into two units. Unit 1 is proposed to consist of 2,500 square feet of retail space and 1,000 square feet of accessory storage space. Unit 2 is proposed to consist of 3,250 square feet of storage, accessory to TW's Bait & Tackle.
- The above two buildings are proposed to be connected via a 12' x 20' covered sidewalk.
- Construction of a new 3,000 square foot detached building consisting of 2,000 square feet of art gallery use and 1,000 square feet of storage, accessory to the art gallery.

Property Location: 2230 S. Croatan Highway, Nags Head. As required by the November 5, 2025, Board of Commissioners approval for the infill storage development, the lot located immediately west of the existing TW's Bait & Tackle has been properly recombined with the subject property.

Existing Land Use: Retail with Accessory Storage (TW's Bait & Tackle).

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

Zoning Classification of Surrounding Properties: 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-3, Commercial Services and is developed commercially (Village Real Estate Rental Management Facility). Property to the east, directly across US Highway 158 is zoned C-2, General Commercial and is developed commercially (Beach Mart Office).

Flood Hazard Zone of Property: Property is located in an 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 first floor of habitable space must be elevated above the 9-foot RFPE. All the proposed new structures are projected to have a first floor elevation of 11 feet, and are therefore compliant. Under Construction and Final Elevation Certificates 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 Commercial Mixed Use Group Development as a Special use in the C-2, General Commercial Zoning District. Furthermore, Section 7.32 of the UDO, General Provisions, lists the uses that are acceptable within Commercial Mixed Use applications. Retail, accessory storage, and art gallery are noted as permissible uses within Commercial Mixed Use developments.

For informational purposes, Appendix A, Section A.4 (Definitions) defines a Group Development as a group of buildings on a single site that are occupied and used for professional offices, retail, personal services, indoor recreation facilities, and/or restaurant uses. Appendix A.4 also defines General Retail as establishments providing goods directly to the consumer for immediate purchase and removal.

In addition, Appendix A.4 defines an accessory structure or use as one that is incidental and customarily

found with the principal use; subordinate to and serving the principal use; subordinate in area, extent, or purpose; and contributing to the needs or convenience of the principal use.

As such, storage areas within the proposed development must function in an accessory capacity to the designated principal use. The applicant has indicated that the proposed storage components will remain incidental and subordinate in extent and purpose, and will function solely to support the principal retail operation.

Lot Coverage: Total allowable lot coverage for this site is 55% of the total lot area. Proposed lot coverage is 54.3% and is therefore 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 both Building A and Building B/C with a maximum overall height of 35 feet. Accordingly, the proposed buildings are compliant with the Town's height requirements. A Height Certificate will be required during construction to verify compliance.

Architecture Design Standards: Following the Planning Board's January 20, 2026, discussion, the project architect worked collaboratively with staff and submitted revised elevations (dated February 10, 2026 and attached). The updated design eliminates the previously proposed gambrel roof form, introduces steeper roof pitches, incorporates stepped roof planes, enhances porch articulation, and adds architectural detailing consistent with Section 10.85.2 of the UDO, including dormers, gable brackets, varied siding treatments, residential-style double-hung windows, faux shutters, and improved façade rhythm.

These revisions represent a meaningful response to the Board's concerns regarding scale, massing, and architectural character. Staff is satisfied that the revised design meets the intent of the Town's Commercial Design Standards and Division II, Building Design Standards of the UDO.

Parking: Pursuant to Article 10, Table 10-2, Required Parking by Use, parking requirements for a Group Development are calculated separately for each principal use, based on the standards applicable to each use. Accessory storage does not have an associated parking requirement, as it is considered incidental to and supportive of the principal use, and serves the comfort and convenience of patrons of the principal use. In this case, the principal uses within the proposed group development are retail and art gallery.

The proposed site plan indicates that the combined existing and proposed area devoted to retail use totals 16,524 square feet. The required parking standard for general retail is one (1) parking space per 250 square feet of gross floor area, plus one (1) parking space per employee, with a minimum of two (2) employee spaces per retail establishment. Based on this standard, 66 parking spaces are required to serve the retail component of the development.

Required parking for art gallery use is one (1) parking space per 300 square feet of gross floor area open to the public. With 2,000 square feet of art gallery space proposed, seven (7) parking spaces are required. The applicant has indicated that the group development will employ seven (7) employees, resulting in a total minimum parking requirement of 80 spaces.

In January 2023, the property owner received approval through the Special Use Permit process for a reduction of three (3) required parking spaces in exchange for providing three compliant bicycle racks in accordance with Section 10.15.2.5 of the UDO. With this approved reduction applied, the total required parking is 77 spaces. The proposed site plan depicts 79 parking spaces, and therefore, the project is compliant with the Town's parking requirements.

Buffering/Landscaping: Several sections of the Unified Development Ordinance (UDO) speak to Buffering and Landscaping as it applies throughout this proposed site.

- Section 10.92.6.2 of the Unified Development Ordinance (UDO), Parking and Drive Aisle Setbacks, requires that when off-street parking is located between a building and the street right-of-way, a parking buffer with a minimum width of ten (10) feet be provided between the parking area and the street right-of-way. The submitted site plan depicts a compliant ten (10)-foot-wide buffer along W. Satterfield Landing Road, as shown on Sheet C203.
- Section 10.93.3.2 of the Unified Development Ordinance (UDO), Commercial Transitional Protective Yards, requires enhanced landscaping to be provided and maintained when non-residential land uses abut residential uses or residential zoning districts. Further, Section 10.93.3.2.2 specifies that where a high-impact use abuts a residential zoning district, a buffer strip with a minimum width of twenty-five (25) feet shall be provided along the entire length of the shared property boundary. The required buffer must consist of three (3) rows of acceptable plant material.
- A Group Development is classified as a high-impact use for the purposes of this section. The submitted site plan depicts a compliant twenty-five (25)-foot-wide buffer, inclusive of three rows of plantings, provided along the entire southern property boundary, which abuts property zoned R-2, Medium Density Residential. Therefore, the proposal is compliant with the Commercial Transitional Protective Yard requirements, as shown on Sheet C203.
- Section 10.93.3.7. of the UDO, Interior Parking and 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 660 square feet of vegetation. The applicant has proposed 680 square feet of vegetation and is therefore compliant, shown on Sheet C203.
- Section 10.93.3.8 of the Unified Development Ordinance (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 provide new vegetation in lieu of preservation. Where existing vegetation cannot be preserved, the ordinance requires the planting of a minimum of fifteen (15) percent of the lot's total area.

The subject site has been previously cleared; therefore, preservation of existing natural vegetation is not feasible. Based on the site's total area, a minimum of 7,939 square feet of new vegetation is required. The applicant has proposed approximately 9,000 square feet of new plantings. Therefore, the proposal exceeds the minimum planting requirement and is compliant with Section 10.93.3.8 of the UDO.

Lighting: A lighting plan, including photometric data and fixture specifications, demonstrating compliance with Article 10, Part IV, Outdoor Lighting, of the Unified Development Ordinance (UDO), shall be submitted to and approved by the Town prior to the installation of any new site lighting.

Signage: The site plan depicts a proposed freestanding sign located in a compliant position adjacent to Satterfield Landing Road. Prior to any installation, the applicant shall submit detailed sign specifications, including height and area calculations, demonstrating compliance with Section 10.24, Signs Permitted in Commercial Districts, of the Unified Development Ordinance (UDO).

Water and Sewage Disposal: An Improvement Permit has been issued by Dare County Environmental Health for the wastewater system necessary to support the proposed scope of work (see 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. Appropriate erosion and sedimentation control measures 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.

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

ANALYSIS & STAFF RECOMMENDATION

The proposal is consistent with the applicable use and development standards of the Unified Development Ordinance (UDO).

At the Planning Board’s January 20, 2026, meeting, concerns were raised regarding architectural compliance with the Town’s adopted Commercial Design Standards. In response, the applicant submitted revised elevations dated February 10, 2026, reflecting coordination with planning staff and incorporating substantive architectural modifications. These revisions include the elimination of the previously proposed gambrel roof form, the introduction of steeper roof pitches and stepped roof planes, enhanced porch articulation, and additional facade detailing consistent with Section 10.85.2 of the UDO.

The Town’s adopted Land Use Plan emphasizes the importance of high-quality architectural design and compatibility, particularly along highly visible commercial corridors. Staff finds that the revised architectural design addresses the Planning Board’s concerns related to scale, massing, and overall character, and now meets the intent of Division II, Building Design Standards and the Commercial Design Standards of the UDO.

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 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.

Attachments

1. 3 F1 PH SUP-SP TWs
2. 3 F1 PH SUP-SP TWs pn



TOTAL PROPOSED SQUARE FOOTAGE 14,524 x .50 = \$ 7,262 +

SPECIAL USE ☒ (\$500.00)

(Optional) VESTED RIGHT ☐ (no fee)

= TOTAL FEE DUE 7,762

TOWN OF NAGS HEAD

DATE RECEIVED _____

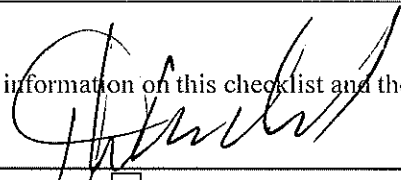
SITE PLAN REVIEW APPLICATION & CHECKLIST FOR SPECIAL USES

1. LOCATION AND ZONING INFORMATION

- A. PROJECT TITLE TW's Bait & Tackle
- B. STREET ADDRESS 2230 South Croatan Highway, Nags Head, NC, 27959
- C. SUBDIVISION Charles L Sineath Subdivision
- LOT(S) 1a-1r & 2a-1r (recombined) BLOCK _____ SECTION _____
- D. PRESENT ZONING C2
- E. PRESENT USE Retail
- F. EXISTING NONCONFORMITIES existing building approved under previous architectural standards
- G. ABUTTING PROPERTY ZONING C2, C3 & R2
- H. ABUTTING PROPERTY USE retail, office, industrial & vacant residential land

2. CERTIFICATION AND STANDING

- A. As applicant of standing of the above-named project, I certify that the information on this checklist and the site plan is complete and accurate.


OWNER ☐ AGENT ☒ CONTRACT ☐
PURCHASER ☐

- B. APPLICANT/DEVELOPER: NAME Coastal Bluewater Capital
- ADDRESS PO Box 969
- Nags Head, NC, 27959
- TELEPHONE (903) 330-1215
- C. CONTACT PERSON: NAME Albemarle & Associates Ltd, John DeLucia
- ADDRESS PO Box 3989
- Kill Devil Hills, NC, 27948
- TELEPHONE 252-441-2113

3. ADJACENT OWNERSHIP INFORMATION (TO BE SHOWN ON SITE PLAN)

- NAME/ADDRESS (N) Golasa Holdings LLC, 2229 S. Croatan Highway, Nags Head, NC, 27959
- NAME/ADDRESS (S) Quail Run Business Center LLC, 406 W. Lake Dr., Kill Devil Hills, NC, 27948
- NAME/ADDRESS (E) I G Holdings, 2229 S. Croatan Highway, Nags Head, NC, 27959
- NAME/ADDRESS (W) Foster Sharp, LLC, PO Box 944, Nags Head, NC, 27959

(If additional space is needed, please attach separate sheets.)

See attached for additional property owners

4. SITE PLAN AND SITE PLAN ATTACHMENT DATA

A. Site plan preparer Albemarle & Associates, Ltd - John DeLucia, PE Phone# 252-441-2113
 NC Registered ☐ Engineer ☐ Architect ☐ Surveyor. License# 16759

B. The design for the attached Stormwater Management Plan includes:

- ☐ 1.5", 2-hour rainfall: retained on-site.
☒ 4.3", 2-hour rainfall: no important access or health-related impacts.
☐ 5.0", 2-hour rainfall: no unapproved impacts.

Drainage calculations have been prepared ☒ YES ☐ NO ATTACHED ☒ YES ☐ NO

Note: Stormwater Management Plan MUST be approved by the Town Engineer prior to Planning Board review for all listed permitted uses in the zoning ordinance.

C. Sewage disposal approval is being submitted in the form of:

- ☐ Attached tentative approval letter dated _____
☐ Attached final permit dated _____
☐ State ☐ County

D. Project involves condominium ownership.

- ☒ NO ☐ YES, Three copies of condominium documents attached.

E. Amount of land-disturbing activity proposed _____ square feet.

A Soil Erosion and Sedimentation Control Plan has been prepared.

- ☐ NO ☒ YES; (1) Copy attached,
 (2) Copy submitted to Dare County Soil Conservation Service, Manteo NC 27954.

F. Coastal Area Management Act (CAMA) permit. ☐ YES ☒ NO

5. INFORMATION TO BE SHOWN ON SITE PLAN

Twelve (12) copies for Planning Board review

A. Property and ownership	YES	COMMENTS
1. Present recorded owner and map book/cabinet reference of the site property.	Y	
2. Current PIN Number.	Y	
3. Site Address.	Y	
4. Owners' names, lot numbers or map book and page reference of all adjacent property owners.	Y	
5. Boundary of the entire parcel by course and distance.	Y	
6. Widths of the existing rights-of-way that abut the site.	Y	
7. Nature or purpose, location and size of existing easements.		
8. At all lot comers, points of tangents and any angle point along a given course of the site, iron pins minimum 3/8-inch diameter or 4x4-inch concrete monuments.	Y	
9. Plan to at least 1"=50' scale, showing north arrow and whether true or magnetic.	Y	
10. Signature and seal of preparer.	Y	
B. Existing features		
1. Streets, curbs, and sidewalks with type and width of pavement.	Y	
2. Topographic features of site and existing grades for any streets, storm drainage system including existing grades at four comers of all structures.	Y	

	YES	COMMENT
3. Flood zone(s) as determined by latest FEMA Flood Insurance Rate Map, with notation, "flood zone subject to change by FEMA."	Y	
4. All underground utilities and facilities including gasoline tanks and existing septic facilities (including tanks and fields).	Y	
5. If the lot is within an ocean hazard Area of Environmental Concern, the location of the first line of stable natural vegetation, the CAMA setback line, and contour lines at 2-foot intervals depicting any dunes located within an oceanfront AEC that are to be disturbed by construction.	N/A	
6. The location of any marsh areas or estuarine waters or US Army Corps of Engineers 404 wetlands within or abutting the lot.	N/A	
7. If the lot is within the small surface water supply watershed AEC (within 1,200 feet from the Fresh Water Pond), the distance between the pond and proposed septic or sewage treatment system.	N/A	
8. Percentage of site to be included in calculation for undisturbed vegetation preservation compliance in Article 10, Part I of the Unified Development Ordinance.	Y	0%
C. Site improvements in accordance with regulations of state of North Carolina, Dare County, and Town of Nags Head	Y	
1. Proposed building type (e.g., concrete or frame), number of floors and dimensions.	Y	
2. Proposed building elevations of all sides of building labeled in accordance with proposed architectural design criteria of Article 10, Part VI of the UDO.	Y	
3. Total height and number of stories of proposed structure(s). If increased height is being proposed in conjunction with increased setbacks, show increase allowed in tabular form on plan. Note definition of height in Appendix A of the Unified Development Ordinance.	Y	
4. Existing and proposed ground elevations at the corners of proposed structure(s).	Y	
5. Sanitary sewer facilities with connection to sewer system or septic tank.	Y	
6. Approximate locations of proposed underground utilities and any necessary easements.	N/A	
7. Screened dumpster pad(s) accessible to left-side loaders and sized in accordance with the Town Code of Ordinances.	Y	
8. Proposed fire hydrants and extensions of water distribution lines.	Y	
9. Location and height of proposed free-standing signs. See requirements of Article 10, Part III of the Unified Development Ordinance.	N/A	
10. Location of all sidewalks, curbs, drives, and parking within the site and proposed finished elevations.	Y	
11. Handicapped parking spaces, walks, ramps, and entrances in accordance with the NC State Building Code. Handicapped parking spaces to be 13 feet wide, marked with a free-standing handicapped sign.	Y	
12. The Vegetative Buffer Yard areas have been identified and the proper buffer yard provision(s) have been identified as outlined in the Unified Development Ordinance.	Y	
13. Layout of numbered stalls/loading zones in accordance with Article 10, Part II of the Unified Development Ordinance.	Y	

Commercial ☐ Residential ☐	Parking Spaces Required	Parking Spaces Shown	Loading Spaces
<u>2</u> STORIES BUILDING SQUARE FOOTAGE: PRINCIPAL <u>16,524 SF</u> ACCESSORY <u>2,000</u> TOTAL <u>18,524</u>	@ 1/250 SF = 66 @ 1/350 SF = 6		
# EMPLOYEES <u>7</u>	@ 1/EMP = 7		
#DWELLING/LODGING UNITS <u>N/A</u>	(NOTE: REDUCATION OF 3 SPACES FOR BIKE RACKS)		
	79 - 3 = 76	77	1

D. EXPLANATORY NOTES

1. Vicinity map.
2. Total square feet of land area to undergo land-disturbing activity.
3. The total required parking spaces versus the total parking spaces provided. Parking spaces to be numbered.
4. Cross-section details of all streets, roads, ditches, and parking lot improvements.
5. The number of dwelling/commercial units. If more than one use is proposed (e.g., large hotel with shops, etc.), show breakdown of units or square footage by building.
6. If additional height above 35 feet is being proposed, the additional height and increased setbacks shall be laid out in tabular form.
7. Total site coverage calculations. (Refer to UDO to calculate lot coverage for lots abutting ocean or sound).
8. Components of the lighting plan (pole location, pole height, type of fixture, wattage, source of illumination, etc.). See Article 10, Part IV of the Unified Development Ordinance.
9. A completed architectural points worksheet for commercial structures subject to residential design criteria.

6. PLAN AND ATTACHMENT PREPARER CERTIFICATION

- A. I certify that all information for which I am responsible is complete and accurate.

DATE

SIGNATURE OF ENGINEER ☐ ARCHITECT ☐ SURVEYOR ☐

- B. The following individuals have contributed information or attachments to the plan:

Name	Phone#	Information Provided
_____	_____	_____
_____	_____	_____
_____	_____	_____

Site Specific Development Plan Option - Vested Right for Site Plans

Please be advised that as the owner, or agent for the owner, you have the opportunity to apply for and receive a Site-Specific Development Plan that will establish a Vested Right for this project for a period of time not to exceed two (2) years from the date the Board of Commissioners approves the plan. You must secure a building permit for this project within two (2) years of the approval date, or your Site-Specific Development Plan will expire. If you elect not to apply for a Site-Specific Development Plan, you must secure a building permit within six (6) months or else your site plan will expire.

If you choose the Site-Specific Development Plan option, please keep in mind the following concerns:

1. Although your project may be classified as a permitted use, by requesting a Site-Specific Development Plan your project will be processed as a Special Use for which a public hearing will be held, and an additional fee of \$200.00 will be charged to process your application.
2. Once your Site-Specific Development Plan has been approved with vested rights status no modifications can be made to the plan.

If you wish to take advantage of the Vested Right process, please check off the Vested Right box on page one. If you do not, then leave the box blank.

Additional Adjacent Property Owners (North)

Parcel #: 027934020 Owner: Arraou, Olivier -Primary Owner

2224 S Croatan Hwy A Nags Head 27959

Parcel #: 027934021 Owner: Hargraves, David W Tee -Primary Owner

2224 S Croatan Hwy B Nags Head 27959

Parcel #: 027934022 Owner: Uber Telecom Inc -Primary Owner

2224 S Croatan Hwy C Nags Head 27959

Parcel #: 027934023 Owner: Celtic Isle Properties Llc -Primary Owner

2224 S Croatan Hwy D Nags Head 27959

Parcel #: 027934024 Owner: Cds Investments Llc -Primary Owner

2224 S Croatan Hwy E Nags Head 27959

Parcel #: 027934025 Owner: Dixon & Dixon Law Offices Plc -Primary Owner

2224 S Croatan Hwy F Nags Head 27959

Parcel #: 027934026 Owner: Re Obx Inc -Primary Owner

2224 S Croatan Hwy G Nags Head 27959

Parcel #: 027934999 Owner: The Outer Banks Prof Ctr Condo Property -Primary Owner

2224 S Croatan Hwy MULT Nags Head 27959

Parcel #: 030085000 Owner: Bald, Frank A -Primary Owner

2224 S Croatan Hwy H Nags Head 27959

Additional Adjacent Property Owners (South)

Parcel #: 005649001 Owner: Machado, Santos Ventura

P.O. Box 2512

Kill Devil Hills, NC 27948

Parcel #: 005649000 Owner: Kelly, Michael W

P.O. Box 1089

Nags Head, NC 27959



January 14, 2026

Ms Kelly Wyatt, Planning Director
Town of Nags Head
PO Box 99
Nags Head, NC 27959

RE: TW's Bait & Tackle Site Expansion Resubmittal

Dear Ms. Wyatt:

Please find the attached site plan resubmittal with response to comments generated during the TRC review. The site plan related comments have been addressed as follows:

Site Plan Review Comments submitted by Kelly Wyatt:

- *Comment: Review parking requirements for "Art Gallery". UDO states one space per 300 sf of gross floor area open to the public. Assuming 2,000 sf is open to public, 7 parking spaces would be required.*

Response: We have corrected that calculation which results in 77 spaces being required. The site plan had 74 spaces plus 3 bike racks and remains complaint. However, we have shifted building A 15' to the north and added 2 more parking spaces, for a total of 76 plus 3 bike racks. (See sheet C201)

- *Comment: While specifications for the light fixture appear compliant, the projected footcandle readings exceed the maximum allowed. This use would be considered Medium level of activity, maximum maintained footcandles is 7 footcandles, minimum is 0.5 footcandles – plan is showing areas well in excess.*

Response: Per our discussion, the canopy lighting was included on the site lighting model, which increased lighting levels beneath the canopy. We have removed canopy lighting from the photometric and now only illustrate the parking lot lighting with a maximum footcandle of 5.55 fc. (See sheet C203)

Site Plan Review Comments submitted by David Ryan:

- *Comment 1: Erosion & Sediment Control Plans shall be submitted for review to include all proposed erosion and sediment control measures proposed for the site, stabilization requirements, construction sequence, and monitoring and self-inspection requirements. NCDEQ DEMLR has updated erosion and sediment control measure details which can*

*Planning – Surveying – Engineering – Environmental – Construction Management
P.O. Box 3989, 115 W. Saint Clair St., Kill Devil Hills, North Carolina 27948
North Carolina License No. C-1027
Phone: 252-441-2113 www.AlbemarleAssociates.com Fax: 252-441-0965*

be located at <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/erosionand-sediment-control/esc-downloads-and-forms>. It is requested that the following detail information be added to the submitted erosion control plan:

Response: The requested details have been added to the plan sheet C102. A note with this information has also been added to sheet C101.

- *Comment 2: An NCDEQ NC Construction general permit NCG01 shall be obtained through NCDEQ in advance of construction activities taking place. This application can be filed electronically at the following location <https://www.deq.nc.gov/accessdeq> . The Electronic Notice of Intent (E-NOI) process requires an online form to be filled out and a fee to be paid prior to the issuance of a Certificate of Coverage and NCG01 Permit. To provide compliance with the NCG01 permit two sample sheets shall be included with the erosion and sediment control plan set. The additional information is as follows:
 - a. *Ground Stabilization and Materials Handling*
 - b. *Inspection, Record keeping and Reporting.**

Response: The requested sample sheets have been added to the plan sheet C102. A note with this information has also been added to sheet C101.

- *Comment 3: Inspection and monitoring records for activities under the stormwater general permit are to be maintained during the course of construction.*

Response: A note with this information has been added to sheet C101.

- *Comment 4: Inspection and monitoring records for activities under the stormwater general permit are to be maintained during the course of construction.*

Response: A note with this information has been added to sheet C101.

- *Comment 5: A vehicle pathing exhibit is being requested to depict circulation and routing of emergency and sanitation vehicles. The internal traffic circulation approval is contingent on the Public Services/Fire Department approval for sanitation and emergency vehicle access.*

Response: Vehicle pathing exhibits have been prepared and are included with this submittal.

- *Comment 6: Section 10.17 Off-Street Loading provides requirements for vehicular loading spaces based upon use classification and gross floor area requirements. Loading berths shall have a minimum 12'x60' dimensions with 14-foot overhead clearance. The gross floor area exceeds 20,000 square feet which requires a one loading berth for every 20,000 sf, or fraction thereof, of floor area. A 12'x42' interior/exterior loading berth described for Unit 2 of the current plan. Since the loading berths do not meet the minimum dimensional requirements, please provide a brief narrative of the type and frequency of vehicles conducting loading/unloading operations and integration with the building layout an how it will not hinder the free movement of vehicles, and pedestrians over a street, sidewalk, parking lot or alley.*

Response: A single 12' x 42' loading berth is provided at one of the overhead garage doors on building two. TW's obtains the vast majority of their product stock in the off

season between December and March, which is then stored in their storage areas for stocking throughout the rest of the year. Deliveries they typically get during the rest of the year arrive by standard Fed-Ex and UPS trucks on their typical routes, spending minimal time on site. Likewise, the additional retail space receives their product by Fed-Ex and UPS and the art gallery receives very minimal shipments. There is 24' of pavement width at the loading space, which would allow for two delivery trucks up to 25' in length of anticipated delivery vehicle size if needed.

- *Comment 7: Section 10.92.14.1 indicates parking lot entrances shall be graded and paved only with asphalt or concrete extending a minimum of 50' from the right-of-way as measured from the centerline. The proposed heavy-duty permeable concrete drive aisle is considered and equivalent to the specified concrete or asphalt drive aisle.*

Response: No response necessary.

- *Comment 8: Engineered calculations to manage runoff from a 4.3 in. rainfall event have been provided and comply with the storage volume requirements of 11.4.2 of the Unified Development Ordinance. There are several numerical discrepancies in the calculations to include the totals for each of the drainage areas in the stormwater summary and the interstitial storage volume below the infiltration basin bottom. Please revise and resubmit.*

Response: Stormwater management calculations have been reviewed and updated. Please see Stormwater Management Narrative updated 1/14/26.

- *Comment 9: It should be noted that a significant percent of the on-site storage volume provided utilizes underground storage of stormwater runoff. Permeable pavement systems and infiltration systems shall be required to be operated and maintained in accordance with NCDEQ requirements.*

Response: No response necessary.

- *Comment 10: An NCDEQ high-density stormwater management permit shall be acquired for this application and submitted to the Town prior to the issuance of a building permit.*

Response: No response necessary. An NCDEQ Stormwater Management Modification Application package is being prepared for these site modifications.

- *Comment 11: An executed Operation and Maintenance agreement shall be submitted to the Town in advance of the issuance of a certificate of occupancy.*

Response: No response necessary. The operations and maintenance agreement is being submitted for the NCDEQ permit modifications and will be provided to the town.

- *Comment 12: Documentation describing the construction record conditions shall be submitted to the Town prior to the request for a certificate of occupancy.*

Response: No response necessary. An as-built survey will be provided upon completion of the work and may be done in a phased approach.

This project is being submitted for review at the January 20th planning board meeting. Included with this response letter is the following information:

- Plans (3 copies)
 - C101 – Demolition and Erosion Control Plan (revised 1/14/2026)
 - C102 – Demolition and Erosion Control Plan (revised 1/14/2026)
 - C201 – Site Plan (revised 1/14/2026)
 - C202 – Site Details (revised 1/14/2026)
 - C203 – Buffer and Lighting Plan (revised 1/14/2026)
 - C301 – Grading & Drainage Plan (revised 1/14/2026)
 - A1 – TW's Building A (dated 1/14/2026)
 - A1 – TW's Building B/C (dated 1/14/2026)
- Stormwater Management Narrative (revised 1/13/2026)
- Vehicle pathing diagrams

I appreciate your assistance with this project. If I can provide any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Morway', with a long horizontal flourish extending to the right.

Michael J. Morway, PE
Engineer

cc: File 06135J
Chris Greening (Coastal Bluewater Capital LLC)

Improvement Permit
County of Dare
PO Box 669
Manteo NC 27954



Paid

S3-36789

Phone: (252) 475-5080

DARE COUNTY DEPARTMENT OF PUBLIC HEALTH

An Improvement Permit (IP) issued pursuant to this application is not affected by change in ownership provided the site and wastewater characteristics remain unchanged. An IP issued with a plat is valid without expiration. An IP issued with a site plan is valid for 60 months from the date of issuance.

Parcel: 005618002	LOT: 2A-1R BLK: SEC:	Permit: S3-36789
Location:	W SATTERFIELD LANDING RD – NAGS HEAD	
Subdivision:	CHARLES L SINEATH DIVISION	
Owner Name:	COASTAL BLUEWATER CAPITAL LLC	Permit Date: 01/27/2026
Owner Address:	PO BOX 969	Permit Type: WW COMMERCIAL NEW YES
	NAGS HEAD, NC 27959	

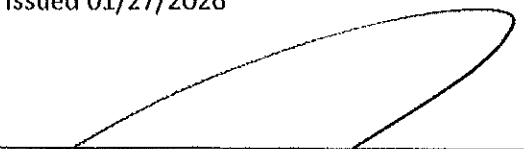
Number of bedrooms:	0	Gallons per day:	450
Occupancy:	0	Long term accept rate:	1.20
Water Supply:	PUBLIC	Tank type:	PRECAST
Amount of drain field:	192	Tank size:	1000
Number of lines:	4	Pump tank size:	1000
Trench length (feet):	48	Grease trap size:	0
Trench width (inches):	36	Septic type:	Type III-B - Single Pump
Trench depth (inches):	12	Septic code:	COMMERCIAL
Gravel depth (inches):	12	Distribution:	PRESSURE MANIFOLD
Rock Under (inches):	6	Distance from building:	5
Rock Above (inches):	2	Distance from water supply:	10
Bed system dimensions:	12X48	Distance from property line:	10
		Distance from open water:	50

Design Specifications:

-- Permit for two commercial buildings. Building A is 2,000sqft art gallery with 1,000sgft of storage. Building B is 2,500sqft retail store with 4,250sqft of storage. Total gallons per day 450. Install as designed by Albemarle & Associates project number 06135L. Must meet setbacks to property lines, water line, home and appurtenances. 100% repair area claimed. (12'X48' bed)

Note: This Permit is subject to all provisions of the 15A NCAC 18E rules governing the installation of septic systems. The person making the installation must notify the Health Department when the septic tank system is ready for inspection. If any septic tank system or part thereof is covered before being inspected and approved, it shall be uncovered at the direction of the Health Officer at the expense of the one responsible for making the installation.
Issued 01/27/2026

Permit Fee: \$ 500.00


Environmental Health Specialist


Applicant Signature: MICHAEL MORWAY

County of Dare
PO Box 669
Manteo NC 27954



S8-36790

Phone: (252) 475-5080

DARE COUNTY DEPARTMENT OF PUBLIC HEALTH
Authorization for Wastewater System Construction

Parcel: 005618002

PIN: 989317113533

Permit: S8-36790

Owner Name: COASTAL BLUEWATER CAPITAL LLC
Owner Address: PO BOX 969
NAGS HEAD, NC 27959

Permit Date: 01/27/2026

Location: W SATTERFIELD LANDING RD – NAGS HEAD
Subdivision: CHARLES L SINEATH DIVISION

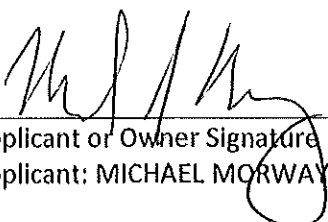
LOT: 2A-1R BLK: SEC:

1. Issued by _____ RPP
2. Any alteration in soil conditions (including location of structures and appurtenances) or modification in use, design wastewater flow or wastewater characteristics as specified in the associated Improvement permit and application, may subject this authorization and associated permit(s) to revocation.
3. Comments:
Permit for two commercial buildings. Building A is 2,000sqft art gallery with 1,000sgft of storage. Building B is 2,500sqft retail store with 4,250sqft of storage. Total gallons per day 450. Install as designed by Albemarle & Associates project number 06135L. Must meet setbacks to property lines, water line, home and appurtenances. 100% repair area claimed. (12'X48' bed)

This CA is valid as long as the IP remains valid (SL 2014-120).

Disclaimer: This permit does not relieve you of the responsibility to obtain any other necessary Federal, State or Local permit(s).

Owner Certification


Applicant or Owner Signature
Applicant: MICHAEL MORWAY

1/27/2026
Date



TW'S Bait & Tackle Stormwater Management Narrative

December 18, 2025

Revised January 13, 2026

Existing Conditions: TW's Bait & Tackle is located at 2230 in Nags Head on a 1.34 acre parcel. The parcel was developed in 2006 with a retail store with parking lots, LPP drainfield septic system and stormwater infiltration basin. The existing parking spaces on site utilize turfstone pavers. In 2018 additional acreage was purchased to construct a product storage building. In 2022, Coastal Bluewater Capital LLC purchased TW's Bait & Tackle. In 2024 they purchased lot 2A-1R of the Charles L Sineath Division (0.87 ac) located adjacent west of the facility. Including the recently acquired property which has now been recombined with TW's, the parcel now totals 2.21 acres. All of the newly acquired parcel has been cleared for development. The parcel is level with elevations between 8.5 and 9.8 feet above MSL. The property is within a flood zone X.

Soils: The Natural Resource Conservation Service Soil Survey for Dare County has mapped the soils on the site to consist primarily of Corolla Fine Sand (CoB) which provides high infiltration rates in excess of 20" / hour. Three soils boring were taken on the new parcel and found the soils to reflect the NRCS soils description. The soil borings were taken shortly after a multi-day rainfall event of approximately 1" of rainfall. There was no change in soils coloration that would indicate a seasonal high water table, but saturation was noted between elevations estimated between 5.8 and 6.3 msl. Prior soils investigations from the storage facility design found the ESHWT to be 6.3. It should be noted that there was very little standing water in the existing basin at time of the borings following recent rainfall. For design purposes, the ESHWT of 6.3 was utilized. Included with this narrative is an NRCS soils map and boring log.

Proposed Development: Coastal Bluewater Capital LLC intends to construct two additional buildings totaling 9,750 sf on the western portion of the site to be utilized for retail with storage, an art gallery with storage, and an additional storage unit for TW's. A connection between the existing retail and storage structures has also been approved by the town. All the structures are/will be served by the town water system and a new septic system will be constructed to serve the new structures.

Stormwater Management: Stormwater from the parking lot and portion of the existing and proposed buildings on the east side of the site is being infiltrated through pervious concrete and existing turfstone. The pervious concrete provides storage in the aggregate base and sand subgrade. Plans indicate the existing turfstone does not have an aggregate base, and calculations account for storage in the sandy subgrade. The existing storage building and overflow from turfstone currently drains into an infiltration basin which is being maintained. The existing asphalt drive aisles are being removed and replaced with pervious concrete. Existing overflow piping on the east parking lot conveys any runoff not infiltrated from the turfstone into the infiltration basin.

The new parking areas and drive aisles on the west side of the site will utilize all pervious concrete. Drainage from the front of the new structures will be directed onto the pervious concrete and account for less than a 1:1 ratio as allowed by NCDEQ. Curb cuts near drain basins and underground piping on the north side of the new parking area will allow any excess runoff not infiltrated from the pervious concrete to be conveyed into the existing infiltration basin. Drainage from the rear of the new structures is being collected from roof gutters and conveyed to the existing infiltration basin as well.

Storage capacity of the aggregate base beneath the pavement was calculated using the depth of the aggregate and a 40% void space. Additional capacity was calculated from the subgrade elevation (bottom of aggregate) to the ESHWT with a 20% void space. All structures and pavement (including pervious) utilized a 1.0 runoff coefficient. Sidewalks located beneath porches were excluded from "sidewalk" area but accounted for as "buildings". Runoff calculations were performed using the "Simple" Method and break site into three drainage areas labeled "East", "West" and "Infiltration Basin". Overall, the runoff resulting from a 4.3" rainfall event was calculated to be 21,356 cf. The pervious pavement storage (aggregate & subgrade) is calculated to be 22,018 cf and the infiltration basin is 12,729 cf. The combined storage value is 34,747 cf, which is approximately 1.6 times the required volume. These calculations along with a drainage area map and summary table are included with this report.

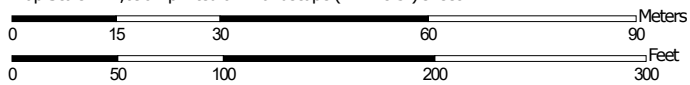
Soil Boring Log TW's Bait and Tackle

Soil Boring			
Depth	B-1	B-2	B-3
0" to 6"	Brown Fine Sand	Tan Fine Sand	Tan Fine Sand
6" to 12"	Brown Fine Sand	Tan Fine Sand	Tan Fine Sand
12" to 18"	Brown Fine Sand	Tan Fine Sand	Tan Fine Sand
18" to 24"	Brown Fine Sand (moist)	Tan Fine Sand	Tan Fine Sand
24" to 30"	Brown Fine Sand (moist)	Tan Fine Sand (moist)	Tan Fine Sand (moist)
30" to 36"	Brown Fine Sand (sat)	Tan Fine Sand (moist)	Tan Fine Sand (moist)
36" to 42"	Brown Fine Sand (sat)	Tan Fine Sand (wet)	Tan Fine Sand (wet)
42" to 48"	Tan Fine Sand (sat)	Tan Fine Sand (sat)	Tan Fine Sand (sat)
48" to 54"		Tan Fine Sand (sat)	
54" to 60"		Tan Fine Sand (sat)	
Soil Type	Corolla Fine Sand	Corolla Fine Sand	Corolla Fine Sand
Date of Boring	12/4/25	12/4/25	12/4/25
Ex. Ground Elevation (ft. above MSL)	8.8	9.8	9.3
Depth to Water table (in)	30	42	42
Estimated Water table Elevation (ft)	6.3	6.3	5.8

Soil Map—Dare County, North Carolina
(TW's Bait & Tackle)



Map Scale: 1:1,090 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

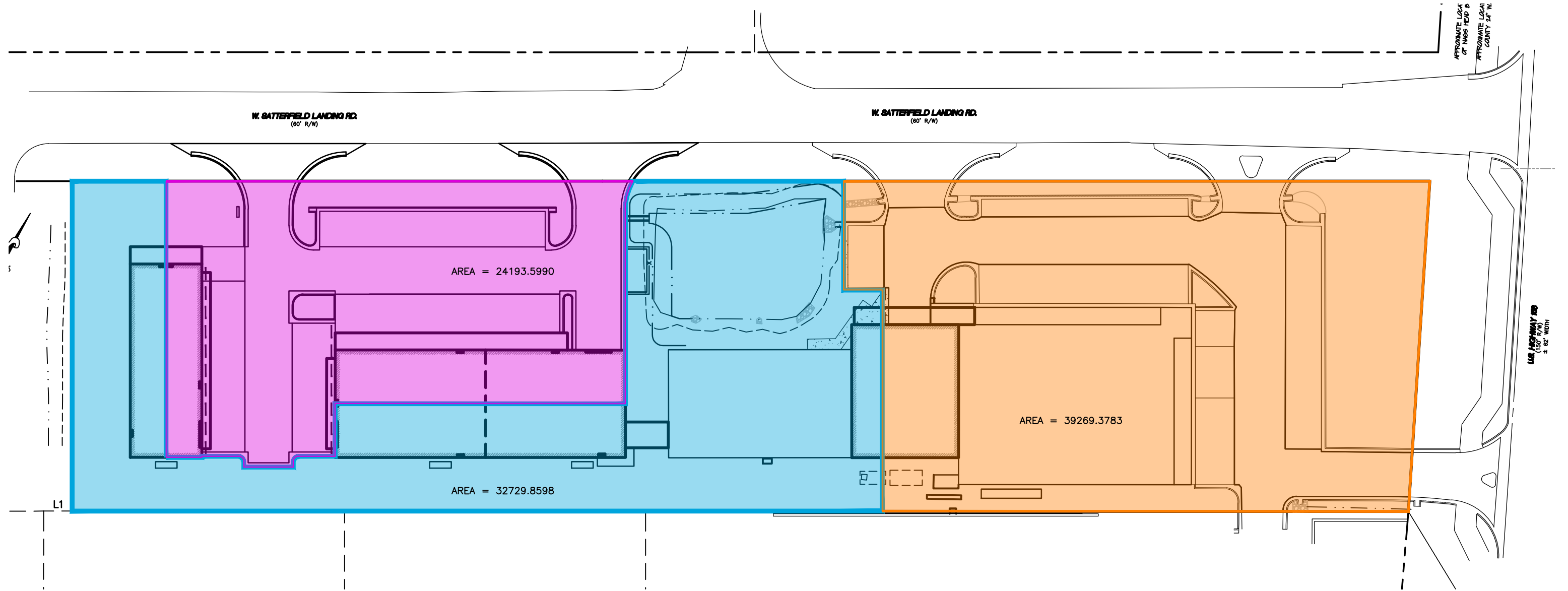


Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CoB	Corolla fine sand, 0 to 6 percent slopes, rarely flooded	2.3	100.0%
Totals for Area of Interest		2.3	100.0%



Volumetric Runoff Calculations Simple Method

Project Name : TW's Expansion

East Side (Pervious Pavement)

Basin Information		
Drainage Area	39,270	SF
Existing Impervious Area	17,067	SF
Proposed Impervious Area	11,683	SF
% Impervious Area (total)	73.2%	

0.90 Acres

Impervious Surface Area		
On-site Buildings or Lot BUA	10,409	SF
Streets	0	SF
On-site Parking	18,333	SF
On-site Sidewalks (included uner roof)	0	SF
Other on-site	8	SF
Future	0	SF
Off-site	0	SF
Total:	28,750	SF

<i>existing</i>	<i>existing (to remain)</i>	<i>proposed (additional)</i>
8,491	8,034	2,375
0	0	0
20,513	9,025	9,308
0	0	0
8	8	0
0	0	0
0	0	0
29,012	17,067	11,683

Pavement (existing)

14,146 sf Impervious Pavement
6,367 sf Pervious Pavement
100% Pervious accounted for Runoff
20,513 Applied BUA

Pavement (ex. to remain)

3,221 sf Impervious Pavement (conc)
5,804 sf Pervious Pavement
100% Pervious accounted for Runoff
9,025 Applied BUA

Pavement (proposed)

198 sf Impervious Pavement
9,110 sf Pervious Pavement
100% Pervious accounted for Runoff
9,308 Applied BUA

Runoff Calculations (Simple Method)

	Town	NCDEQ
Design Runoff (in)	4.3	1.5
Total Area (sf)	39,270	39,270
Coverage	73.2%	73.2%
R(v)	0.709	0.709
Rainfall Volume	9,975	3,480

Nags Head 4.3": **9,975**
NCDEQ (1.5"): **3,480**

Notes

existing turfstone located on sand (no stone base)

STORMWATER MANAGEMENT CALCULATIONS - PVIOUS PAVEMENT

Project	TW's	By : mjm
Drainage Area	East Portion of Site	Date : 01/09/26

<u><i>Turfstone (north side along building)</i></u>			<u><i>Turfstone (north side along Satterfield Landing)</i></u>			<u><i>Pervious Concrete (Replace Existing Drive Aisle)</i></u>		
Turfstone	1,731	(sf)	Turfstone	801	(sf)	Pervious Concrete	8,993	(sf)
Average Top of Pavement Elevation	10.7		Average Top of Pavement Elevation	10.4		Average Top of Pavement Elevation	10.3	
Thickness of Pavement	0.33	(ft)	Thickness of Pavement	0.33	(ft)	Thickness of Pavement	0.67	(ft)
Base Void Space	40%		Base Void Space	40%		Base Void Space	40%	
Base Depth	0.00	(feet)	Base Depth	0.00	(feet)	Base Depth	0.67	(feet)
Gravel Base Storage	0	(cf)	Gravel Base Storage	0	(cf)	Gravel Base Storage	2,410	(cf)
<i>Interstitial (below of gravel base)</i>			<i>Interstitial (below of gravel base)</i>			<i>Interstitial (below of gravel base)</i>		
Average elevation of subgrade	10.4		Average elevation of subgrade	10.1		Average elevation of subgrade	9.0	
Elevation of SHWT	6.3		Elevation of SHWT	6.3		Elevation of SHWT	6.3	
Subgrade Void Space	20%		Subgrade Void Space	20%		Subgrade Void Space	20%	
Depth	4.1	(cf)	Depth	3.8		Depth	2.7	
Interstitial Volume Below Base:	1,409		Interstitial Volume Below Base:	604		Interstitial Volume Below Base:	4,784	
Total Volume Managed	1,409	(cf)	Total Volume Managed	604	(cf)	Total Volume Managed	7,194	(cf)
<u><i>Turfstone (East side along building)</i></u>			<u><i>Turfstone (East side along US-158)</i></u>			<u><i>Turfstone (West Side)</i></u>		
Turfstone	1,011	(sf)	Turfstone	1,722	(sf)	Turfstone	434	(sf)
Average Top of Pavement Elevation	10.6		Average Top of Pavement Elevation	10.1		Average Top of Pavement Elevation	10.5	
Thickness of Pavement	0.33	(ft)	Thickness of Pavement	0.33	(ft)	Thickness of Pavement	0.33	(ft)
Base Void Space	40%		Base Void Space	40%		Base Void Space	40%	
Base Depth	0.00	(feet)	Base Depth	0.00	(feet)	Base Depth	0.00	(feet)
Gravel Base Storage	0	(cf)	Gravel Base Storage	0	(cf)	Gravel Base Storage	0	(cf)
<i>Interstitial (below of gravel base)</i>			<i>Interstitial (below of gravel base)</i>			<i>Interstitial (below of gravel base)</i>		
Average elevation of subgrade	10.3		Average elevation of subgrade	9.8		Average elevation of subgrade	10.2	
Elevation of SHWT	6.3		Elevation of SHWT	6.3		Elevation of SHWT	6.3	
Subgrade Void Space	20%		Subgrade Void Space	20%		Subgrade Void Space	20%	
Depth	4.0		Depth	3.5		Depth	3.9	
Interstitial Volume Below Base:	803		Interstitial Volume Below Base:	1,195		Interstitial Volume Below Base:	336	
Total Volume Managed	803	(cf)	Total Volume Managed	1,195	(cf)	Total Volume Managed	336	(cf)

SUMMARY OF STORMWATER MANAGEMENT

Turfstone (north side along building)	1,409	(cf)
Turfstone (north side along Satterfield Landing)	604	(cf)
Pervious Concrete (Replace Existing Drive Aisle)	7,194	(cf)
Turfstone (East side along building)	803	(cf)
Turfstone (East side along US-158)	1195.1	(cf)
Turfstone (West Side)	335.9	(cf)
TOTAL STORMWATER MANAGED	11,541	(cf)
TOTAL STORMWATER REQUIRED	9,975	(cf)
PERCENT MANAGED OF REQUIRED:	115.7%	

Volumetric Runoff Calculations Simple Method

Project Name : TW's Expansion

Existing Infiltration Basin				
Basin Information		0.75 Acres		
Drainage Area	32,730 SF			
Existing Impervious Area	4,250 SF			
Proposed Impervious Area	6,087 SF			
% Impervious Area (total)	31.6%			
Impervious Surface Area		<i>existing</i>	<i>existing (to remain)</i>	<i>proposed (additional)</i>
On-site Buildings or Lot BUA	9,993 SF	4,250	4,250	5,743
Streets	0 SF	0	0	0
On-site Parking	0 SF	0	0	0
On-site Sidewalks (included uner roof)	0 SF	0	0	0
Other on-site	344 SF	0	0	344
Future	0 SF	0	0	0
Off-site	0 SF	0	0	0
Total:	10,337 SF	4,250	4,250	6,087

Runoff Calculations (Simple Method)		
	Town	NCDEQ
Design Runoff (in)	4.3	1.5
Total Area (sf)	32,730	32,730
Coverage	31.6%	31.6%
R(v)	0.334	0.334
Rainfall Volume	3,920	1,367

Nags Head 4.3": **3,920**
 NCDEQ (1.5"): **1,367**

**TW's BAIT TACKLE
STORMWATER MANAGEMENT CALCULATIONS
INFILTRATION BASIN DESIGN**

Project
Drainage Area

TW's
Infiltration Basin

By : mjm
Date : 12/17/25
Rev: 01/13/26

Infiltration Basin

	elevation (msl)	area (sf)
Top of Basin	10.3	6,195
Bottom of basin:	8.3	3,521
Open Storage Volume	9,716	
ESHWI Elev.:	6.3	(msl)
Interstitial Volume Below Basin:	3,013	(cf)
Void Space:	20%	
Total Volume Managed	12,729	(cf)
Town of Nags Head Requirements	3,920	(cf)
% of Required Stormwater Managed	325%	

Volumetric Runoff Calculations Simple Method

Project Name : TW's Expansion

West Side (Pervious Pavement)

Basin Information			0.56 Acres		
Drainage Area	24,194	SF			
Existing Impervious Area	8	SF			
Proposed Impervious Area	21,782	SF			
% Impervious Area (total)	90.1%				
Impervious Surface Area			<i>existing</i>	<i>existing (to remain)</i>	<i>proposed (additional)</i>
On-site Buildings or Lot BUA	5,220	SF	0	0	5,220
Streets	0	SF	0	0	0
On-site Parking	15,509	SF	0	0	15,509
On-site Sidewalks	927	SF	0	0	927
Other on-site	134	SF	8	8	126
Future	0	SF	0	0	0
Off-site	0	SF	0	0	0
Total:	21,790	SF	8	8	21,782

Pavement (existing)

0 sf Impervious Pavement
0 sf Pervious Pavement
67% Pervious accounted for Runoff
0 Applied BUA

Pavement (ex. to remain)

0 sf Impervious Pavement (conc)
0 sf Pervious Pavement
67% Pervious accounted for Runoff
0 Applied BUA

Pavement (proposed)

1,201 sf Impervious Pavement
14,308 sf Pervious Pavement
100% Pervious accounted for Runoff
15,509 Applied BUA

Runoff Calculations (Simple Method)

	Town	NCDEQ
Design Runoff (in)	4.3	1.5
Total Area (sf)	24,194	24,194
Coverage	90.1%	90.1%
R(v)	0.861	0.861
Rainfall Volume	7,461	2,603

Nags Head 4.3": **7,461**
NCDEQ (1.5"): **2,603**

STORMWATER MANAGEMENT CALCULATIONS - PERVIOUS PAVEMENT

Project
Drainage Area

TW's
West Portion of Site

By : mjm
Date : 01/09/26

SUMMARY OF STORMWATER MANAGEMENT

Pervious Concrete (Drive Aisle)	5,510	(cf)
Pervious Concrete (Parking Spaces)	4,967	(cf)
TOTAL STORMWATER MANAGED	10,477	(cf)
TOTAL STORMWATER REQUIRED	7,461	(cf)
PERCENT MANAGED OF REQUIRED:	140.4%	

<u>Pervious Concrete (Drive Aisle)</u>		
Pervious Concrete	7,446	(sf)
Average Top of Pavement Elevation	10.0	
Thickness of Pavement	0.67	(ft)
Base Void Space	40%	
Base Depth	0.67	(feet)
Gravel Base Storage	1,996	(cf)
<i>Interstitial (below of gravel base)</i>		
Average elevation of subgrade	8.7	
ESHWI Elev.:	6.3	(msl)
Subgrade Void Space	20%	
Depth	2.4	(cf)
Interstitial Volume Below Base:	3,515	
Total Volume Managed	5,510	(cf)

<u>Pervious Concrete (Parking Spaces)</u>		
Pervious Concrete	6,861	(sf)
Average Top of Pavement Elevation	10.0	
Thickness of Pavement	0.50	(ft)
Base Void Space	40%	
Base Depth	0.42	(feet)
Gravel Base Storage	1,153	(cf)
<i>Interstitial (below of gravel base)</i>		
Average elevation of subgrade	9.1	
ESHWI Elev.:	6.3	(msl)
Subgrade Void Space	20%	
Depth	2.8	
Interstitial Volume Below Base:	3,815	
Total Volume Managed	4,967	(cf)

**TW'S Bait Tackle
Stormwater Management Summary**

Drainage Area	4.3" Runoff (cf)	Basin Storage (cf)	Pervious Pavement Storage (cf)
East side of site (Pervious Concrete & Turfstone)	9,975		11,541
West Site of Site (Pervious Concrete)	7,461		10,477
Existing Infiltration Area	3,920	12,729	
TOTAL:	21,356		34,747 163%

COASTAL BLUEWATER CAPITAL LLC HAS PURCHASED LOT 2A-1R OF THE CHARLES L SINEATH DIVISION (0.87 AC) LOCATED BEHIND TW'S BAIT & TACKLE AT 2230 IN NAGS HEAD AND IT IS BEING RECOMBINED WITH THE TW'S PARCEL FOR A TOTAL OF 2.21 ACRES. ALL OF THE 0.87 ACRE PARCEL HAS BEEN CLEARED FOR DEVELOPMENT. THE PARCEL IS LEVEL WITH ELEVATIONS BETWEEN 8.5 AND 9.8 FEET ABOVE MSL.

DISTURBED AREAS ARE TO BE STABILIZED WITH TEMPORARY/PERMANENT VEGETATION ACCORDING TO THE SEQUENCE OF CONSTRUCTION.

SOIL TYPES AS MAPPED IN THE SOIL SURVEY OF DARE COUNTY:

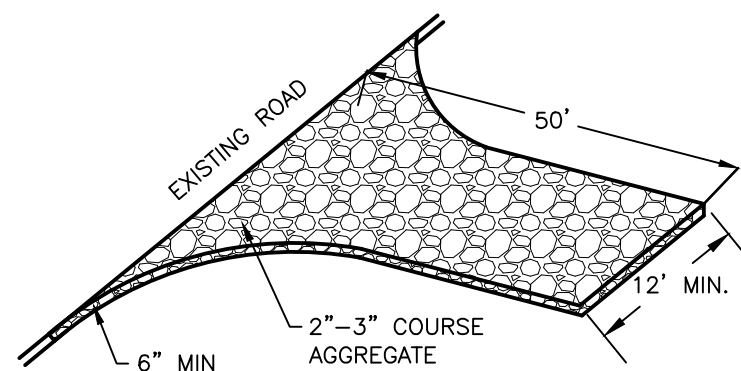
COROLLA FINE SAND (COB)

- OBTAIN TOWN OF NAGS HEAD AND NCDEQ APPROVAL
- FLAG OR STAKE WORK LIMITS
- HOLD PRE-CONSTRUCTION MEETING
- RELOCATE EXISTING FIRE HYDRANT
- INSTALL CONSTRUCTION ENTRANCE
- INSTALL SILT FENCING
- COMMENCE EARTHWORK
- COMMENCE CONSTRUCTION OF INFRASTRUCTURE, NEW BUILDING AND UTILITIES
- INSTALL LANDSCAPING
- SEED, FERTILIZE AND WATER DISTURBED AREA TO STABILIZE

1. PRECONSTRUCTION CONFERENCE:
PRIOR TO ANY LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL WALK THE SITE WITH THE OWNER'S REPRESENTATIVE AND A REPRESENTATIVE OF THE MUNICIPALITY (IF REQUIRED) IN ORDER TO IDENTIFY AND MARK SPECIFIC ELEMENTS WHICH ARE TO BE PROTECTED. TREES SHALL BE PROTECTED IN ACCORDANCE WITH THE NORTH CAROLINA EROSION AND SEDIMENTATION CONTROL HANDBOOK.
2. INSTALLATION OF EROSION CONTROL MEASURES:
PRIOR TO COMMENCEMENT OF ANY LAND DISTURBING ACTIVITIES, ALL EROSION AND SEDIMENTATION CONTROL MEASURES DEVISATED ON THIS PLAN SHALL BE INSTALLED IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS AND ALL PERMIT CONDITIONS.
3. UTILITIES:
PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION, THE CONTRACTOR SHALL HAVE THE APPROPRIATE UNDERGROUND UTILITIES LOCATED. 306-100, NC811 AT 811 OR 800-632-4949. UTILITIES SHOWN ARE TAKEN FROM EXISTING RECORDS, FIELD OBSERVATIONS AND/OR UTILITY LOCATING SERVICE AND ARE NOT GUARANTEED TO BE ACCURATE OR COMPLETE.
4. ACCESS TO SITE:
ALL CONSTRUCTION TRAFFIC SHALL UTILIZE THE CONSTRUCTION ENTRANCE AS DESIGNATED ON THIS PLAN.
5. LIMITS OF DISTURBANCE:
THE CONTRACTOR SHALL ENSURE THAT AREAS OUTSIDE OF THE LIMITS OF LAND DISTURBING AS WELL AS EXISTING IMPROVEMENTS SPECIFICALLY NOTED TO REMAIN ARE NOT ADVERSELY IMPACTED BY ANY CLEARING ACTIVITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR AND/OR REPLACEMENT OF ITEMS DAMAGED OUTSIDE THE LIMITS OF DISTURBANCE OR OTHERWISE NOTED TO REMAIN.
6. STABILIZATION:
EXPOSED SLOPES, DITCHES, DIKES OR OTHER SLOPES STEEPER THAN 3:1 SHALL BE STABILIZED WITH A TEMPORARY OR PERMANENT GROUND COVER WITHIN 7 CALENDAR DAYS. ALL OTHER EXPOSED EARTHEN AREAS SHALL BE STABILIZED WITH A TEMPORARY OR PERMANENT GROUND COVER WITHIN 14 CALENDAR DAYS OF THE COMPLETION OF ANY PHASE OF GRADING.
7. INSPECTIONS REQUIRED:
SOIL EROSION AND SEDIMENTATION CONTROLS SHALL BE INSPECTED, MAINTAINED AND REPAIRED AS NECESSARY BY THE CONTRACTOR. THE CONTRACTOR SHALL MAINTAIN COMPLETED SELF-INSPECTION / MONITORING FORMS (COMPLETED WEEKLY WITH DAILY RAINFALL TOTALS) THROUGHOUT THE PROJECT. THE SITE SHALL ALSO BE INSPECTED AFTER ANY RAINFALL EVENT EQUAL OR GREATER THAN 0.5 INCHES OVER A 24 HOUR PERIOD.
8. CORRECTIVE MEASURES:
ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION UNTIL WORK IS COMPLETE AND ALL DISTURBED AREAS ARE PERMANENTLY STABILIZED. IF EXCESSIVE WIND EROSION OR STORM WATER RUNOFF DEVELOPS DURING TIME OF CONSTRUCTION IN ANY LOCATION ON THE PROJECT SITE, ADDITIONAL SAND OR SILT FENCE SHALL BE INSTALLED AS DIRECTED BY ENGINEER, SEE SAND OR SILT FENCE DETAIL.
9. DEBRIS REMOVAL:
ALL CLEARING DEBRIS SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR AND DISPOSED OF IN A LAWFUL MANNER. NO BURNING OF DEBRIS ON SITE IS PERMITTED. NO ON-SITE BURNING IS PERMITTED UNLESS OTHERWISE APPROVED BY THE LOCAL FIRE MARSHALL, MUNICIPAL AGENCY OF JURISDICTION AND THE OWNER.
10. EXCAVATION AND EMBANKMENT:
ALL EXCAVATION MATERIAL BROUGHT ON TO THE SITE TO BE USED FOR GRADING FILL SHALL BE OBTAINED FROM A PERMITTED BORROW PIT. FILL SHALL CONFORM TO PROJECT SPECIFICATIONS AND GEOTECHNICAL REPORT. NO BORROW IS PERMITTED FROM THE SITE.
11. EXISTING INFORMATION:
THE EXISTING SURVEY AND SITE TOPOGRAPHIC INFORMATION SHOWN IS BASED UPON SURVEY INFORMATION PROVIDED BY SEABOARD SURVEYING AND PLANNING AS SURVEYED NOVEMBER 2025.

NOTES

1. WASHED STONE (#4 STONE OR 2" TO 3" AGGREGATE).
PAD TO BE 50'L X 20'W X 6"D AT A MINIMUM.
2. TURNING RADIUS SUFFICIENT TO ACCOMMODATE LARGE TRUCKS IS TO BE PROVIDED.
3. ENTRANCE(S) SHOULD BE LOCATED TO PROVIDE FOR MAXIMUM UTILITY BY ALL CONSTRUCTION VEHICLES.
4. MUST BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR DIRECT FLOW OF MUD ONTO STREETS. PERIODIC TOP DRESSING WITH STONE SHALL BE NECESSARY.



CONSTRUCTION ENTRANCE DETAIL
NTS

Prior to any land disturbing activities, the applicant shall submit a properly executed financial responsibility agreement to the Town of Nags Head with associative plan review fee \$50 for 1st acre and \$40 for each additional acre. Upon approval, the Town shall provide a letter of approval which will be needed to obtain the NCG01 Construction Stormwater Permit.

An NCDEQ NC Construction general permit NCG01 shall be obtained through NCDEQ in advance of construction activities taking place. This application can be filed electronically at the following location <https://www.deq.nc.gov/accessdeq> . The Electronic Notice of Intent (E-NOI) process requires an online form to be filled out and a fee to be paid prior to the issuance of a Certificate of Coverage and NCG01 Permit.

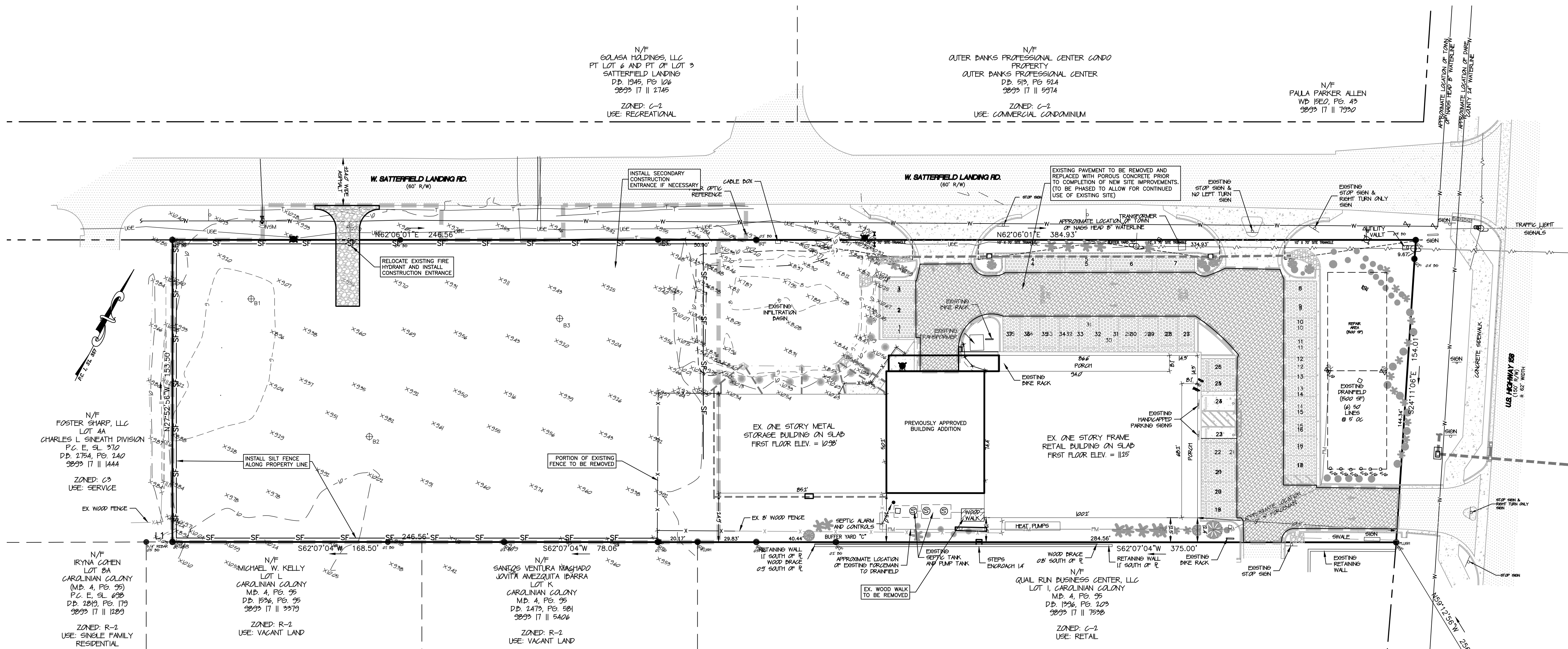
Inspection and monitoring records for activities under the stormwater general permit are to be maintained during the course of construction. These forms can be downloaded at <https://www.deq.nc.gov/about/divisions/energy-mineral-and-landresources/stormwater/stormwater-program/npdes-construction-program>.



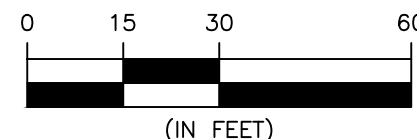
PRELIMINARY ONLY
NOT FOR
CONSTRUCTION



VICINITY MAP



GRAPHIC SCALE



	IRON ROD FOUND		EXISTING CURB INLET
	RIGHT OF WAY		EXISTING DROP INLET
	PROPERTY BOUNDARY		STORMWATER FLOW ARROW
	EXISTING POWER POLE		EXISTING DRAINAGE PIPE
	EXISTING GUY WIRE		EXISTING DITCH/SWALE
	OVERHEAD ELECTRIC		EXISTING SANITARY MANHOLE
	EXISTING TELEPHONE PEDESTAL		EXISTING SANITARY VALVE
	EXISTING CABLE TV PEDESTAL		EXISTING SANITARY CLEANOUT
	EXISTING FIBER OPTIC REFERENCE		EXISTING FORCEMAN
	EXISTING LIGHT POLE		EXISTING FIRE HYDRANT
	EXISTING CONCRETE		EXISTING WATER METER
	EXISTING PAVEMENT		EXISTING WATER VALVE
	EXISTING TURFSTONE		EXISTING WATERLINE
	PROPOSED CONCRETE (SIDEWALKS AND HC PARKING)		HANDICAP PARKING
	PROPOSED PERMEABLE CONCRETE HEAVY DUTY (DRIVE AISLE, APRONS)		SIGNAGE
	PROPOSED PERMEABLE CONCRETE STANDARD (PARKING SPACES)		TRAFFIC FLOW ARROWS
			WHEELSTOPS
			EXISTING TREELINE
			EXISTING FENCE
			EXISTING LANDSCAPING

TW'S BAIT & TACKLE
2230 S CROATAN HIGHWAY

NORTH CAROLINA

DARE COUNTY

JAGS HEAD TOWNSHIP

WAGS HEAD

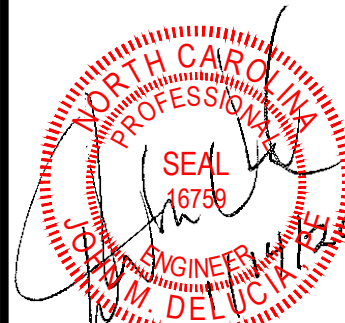
DATE:	12/18/2025
SURVEYED:	SEE NOTES
DESIGNED:	MJM
DRAWN:	KCA
CHECKED:	JMD

SCALE:
1" = 30'

C101

PROJ NO 061351

REVISIONS

[illegible]

Albemarle & Associates, Ltd.
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Albemarle
& ASSOCIATES, LTD.

DATE: _____ PAGE: _____

8" MAX. STANDARD STRENGTH FABRIC WITH WIRE FENCE
6" MAX. EXTRA STRENGTH FABRIC WITHOUT WIRE FENCE

STEEL POST

WIRE FENCE

PLASTIC OR WIRE

WIRE FENCE

STEEL POST

18-24"

8" DOWN & 4" FORWARD ALONG THE TRENCH

24"

24"

4" MIN.

8" MIN.

UPSLOPE

CROSS SECTION VIEW

Max. Slope Length and Slope for Which Sediment Fence is Applicable

Slope	Slope Length (ft)	Max. Area (ft ²)
<2%	100	10,000
2 to 5%	75	7,500
5 to 10%	50	5,000
10 to 20%	25	2,500
>20%	15	1,500

Notes:

- Construct the sediment barrier of standard strength or extra strength synthetic filter fabrics.
- Ensure that the height of the sediment fence does not exceed 24 inches above the ground. (Higher fences may impound volumes of water sufficient to cause failure of the structure).
- Construct the filter fabric from a continuous roll out to the length of the barrier to avoid joints. When joints are necessary, securely fasten the filter cloth only at a support post with 4 feet minimum overlap to the next post.
- Support standard strength filter fabric by wire mesh fastened securely to the upslope side of the posts. Extend the wire mesh support to the bottom of the trench. Fasten the wire reinforcement, then fabric on the upslope side of the fence post.
- When a wire mesh support fence is used, space posts a maximum of 8 feet apart. Supports should be driven securely into the ground a minimum of 24 inches. Wire mesh should be a minimum 14-gauge fence with 6 inch mesh spacing.
- Extra strength filter fabric with 0 foot post spacing does not require a wire mesh support fence. Securely fasten the filter fabric directly to posts. Wire or plastic zip ties should have a minimum of 10 pound tensile strength.
- Excavate the trench approximately 4 inches wide and 8 inches deep along the proposed line of the posts and upslope from the barrier.
- Place 12 inches of fabric along the bottom and side of the trench.
- Backfill the trench with soil placed over the filter fabric and compact. Thorough compaction of the backfill is critical to all fence performance.
- Do not attach filter fabric to existing trees.
- Do not place across ditches, streams, or any other areas of concentrated flow.

Effective Date: 9/1/2023
In accordance with the 2013
Design Manual Updates

DATE: _____ PAGE: _____

CONSIDERATIONS FOR CONSTRUCTION SCHEDULING

CONSTRUCTION ACTIVITY	SCHEDULE CONSIDERATION
CONSTRUCTION ACCESS: Construction entrance, construction routes, equipment parking areas.	First land-disturbing activity. Stabilize bare areas immediately with gravel and temporary vegetation as construction takes place.
SEDIMENT TRAPS AND BARRIERS: Basin traps, sediment fences, and outlet protection.	Install principal basins after construction site is accessed. Install additional traps and barriers as needed during grading.
RUNOFF CONTROL: Diversions, perimeter dikes, water bars, and runoff-control measures during grading.	Install key practices after principal sediment traps and before land grading. Install additional runoff-control measures during grading.
RUNOFF CONVEYANCE SYSTEM: Stabilize streambanks, storm drains, channels, inlet and outlet protection, and slope drains.	Where necessary, stabilize streambanks as early as possible. Install principal runoff conveyance system with runoff-control measures. Install remainder of system after grading.
LANDING CLEARING AND GRADING: Site preparation - cutting, filling and grading, sediment traps, barriers, diversions, drains, and surface roughening.	Begin major clearing and grading AFTER principal sediment and key runoff-control measures are installed. Clear borrow and disposal areas only as needed. Install additional control measures as grading progresses. Mark trees and buffer areas for preservation.
SURFACE STABILIZATION: Temporary and permanent seeding, mulching, sodding and riprap.	Apply temporary or permanent stabilization measures immediately on all disturbed areas where work is delayed or complete.
BUILDING CONSTRUCTION: Buildings, utilities, and paving.	Install necessary additional erosion and sedimentation control practices as work takes place.
LANDSCAPE AND FINAL STABILIZATION: Topsoiling, trees and shrubs, permanent seeding, mulching, sodding, and riprap.	Last construction phase: Stabilize all open areas, including borrow and spoil areas. Remove and stabilize all temporary control areas.

NOTE: The above are the main aspects of a typical construction sequence in general terms. A Construction Sequence should be site specific based on your project and site needs. As a minimum, the construction sequence schedule should show the following:

- The erosion and sedimentation control practices to be installed,
- Principal development activities,
- What measures should be in place before other activities are begun, and
- Compatibility with the general construction schedule of the contract.

Many timely construction techniques can reduce the erosion potential of a site, such as (1) shaping erosion fills daily to prevent overflows and (2) constructing temporary diversions ahead of anticipated storms. These types of activities cannot be put on the construction sequence schedule, but should be used whenever possible.

DATE: _____ PAGE: _____

TEMPORARY SEEDING RECOMMENDATIONS FOR LATE WINTER AND EARLY SPRING

Seeding Mixture

Species	Rate (lb/acre)
Rye (grain)	120
Annual lespedeza (Koba in Piedmont and Coastal Plain, Korean in Mountains)	50
On-site annual lespedeza when duration of temporary cover is not to exceed beyond June	

Seeding Dates

Mountains—Above 2500 feet: Feb. 15 - May 15
Piedmont and Coastal Plain—Jan. 1 - May 1
Coastal Plain—Dec. 1 - Apr. 15

Mulch

Apply 4,000 lb/acre straw. Anchor straw by tacking with asphalt, netting, or a mulch anchoring tool. A disk with blades set nearly straight can be used as a mulch anchoring tool.

Maintenance

Revegetation if growth is not fully adequate. Re-seed, re-fertilize and mulch immediately following erosion or other damage.

SEED BED PREPARATION:

LIMING-Apply lime according to soil test recommendations. If the pH (activity) of the soil is not known, an application of ground agricultural limestone at the rate of 1-1 1/2 tons/acre on coarse-textured soils and 2-3 tons/acre on fine-textured soils is usually sufficient. Apply limestone uniformly and incorporate into the top 4-6 inches of soil. Soils with a pH of 6 or higher need not be limed.

FERTILIZER-Base application rates on soil tests. When these are not possible, apply a 10-10-10 grade fertilizer at 700 - 1,000 lb/acre. Both fertilizer and lime should be incorporated into the top 4-6 inches of soil. If a hydraulic seeder is used, do not mix seed and fertilizer more than 30 minutes before application.

SURFACE ROUGHENING-If recent tillage operations have resulted in a loose surface additional roughening may not be required, except to break up large clods. If rainfall causes the surface to become sealed or crusted, loosen it just prior to seeding by raking, harrowing, or other suitable methods for fine grading. The finished grade shall be a smooth even soil surface with a loosen uniformly fine texture. All ridges and depressions shall be removed and filled to provide the approved surface drainage. Planting is to be done immediately after finished grades are obtained and seeded preparation is completed.

DATE: _____ PAGE: _____

TEMPORARY SEEDING

NON-INVASIVE PERMANENT SEEDING RECOMMENDATIONS FOR LATE WINTER AND EARLY SPRING

SEEDING MIXTURE

Species	Rate
Centipede	5 lb/acre
Indian Woodsats	1.5-2.5 lb/acre*
Virginia Wild Rye	4-6 lb/acre*

NON-INVASIVE PERMANENT SEEDING RECOMMENDATIONS FOR SUMMER

SEEDING MIXTURE

Species	Rate
Hard Fescue	15 lb/acre
Switchgrass	2.5-3.5 lb/acre*
Indian Grass	5-7 lb/acre*
Big Bluestem	5-7 lb/acre*
Indian Woodsats	1.5-2.5 lb/acre*
Virginia Wild Rye	4-6 lb/acre*

Seeding Dates

Coastal or Eastern Piedmont for Centipede: Sept. 1 - May 1
Coastal and Piedmont for Indian Woodsats and Virginia Wild Rye: Feb 15 - April 1
Mountains for Indian Woodsats and Virginia Wild Rye: March 1 - May 15

Maintenance:

Significant maintenance may be required to obtain desired cover.

SEED BED PREPARATION:

LIMING-Apply lime according to soil test recommendations. If the pH (activity) of the soil is not known, an application of ground agricultural limestone at the rate of 1 to 1 1/2 tons/acre on coarse-textured soils and 2-3 tons/acre on fine-textured soils is usually sufficient. Apply limestone uniformly and incorporate into the top 4-6 inches of soil. Soils with a pH of 6 or higher need not be limed.

FERTILIZER-Base application rates on soil tests. When these are not possible, apply a 10-10-10 grade fertilizer at 700-1,000 lb/acre. Both fertilizer and lime should be incorporated into the top 4-6 inches of soil. If a hydraulic seeder is used, do not mix seed and fertilizer more than 30 minutes before application.

SURFACE ROUGHENING-If recent tillage operations have resulted in a loose surface additional roughening may not be required, except to break up large clods. If rainfall causes the surface to become sealed or crusted, loosen it just prior to seeding by raking, harrowing, or other suitable methods for fine grading. The finished grade shall be a smooth even soil surface with a loosen uniformly fine texture. All ridges and depressions shall be removed and filled to provide the approved surface drainage. Planting is to be done immediately after finished grades are obtained and seeded preparation is completed.

NOTES:

- Permanent seeding, sodding or other means of stabilization are required when all construction work is completed according to the NPDES timeframes table.
- A North Carolina Department of Agriculture soils test (or equal) is highly recommended to be obtained for all areas to be seeded, sgruffed, sodded or planted.
- Use a seeding mix that will produce fast-growing native species and includes non-invasive species that will eventually provide a permanent groundcover. Soil blankets may be used in lieu of nurse crops.
- Max. tack or crimp mulch, as needed to stabilize seeded areas until not establishment. Mulch must cover at least 80% of the soil surface.
- Ground cover shall be maintained until permanent vegetation is established and stable against accelerated erosion.

Effective Date: 9/1/2023
In accordance with the 2013
Design Manual Updates

DATE: _____ PAGE: _____

PERMANENT SEEDING

Effective Date: 9/1/2023
In accordance with the 2013
Design Manual Updates

GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCG01 CONSTRUCTION GENERAL PERMIT

Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the Ground Stabilization and Materials Handling sections of the NCG01 Construction General Permit (Sections E and F, respectively). The permittee shall comply with the Erosion and Sediment Control plan approved by the delegated authority having jurisdiction. All details and specifications shown on this sheet may not apply depending on site conditions and the delegated authority having jurisdiction.

SECTION E: GROUND STABILIZATION

Required Ground Stabilization Timeframes

Site Area Description	Stabilize within this many calendar days after ceasing land disturbance	Timeframe variations
(a) Perimeter dikes, swales, ditches, and perimeter slopes	7	None
(b) High Quality Water (HQW) Zones	7	None
(c) Slopes steeper than 3:1	7	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed. 7 days for slopes greater than 50' in length and with slopes steeper than 4:1 7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones 10 days for Falls Lake Watershed
(d) Slopes 3:1 to 4:1	14	
(e) Areas with slopes flatter than 4:1	14	7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones 10 days for Falls Lake Watershed unless there is zero slope

NOTE: After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface stable against accelerated erosion until permanent ground stabilization is achieved.

GROUND STABILIZATION SPECIFICATION

Stabilize the ground sufficiently so that rain will not dislodge the soil. Use one of the techniques in the table below:

Temporary Stabilization	Permanent Stabilization
• Temporary grass seed covered with straw or other mulches and tackifiers	• Permanent grass seed covered with straw or other mulches and tackifiers
• Hydroseeding	• Geotextile fabrics such as permanent soil reinforcement matting
• Rolled erosion control products with or without temporary grass seed	• Hydroseeding
• Appropriately applied straw or other mulch	• Shrubs or other permanent plantings covered with mulch
• Plastic sheeting	• Uniform and evenly distributed ground cover sufficient to restrain erosion
	• Structural methods such as concrete, asphalt or retaining walls
	• Rolled erosion control products with grass seed

POLYACRYLAMIDES (PAMS) AND FLOCCULANTS

- Select flocculants that are appropriate for the soils being exposed during construction, selecting from the NC DWR List of Approved PAMS/Flocculants.
- Apply flocculants at or before the inlets to Erosion and Sediment Control Measures.
- Apply flocculants at the concentrations specified in the NC DWR List of Approved PAMS/Flocculants and in accordance with the manufacturer's instructions.
- Provide ponding area for containment of treated Stormwater before discharging offsite.
- Store flocculants in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures.

EQUIPMENT AND VEHICLE MAINTENANCE

- Maintain vehicles and equipment to prevent discharge of fluids.
- Provide drip pans under any stored equipment.
- Identify leaks and repairs as soon as feasible, or remove leaking equipment from the project.
- Collect all spent fluids, store in separate containers and properly dispose as hazardous waste (recycle when possible).
- Remove leaking vehicles and construction equipment from service until the problem has been corrected.
- Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.

LITTER, BUILDING MATERIAL AND LAND CLEARING WASTE

- Never bury or burn waste. Place litter and debris in approved waste containers.
- Provide a sufficient number and size of waste containers (e.g. dumpster, trash receptacle) on site to contain construction and domestic wastes.
- Locate waste containers at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
- Locate waste containers on areas that do not receive substantial amounts of runoff from upland areas and does not drain directly to a storm drain, stream or wetland.
- Cover waste containers at the end of each workday and before storm events or provide secondary containment. Repair or replace damaged waste containers.
- Anchor all lightweight items in waste containers during times of high winds.
- Empty waste containers as needed to prevent overflow. Clean up immediately if containers overflow.
- Dispose waste off-site at an approved disposal facility.
- On business days, clean up and dispose of waste in designated waste containers.

PAINT AND OTHER LIQUID WASTE

- Do not dump paint and other liquid waste into storm drains, streams or wetlands.
- Locate paint washouts at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
- Contain liquid wastes in a controlled area.
- Containment must be labeled, sized and placed appropriately for the needs of site.
- Prevent the discharge of soaps, solvents, detergents and other liquid wastes from construction sites.

PORTABLE TOILETS

- Install portable toilets on level ground, at least 50 feet away from storm drains, streams or wetlands unless there is no alternative reasonably available. If 50 foot offset is not attainable, provide relocation of portable toilet behind silt fence or place on a gravel pad and surround with sand bags.
- Provide staking or anchoring of portable toilets during periods of high winds or in high foot traffic areas.
- Monitor portable toilets for leaking and properly dispose of any leaked material. Utilize a licensed sanitary waste hauler to remove leaking portable toilets and replace with properly operating unit.

EARTHEN STOCKPILE MANAGEMENT

- Show stockpile locations on plans. Locate earthen-material stockpile areas at least 50 feet away from storm drain inlets, sediment basins, perimeter sediment controls and surface waters unless it can be shown no other alternatives are reasonably available.
- Protect stockpile with silt fence installed along toe of slope with a minimum offset of five feet from the toe of stockpile.
- Provide stable stone access point when feasible.
- Stabilize stockpile within the timeframes provided on this sheet and in accordance with the approved plan and any additional requirements. Soil stabilization is defined as vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.



NCG01 GROUND STABILIZATION AND MATERIALS HANDLING

EFFECTIVE: 04/01/19

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION A: SELF-INSPECTION

Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Record.

Inspect	Frequency (during normal business hours)	Inspection records must include:
(1) Rain gauge maintained in good working order	Daily	Daily rainfall amounts. If no daily rain gauge observations are made during weekend or holiday periods, and no individual daily rainfall information is available, record the cumulative rain measurement for those unattended days (are this will determine if a site inspection is needed). Days on which no rainfall occurred shall be recorded as "zero." The permittee may use another rain-monitoring device approved by the Division.
(2) E&SC Measures	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	1. Identification of the measures inspected. 2. Date and time of the inspection. 3. Name of the person performing the inspection. 4. Indication of whether the measures were operating properly. 5. Description of maintenance needs for the measures. 6. Description, evidence, and date of corrective actions taken.
(3) Stormwater discharge (SDCs)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	1. Identification of the discharge outfalls inspected. 2. Date and time of the inspection. 3. Name of the person performing the inspection. 4. Evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration. 5. Indication of visible sediment leaving the site. 6. Description, evidence, and date of corrective actions taken.
(4) Perimeter of site	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	If visible sedimentation is found outside site limits, then a record of the following shall be made: 1. Actions taken to clean up or stabilize the sediment that has left the site limits. 2. Description, evidence, and date of corrective actions taken; and 3. An explanation as to the actions taken to control future releases.
(5) Streams or wetlands onsite or offsite (where accessible)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	If the stream or wetland has increased visible sedimentation or a stream has visible increased turbidity from the construction activity, then a record of the following shall be made: 1. Description, evidence and date of corrective actions taken; and 2. Records of the required reports to the appropriate Division Regional permittee as required by this permit.
(6) Ground stabilization measures	After each phase of grading	1. The phase of grading (installation of perimeter E&SC measures, clearing and grubbing, installation of storm drainage facilities, completion of all land-disturbing activity, construction or redevelopment, permanent ground cover) 2. Documentation that the required ground stabilization measures have been provided within the required timeframe or an assurance that they will be provided as soon as possible.

NOTE: The rain inspection resets the required 7 calendar day inspection requirement.

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION B: RECORDKEEPING

1. E&SC Plan Documentation

The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the E&SC plan shall be kept on site and available for inspection at all times during normal business hours.

Item to Document	Documentation Requirements
(a) Each E&SC measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&SC plan.	Initial and date each E&SC measure on a copy of the approved E&SC plan or complete, date and sign an inspection report that lists each E&SC measure shown on the approved E&SC plan. This documentation is required upon the initial installation of the E&SC measures or if the E&SC measures are modified after initial installation.
(b) A phase of grading has been completed.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate completion of the construction phase.
(c) Ground cover is located and installed in accordance with the approved E&SC plan.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
(d) The maintenance and repair requirements for all E&SC measures have been performed.	Complete, date and sign an inspection report.
(e) Corrective actions have been taken to E&SC measures.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate the completion of the corrective action.

2. Additional Documentation to be Kept on Site

In addition to the E&SC plan documents above, the following items shall be kept on the site and available for inspectors at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:

- This General Permit as well as the Certificate of Coverage, after it is received.
- Records of inspections made during the previous twelve months. The permittee shall record the required observations on the Inspection Record Form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically available records in lieu of the required paper copies will be allowed if shown to provide equal access and utility as the hard-copy records.

3. Documentation to be Retained For Three Years

All data used to complete the e-NOI and all inspection records shall be maintained for a period of three years after project completion and made available upon request. (40 CFR 122.41)

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION C: REPORTING

1. Occurrences that Must be Reported

Permittees shall report the following occurrences:

- Visible sediment deposition in a stream or wetland.
- Oil spills if:
 - They are 25 gallons or more,
 - They are less than 25 gallons but cannot be cleaned up within 24 hours,
 - They cause sheen on surface waters (regardless of volume), or
 - They are within 100 feet of surface waters (regardless of volume).
- Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref: 40 CFR 110.3 and 40 CFR 117.3) or Section 102 of CERCLA (Ref: 40 CFR 302.4) or G.S. 143-215.85.
- Anticipated bypasses and unanticipated bypasses.
- Noncompliance with the conditions of this permit that may endanger health or the environment.

2. Reporting Timeframes and Other Requirements

After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 858-0368.

Occurrence	Reporting Timeframes (After Discovery) and Other Requirements
(a) Visible sediment deposition in a stream or wetland	- Within 24 hours, an oral or electronic notification. - Within 7 calendar days, a report that contains a description of the sediment and actions taken to address the cause of the deposition. Division staff may waive the requirement for a written report on a case-by-case basis. - If the stream is named on the NC 303(d) list as impaired for sediment-related causes, the permittee may be required to perform additional monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired waters conditions.
(b) Oil spills and release of hazardous substances per item 1(b)(c) above	- Within 24 hours, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release. - A report at least ten days before the date of the bypass, if possible. The report shall include an evaluation of the anticipated quality and effect of the bypass.
(c) Anticipated bypasses (40 CFR 122.41(m)(3))	Within 24 hours, an oral or electronic notification.
(d) Unanticipated bypasses (40 CFR 122.41(m)(3))	Within 7 calendar days, a report that includes an evaluation of the quality and effect of the bypass.
(e) Noncompliance with the conditions of this permit that may endanger health or the environment (40 CFR 122.41(f)(7))	- Within 24 hours, an oral or electronic notification. - Within 7 calendar days, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. (40 CFR 122.41(f)(8)). - Division staff may waive the requirement for a written report on a case-by-case basis.

PART II, SECTION G, ITEM (4)
DRAW DOWN OF SEDIMENT BASINS FOR MAINTENANCE OR CLOSE OUT

Sediment basins and traps that receive runoff from drainage areas of one acre or more shall use outlet structures that withdraw water from the surface when these devices need to be drawn down for maintenance or close out unless it is infeasible. The circumstances in which it is not feasible to withdraw water from the surface shall be rare (for example, times with extended cold weather). Non-surface withdrawals from sediment basins shall be allowed only when all of the following criteria have been met:

- The E&SC plan authority has been provided with documentation of the non-surface withdrawal and the specific time periods or conditions in which it will occur. The non-surface withdrawal shall not commence until the E&SC plan authority has approved these items.
- The non-surface withdrawal has been reported as an anticipated bypass in accordance with Part III, Section C, Item (2)(c) and (d) of this permit.
- Dewatering devices are treated with controls to minimize discharges of pollutants from stormwater that is removed from the sediment basin. Examples of appropriate controls include properly sized, designed and maintained dewatering tanks, weir tanks, and filtration systems.
- Vegetated upland areas of the site or a properly designed stone pad is used to the extent feasible at the outlet of the dewatering treatment devices described in item (c) above.
- Velocity dissipation devices such as check dams, sediment traps, and riprap are provided at the discharge points of all dewatering devices, and
- Sediment removed from the dewatering treatment devices described in item (c) above is disposed of in a manner that does not cause deposition of sediment into waters of the United States.

NCG01 SELF-INSPECTION, RECORDKEEPING AND REPORTING

EFFECTIVE: 04/01/19

DEMOS AND EROSION CONTROL NOTES & DETAILS

TW'S BAIT & TACKLE

2230 S CROATAN HIGHWAY

NORTH CAROLINA

DARE COUNTY

NACS HEAD TOWNSHIP

NACS HEAD

DATE: 01/14/2026

SUNWEYED: SEE NOTES

DESIGNED: MUM

DRAWN: KCA

CHECKED: JMD

FILE: 06135L

SCALE: 1" = 30'

PROJ. NO. 06135L

Albemarle & Associates, Ltd.

Engineering - Environmental - Land Planning

10000 Albemarle Blvd., Suite 100
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www.albemarle.com

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SITE PLAN NOTES:

1. CONTACT INFORMATION:

OWNER & DEVELOPER:
COASTAL BLUEWATER CAPITAL, LLC
PO BOX 969
NAGS HEAD, NC 27959

2. PARCEL DATA:

LOT 1A-1R, CHARLES L. SINEATH SUBDIVISION
RECORDED IN P.C. I, SL. 357, DB 2636, PG 444.
DARE COUNTY PIN #: 9893 17 11 6794
PROPERTY ADDRESS: 2230 S CROATAN HIGHWAY, NAGS HEAD

LOT 2A-1R, CHARLES L. SINEATH SUBDIVISION
RECORDED IN P.C. I, SL. 357, DB 2755, PG 26
DARE COUNTY PIN #: 9893 17 11 3533
PROPERTY ADDRESS: 0 W. SATTERFIELD LANDING, NAGS HEAD

(PARCELS HAVE RECENTLY BEEN RECOMBINED, LOT 1-3, P.C. K, SL. 133, BUT DARE COUNTY GIS HAS NOT BEEN UPDATED AT TIME OF THIS PLAN.)

THE PROPERTY IS ZONED (C-2) GENERAL COMMERCIAL DISTRICT.

3. PROJECT DESCRIPTION:

THE OWNER INTENDS TO CONVERT THE PREVIOUSLY APPROVED STORAGE AREA TO 4,774 SF RETAIL AND CONSTRUCT TWO ADDITIONAL BUILDINGS TO ACCOMMODATE ADDITIONAL RETAIL USE AND STORAGE.

4. FLOODPLAIN INFORMATION:

THE SITE IS LOCATED IN FIRM ZONE (X) PER FIRM MAP NUMBER 3720989300K, EFFECTIVE DATE JUNE 19, 2020. (SUBJECT TO CHANGE BY FEMA).

5. SURVEY INFORMATION:

EXISTING FEATURES, TOPOGRAPHIC, WETLAND AND BOUNDARY SURVEY INFORMATION HAS BEEN OBTAINED BY SEABOARD SURVEYING & PLANNING, INC. ON APRIL 16, 2018, AND UPDATED AS PER SITE PLAN BY ALBEMARLE & ASSOCIATES, LTD. ON OCTOBER 27, 2022.

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SPECIFIED. ELEVATIONS SHOWN ARE HEREON PER NAVD88.

AREAS SHOWN ARE BY COORDINATE METHOD.

6. PROJECT AREA AND WETLANDS:

THERE ARE NO JURISDICTIONAL WETLANDS ON THE PROPERTY.

TOTAL PROPERTY AREA = 96,228.52 SF (2.209 ACRES)

7. MINIMUM BUILDING SETBACKS:

FRONT - 15'
SIDE - 5' MINIMUM, 15' TOTAL FOR A C-2 CORNER LOT
REAR - 25'

8. LOT AREA:

PARCEL 1A-1R = 58,373.65 SF (1.340 ACRES)
PARCEL 2A-1R = 37,854.87 SF (0.869 ACRES)
TOTAL = 96,228.52 SF (2.209 ACRES)
(PARCELS HAVE RECENTLY BEEN RECOMBINED, P.C. K, SL. 133)

9. LOT COVERAGE:

THE ALLOWABLE COVERAGE IS: 52,925.69 SF
(96,228.52 SF X 55% = 52,925.69 SF)

THE PROPOSED LOT COVERAGE IS:

	EXISTING
BUILDING & CANOPIES	13,608.34 SF
HP STAND & WOOD WALK	192.90 SF
CONCRETE	3,861.50 SF
PAVEMENT	10,283.78 SF
BIKE RACK	8.00 SF
TURFSTONE	4,265.88 SF*
INTERCONNECTION	-183.00 SF*
TOTAL	32,037.40 SF
TO BE REMOVED (PHASE ONE)	
CANOPIES	- 457.68 SF
ASPHALT & CONCRETE	-1,877.84 SF
TURFSTONE	- 362.65 SF*
WOOD WALK	- 74.05 SF
NEW IMPROVEMENTS (PHASE ONE)	
NEW BUILDING ADDITION	3,079.68 SF
NEW PORCH	163.32 SF
NEW CONCRETE	41.52 SF
TOTAL	32,549.90 SF (33.83%)

*DEDUCTION FOR INTERCONNECTION = -183 SF
*EX TURFSTONE = 6,366.98 SF X 0.67 = 4,265.88 SF
*TURFSTONE TBR = 541.27 SF X 0.67 = 362.65 SF

NEW IMPROVEMENTS (PHASE TWO)

NEW BUILDING A	3,000.00 SF
NEW BUILDING B	6,750.00 SF
NEW COVERED BREEZEWAY	240.00 SF
NEW PERMEABLE HWY DUTY	4,931.66 SF*
NEW PERMEABLE STD	4,338.59 SF*
NEW CONCRETE PARKING, CURB & GUTTER	1,667.01 SF
NEW CONCRETE SIDEWALK	1,232.67 SF
NEW DUMPSTER PAD	200.00 SF
NEW HVAC STANDS	90.00 SF
NEW WALK-IN COOLER	144.00 SF

NEW IMPROVEMENTS (PHASE THREE)
REMOVE AND REPLACE EX. ASPHALT
WITH PERMEABLE CONCRETE

NEW COVERAGE 52,227.96 SF (54.27%)

LEGEND

⊙	IRON ROD FOUND	□	EXISTING CURB INLET
---	RIGHT OF WAY	□	EXISTING DROP INLET
---	PROPERTY BOUNDARY	→	STORMWATER FLOW ARROW
⊖	EXISTING POWER POLE	---	EXISTING DRAINAGE PIPE
-	EXISTING GUY WIRE	---	EXISTING DITCH/SWALE
---	OVERHEAD ELECTRIC	⊙	EXISTING SANITARY MANHOLE
⊙	EXISTING TELEPHONE PEDESTAL	⊙	EXISTING SANITARY VALVE
⊙	EXISTING CABLE TV PEDESTAL	⊙	EXISTING SANITARY CLEANOUT
---	EXISTING FIBER OPTIC REFERENCE	---	EXISTING FORCEMAIN
☆	EXISTING LIGHT POLE	---	EXISTING FIRE HYDRANT
---	EXISTING CONCRETE	---	EXISTING WATER METER
---	EXISTING PAVEMENT	---	EXISTING WATER VALVE
---	EXISTING TURFSTONE	---	HANDICAP PARKING
---	PROPOSED CONCRETE (SIDEWALKS AND HC PARKING)	---	SIGNAGE
---	PROPOSED PERMEABLE CONCRETE (HEAVY DUTY DRIVE AISLE, APRONS)	---	TRAFFIC FLOW ARROWS
---	PROPOSED PERMEABLE CONCRETE (STANDARD PARKING SPACES)	---	WHEELSTOPS
---		---	EXISTING TREELINE
---		---	EXISTING FENCE
---		---	EXISTING LANDSCAPING

*NEW PERMEABLE HWY DUTY 7,360.69 SF X 0.67 = 4,931.66 SF
*NEW PERMEABLE STD 6,475.50 SF X 0.67 = 4,338.59 SF
*EX. ASPHALT TO PERMEABLE 8,835.96 SF X 0.67 = 5,920.09 SF

10. PARKING REQUIREMENTS:

USE (RETAIL) 1 SPACE/250 SF GROSS FLOOR AREA
USE (ART GALLERY) 1 SPACE/350 SF GROSS FLOOR AREA
1 SPACE / EMPLOYEE

EX FLOOR AREA (RETAIL) = 7,534 SF
EX MEZZANINE FLOOR AREA (RETAIL) = 1,538 SF
NEW EXPANSION (RETAIL) = 4,774 SF
BUILDING A (ART GALLERY) = 2,000 SF
BUILDING B (RETAIL) = 2,500 SF

REQUIRED:
RETAIL - 16,346 SF/250 PER SF = 66 SPACES
ART GALLERY - 2,000 SF/300 PER SF = 7 SPACES

1 SPACE/EMPLOYEE X 7 EMP = 7 SPACES
3 BIKE RACKS* = -3 SPACES

USE (STORAGE) 9,500 SF
(NO PARKING REQUIRED)

REQUIRED: 77 SPACES REQUIRED
PROVIDED: 79 SPACES PROVIDED
*(REDUCTION WITH USE OF BIKE RACKS (C.U.P.)
PREVIOUSLY APPROVED VIA BOC SUP ON JANUARY 4, 2023.

PARKING SPACE AREA = 6,604 SF; REQUIRED AREA (10%) = 660.40 SF
INTERIOR PARKING LOT LANDSCAPE AREA = 679.30 SF

11. STORMWATER MANAGEMENT:

STORMWATER FROM THE PARKING LOT AND PORTION OF THE EXISTING AND PROPOSED BUILDINGS IS BEING INFILTRATED THROUGH PERVIOUS CONCRETE AND EXISTING TURFSTONE WHICH PROVIDES STORAGE IN THE AGGREGATE BASE AND SAND SUBGRADE IN EXCESS OF THE TOWN REQUIRED 4.3" OF RAINFALL. THE EXISTING STORAGE BUILDING CURRENTLY DRAINS INTO THE EXISTING INFILTRATION BASIN WHICH IS BEING MAINTAINED. DRAINAGE FROM THE REAR OF THE NEW STRUCTURES IS BEING COLLECTED FROM ROOF GUTTERS AND CONVEYED TO THE BASIN AS WELL. EXISTING OVERFLOW PIPING ON THE EAST PARKING LOT CONVEYS ANY RUNOFF NOT INFILTRATED FROM THE TURFSTONE INTO THE INFILTRATION BASIN. A SIMILAR PIPING SYSTEM ON THE NEW PARKING WILL ALSO CONVEY AND EXCESS RUNOFF NOT INFILTRATED FROM THE PERVIOUS CONCRETE INTO THE BASIN. THE

COMBINED STORAGE CAPACITY FROM THE PERVIOUS PAVEMENT AND BASIN ACCOUNTS FOR APPROXIMATELY 2.5 TIMES THE TOWN REQUIREMENTS.

12. EROSION AND SEDIMENTATION CONTROL:

AREA TO BE DISTURBED: 54,824 SF (1.26 ACRE)

ALL DISTURBED AREAS SHALL BE STABILIZED WITH A COASTAL VEGETATION MIX AS INDICATED ON THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN.

INSTALL THE CONSTRUCTION ENTRANCE AS SHOWN ON C101. A SECONDARY CONSTRUCTION ENTRANCE CAN BE INSTALLED AT THE PROPOSED EASTERN DRIVEWAY (SEE C101).

13. BUFFERING:

THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL BUFFERING. ALL REQUIRED BUFFER AREAS SHALL BE MAINTAINED IN GOOD CONDITION SO AS TO PRESENT A HEALTHY AND ORDERLY APPEARANCE AND SHALL BE KEPT FREE FROM REFUSE AND DEBRIS. THIS INCLUDES, BUT IS NOT LIMITED TO, THE REPLACEMENT OF PLANTS DAMAGED BY INSECTS, DISEASE, VEHICULAR TRAFFIC, AND VANDALISM.

14. SITE LIGHTING:

NEW SITE LIGHTING ON EXPANSION WILL BE PROVIDED WITH DOMINION POWER LED SHOEBOX AREA LIGHTS WITH 8,951 LUMENS, CCT = 2,700, TYPE 3 LIGHTING PATTERN MOUNTED ON 30' POLES.

15. UTILITIES:

ALL NEW UTILITIES ARE TO BE PLACED UNDERGROUND.

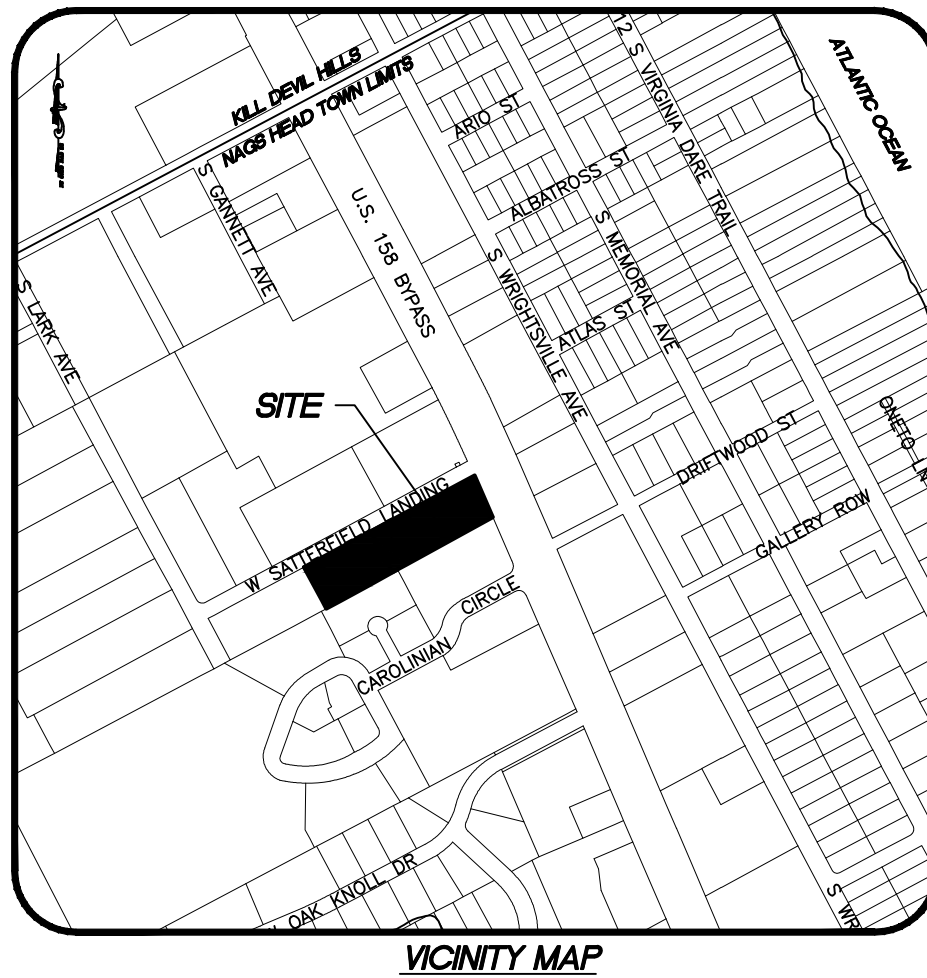
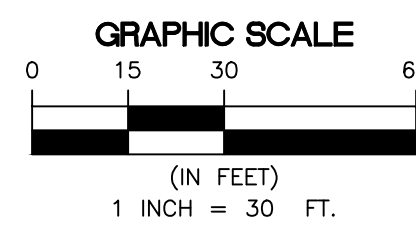
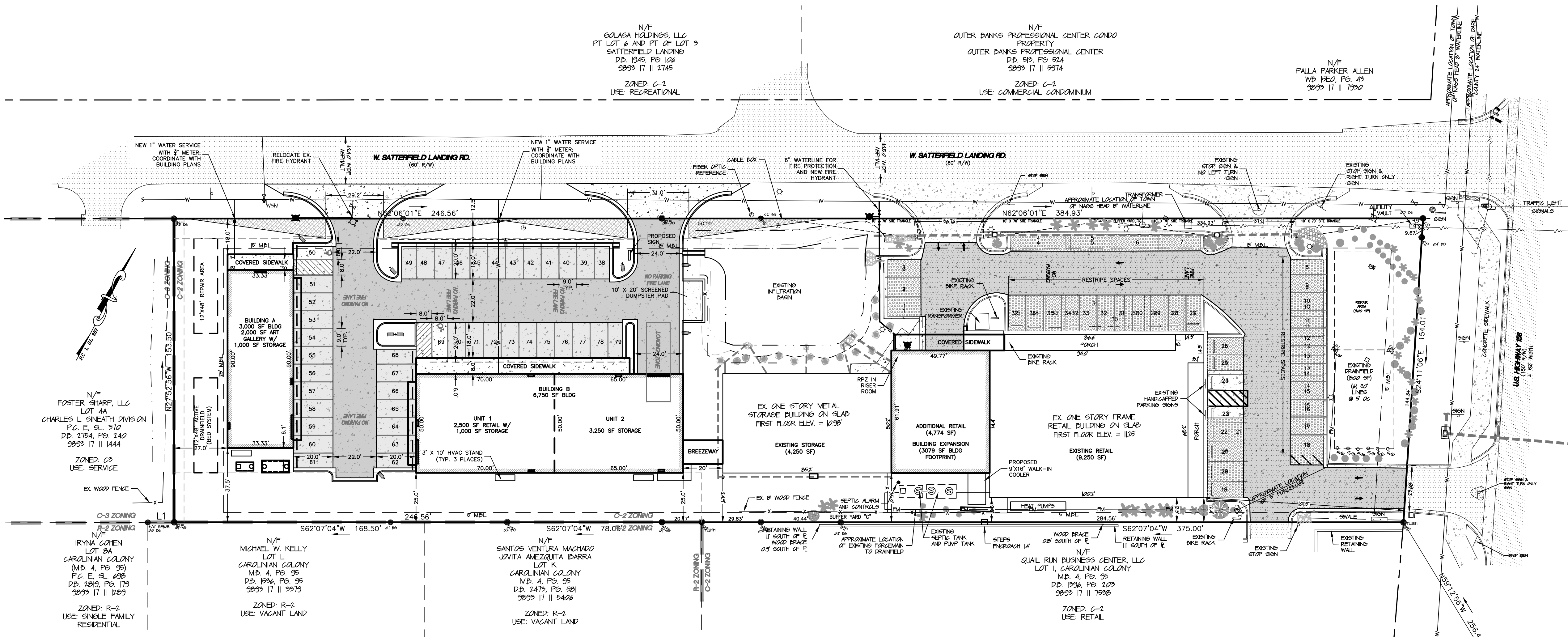
16. STRUCTURES:

THE BUILDING WILL COMPLY WITH THE NORTH CAROLINA STATE BUILDING CODE AND CURRENT NFPA REQUIREMENTS. ALL HANDICAP ACCESSIBILITY TO BE CONSTRUCTED TO MEET THE NC BUILDING CODE VOLUME AIC.

THE BUILDING HEIGHT SHALL NOT EXCEED 35'.

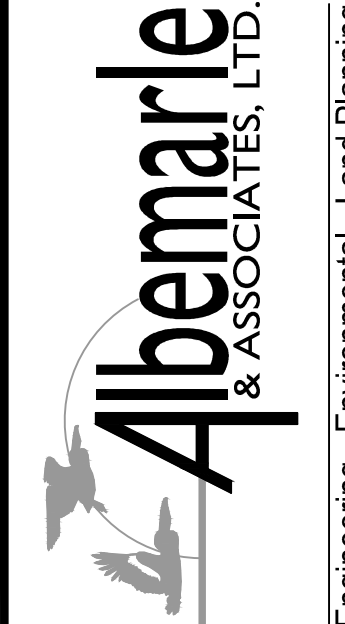
17. WASTEWATER:

A NEW BED TYPE SEPTIC SYSTEM TO SERVICE NEW BUILDINGS IS PROPOSED.

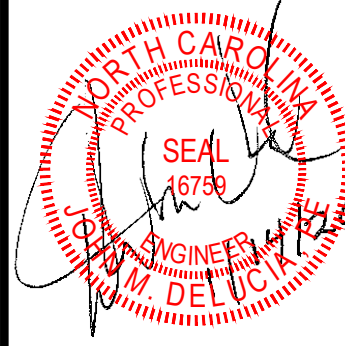


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NO.	DATE	DESCRIPTION	BY	REA
1	01/12/2023	PER TBC COMMENTS		

DATE	DESCRIPTION	BY	REA
01/12/2023	PER TBC COMMENTS		

SITE PLAN	TW'S BAIT & TACKLE	2230 S CROATAN HIGHWAY	NORTH CAROLINA
NACS HEAD	TOWNSHIP	DARE COUNTY	NACS HEAD

DATE:	12/18/2025	SEE NOTES
SURVEYED:	JMD	DESIGNED:
DRAWN:	KCA	CHECKED:
FILE:	06135L	

1. **CONTRACTOR QUALIFICATION:** CONTRACTORS SHALL HAVE SUCCESSFULLY INSTALLED PERVIOUS CONCRETE AT LEAST THREE TIMES IN THE LAST THREE YEARS. LIKEWISE, THE CONCRETE SUPPLIER SHALL HAVE PRODUCED PERVIOUS CONCRETE FOR AT LEAST THREE PROJECTS IN THE LAST THREE YEARS.
2. **MIX DESIGN:** THE CONTRACTOR SHALL SUBMIT A PROPOSED MIX DESIGN WITH PROPORTIONS OF MATERIALS PRIOR TO WORK. CEMENT CONTENT SHALL NOT BE LESS THAN 600 LBS PER CY. AGGREGATE SHALL BE AT LEAST 2000 LBS/CY. CONCRETE COMPRESSIVE STRENGTH SHALL BE AT LEAST 2500 PSI. POROSITY SHALL BE 20% BY VOLUME. PERMEABILITY SHALL BE AT LEAST 3 GAL/SY/IN. SLUMP SHALL BE NO GREATER THAN 3 1/4 INCH.
3. **CEMENT:** CEMENT SHALL BE PORTLAND CEMENT TYPE I OR 2 (ASTM C150) OR TYPE IP OR IS (ASTM C595 OR C1157).
4. **AGGREGATE:** AGGREGATE SHALL BE COURSE (3/8" TO NO. 89 PER ASTM D 448). AGGREGATE SHALL BE TRIPLED WASHED PRIORITY TO MIX.
5. **AIR ENTRAINING AGENT:** SHALL COMPLY WITH ASTM C 260.
6. **AD MIXTURES:** TYPE A, B & D SHALL COMPLY WITH ASTM D 494.
7. **SUBGRADE:** SUBGRADE SHALL BE COMPACTED TO 92% MAXIMUM DRY DENSITY (AASHTO T 180).
8. **MIXING:** CONCRETE SHALL BE MIXED AT THE SPEED SPECIFIED BY THE MANUFACTURER FOR 75 TO 100 REVOLUTIONS.
9. **PLACEMENT:** CONCRETE SHALL BE PLACED WITHIN 1 HOUR OF MIXING UNLESS OTHERWISE APPROVED. UPON DISCHARGE, CONCRETE SHALL BE INSPECTED. CEMENT SHALL CONTAIN A WET METALLIC SHEEN. DISCHARGE SHALL BE PLACED AS CLOSE TO FINAL POSITION AS POSSIBLE. CONCRETE SHALL NOT BE PULLED OR SHOVELED INTO FINAL PLACEMENT. CONCRETE SHALL BE PLACED WITHIN FORMS AND COMPACTED WITH A ROLLER APPLYING AT LEAST 10 PSI PRESSURE.
10. **CURING:** PAVEMENT SHALL BE COVERED WITH A MIN. 6 MIL THICK POLYETHYLENE SHEET WITHIN 20 MINUTES OF PLACEMENT.
11. **TEST PANELS:** PRIOR TO PLACEMENT OF PERVIOUS CONCRETE, THE CONTRACTOR SHALL PLACE AT LEAST 2 TEST PANELS. TEST PANELS SHALL BE AT LEAST 225 SF. TEST PANELS SHALL BE TESTED FOR COMpressive STRENGTH, VOID SPACE, UNIT WEIGHT AND POROSITY. COMPACTED THICKNESS SHALL BE WITHIN 1/4" (MINUS) AND 1/2" (PLUS) DESIGN THICKNESS. VOID SPACE SHALL BE WITHIN 5% .CORES FOR TEST PANELS SHALL BE TAKEN AT LEAST 7 DAYS AFTER PLACEMENT OF TEST PANELS.
12. **JOINTING:** SHALL BE INSTALLED AT 40 INTERVALS AT A DEPTH OF 1/4" THE PAVEMENT THICKNESS. CONTROL JOINT SHALL ALIGN WITH SUB-BASE BENCHES. TRANSVERSE JOINTS SHALL BE PLACED WHENEVER OPERATIONS ARE SUSPENDED FOR A PERIOD OF TIME WHERE CONCRETE BEGINS TO HARDEN. BONDING AGENTS SHALL BE SPRAYED UPON THE JOINT. EXPANSION JOINTS SHALL BE PLACED WITHIN PERVIOUS CONCRETE BORDERS OTHER STRUCTURES OR SLABS, INCLUDING CONCRETE SIDEWALKS.
13. **HASING:** POROUS CONCRETE SHALL NOT BE PLACED UNTIL ANY POTENTIAL SOURCE OF SEDIMENT OR OTHER CONTAMINATION IS STABILIZED AND NO LONGER POSES A THREAT TO THE POROUS CONCRETE.



TWO (2) SIGNS SHALL BE PROVIDED AT THE
PARKING LOT IDENTIFYING THE POROUS CONCRETE
SIGN SHALL READ:

PERMEABLE PAVEMENT
ACTIVITIES PROHIBITED:
SANDING, RE-SEALING, RE-SURFACING,
POWER WASHING, STORAGE OF MULCH OR SOIL,
STORAGE OF SNOW PILES, STORAGE OF HEAVY
LOADS, APPLICATION OF SALT OR DE-ICERS



1. ALL CONCRETE SHALL BE 3,000 PSI, 4" THICK, UNLESS NOTED OTHERWISE. DRIVE APRONS AND PATHWAY AT DRIVEWAYS SHALL BE 6" THICK CONCRETE SHALL BE PREPARED IN ACCORDANCE WITH ACI 211.1, ACI 301 AND ASTM C94.
2. CONTROL JOINTS SHALL BE PLACED PERPENDICULAR TO THE EDGE OF PAVEMENT AT 5' SPACING. CONTROL JOINTS SHALL BE SAWED.
3. EXPANSION JOINTS SHALL BE PLACED AT THE END OF EACH SECTION OF CONSTRUCTION INCLUDING THE LOCATIONS THAT PAVEMENT ABUTS EXISTING PAVEMENT AND AT 30' INTERVALS. EXPANSION JOINT MATERIAL SHALL BE $\frac{1}{2}$ " THICK AND CONFORM TO ASTM D 1751.
4. LONGITUDINAL SLOPE SHALL NOT EXCEED 5%.
5. FINISHED SURFACE FINISH SHALL BE PROVIDED UNLESS OTHERWISE APPROVED BY THE OWNER.
6. TESTING SHALL BE PROVIDED BY THE CONTRACTOR.
7. REFER TO PLANS FOR SLOPE DIRECTION.

NTS

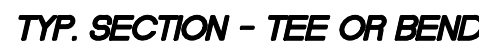
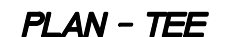
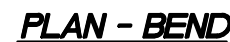


1. REGARDLESS OF AGE, ALL ACCESSIBLE SPACES SHALL BE IDENTIFIED BY ABOVEGROUND SIGNS ONLY (SEE N.C.G.S.).
2. NEW SPACES SHALL NOT USE GROUND-PAINTED SYMBOLS.
3. ACCESSIBLE SPACES ARE REQUIRED TO BE STRIPED, OFF ONLY: BLUE COLORING IS NOT NECESSARY NOT REQUIRED.
4. STRIPING IS WHITE ON DARK PAVEMENT; BLACK ON LIGHT PAVEMENT. (N.C.D.O.T.)
5. CONDITION 1: PEDESTRIAN PATH DOES NOT PASS UNDER OR AROUND SIGN. CONDITION 2: PEDESTRIAN PATH BY, UNDER, OR AROUND SIGN.
6. STANDARD SIGN COLORS: BACKGROUND - WHITE, LETTERING/BORDER - GREEN, FIGURE - WHITE ON BLUE FIELD.

NTS

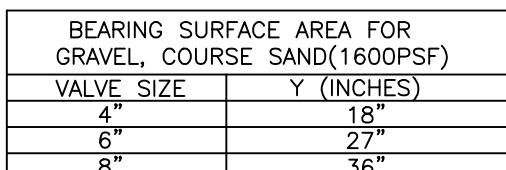


1. CONCRETE SHALL NOT CONTACT BOLTS OR ENDS OF MECHANICAL JOINT FITTINGS.
2. SEE STANDARD THRUST BLOCK TABLES FOR AREA OF CONCRETE REQUIRED.



CONCRETE THRUST BLOCK SCHEDULE									
PIPE SIZE INCHES	BEND								DESIGN PRESSURE PSI
	90° (TEE)		45°		22 1/2°		11 1/4°		
	H	L	H	L	H	L	H	L	
4" & 2"	1.0'	2.0'	1.0'	2.0'	1.0'	2.0'	1.0'	2.0'	100
6"	1.75'	2.5'	1.75'	2.0'	1.75'	2.0'	1.75'	2.0'	100
8"	2.0'	3.5'	2.0'	3.0'	2.0'	2.0'	2.0'	2.0'	100

NTS



NTS

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SITE DETAILS

TW'S BAIT & TACKLE
2230 S CROATAN HIGHWAY

NORTH CAROLINA

DARE COUNTY

AGS HEAD TOWNSHIP

NAGS HEAD

DATE:	12/18/2025
SURVEYED:	SEE NOTES
DESIGNED:	JMD
DRAWN:	KCA
CHECKED:	JMD
FILE:	06135L

SCALE:

C202

PROJ. NO. 06135L

N/F
GOLASA HOLDINGS, LLC
PT LOT 6 AND PT OF LOT 3
SATTERFIELD LANDING
D.B. 1945, PG 106
9893 17 11 2745

ZONED: C-2
USE: RECREATIONAL

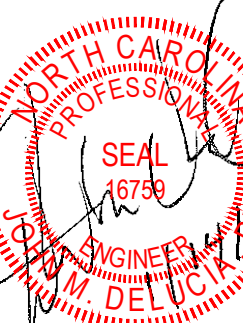
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WACKLE HIGHWAY

TW'S BAIT & TACKLE
230 S CROATIANA

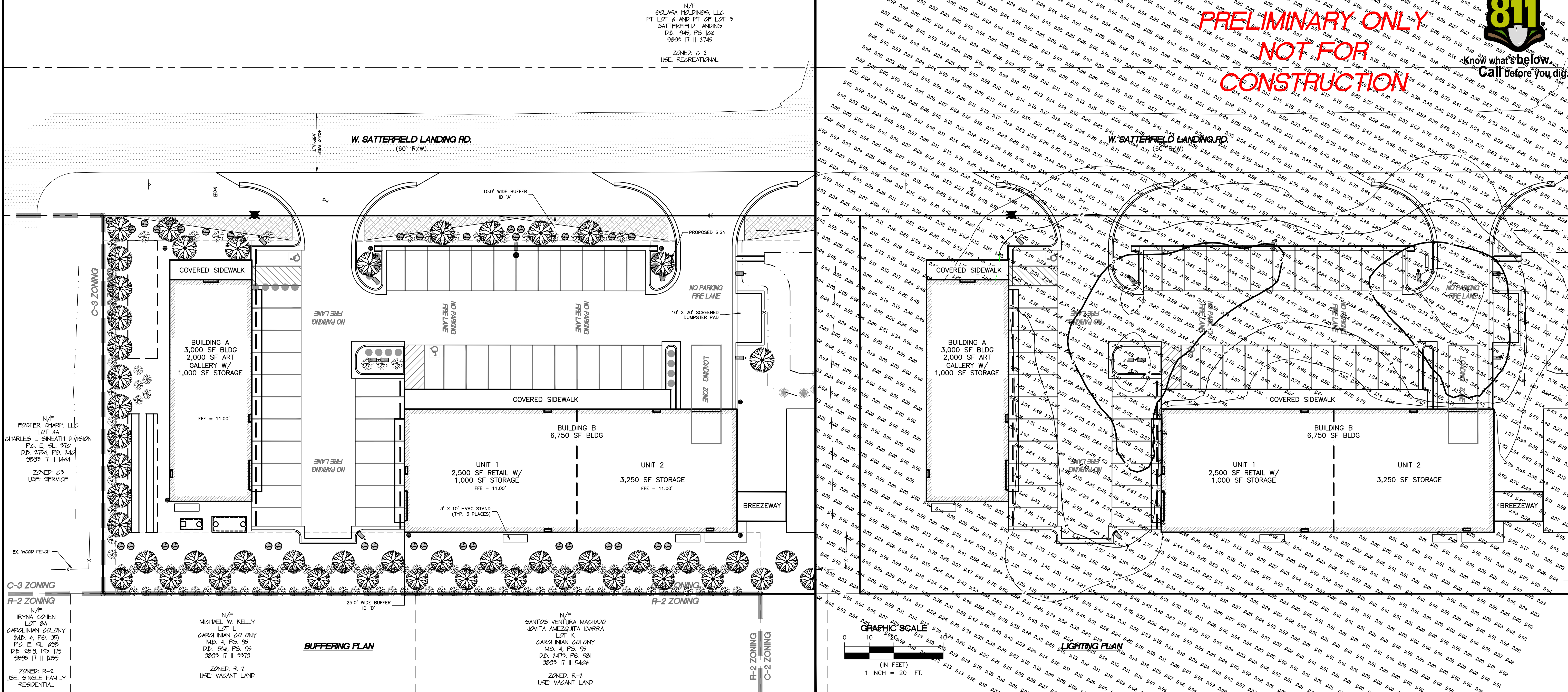
SURVEYED:	SEE NOTES
DESIGNED:	MJM
DRAWN:	KCA
CHECKED:	JMD

SCALE:
" = 2'

C203

PROJ. NO. 06135

Page 112 of 215



LANDSCAPE NOTES:

PREPARATION:
LAYOUT TREE AND SHRUB LOCATIONS AND AREAS AND SECURE LANDSCAPE DESIGNERS
APPROVAL BEFORE START OF PLANTING WORK. MAKE MINOR ADJUSTMENTS AS MAY BE
REQUESTED. FINE GRADE LAWN AREAS TO A SMOOTH, EVEN SURFACE WITH LOOSE,
UNIFORMLY FINE TEXTURE. ROLL, RAKE AND DRAG LAWN AREAS, REMOVE RIDGES AND
FILL DEPRESSIONS, AS REQUIRED TO MEET FINAL GRADE. LIMIT FINE GRADING TO AREAS
THAT CAN BE PLANTED IMMEDIATELY AFTER GRADING.

EXCAVATION FOR TREES AND SHRUBS:
EXCAVATE PITS, BEDS AND TRENCHES WITH VERTICAL SIDES AND WITH BOTTOM OF EXCAVATION SLIGHTLY RAISED AT CENTER TO PROVIDE PROPER DRAINAGE. LOOSEN HARD SUBSOIL IN BOTTOM OF EXCAVATION. FOR BALLED AND BURLAPPED, AND POTTED (B&E TREES AND SHRUBS), MAKE EXCAVATIONS AT LEAST HALF AGAIN AS WIDE AS THE ROOT BALL DIAMETER AND EQUAL TO THE ROOT BALL DEPTH, PLUS ALLOWING FOR SETTING OF ROOT BALL ON A LAYER OF COMPACTED RACKFILL.

PLANTING TREES AND SHRUBS:
SET BALLS AND BURLAPPED AND POTTED STOCK ON LAYER OF COMPACTED PLANTING SOIL MIXTURE, PLUMB AND IN THE CENTER OF THE PIT OR TRENCH, WITH THE TOP OF THE BALL OR POTTED PLANT JUST ABOVE THE FINISHED GRADE. WHEN PLANTING TREES, WHEN SET, PLACE ADDITIONAL BACKFILL AROUND BASE AND SIDES OF ROOT BALL, AND WORK EACH LAYER TO ELIMINATE VOIDS AND AIR POCKETS. WHEN EXCAVATION IS APPROXIMATELY 2/3 FULL, WATER THOROUGHLY BEFORE PLACING REMAINDER OF BACKFILL. WATER AGAIN AFTER PLACING FINAL LAYER OF BACKFILL. MULCH TREES AND SHRUBS PLANTED AREAS. PROVIDE NOT LESS THAN 3" THICKNESS OF MULCH AND FINISH LEVEL WITH ADJACENT GRADE.

SEEDING NEW LAWNS:
DO NOT USE WET SEED OR SEED WHICH IS SLIGHTLY MOLDY OR OTHERWISE DAMAGED IN TRANSIT OR STORAGE. SOW SEED USING A DROP SPREADER OR SEEDING MACHINE.
DO NOT SEED WHEN WIND VELOCITY EXCEEDS 5 MPH UNLESS USING A DROP SPREADER.
SPREAD SEED IN TWO DIRECTIONS AT RIGHT ANGLES TO EACH OTHER. SOW NOT LESS THAN THE QUANTITY OF SEED SPECIFIED OR SCHEDULED BY THE SEED MANUFACTURER OR SUPPLIER FOR THE TYPE OF SEED BEING SOWN. RAKE SEED LIGHTLY INTO TOP 1/8" OF SOIL, ROLL LIGHTLY AND WATER WITH A FINE SPRAY. LAY TURF STARTING IN THE LONGEST EDGE OF FINISHED AREA. TURF SHALL BE LAID ADJACENT TO THE LONGEST EDGE OF FINISHED AREA AND SHALL BE LAID WITH STAGGERED SEAMS. EDGE TURF AFTER INSTALLATION IS COMPLETED. WATER THOROUGHLY.

CLEAN-UP AND PROTECTION:
DURING LANDSCAPE WORK, KEEP PAVEMENTS CLEAN AND WORK AREA IN AN ORDERLY CONDITION. PROTECT LANDSCAPE WORK AND MATERIALS FROM DAMAGE DUE TO LANDSCAPE OPERATIONS, OPERATIONS BY OTHER CONTRACTORS AND TRADES AND TRESPASSERS. MAINTAIN PROTECTION DURING INSTALLATION AND MAINTENANCE PERIODS. TREAT, REPAIR OR REPLACE DAMAGED LANDSCAPE WORK AS DIRECTED.

LANDSCAPING, BUFFERING AND VEGETATION PRESERVATION

BUFFERYARDS SHALL CONTAIN 3 TREES, 15 SHRUBS AND 30 ORNAMENTAL GRASSES OR HERBACEOUS PLANTS PER EVERY 100 FEET (ARTICLE 10.93.2.1)

GENERAL:

- AT A MINIMUM, 50% OF THE NUMBER OF PLANTS SHALL BE LOCALLY ADAPTED EVERGREEN SPECIES (ARTICLE 10.9.3.2.4)
- TREES SHALL BE A MINIMUM OF 5' HEIGHT AT TIME OF PLANTING WITHIN THE COMMERCIAL TRANSITIONAL BUFFER AND 3" IN HEIGHT AND 1" DIAMETER (WHEATED AT ABOVE GRADE) IN OTHER LOCATIONS (ARTICLE 10.9.3.3.1)
- SHRUBS SHALL BE A MINIMUM OF 18" HEIGHT AT TIME OF PLANTING. 50% OF THESE SHALL BE SPECIES THAT ARE EXPECTED TO REACH A HEIGHT OF 5' WITHIN THREE YEARS (ARTICLE 10.9.3.3.1.4).

COMMERCIAL TRANSITIONAL PROTECTIVE YARDS:
- SHALL BE AT LEAST 25' IN WIDTH CONSIST OF THREE ROWS OF THE
REQUIRED BUFFERYARD (ARTICLE 10.93.3.2.2). SEE SITE BUFFERING SUMMARY
TABLE FOR COMPLIANCE.

BUILDINGS ADJACENT TO STREET FRONTAGE:
- NOT APPLICABLE

INTERIOR PARKING LOTS LANDSCAPING:

- EXTERIOR PARKING AREA IS 6,604 SF WHICH REQUIRES A PARKING LOT LANDSCAPE AREA OF 6,60.4 SF (10%). 679 SF IS PROVIDED.

VEGETATIVE PRESERVATION / PLANTING REQUIREMENTS:

- THE SITE WAS PREVIOUSLY CLEARED AND IS MOSTLY GRASSED. REQUIREMENTS PLANS INCLUDE PLANTING A MINIMUM OF 10% OF THE TOTAL LOT AREA (7,939 SF). THE BUFFERING REQUIREMENTS OF THE MARKED BUFFER ARE 10.00 SF. TRANSITIONAL BUFFER ACCOUNT FOR 10.00 SF. HOWEVER, TOWN CODE ONLY ALLOWS HALF OF THE BUFFER REQUIREMENTS TO BE APPLIED TO LANDSCAPE PRESERVATION REQUIREMENTS (3,969.5 SF), AN ADDITIONAL 20 TREES AND 40 SHRUBS ARE NEEDED TO MEET THIS REQUIREMENT. SEE SITE BUFFERING SUMMARY TABLE FOR COMPLIANCE.

BUFFER REQUIREMENTS FOR PROPOSED NEW DEVELOPMENT SUMMARY TABLE									
BUFFER ID	TYPE	LENGTH # TREES	PER 100 LF	# SHRUBS	SUMMARY TREES	SHRUBS			
						REQUIRED	PROVIDED	PR	
A	PARKING	123	3	100	LF	3.7	4	18.5	
B	COMMERCIAL TRANSITIONAL (HIGH IMPACT)	266	9	100	LF	23.9	24	119.7	

PRESERVATION REQUIREMENTS FOR PROPOSED DEVELOPMENT SUMMARY TABLE									
BUFFER ID	TYPE	PERCENT	PROJECT AREA	PRESERVATION AREA REQUIRED					
				\$2,025	\$F				
C	PRESERVATION	15%		7,939					

COMPLIANCE WITH PRESERVATION REQUIREMENTS SUMMARY TABLE									
						TREES		SHRUBS	
						PROVIDED	AS PROVIDED	PROVIDED	AS PROVIDED
TOTAL EQUIVALENT AREA PROVIDED BY BUFFERS:		9,750	\$F						
ALLOWED BUFFER CREDIT TO BE APPLIED:	50% =	3,969	\$F			28	2,800	139	A
ADDITIONAL PRESERVATION AREA CREDIT REQUIRED:		5,781	\$F						
ADDITIONAL PRESERVATION AREA CREDIT PROVIDED:		4,000	\$F			20	2,000	40	A
TOTAL PRESERVATION AREA CREDIT PROVIDED:		7,969	\$F						

BUFFER YARD REQUIREMENTS:

TREES
(RECOMMENDED - JAPANESE BLACK PINE, RED BAY WILD OLIVE, CREPE
MYRTLE)

SHRUBS
(RECOMMENDED - JAPANESE PITTOSPORUM, NORTHERN BAYBERRY
YEDDO HAWTHORNE, OLEANDER, DWARF WITH ALDER)

ORNAMENTAL GRASSES OR HERBACEOUS PLANTS (<30" TALL)
(RECOMMENDED - SEASIDE GOLDEN ROD, BLANKET FLOWER, CYPRISS
LAVENDER COTTON, BUTTERFLY WEED, PURPLE CONEFLOWER)

NOTE: A MINIMUM OF 50% OF THE BUFFER PLANTS SHALL BE LOCALLY ADAPTED EVERGREEN.

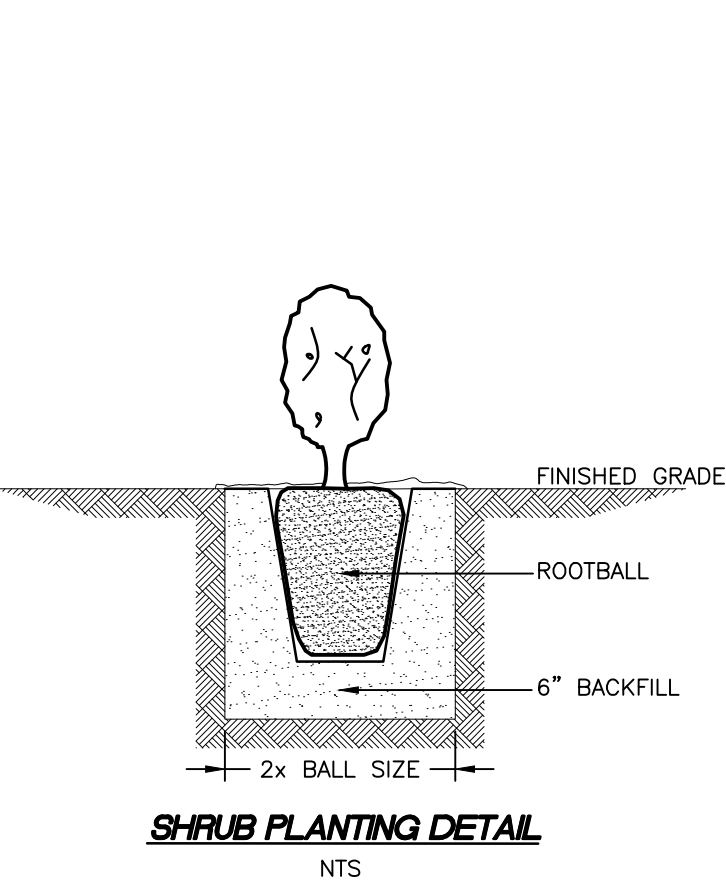
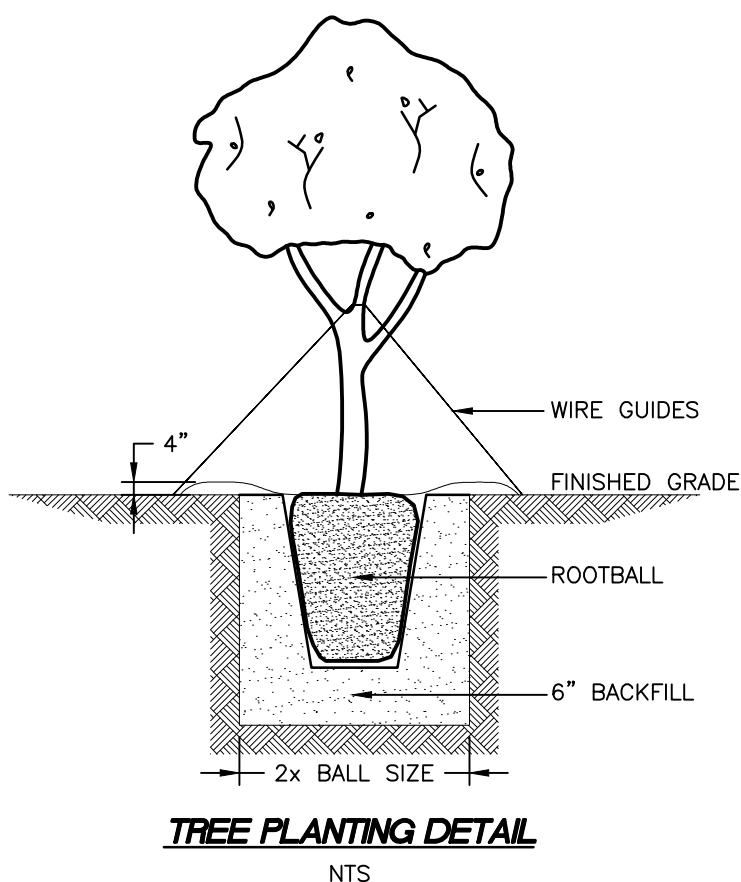
LIGHTING NOTES

THIS DRAWING REPRESENTS A COMPUTER GENERATED PHOTOMETRIC BASED UPON THE PROPOSED FIXTURE TYPES, MOUNTING HEIGHTS, LENSES AND ORIENTATION. ACTUAL LIGHT INTENSITIES WILL BE FIELD VERIFIED AND ADJUSTED TO MEET THE REQUIREMENTS OF THE ORDINANCE.

PARKING LOT LIGHTS SHOWN ON PLAN ARE DOMINION POWER SHOEBOX 8,951 LUMEN WITH TYPE 3 DISTRIBUTION AND 2700K CCT MOUNTED AT 30'. CANOPY LIGHTS UTILIZED IN THIS MODEL ARE ASSUMED TO BE 2,000 LUMEN MOUNTED AT 12' HEIGHT BASED ON PRELIMINARY ARCHITECT ESTIMATE.

ARBITRARY GRID:
HORIZONTAL ILLUMINANCE STATISTICS

AVE:	4.15	fc
MAX:	17.0	fc
MIN:	1.13	fc



Shoebox (150W - 250W EQ)

The Shoebox luminaire provides zero uplight distribution for lighting roadways and parking areas.

Shoebox (150W - 250W EQ)

The Shoebox luminaire provides zero uplift distribution for lighting roadways and parking areas.

Comparable HID Wattage	Finish Color	Initial Lamp Lumens	Lighting Pattern	Correlated Color Temperature (CCT)	Input Wattage	Input Amps	Billing Tier	EPA	B-U-G Rating	Recommended Mounting Height (ft.)	Luminaire Stock#	WMS CU Code
150	Gray	8951	Type III	2700K	70	0.67	3	0.76	2-0-2	25-30	42514332	LED5BBA0832GX0X

GRADING NOTES:

- ALL CONSTRUCTION TRAFFIC SHALL UTILIZE THE CONSTRUCTION ENTRANCE AS DESIGNATED.
- PRIOR TO COMMENCEMENT OF ANY LAND DISTURBING ACTIVITIES, ALL EROSION AND SEDIMENTATION CONTROL MEASURES IDENTIFIED ON THIS PLAN SHALL BE INSTALLED IN ACCORDANCE WITH THE EROSION CONTROL PLAN.
- THE CONTRACTOR SHALL ENSURE THAT AREAS OUTSIDE OF THE LIMITS OF LAND DISTURBANCE AS WELL AS TREES SPECIFICALLY NOTED FOR PROTECTION ARE NOT ADVERSELY IMPACTED BY ANY CLEARING ACTIVITIES.
- PRIOR TO FILLING THE SITE, THE CONTRACTOR SHALL STRIP AND STOCKPILE TOPSOIL. AREAS WHICH ARE TO BE FILLED SHALL BE RAISED IN COMPACTED SEQUENTIAL LIFTS NOT TO EXCEED 8 INCHES IN DEPTH. FILL MATERIAL SHALL BE CLEAN, WELL GRADED SAND. TOPSOIL STOCKPILED CAN BE USED ON SITE FOR RESPREAD UPON COMPLETION OF FILL.
- LIMITS OF SLOPES AND GRADING SHALL BE IN ACCORDANCE WITH THE LIMITS SHOWN HEREON.

DRAINAGE NOTES:

- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT NC ONE CALL (811) TO LOCATE UNDERGROUND UTILITIES.
- ALL STORM SEWERS SHALL BE PLACED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. STORM SEWERS SHALL BE SMOOTH INTERIOR, DOUBLE WALLED HDPE WITH GASKETED CONNECTIONS UNLESS OTHERWISE NOTED.
- DRAINAGE STRUCTURES SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.

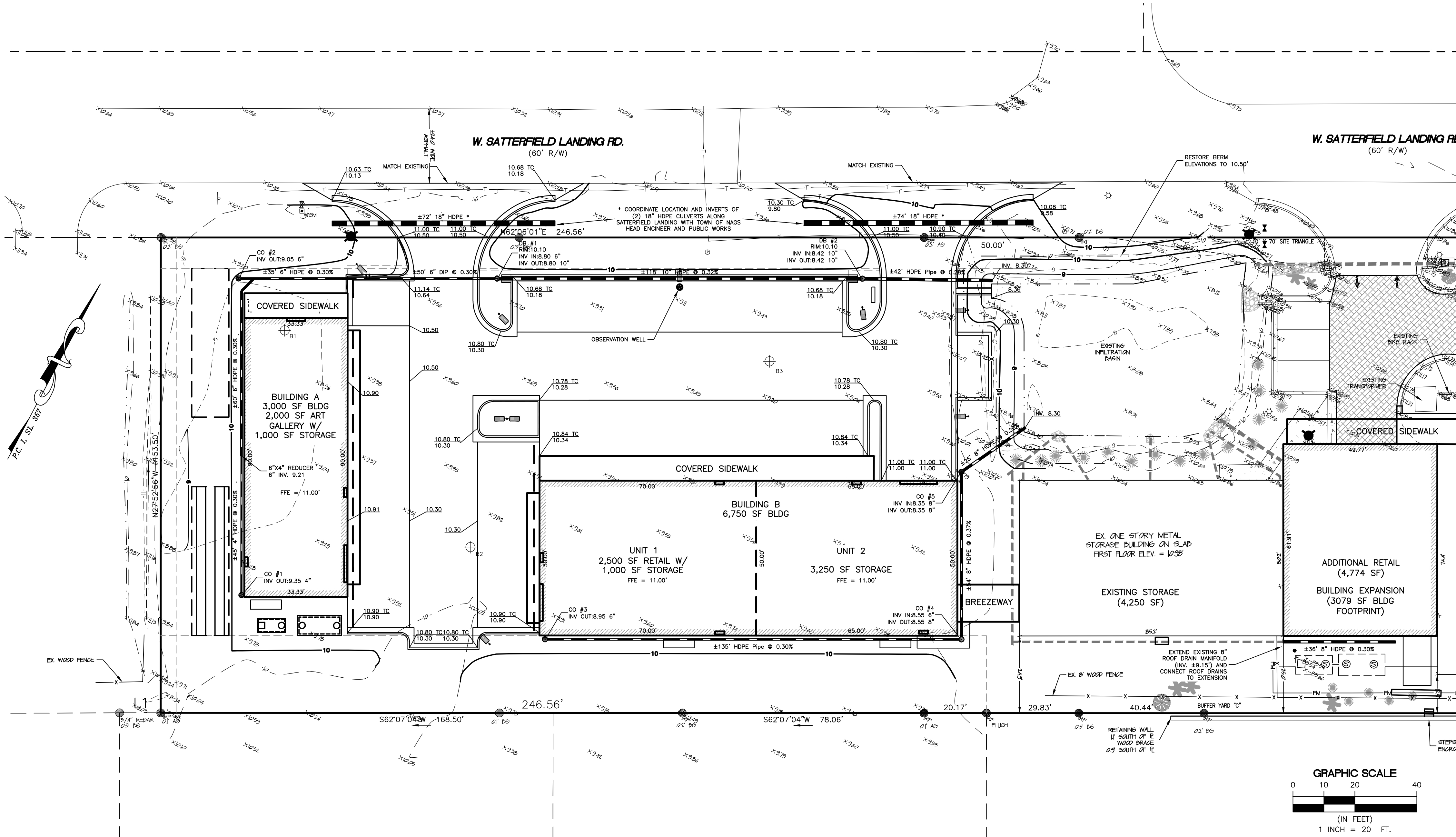
STORMWATER MANAGEMENT MAINTENANCE NOTES:

- UPON ACCEPTANCE BY THE OWNER, IT IS THE OWNER'S RESPONSIBILITY TO PROVIDE NECESSARY MAINTENANCE SO THAT THE STORMWATER SYSTEM WILL FUNCTION AS INTENDED.
- AFTER EVERY RUNOFF PRODUCING RAINFALL OF 1 INCH OR MORE AND AT LEAST MONTHLY, INSPECT THE STORMWATER MANAGEMENT BASIN FOR EROSION, TRASH ACCUMULATION, VEGETATIVE COVER, AND GENERAL CONDITION. ALSO INSPECT THE INFLOW STRUCTURES, OUTLET STRUCTURE, RIP-RAP AND BASIN FOR OBSTRUCTION OR DETERIORATION. REMOVE ANY BLOCKAGE AND REPAIR THE STRUCTURE TO APPROVED DESIGN SPECIFICATIONS. INSPECT PERVIOUS PAVEMENT AFTER RAINFALL FOR SIGNS OF PONDING.
- REPAIR ERODED AREAS IMMEDIATELY, RE-SEED AS NECESSARY TO MAINTAIN ADEQUATE VEGETATIVE COVER, REMOVE TRASH AS NEEDED.
- CHECK FOR SEDIMENTATION WITHIN THE BASIN ANNUALLY. IF DEPOSITION OF MATERIAL IS OBSERVED WITHIN THE SYSTEM, REESTABLISH DESIGN GRADES AS INDICATED ON APPROVED SITE PLAN. INSPECT BASIN WALLS AND STRUCTURES TO ENSURE THAT THEY ARE MAINTAINED AT THEIR DESIGN ELEVATIONS. IF EROSION OCCURS, REESTABLISH DESIGN ELEVATIONS AS INDICATED ON APPROVED SITE PLAN. PERVIOUS PAVEMENT SHOULD BE CLEANED AT LEAST ANNUALLY WITH A VACUUM TRUCK OR HIGH POWERED BLOWER.



Know what's below.
Call before you dig.

PRELIMINARY ONLY
NOT FOR
CONSTRUCTION



LEGEND

- | | | | |
|--|--|--|----------------------------|
| | IRON ROD FOUND | | EXISTING CURB INLET |
| | RIGHT OF WAY | | EXISTING DROP INLET |
| | PROPERTY BOUNDARY | | STORMWATER FLOW ARROW |
| | EXISTING POWER POLE | | EXISTING DRAINAGE PIPE |
| | EXISTING GUY WIRE | | EXISTING DITCH/SWALE |
| | OVERHEAD ELECTRIC | | EXISTING SANITARY MANHOLE |
| | EXISTING TELEPHONE PEDESTAL | | EXISTING SANITARY VALVE |
| | EXISTING CABLE TV PEDESTAL | | EXISTING SANITARY CLEANOUT |
| | EXISTING FIBER OPTIC REFERENCE | | EXISTING FORCEMAIN |
| | EXISTING LIGHT POLE | | EXISTING FIRE HYDRANT |
| | EXISTING CONCRETE | | EXISTING WATER METER |
| | EXISTING PAVEMENT | | EXISTING WATER VALVE |
| | EXISTING TURFSTONE | | EXISTING WATERLINE |
| | PROPOSED CONCRETE (SIDEWALKS AND HC PARKING) | | HANDICAP PARKING |
| | PROPOSED PERMEABLE CONCRETE (HEAVY DUTY (DRIVE AISLE, APRONS)) | | SIGNAGE |
| | PROPOSED PERMEABLE CONCRETE (STANDARD (PARKING SPACES)) | | TRAFFIC FLOW ARROWS |
| | | | WHEELSTOPS |
| | | | EXISTING TREELINE |
| | | | EXISTING FENCE |
| | | | EXISTING LANDSCAPING |

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	01/13/2025	PER TBC COMMENTS		

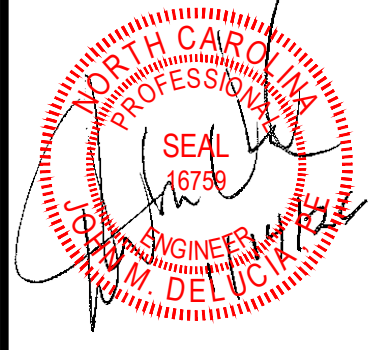
GRADING AND DRAINAGE PLAN

TW'S BAIT & TACKLE
2230 S CROATAN HIGHWAY

NACS HEAD TOWNSHIP DARE COUNTY NORTH CAROLINA

DATE:	12/18/2025
SURVEYED:	SEE NOTES
DESIGNED:	MJM
DRAWN:	KCA
CHECKED:	JMD
FILE:	06135L

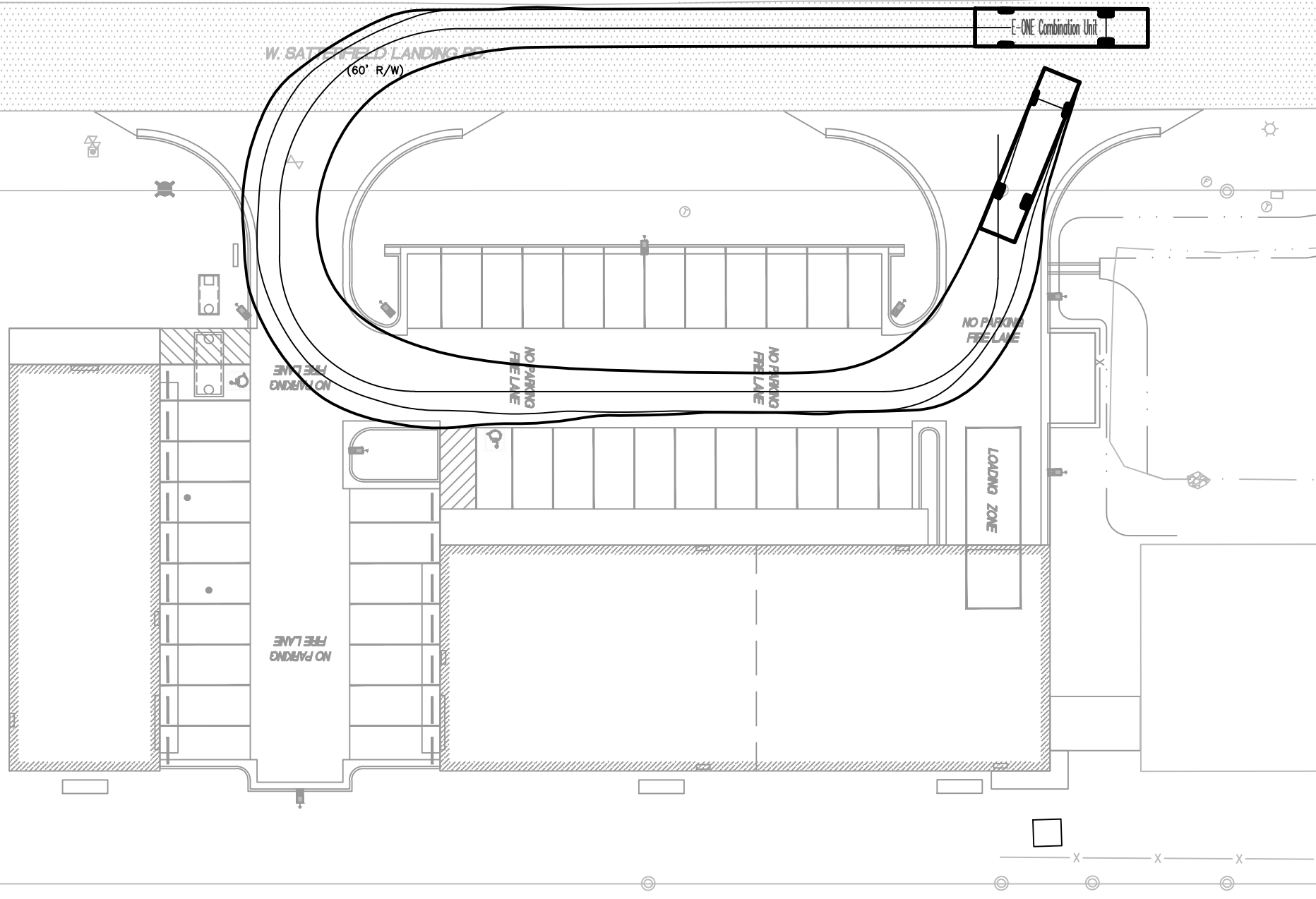
SCALE:
1" = 20'
C301
PROJ. NO. 06135L



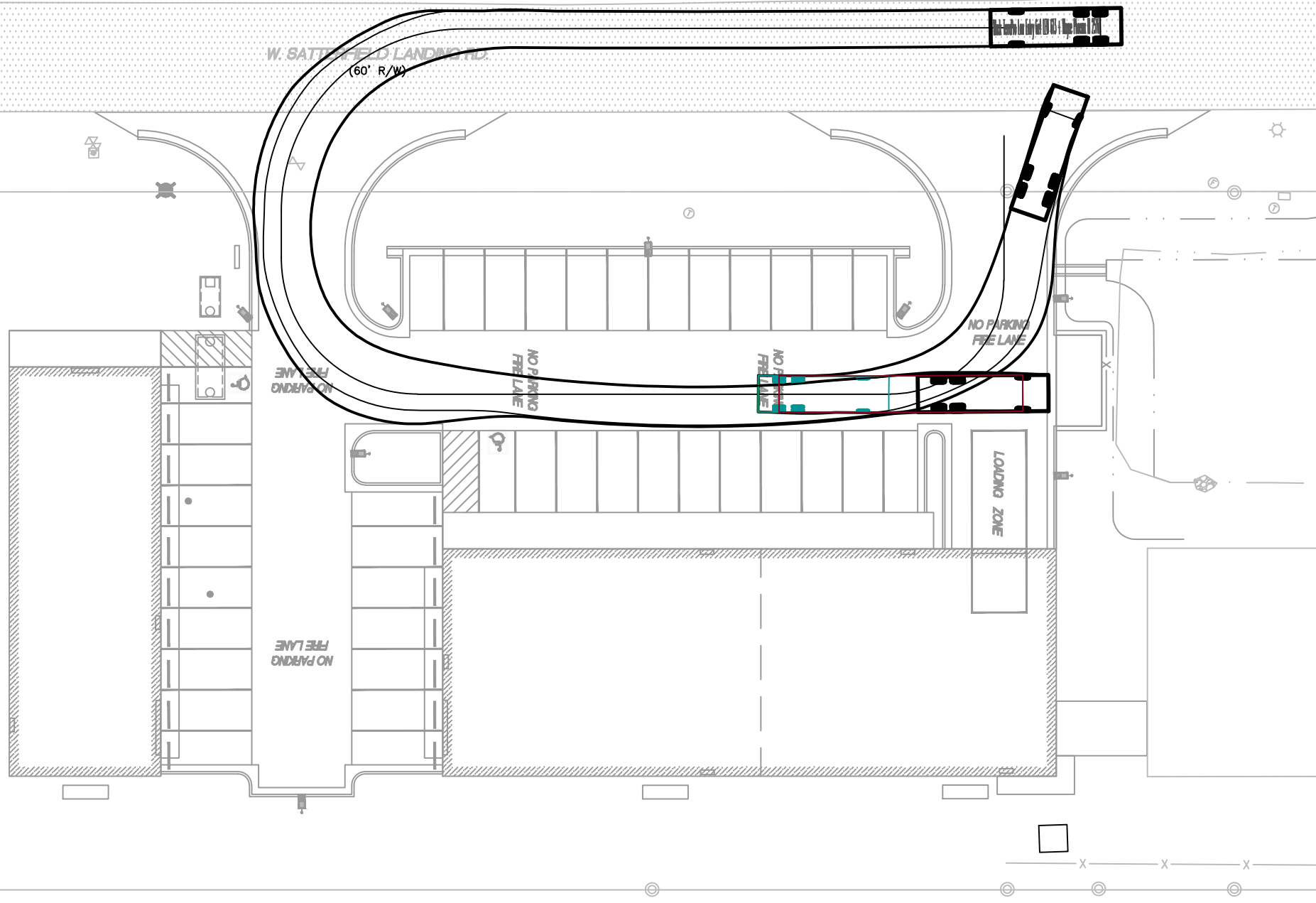
Albemarle & Associates, Ltd.
P.O. Box 2805
Kill Devil Hills, NC 27748
Phone: (252) 441-2113
www.albemarleandassociates.com
Cert. of Licensure No. C-1027
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Albemarle & Associates, Ltd.
Engineering - Environmental - Land Planning

C:\Active Projects\06135 - TW's Bait and Tackle, Nags Head\06135L - Site Plan\Cadd Files\06135L - Truck Turn Dwg.dwg, 1/8/2026 11:53:08 AM, Albemarle &



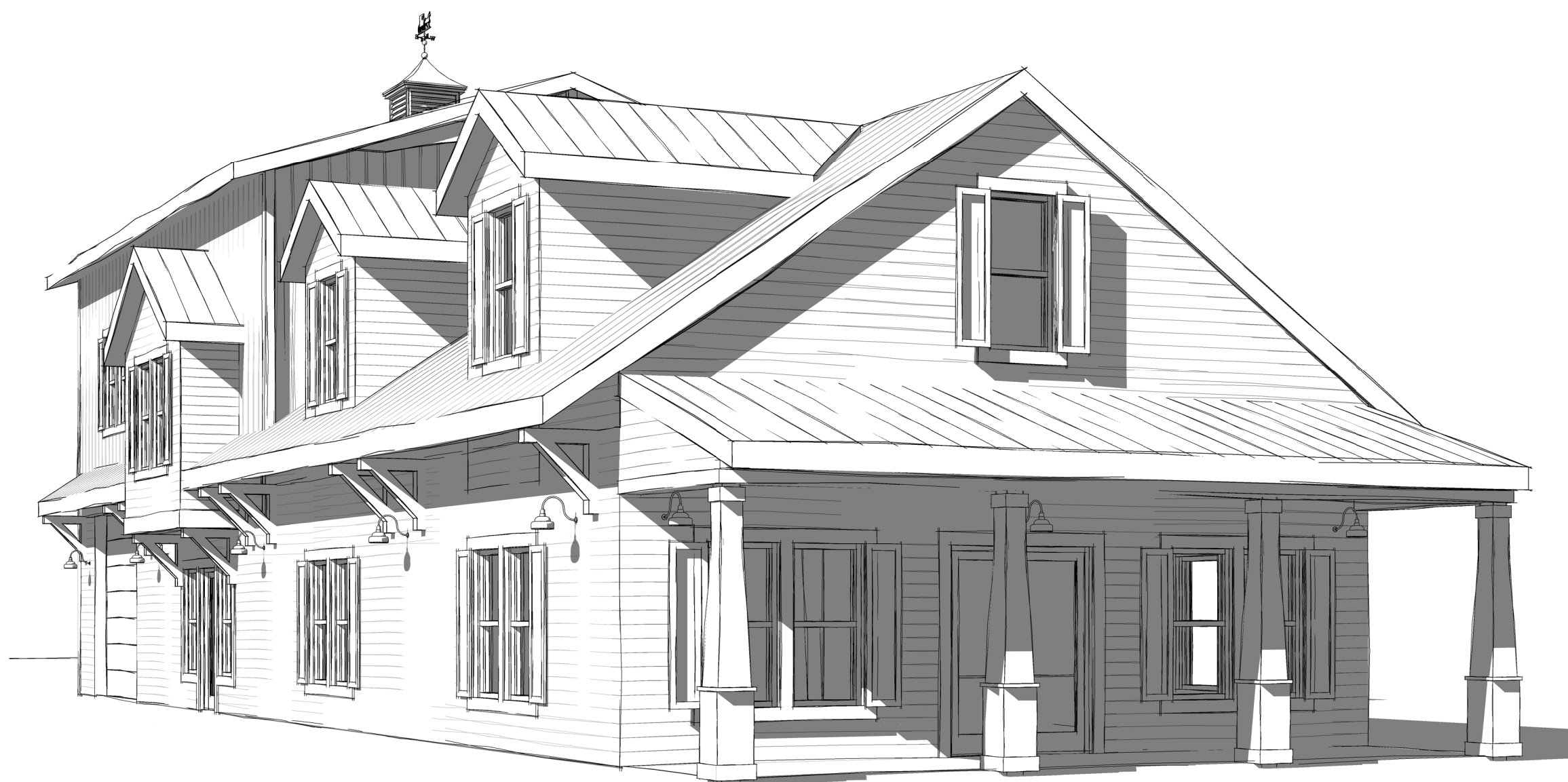
C:\Active Projects\06135 - TW's Bait and Tackle, Nags Head\06135L - Site Plan\Cadd Files\06135L - Truck Turn Dwg.dwg, 1/8/2026 11:53:30 AM, Albemarle &



NAGS HEAD SANITATION TRUCK
VEHICLE TRACKING

WINDOW AREA

WEST:	WALL	1986 SF
	WINDOW	243 SF
	PERCENTAGE	12.2%
SOUTH:	WALL	975 SF
	WINDOW	144 SF
	PERCENTAGE	14.8%
EAST:	WALL	1986 SF
	WINDOW	243 SF
	PERCENTAGE	12.2%
NORTH:	WALL	470 SF
	WINDOW	141 SF
	PERCENTAGE	30.0%



6 Perspective

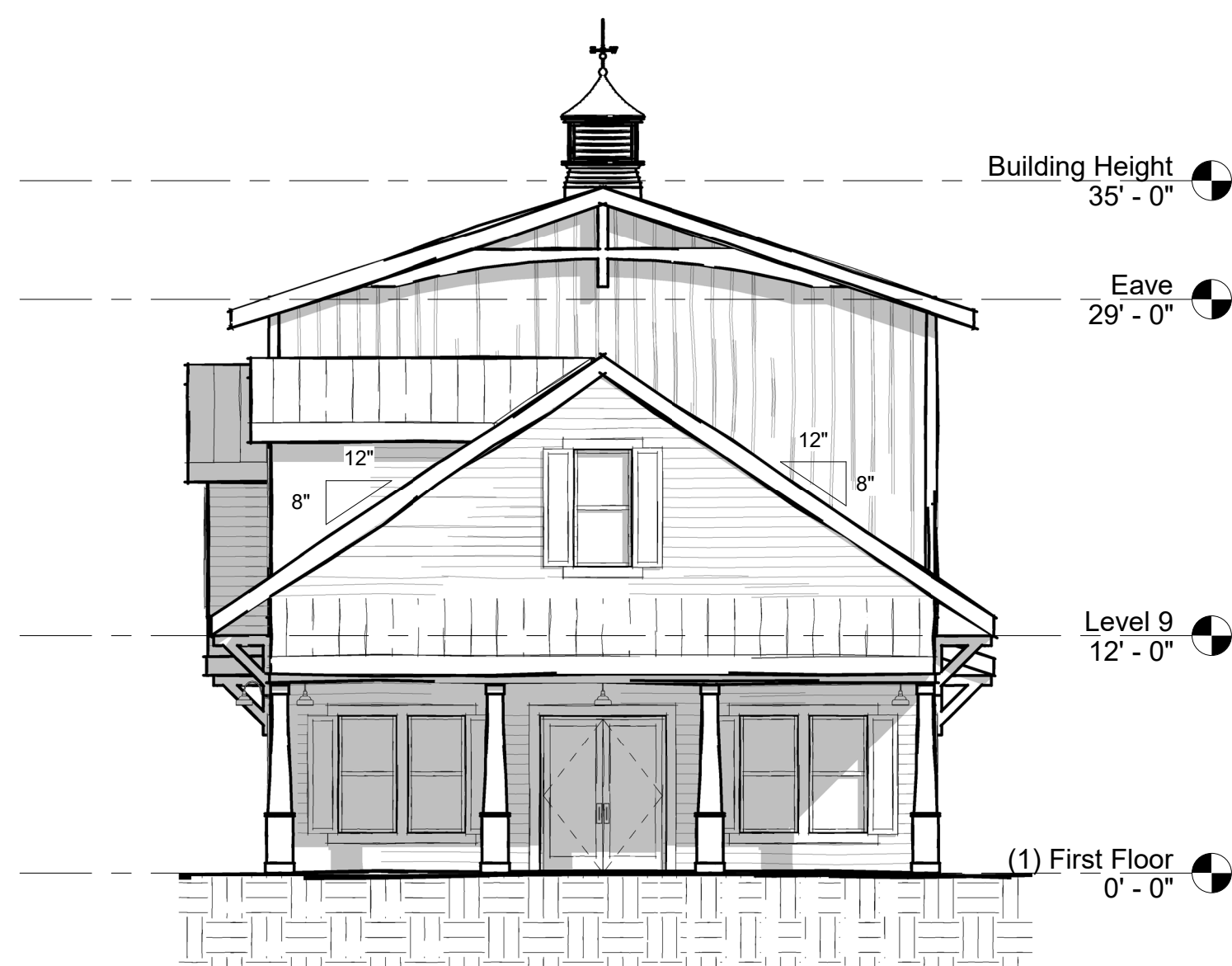
DESIGN NARRATIVE

THE BUILDING DESIGN INTENT IS TO INCORPORATE THE DESIGN STRATEGIES OUTLINE IN SECTION 10.85.2 OF THE NAGS HEAD ORDINANCE.

SECTION 10.85.2.1 - THE BUILDING DESIGN INCLUDED PORCHES AND BRACKETED AWNINGS TO BRING THE SCALE OF THE BUILDING DOWN TO A MORE PEDESTRIAN LEVEL.

SECTION 10.85.2.2 & 3 - AS THE BUILDING IS GREATER THAN ONE STORY, WE HAVE ADDED ROOF BUMPS TO PROVIDE ELEVATION AND MASSING CHANGES TO GIVE THE BUILDING MORE VARIATION.

SECTION 10.85.2.4 - THE DESIGN INCLUDES SIDING CHANGES, BEAUTY BANKS, TRIM, AND BRACKETS TO ADD TO THE VISUAL APPEAL OF THE BUILDING.



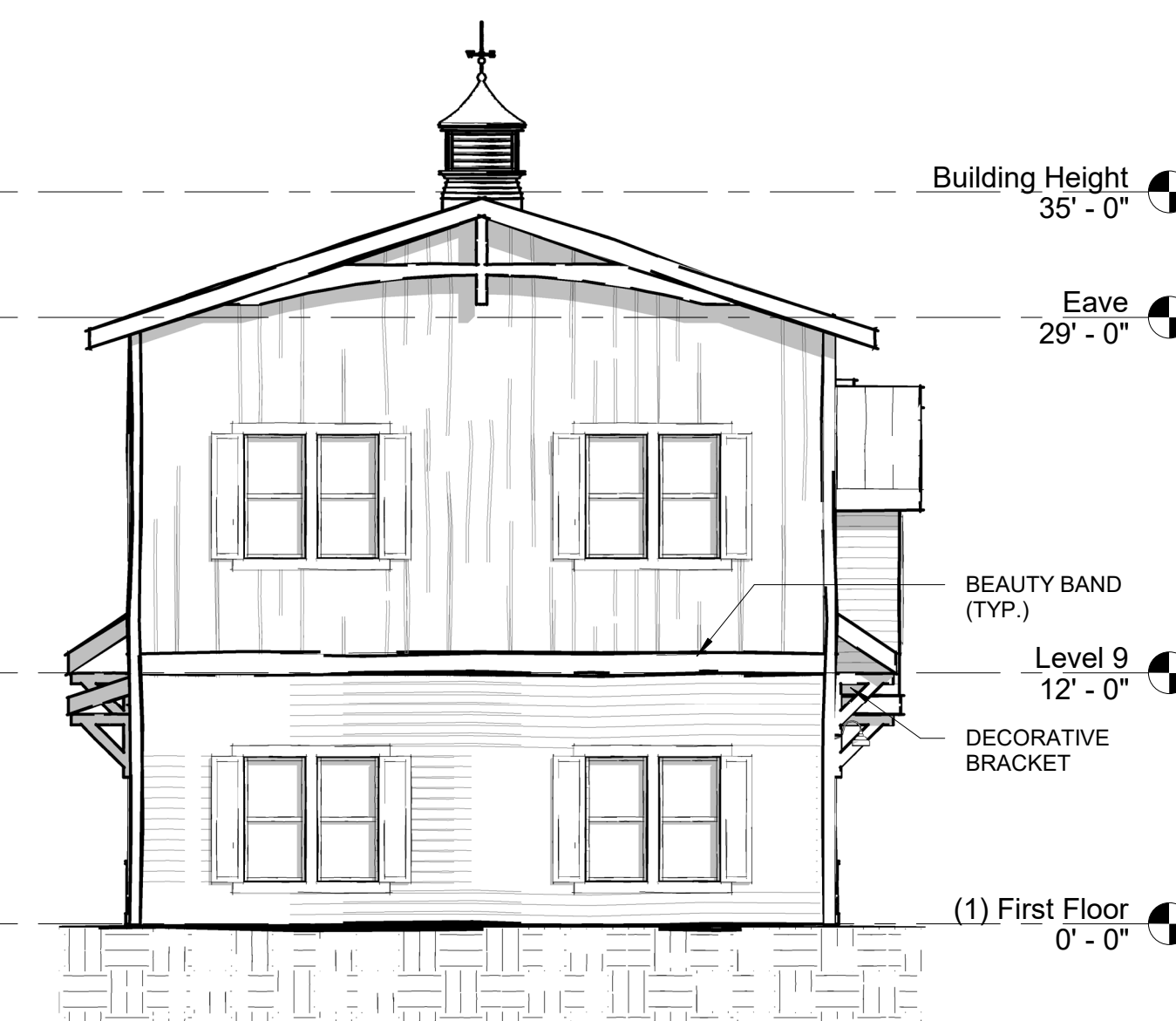
2 North Elevation
1/8" = 1'-0"



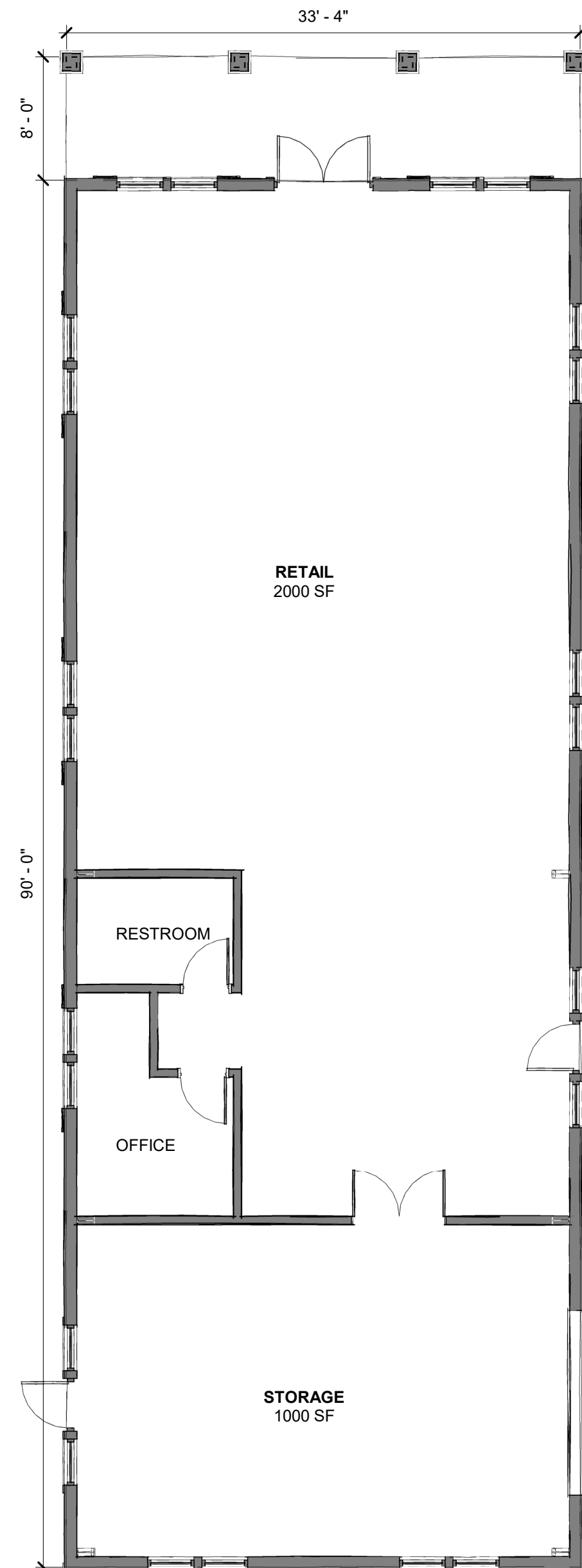
3 East Elevation
1/8" = 1'-0"



4 West Elevation
1/8" = 1'-0"



5 South Elevation
1/8" = 1'-0"



1 First Floor Plan
1/8" = 1'-0"

Project: **TW's Building A**

Project No: **25060**

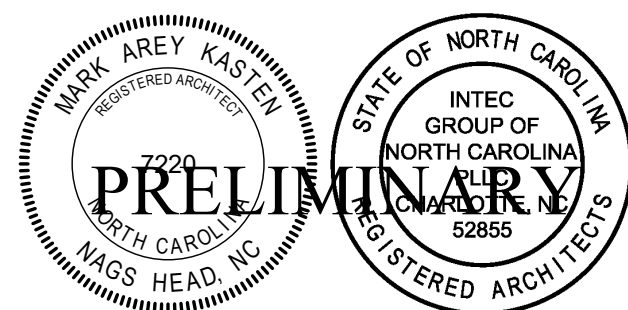
Location: **2230 S Croatan Hwy
Nags Head, NC 27959**

Title: **Preliminary**

Date: **February 10, 2026**

Scale: **1/8" = 1'-0"**

The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion of the project or which in any other way causes any damage or loss to the owner, contractor, subcontractors, or other entity involved in the project, unless: (i) designer is promptly notified of such error, in any event within 14 days of the date such error was discovered or could reasonably have been discovered; and (ii) designer is given opportunity at the time of discovery to address such error, and, if appropriate, take such steps as are necessary to correct and resolve it. Failure to comply with the provisions of this paragraph shall constitute a waiver of any claim for damages, or a right to offset against designer by owner, contractor or others and shall in no event cause or allow a reduction in the fees otherwise due designer for services provided on the project.



Revisions:

No.	Description	Date

Designed: MAK
Drawn: MAK
Reviewed: MAK
Cad File:

A1



6 Perspective

DESIGN NARRATIVE

THE BUILDING DESIGN INTENT IS TO INCORPORATE THE DESIGN STRATEGIES OUTLINE IN SECTION 10.85.2 OF THE NAGS HEAD ORDINANCE.

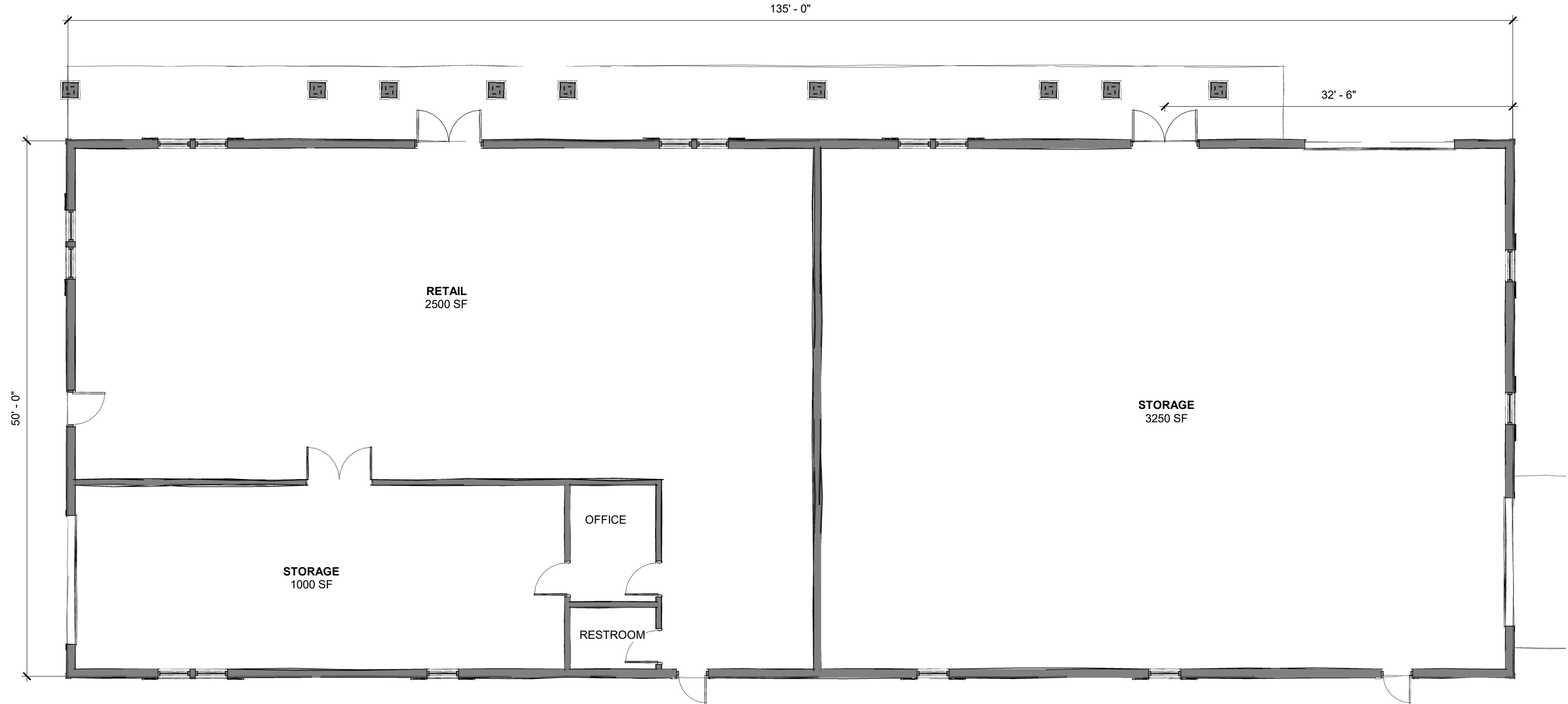
SECTION 10.85.2.1 - THE BUILDING DESIGN INCLUDED PORCHES AND BRACKETED AWNINGS TO BRING THE SCALE OF THE BUILDING DOWN TO A MORE PEDESTRIAN LEVEL.

SECTION 10.85.2.2 & 3 - AS THE BUILDING IS GREATER THAN ONE STORY, WE HAVE ADDED ROOF BUMPS TO PROVIDE ELEVATION AND MASSING CHANGES TO GIVE THE BUILDING MORE VARIATION.

SECTION 10.85.2.4 - THE DESIGN INCLUDES SIDING CHANGES, BEAUTY BANKS, TRIM, AND BRACKETS TO ADD TO THE VISUAL APPEAL OF THE BUILDING.

WINDOW AREA

WEST:	WALL	1169 SF
	WINDOW	117 SF
	PERCENTAGE	10.0%
SOUTH:	WALL	3520 SF
	WINDOW	354 SF
	PERCENTAGE	10.1%
EAST:	WALL	1265 SF
	WINDOW	144 SF
	PERCENTAGE	11.4%
NORTH:	WALL	2628 SF
	WINDOW	355 SF
	PERCENTAGE	13.5%



1 First Floor Plan
1/8" = 1'-0"



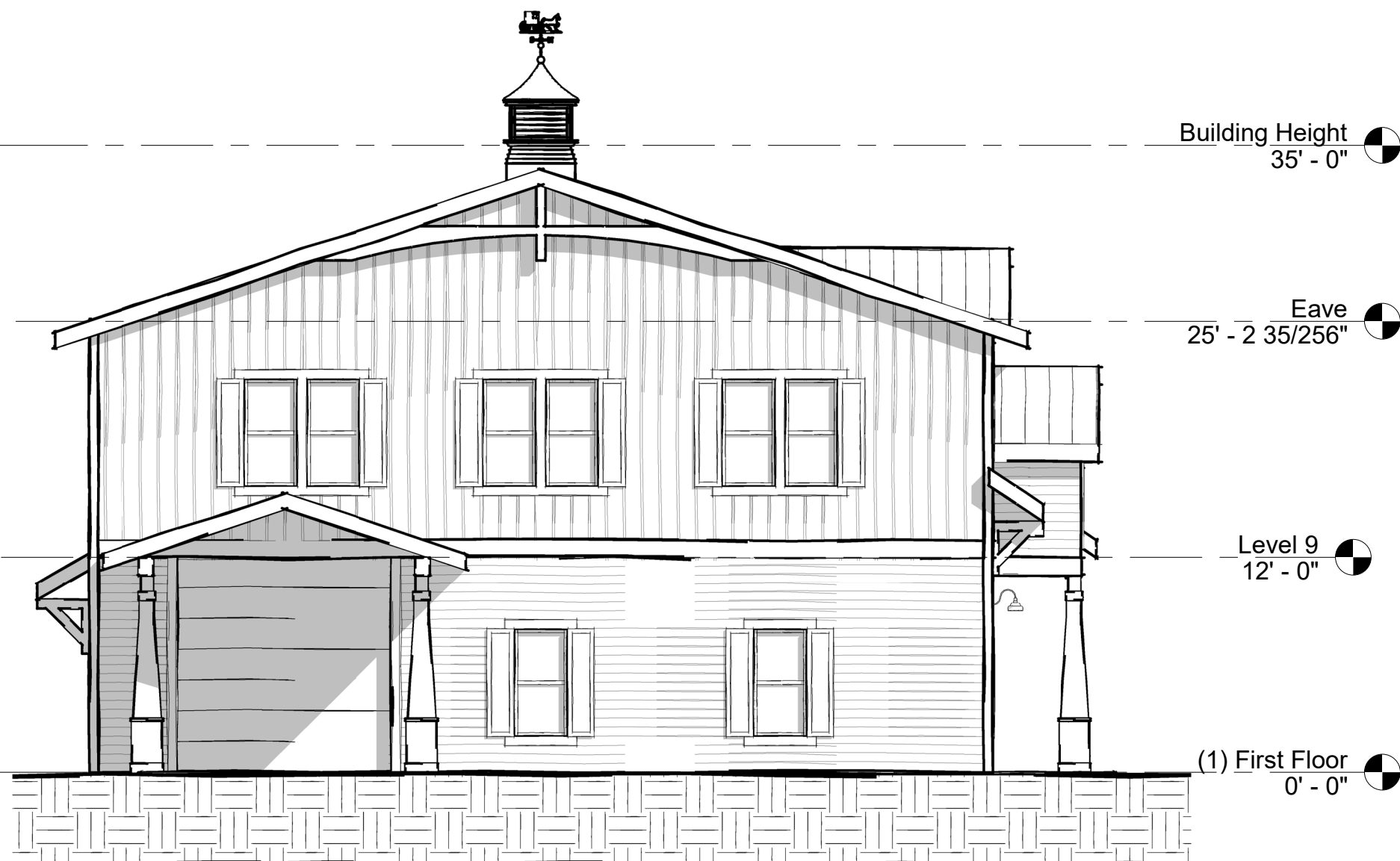
3 West Elevation
1/8" = 1'-0"



2 North Elevation
1/8" = 1'-0"



4 South Elevation
1/8" = 1'-0"



5 East Elevation
1/8" = 1'-0"

Project: TW's Buiding B/C

Project No: 25060

Location: 2230 S Croatan Hwy

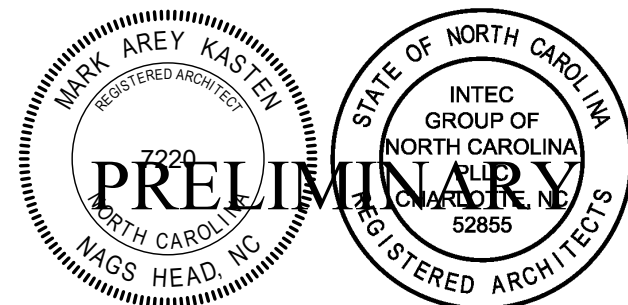
Nags Head, NC 27959

Title: Preliminary

Date: February 10, 2026

Scale: 1/8" = 1'-0"

The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion of the project or which in any other way causes any damage or loss to the owner, contractor, subcontractors, or other entity involved in the project, unless: (i) designer is promptly notified of such error, in any event within 14 days of the date such error was discovered or could reasonably have been discovered; and (ii) designer is given opportunity at the time of discovery to address such error, and, if appropriate, take such steps as are necessary to correct and resolve it. Failure to comply with the provisions of this paragraph shall constitute a waiver of any claim for damages, or a right to offset against designer by owner, contractor or others and shall in no event cause or allow a reduction in the fees otherwise due designer for services provided on the project.



Revisions:

No.	Description	Date

Designed: MAK
Drawn: MAK
Reviewed: MAK
Cad File:

A1

Benjamin Cahoon
Mayor

Megan Lambert
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head
Post Office Box 99
Nags Head, NC 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

Bob Sanders
Commissioner

Megan Vaughan
Commissioner

Molly Harrison
Commissioner

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Nags Head Board of Commissioners will conduct public hearings on **Wednesday, March 4, 2026**, beginning at 9:00 a.m. in the Board Room of the Municipal Complex, 5401 S Croatan Highway, Nags Head, NC to consider and take action upon the following requests:

Public Hearing to Consider a Special Use Permit/Site Plan Review submitted by Albemarle & Associates, Ltd on behalf of Coastal Bluewater Capital, LLC and TW's Bait and Tackle for a Group Development to be Located at 2230 S. Croatan Highway, Nags Head

Public Hearing to Consider a Text Amendment to the Unified Development Ordinance (UDO) Submitted by Albemarle & Associates, Ltd. on behalf of Dare County to Amend the Lighting Ordinance for Publicly Owned and Publicly Accessible Pickleball Courts

A copy of the application requests will be available for public inspection at the Office of the Town Clerk, Town Municipal Complex, 5401 S. Croatan Hwy, Nags Head, NC 27959, telephone (252) 441-5508 during normal business hours.

As a result of these hearings, substantial changes may be made in the proposals as advertised to reflect objections, debate and discussion at the hearings. Any person desiring to be heard on the proposals as stated above should appear at the time and place specified above.

This is the 12th day of February 2026.

Brittany A. Phillips
Town Clerk

*For publication in the Coastland Times on Wednesday, February 18, 2026 and on Wednesday, February 25, 2026.
Please use Nags Head seal and legal print.*



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM F.2.

Public Hearing to Consider a Text Amendment to the Unified Development Ordinance (UDO) Submitted by Albemarle & Associates, Ltd. on behalf of Dare County to Amend the Lighting Ordinance for Publicly Owned and Publicly Accessible Pickleball Courts

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
John Leidy
Andy Garman

Staff Comments/Recommendation

After reviewing the proposed text amendment, applicable technical guidance, including recommendations from the Illuminating Engineering Society (IES) and DarkSky International's Outdoor Sports Court Lighting Guidelines, and the Town's adopted policy framework, staff recommends adoption of a tiered approach to increased outdoor pickleball court lighting. Staff notes that the applicant has reviewed the proposed tiered approach and has indicated that they are generally comfortable proceeding under the framework as recommended.

PLANNING BOARD RECOMMENDATION

At its January 20, 2026 meeting, the Planning Board voted unanimously to recommend approval of the proposed UDO text amendment, with the following revisions:

- Extend the lighting curfew for pickleball courts from 9:00 p.m. to 10:00 p.m., except for the Satterfield Landing fields, which would retain the existing 9:00 p.m. curfew. This recommendation was based on seasonal daylight conditions, particularly during summer months when it is not fully dark by 9:00 p.m.
- Clarify that the 10:00 p.m. lighting curfew does not apply to approved Crowd Gathering Events. Lighting associated with such events may remain on for the duration of the event; however, illumination levels must be reduced to the standard 30 footcandles for recreational play immediately following the conclusion of the event.
- Extend the allowance for increased illumination levels (up to 30 footcandles) to pickleball courts located within commercial developments, including facilities such as the recently approved courts at the Outer Banks Sports Club.

Specific Action Requested

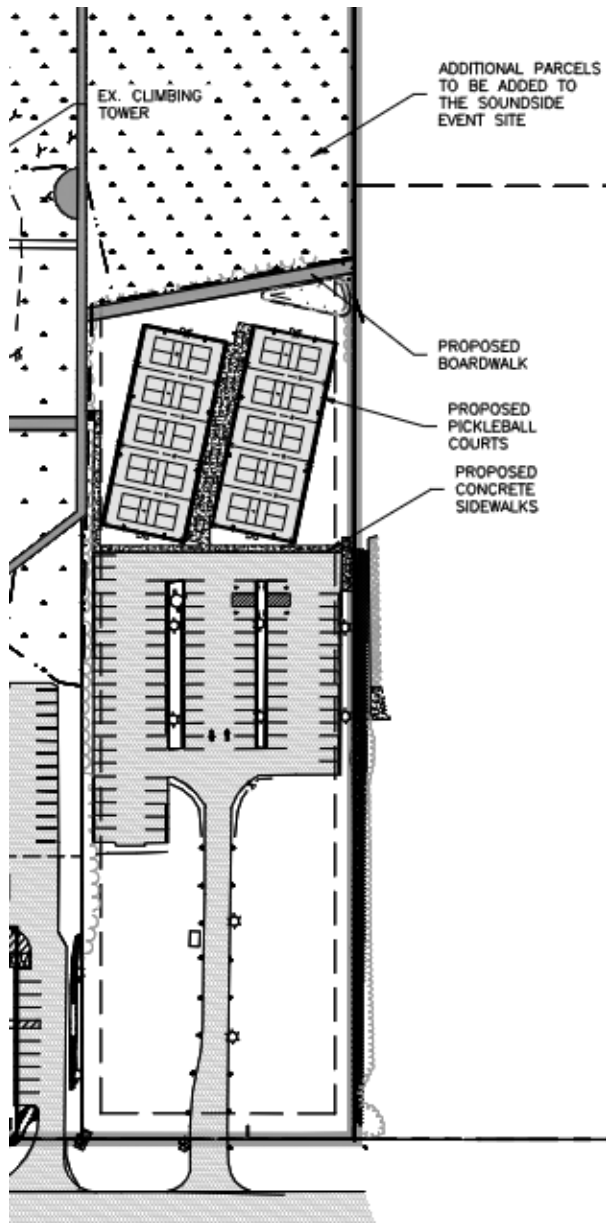
Conduct the Public Hearing for this text amendment at the Board of Commissioners March 4, 2026 meeting.

Summary

Albemarle & Associates, Ltd., on behalf of Dare County, has submitted a proposed text amendment to the Town's Unified Development Ordinance (UDO) to modify illumination standards for outdoor pickleball courts. If adopted, the amendment would increase the maximum average maintained illumination level from 15 footcandles to 30 footcandles for recreational play, with the ability to increase illumination levels up to 50 footcandles for competitive

or tournament play.

The request is associated with the development of ten (10) publicly accessible pickleball courts by the Dare County Tourism Board. This Special Use Permit/Site Plan was approved by the Board of Commissioners at their January 8th, 2025 meeting. An excerpt of this site plan is provided below. However, it should be noted that text amendments are not necessarily site specific, and thus would apply town wide to any publicly owned and publicly accessible pickleball courts.



The Town's current outdoor recreational lighting standards are intentionally conservative and are designed to balance recreational use with land use compatibility and environmental protection. Key components of the existing ordinance include:

- A maximum average illumination level of 15 footcandles for tennis and handball courts, which currently includes pickleball by interpretation;
- Strict limits on light trespass, including minimal allowable illumination at property lines and prohibitions on glare directed toward public trust waters;
- Mandatory fixture shielding, pole height controls, and curfews; and

- An overall emphasis on minimizing glare and offsite impacts.

While the Town has not formally pursued Dark Sky Certification, the structure and application of our current lighting ordinance reflects many Dark Sky-aligned principles and are consistent with the Town's recently established and community-supported "Dark Skies, Bright Stars" initiative.

The applicant has cited guidance from the Illuminating Engineering Society (IES) which recommends 30 footcandles for recreational pickleball play and up to 50 footcandles for competitive or tournament play. These recommendations are widely used by designers and sports lighting professionals and are based on visual task performance considerations such as ball visibility, player safety, and lighting uniformity during active play.

Staff notes that IES guidance are technical recommendations, not regulatory standards. They are intended to inform design under peak play conditions and do not take into consideration broader land use considerations such as proximity to residential areas, coastal and estuarine environments, wildlife sensitivity, time of day limitations, or cumulative impacts on night sky quality/skyglow. Those considerations would be addressed through local zoning and development regulations.

STAFF ANALYSIS

Staff finds it important to distinguish between the level of illumination that supports a particular sporting activity and the level of illumination that is appropriate within a specific land use and environmental context. The higher illumination levels cited for competitive pickleball are intended to support peak conditions, such as organized tournaments which will be intermittent/sporadic. Everyday recreational play will be the predominate use of these courts. Authorizing lighting infrastructure capable of operating at 50 footcandles represents a significant policy shift when such levels would be used infrequently. Staff notes that infrastructure is not typically sized solely for rare peak events, particularly where there are potential off-site impacts. This is consistent with broader land use planning principles and with guidance from Dark Sky-focused organizations, which emphasize using the minimum illumination necessary, strictly controlling glare and uplight, and limiting the duration and timing of higher lighting levels.

Staff also notes that pickleball has unique noise characteristics that differ from tennis. Pickleball involves a hard paddle striking a hard plastic ball, producing a sharp, impulsive sound that is more repetitive and acoustically distinct than traditional tennis. This sound is often perceived as more noticeable, particularly during sustained or competitive play. Given the proposed soundside location, staff further notes that sound may carry farther over open water, where there are fewer physical barriers to dissipate or absorb noise.

While pickleball is a common public recreational use, staff recognizes that noise associated with pickleball courts has generated concerns in other communities, particularly near residential areas. As a result, staff has incorporated language into the proposed ordinance that would require additional mitigation measures if noise impacts extend beyond the site, including sound attenuating measures such as acoustic fence wraps, sound dampening panels, or some other comparable mitigation along the perimeter of the court(s). These measures may also provide ancillary benefit by reducing light trespass and visual impacts.

LAND USE POLICY CONSIDERATIONS

LU-1 — Ensure that the character of Nags Head is preserved as a single-family residential beach community with ties to its natural environment. This character is defined by:

- A visible and dark night sky maintained by lighting that is minimal and carefully designed.
- Land uses that are compatible with the community and with adjacent properties that don't create excessive noise, light, unsafe conditions or other nuisances.
- Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community.

LU-16 — Preserve the dark night sky through implementation and enforcement of quality lighting fixtures and codes, dark sky education, and citizen support.

- Evaluate and modernize the lighting ordinance to reflect best practices for being a dark sky community.
- Research and consider applying to the IDA for the Dark Sky Designation.

LU-17 - Maintain current regulations which prohibit lighting of the ocean beach or estuarine waters to protect marine species and limit unnecessary intrusions into natural areas.

STAFF RECOMMENDATION

After reviewing the proposed text amendment, applicable technical guidance, including recommendations from the Illuminating Engineering Society (IES) and DarkSky International's Outdoor Sports Court Lighting Guidelines, and the Town's adopted policy framework, staff recommends adoption of a tiered, context-sensitive approach to pickleball court lighting that:

- Retains a maximum average illumination level of 15 footcandles for private courts, sports clubs, neighborhood-scale courts, and HOA-serving courts;
- Allows publicly owned and publicly accessible recreational courts to increase illumination levels up to 30 footcandles, provided enhanced performance standards are met;
- Treats illumination levels above 30 footcandles as exceptional, limiting such levels to competitive or tournament play conducted as part of an approved Crowd Gathering Event, with higher lighting levels permitted on a temporary basis only and with an automatic return to standard illumination levels following the event; and
- Retains Town authority to require additional mitigation where substantiated noise complaints are received or where field measurements demonstrate noise levels exceeding acceptable thresholds, including the installation of sound-attenuating measures such as acoustic fence wraps, sound-dampening panels, or other comparable mitigation along portions of the court perimeter.

Staff notes that the sound attenuating measures may also provide ancillary benefits, including reductions in light trespass and visual impacts. Any required mitigation would be the responsibility of the applicant or facility operator and would be implemented to ensure continued compatibility with surrounding properties.

Based on the review, staff recommends adoption of the proposed UDO text amendment as presented. Staff finds that this approach appropriately acknowledges applicable technical guidance while preserving the Town's long-standing emphasis on land-use compatibility and environmental protection.

Dark Sky Review Material

Outdoor Sports Lighting Guidelines can be found [HERE](#)

Outdoor Sports Lighting Program can be found [HERE](#)

Dark Sky Pickleball Complex, Champaign, Illinois can be found [HERE](#)

If the Board of Commissioners is inclined to adopt this proposed text amendment, please reference Appendix A for the Statement of Consistency with the Town's adopted Comprehensive Land Use Plan requirements (attached).

Attachments

1. 3 F2 PH Pickleball Lighting ord
2. 3 F2 PH Pickleball Lighting soc
3. 3 F2 PH Pickleball Lighting pn

(DRAFT)
**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN
OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO ILLUMINATION STANDARDS
FOR PUBLICLY OWNED AND ACCESSIBLE PICKLEBALL COURTS.**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, Albemarle & Associates, Ltd. On behalf of Dare County, has requested that the illumination standards for publicly owned and publicly accessible pickleball courts be amended.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Section 10.37.5, Lighting of Outdoor Recreation Facilities,** shall be amended as follows:

10.37.5.1. General purpose area and sports lighting floodlight fixtures may be utilized, provided that all such light fixtures shall be directed or shielded such that the light measured at the property line does not exceed the following:

10.37.5.1.1. Horizontal illumination shall not exceed 0.1 initial footcandles for residential properties.

10.37.5.1.2. Vertical illumination shall not exceed 0.6 initial footcandles for residential properties.

10.37.5.1.3. Candela value shall not exceed 9,000 at between 82 degrees and 86 degrees above nadir.

10.37.5.2. Areas intended solely for pedestrian circulation, such as walkways connecting accessory buildings and viewing stands, shall be provided with security level illumination.

10.37.5.3. Light fixtures for recreational use shall be turned off no later than 11:30 p.m. at private facilities unless otherwise specified. Light fixtures for municipally owned multi-purpose recreation fields, including but not limited to Satterfield Landing fields, shall be turned off no later than 9:00pm at municipally owned recreation facilities. Light fixtures for publicly owned or publicly accessible pickleball courts shall be turned off no later than 10:00pm. Only security level lighting shall be utilized to facilitate cleanup and nighttime maintenance.

Amend Table 10-7: Outdoor Recreational Facilities – Illumination Levels

Recreational Use	Average Maintained Footcandles
Bumper boats	5
Go-car track	10
Miniature golf	10
Outdoor sport climbing wall	10
Tennis / handball	15
<u>Pickleball – private, clubhouse, neighborhood or HOA courts</u>	<u>15</u>
<u>Pickleball – publicly owned courts and courts approved as part of a commercial development subject to Site Plan Review.</u>	<u>15 (may be increased to 30, subject to Section 10.37.5.9)</u>
Municipally owned recreation facilities	Minimum IES recommendation

Add new subsection 10.37.5.9 – Pickleball Courts

10.37.5.9.1 General Standards

Pickleball courts shall comply with all applicable provisions of Section 10.37.5, including but not limited to light trespass limitations, curfews, fixture shielding, and pole height requirements.

10.37.5.9.2 Public Recreation Pickleball Courts – Enhanced Lighting Option

Pickleball courts located at publicly owned facilities, or approved as part of a commercial development subject to Site Plan Review, may increase illumination

levels from 15 footcandles up to a maximum of 30 average maintained footcandles, provided the following conditions are met:

a. All light fixtures shall be full cutoff fixtures, with additional shielding and glare control measures as necessary to prevent light trespass onto adjacent properties, the ocean beach and other areas subject to public trust rights;

b. No light trespass shall occur at the estuarine shoreline or the ocean beach, as demonstrated through photometric plans submitted at permitting and verified through post-installation light audits as needed;

c. Lighting fixtures shall be limited to a maximum pole height of 25 feet, with fixtures aimed so that their beams are directed and fall within the primary playing areas, and away from sensitive areas including but not limited to the ocean beach and other areas subject to public trust rights;

d. Dimmable or multi-level lighting systems shall be provided, allowing courts to operate at the lowest effective illumination level during normal recreational use;

e. All pickleball lighting shall operate on an on-demand basis only, utilizing a system such as push-button timers, or motion activation. Lighting shall not automatically activate at dusk, and it shall extinguish when active use or motion ceases. Under no circumstance shall lighting operate beyond the applicable curfew established in Section 10.37.5, except as expressly permitted for approved Crowd Gathering Events pursuant to Section 10.37.5.9.3, regardless of motion detection, manual activation, or any other user input. All lighting systems shall be programmed to automatically shut off at the applicable curfew, unless extended solely in conjunction with an approved Crowd Gathering Event as provided in Section 10.37.5.9.3, and no general user override capability shall be permitted.

10.37.5.9.3 Competitive or Tournament Play at Public Recreation Pickleball Courts

Pickleball courts located at publicly owned facilities, or approved as part of a commercial development subject to Site Plan Review, where competitive or tournament pickleball play is anticipated, lighting levels may be temporarily increased above 30 footcandles, not to exceed 50 average maintained footcandles, subject to the following:

a. Any increase above 30 footcandles shall occur only in conjunction with an approved Crowd Gathering Event;

b. Elevated lighting levels shall be time-limited to the duration of the approved event and shall not be permitted for routine or unscheduled play;

c. All light trespass, glare, shielding, and pole height requirements of Section 10.37.5 shall continue to apply;

d. Lighting associated with an approved Crowd Gathering Event may remain illuminated for the duration of the event, notwithstanding the standard 10:00 p.m.

curfew; however, lighting levels shall be reduced to 30 footcandles immediately following the conclusion of the event.

10.37.5.9.4 Noise Mitigation.

Pickleball courts, particularly those located at publicly owned or publicly accessible recreation facilities, may generate repetitive, impulsive noise associated with paddle and ball contact that is acoustically distinct from other outdoor recreational uses.

If, following installation and operation of pickleball courts, substantiated noise complaints are received, or noise monitoring, audits, or field measurements demonstrate measurable exceedance of the Town's adopted noise ordinance standards or documented baseline ambient sound levels, the Town may require the installation of sound-attenuating or noise-mitigation measures (e.g., acoustic fence wraps, sound-dampening panels, perimeter barriers, or comparable mitigation techniques) as necessary to ensure continued compatibility with surrounding properties and environmentally sensitive areas.

The applicant or facility operator shall be responsible for the design, installation, and maintenance of any required noise-mitigation measures. Implementation of such measures shall not be construed as a waiver of any other applicable standards or operational limitations of this ordinance.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the ____ day of ____ 2026.

Benjamin Cahoon, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

APPENDIX A

SECTION 3.5.4. ACTION BY THE BOARD OF COMMISSIONERS

Pursuant to Section 3.5.4.2. of the UDO, the Board of Commissioners may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

Pursuant to Section 3.5.4.5. of the UDO, prior to voting to adopt or reject the proposed text amendment, the Board should adopt a statement approving the amendment and describing the amendment's consistency with the Town's adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest, a statement rejecting the amendment and describing its inconsistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest, or a statement approving the amendment and containing at least all of the following:

- A declaration that the approval is also deemed an amendment to the Comprehensive Plan. The Board of Commissioners shall not require any additional request or application for amendment to the Comprehensive Plan.
- An explanation of the change in conditions the Board of Commissioners took into account in amending the UDO to meet the development needs of the community.
- Why the action was reasonable and in the public interest.

Benjamin Cahoon
Mayor

Megan Lambert
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head
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Nags Head, NC 27959
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Fax 252-441-0776
www.nagsheadnc.gov

Bob Sanders
Commissioner

Megan Vaughan
Commissioner

Molly Harrison
Commissioner

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Nags Head Board of Commissioners will conduct public hearings on **Wednesday, March 4, 2026**, beginning at 9:00 a.m. in the Board Room of the Municipal Complex, 5401 S Croatan Highway, Nags Head, NC to consider and take action upon the following requests:

Public Hearing to Consider a Special Use Permit/Site Plan Review submitted by Albemarle & Associates, Ltd on behalf of Coastal Bluewater Capital, LLC and TW's Bait and Tackle for a Group Development to be Located at 2230 S. Croatan Highway, Nags Head

Public Hearing to Consider a Text Amendment to the Unified Development Ordinance (UDO) Submitted by Albemarle & Associates, Ltd. on behalf of Dare County to Amend the Lighting Ordinance for Publicly Owned and Publicly Accessible Pickleball Courts

A copy of the application requests will be available for public inspection at the Office of the Town Clerk, Town Municipal Complex, 5401 S. Croatan Hwy, Nags Head, NC 27959, telephone (252) 441-5508 during normal business hours.

As a result of these hearings, substantial changes may be made in the proposals as advertised to reflect objections, debate and discussion at the hearings. Any person desiring to be heard on the proposals as stated above should appear at the time and place specified above.

This is the 12th day of February 2026.

Brittany A. Phillips
Town Clerk

*For publication in the Coastland Times on Wednesday, February 18, 2026 and on Wednesday, February 25, 2026.
Please use Nags Head seal and legal print.*



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM G.1.

Update from Planning Director

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Please find attached a monthly update from Planning Director Kelly Wyatt that includes permitting and code enforcement data through January 2026.

Specific Action Requested

This item is provided for Board information and update.

Summary

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, March 4, 2026.

Monthly Activity Report

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 February:

- Tuesday, February 3rd — Technical Review Committee Meeting
- Wednesday, February 4th — Board of Commissioners Meeting
- Wednesday, February 11th — Committee for Art and Culture Meeting
- Thursday, February 12th — Board of Adjustment Meeting (no hearings)
- Saturday, February 14th — Dowdy Park Winter Market 9am - noon
- Tuesday, February 17th — Planning Board Meeting
- Wednesday, February 18th — Board of Commissioners Mid-Month (not scheduled)
- February 26th & 27th — Board of Commissioners Retreat

Planning Board — Pending Applications and Discussions

The Planning Board most recently met on Tuesday, February 17, 2026. At that meeting, the Board took the following actions:

- Consideration of a Special Use Permit/Site Plan Review submitted by Albemarle & Associates, Ltd., on behalf of Coastal Bluewater Capital, LLC and TW's Bait & Tackle, for the construction of a Group Development consisting of detached buildings to accommodate retail space, art gallery space, and associated accessory storage. The property, located at 2230 S. Croatan Highway, is zoned C-2, General Commercial. The Planning Board voted unanimously to recommend approval of the Special Use Permit/Site Plan Review as submitted

with revised architectural renderings demonstrating compliance with the Town's Commercial Design Standards.

- Consideration of a Site Plan Review for construction of an 8,305 square foot Dare County EMS Station and associated improvements. The property is zoned SPD-C Village Commercial-1 and is located at 105 W. Seachase Drive. The Planning Board voted unanimously to recommend approval of this Site Plan Review as presented.
- Deputy Planning Director, Joe Costello provided updates on the Estuarine Shoreline Management Plan and the ongoing review of the Commercial Outdoor Recreation Overlay District.

The next Planning Board meeting is scheduled for Tuesday, March 17, 2026, and at this time will include consideration of a Vested Right/Special Use Permit/Site Plan Amendment submitted by WithersRavenel on behalf of the Outer Banks Hospital. The request involves a reduction in required parking to accommodate a 280-square-foot expansion of the existing HVAC mechanical area. The expansion is necessary to support operational and equipment needs associated with the existing Cancer Treatment Center. The property is located at 4927 S. Croatan Highway and is zoned SPD-C, Village Hotel.

Board of Adjustment – Recent and Pending Applications - There were no items for the Board of Adjustment's consideration in February 2026.

Additional Updates

- DWMP/Septic Health Advisory Committee — The Septic Health Advisory Committee met on February 24, 2026, and received updates on program performance and related water quality initiatives. The Septic Health Initiative remains strong at the midpoint of the fiscal year, with seven loans issued to date. A total of 87 inspections have been completed thus far, including 30 inspections in October alone. Staff noted a measurable increase in participation following distribution of the CRS letter and promotion through *Nags Head Lines* newsletter. To date, 83 property owners have received program credits.

Staff discussed an upcoming town-wide mailer aimed at further increasing awareness of the program. The Committee also explored the potential for surveying residents who have not participated in order to better understand barriers to engagement.

Additionally, staff shared positive news regarding the Division of Water Infrastructure (DWI) zero-interest septic loan repair program. The Scope of Work submitted in December 2025 appears to have received approval, and staff is awaiting formal acknowledgment prior to initiating implementation for high-risk properties.

- Estuarine Shoreline Management Plan — Deputy Planning Director Joe Costello is scheduled to update the Board of Commissioners at their March 4, 2026, meeting on the progress of projects associated with the implementation of the Estuarine Shoreline Management Plan (ESMP).
- Sand Relocation and Dune Management Cost Share Program – Planning staff continue to process applications for both the Sand Relocation and Dune Management Cost Share programs. As of February 24, 2026, the Town has received 166 sand relocation applications, including 40 submitted since last month's update, as well as 75 dune management cost share applications. To date, approximately \$215,000 of the \$400,000 allocated for these programs has been committed, reflecting continued strong participation.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture — The first two Winter Markets of the season were very well attended and continue to demonstrate strong community interest in off-season programming. Vendors have reported positive participation, and the monthly markets will continue through

March and April, with the next scheduled for Saturday, March 14th.

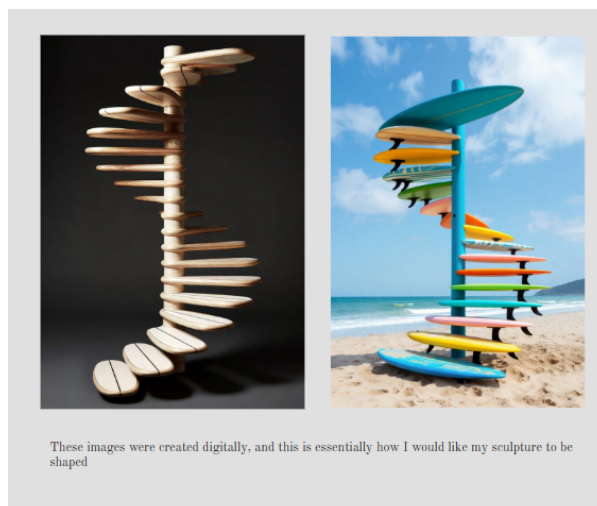
The Committee for Arts & Culture met on February 11th and continued preparations for the upcoming event season. Sponsorship commitments have been secured for the proposed new Wellness Wednesday program, and instructor scheduling is underway.

The Committee also reviewed and expressed strong interest in a potential public art installation at Dowdy Park. Artist Piper Allison, in collaboration with the Dare County College of The Albemarle (COA) Campus, is developing a conceptual outdoor sculpture titled "Hometown Swell." The proposed installation would feature 14–16 donated or locally sourced surfboards arranged in a rising spiral around a central steel pole, reaching approximately 15 feet in height. The spiral form is intended to evoke the motion of a breaking wave and symbolize the energy, movement, and coastal identity of the Outer Banks. The artist has expressed interest in temporarily displaying the sculpture at Dowdy Park, should the project move forward. The concept remains in the early development stage and is contingent upon grant funding. Staff shared the proposal with the Committee for Arts & Culture, where it was received very positively. At this time, no formal action is required; this update is provided for informational purposes as staff continues to monitor the opportunity.

The Committee also discussed potential Spring and Fall programming opportunities at Whalebone Park following recent infrastructure improvements, including small-scale community events and partnerships with local organizations. In addition, staff shared that Trillium has agreed to fully fund the purchase of a new fully inclusive "We-Go" swing at Dowdy Park, with installation anticipated later this year.

Upcoming Meetings and Other Dates

- Tuesday, March 3rd — Technical Review Committee Meeting
- Wednesday, March 4th — Board of Commissioners Meeting
- Wednesday, March 11th — Committee for Arts and Culture Meeting
- Thursday, March 12th — Board of Adjustment Meeting (no hearings)
- Saturday, March 14th — Dowdy Park Winter Market 9am - noon
- Tuesday, March 17th — Planning Board Meeting
- Wednesday, March 18th — Board of Commissioners Mid-Month (if scheduled)



Attachments

1. 3 G1 Planning Monthly Report

TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JANUARY 2026

DATE SUBMITTED: February 7, 2026

	Jan-26	Jan-25	Dec-25	2025-2026 FISCAL YTD	2024-2025 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	0	1	4	10	12	(2)
New Single Family, 3000 sf or >	2	1	0	4	8	(4)
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	2	2	4	14	20	(6)
Miscellaneous (Total)	42	49	65	288	251	37
<i>Accessory Structure</i>	1	4	4	16	25	(9)
<i>Addition</i>	4	0	2	11	10	1
<i>Demolition</i>	1	0	2	6	5	1
<i>Move</i>	0	0	2	2	0	2
<i>Remodel</i>	14	9	10	66	57	9
<i>Repair</i>	22	36	45	187	154	33
Total Residential	44	51	69	302	271	31
BUILDING PERMITS ISSUED - COMMERCIAL						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	1	(1)
Business/Govt/Other - New	0	1	0	0	1	(1)
Subtotal - New Commercial	0	1	0	0	2	(2)
Miscellaneous (Total)	13	9	11	57	41	16
<i>Accessory Structure</i>	3	2	1	15	11	4
<i>Addition</i>	1	0	0	2	0	2
<i>Demolition</i>	0	0	0	0	0	0
<i>Move</i>	0	0	0	3	0	3
<i>Remodel</i>	2	1	6	19	10	9
<i>Repair</i>	7	6	4	18	20	(2)
Total Commercial	13	10	11	57	43	14
Grand Total	57	61	80	359	314	45
SUB-CONTRACTOR PERMITS						
Electrical	44	53	34	271	309	(38)
Gas	1	0	2	14	12	2
Mechanical	18	38	22	181	214	(33)
Plumbing	7	14	9	50	69	(19)
Fire Sprinkler	0	0	0	2	0	2
VALUE						
New Single Family	\$0	\$320,000	\$1,027,030	\$5,192,030	\$5,486,157	(\$294,127)
New Single Family, 3000 sf or >	\$4,644,933	\$400,000	\$0	\$7,444,933	\$7,333,200	\$111,733
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$1,782,031	\$1,529,006	\$2,582,616	\$11,415,579	\$9,630,994	\$1,784,585
Sub Total Residential	\$6,426,964	\$2,249,006	\$3,609,646	\$24,052,542	\$22,450,351	\$1,602,191
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$18,000,000	(\$18,000,000)
Business/Govt/Other - New	\$0	\$1,400,000	\$0	\$0	\$1,400,000	(\$1,400,000)
Misc (Total Commercial)	\$2,911,359	\$568,698	\$1,540,505	\$10,947,326	\$2,400,597	\$8,546,729
Sub Total Commercial	\$2,911,359	\$1,968,698	\$1,540,505	\$10,947,326	\$21,800,597	(\$10,853,271)
Grand Total	\$9,338,323	\$4,217,704	\$5,150,151	\$34,999,868	\$44,250,948	(\$9,251,080)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JANUARY 2026**

DATE SUBMITTED: February 7, 2026

	Jan-26	Jan-25	Dec-25	2025-2026 FISCAL YTD	2024-2025 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	64	57	92	387	332	55
Soil & Erosion	2	5	4	14	24	N/A
Stormwater Plans	2	1	1	11	15	N/A
CAMA						
CAMA LPO Permits	5	2	4	24	11	11
CAMA LPO Exemptions	4	8	9	53	36	0
Sand Relocations	22	21	32	125	85	N/A
CODE COMPLIANCE						
Cases Investigated	20	16	11	140	185	63
Warnings	11	1	3	44	17	13
NOVs Issued	9	15	8	96	165	50
Civil Citations (#)	0	0	0	0	0	0
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$0	\$0
SEPTIC HEALTH						
Tanks inspected	9	8	11	81	62	28
Tanks pumped	12	5	8	80	41	28
Water quality sites tested	1	1	1	152	113	125
Personnel Hours in Training/School	50	20	61	382	222	126


 Kelly Wyatt, Planning Director



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM G.2.

Consideration of a Site Plan Review for Construction of an 8,305 Square Foot Dare County EMS Station and Associated Improvements at 105 W Seachase Dr

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Staff finds the proposal consistent with all applicable use and development standards, as well as relevant Land Use Plan policies, and recommends approval of the Site Plan as submitted. This recommendation does not include approval of any future additions shown on the plans; any such expansions would require a separate Site Plan Amendment under the regulations in effect at that time.

This project was previously reviewed and approved by the Board of Commissioners on December 4, 2024. In accordance with Section 4.15.1 of the UDO, site plan approvals are valid for twelve (12) months. Because a building permit was not issued within that timeframe, the prior approval expired on December 4, 2025.

The applicant has now resubmitted the plan for re-approval. The plans remain substantially the same as those previously approved, with one architectural modification: the roofing material has been changed from standing seam metal to cedar shake, consistent with the required design elements of the Village at Nags Head.

PLANNING BOARD RECOMMENDATION

At their February 17, 2026 meeting the Planning Board voted unanimously to recommend approval of the Site Plan Review as presented.

Specific Action Requested

Consideration of Site Plan Review

Summary

General Information

Applicant: Timothy Oakley, of Oakley Collier Architects on behalf of Dare County.

Application Type: Site Plan Review.

Purpose/Request: Construction of an approximately 8,305 square foot Dare County Emergency Management Services (EMS) station and all associated site improvements. Note that "Future Additions" are not included as part of the Site Plan Review.

Property Location: 105 W. Seachase Drive, Nags Head.

Existing Land Use: Office/Municipal Use.

Zoning Classification of Property: SPD-C Village at Nags Head, Commercial 1 District.

Zoning Classification of Surrounding Properties: Properties to the north, directly across W. Seachase Drive, and to the west are zoned SPD-C, Village Commercial-1 (OBX Mall and Rusty Crow Quilt Shop). Property to the east, directly across US Hwy 158 is zoned SPD-C, Village at Nags Head Commercial-2 (Village Realty). Property to the south is the zoned SPD-C, Village at Nags Head Institutional (Fire Station 16).

Flood Hazard Zone of Property: Property is located in an X Flood Zone. Per the Town of Nags Head local ordinance, the property is subject to an RFPE/LES of 9 ft. The proposed first floor of habitable space will be elevated to or above 13 ft. msl and is therefore compliant.

Land Use Plan Map/Policies: The 2022 Comprehensive Plan, Future Land Use Map classifies this property as General Commercial. While the use is more institutional in nature, it remains consistent with this land use classification and stated Land Use Policies.

Specific Information:

Applicable Zoning Regulations:

Use Regulations: Pursuant to the text amendment adopted by the Board of Commissioners at their November 6, 2024, meeting, "County EMS Station" is a permitted use within the Village at Nags Head Commercial 1 District.

Lot Coverage: Pursuant to Section 9.21.8.5 of the UDO, Table of Development Standards within the Village at Nags Head the maximum allowable lot coverage is 80% of the district area. The Village Commercial 1 District consists of The Outer Banks Mall, including the outparcels for Urgent Care and Outback Restaurant, the subject property, 111 W. Seachase Drive (Rusty Crow Quilt Shop) and the 7-lot subdivision, Sandcastle Village. While we do not have an updated survey for all improvements within this district, the lot coverage proposed for the redevelopment of this property for the EMS Station is reduced from 69.7% of the total lot area, to approximately 51% of the total lot area. Lot coverage is therefore 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 34 feet measured from grade. Therefore, height is compliant. A height certificate will be required to verify overall height compliance during construction.

Architecture Design Standards: Section 10.82 of the UDO, Applicability, states that Commercial Design Standards shall apply to all building construction or remodeling projects requiring a special use permit or site plan review. This project must adhere to the Commercial Design Standards set forth within Part VI of the UDO. As proposed, this project will comply with standards set forth in Division II – Building Design including a human scale design, various roof articulations including a watch tower, residential style windows, exterior masonry with board and batten and shingle siding, workable shutters, and gable brackets.

This structure is located within the Village at Nags Head and as such should be reviewed and approved by their Architectural Control Committee (ACC). The applicant has provided the Village ACC with the architectural renderings and is awaiting their review comments.

Parking: At their November 6, 2024, meeting, the Board of Commissioners adopted a parking standard for EMS Stations of one (1) parking space per employee on duty and one (1) parking space per 200 square feet

of training facility and customer service areas. The applicant has noted a maximum of 12 employees at shift change, requiring 12 parking spaces, no training areas and approximately 100 square feet of customer service area, requiring one parking space. This use is required to have a minimum of 13 parking spaces; 22 spaces have been provided. Therefore, parking is compliant.

Section 10.92.14.4 of the UDO, Surface Materials Appropriate for use, requires that a minimum of twenty (20) percent of the surface area of the parking area and drive aisles be constructed using permeable surface materials. The applicant has proposed 22.6% of the parking area be provided in an approved permeable surface. Therefore, this requirement is compliant.

Buffering/Landscaping: Several sections of the Unified Development Ordinance speak to Buffering and Landscaping as it applies throughout this proposed site:

- Section 9.21.7.14, General Provisions with the Village Commercial-1 District states that a buffer shall be maintained along property lines abutting any neighboring lots not a part of the shopping center (implying C-1 designation). The buffer shall be a 50-foot-wide grassed open space or a vegetated buffer of a minimum width of 5 feet that will reach a minimum height of 10 feet within five years. Sheet 2 of 5 of the Site Plan review packet demonstrates compliance with this provision, including preserving and maintaining a significant stand of mature vegetation along the southern property boundary.
- 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 buffer has been proposed along the northern property boundary, adjacent to W. Seachase Drive, and along the eastern property boundary adjacent to US Hwy 158. Note that this includes preserving and maintaining existing mature vegetation in these areas.
- Section 10.93.3.5 of the UDO, Buildings Adjacent to Street Frontage, states that building walls adjacent to a street frontage shall include foundation landscaping directly adjacent to the building to screen any crawl space, stem wall, lattice work, or open parking areas. The applicant proposed landscaping along the building foundation adjacent to US Hwy 158 and W. Seachase Drive and is therefore compliant.
- 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 applicant has proposed 25.4% of the total area of parking spaces in compliant landscaping. Therefore, 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. The applicant has proposed to preserve all the existing mature vegetation onsite, resulting in 11% of the total lot area, in addition to the proposed new plantings. Therefore, vegetation preservation requirements are compliant.

Lighting: A lighting plan compliant with the requirements of Article 10, Part IV of the Unified Development Ordinance will be required prior to the issuance of any development permits. 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 Village at Nags Head is served by a wastewater treatment facility. Carolina Water Service provides this service and has provided a letter stating they are able to serve the utility needs for this project as presented (attached).

Traffic Circulation: Traffic circulation has been reviewed and approved by the Town Engineer as presented, noting that an NCDOT right-of-way encroachment agreement will be required prior to issuance of the building permit.

Stormwater Management: Section 11.4.1 of the Unified Development Ordinance states, Redevelopment of property within existing commercial uses does not require submission of a stormwater plan under the following circumstances:

- 11.4.1.1. The development is consistent with the zoning regulations of this UDO relating to redevelopment and nonconformities;
- 11.4.1.2. The redevelopment does not result in a net gain of built upon area;
- 11.4.1.3. The redevelopment does not include the importation of any fill material.

Fire: The Deputy Fire Chief has reviewed and approved the proposed site plan as presented. The project will be required to comply with all applicable NC Fire Prevention Code requirements as part of the building permit application review and issuance.

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

Attachments

1. 3 G2 EMS Station Site Plan



TOTAL PROPOSED SQUARE FOOTAGE _____ x .50 = \$ _____ +

(Optional) VESTED RIGHT ☐ (no fee)

= TOTAL FEE DUE _____

TOWN OF NAGS HEAD
SITE PLAN REVIEW APPLICATION & CHECKLIST

DATE RECEIVED _____

1. LOCATION AND ZONING INFORMATION

- A. PROJECT TITLE DARE COUNTY EMS STATION NO. 5
- B. STREET ADDRESS 105 WEST SEACHASE DRWG
- C. SUBDIVISION LOT 2A, WEST SIDE COMMERCIAL
LOT(S) 2A BLOCK _____ SECTION _____
- D. PRESENT ZONING SPDC-VI
- E. PRESENT USE COMMERCIAL (BAHIS)
- F. EXISTING NONCONFORMITIES NOT KNOWN
- G. ABUTTING PROPERTY ZONING WEST - SPDC-VI (RETAIL) SOUTH - SPDC-INST
- H. ABUTTING PROPERTY USE RETAIL ON WEST, MUNICIPAL COMPLEX SOUTH

2. CERTIFICATION AND STANDING

- A. As applicant of standing of the above-named project, I certify that the information on this checklist and the site plan is complete and accurate.

Timothy Oakley

OWNER ☐ AGENT ☒ CONTRACT ☐
PURCHASER ☐

- B. APPLICANT/DEVELOPER: NAME Timothy Oakley, Oakley Collier Architects
ADDRESS 109 Candlewood Rd
Rocky Mount, NC 27804
TELEPHONE 252-937-2500
- C. CONTACT PERSON: NAME Timothy Oakley, Oakley Collier Architects
ADDRESS 109 Candlewood Rd
Rocky Mount, NC 27804
TELEPHONE 252-937-2500

3. ADJACENT OWNERSHIP INFORMATION (TO BE SHOWN ON SITE PLAN)

- NAME/ADDRESS (N) _____
- NAME/ADDRESS (S) TOWN OF NAGS HEAD
- NAME/ADDRESS (E) _____
- NAME/ADDRESS (W) MICHAEL H. YORK and SHAWN A. YORK

(If additional space is needed, please attach separate sheets.)

4. SITE PLAN AND SITE PLAN ATTACHMENT DATA

A. Site plan preparer MICHAEL W. ROBINSON P.E., P.L.S. Phone# 252-255-8026
 NC Registered ☒ Engineer ☐ Architect ☒ Surveyor. License# NC 18994

B. The design for the attached Stormwater Management Plan includes: 14 /A

☐ 1.5", 2-hour rainfall: retained on-site.

☐ 4.3", 2-hour rainfall: no important access or health-related impacts.

☐ 5.0", 2-hour rainfall: no unapproved impacts.

Drainage calculations have been prepared ☐ YES ☒ NO ATTACHED ☐ YES ☒ NO

Note: Stormwater Management Plan MUST be approved by the Town Engineer prior to Planning Board review for all listed permitted uses in the zoning ordinance.

C. Sewage disposal approval is being submitted in the form of:

☒ Attached tentative approval letter dated PERMITTING FROM CAROLINA WATER

☐ Attached final permit dated _____

☐ State ☐ County

D. Project involves condominium ownership.

☒ NO ☐ YES, Three copies of condominium documents attached.

E. Amount of land-disturbing activity proposed 35,000 +/- square feet.

A Soil Erosion and Sedimentation Control Plan has been prepared.

☒ NO ☐ YES; (1) Copy attached,

(2) Copy submitted to Dare County Soil Conservation Service, Manteo NC 27954.

F. Coastal Area Management Act (CAMA) permit. ☐ YES ☒ NO

5. INFORMATION TO BE SHOWN ON SITE PLAN

Twelve (12) copies for Planning Board review

A. Property and ownership	YES	COMMENTS
1. Present recorded owner and map book/cabinet reference of the site property.	X	
2. Current PIN Number.	X	
3. Site Address.	X	
4. Owners' names, lot numbers or map book and page reference of all adjacent property owners.	X	
5. Boundary of the entire parcel by course and distance.	X	
6. Widths of the existing rights-of-way that abut the site.	X	
7. Nature or purpose, location and size of existing easements.	X	
8. At all lot corners, points of tangents and any angle point along a given course of the site, iron pins minimum 3/8-inch diameter or 4x4-inch concrete monuments.	X	
9. Plan to at least 1"=50' scale, showing north arrow and whether true or magnetic.	X	
10. Signature and seal of preparer.	X	
B. Existing features		
1. Streets, curbs, and sidewalks with type and width of pavement.	X	
2. Topographic features of site and existing grades for any streets, storm drainage system including existing grades at four corners of all structures.	X	

	YES	COMMENT
3. Flood zone(s) as determined by latest FEMA Flood Insurance Rate Map, with notation, "flood zone subject to change by FEMA."	X	SOME VERIFICATION REQUIRED
4. All underground utilities and facilities including gasoline tanks and existing septic facilities (including tanks and fields).	X	
5. If the lot is within an ocean hazard Area of Environmental Concern, the location of the first line of stable natural vegetation, the CAMA setback line, and contour lines at 2-foot intervals depicting any dunes located within an oceanfront AEC that are to be disturbed by construction.	N/A	
6. The location of any marsh areas or estuarine waters or US Army Corps of Engineers 404 wetlands within or abutting the lot.	N/A	
7. If the lot is within the small surface water supply watershed AEC (within 1,200 feet from the Fresh Water Pond), the distance between the pond and proposed septic or sewage treatment system.	N/A	
8. Percentage of site to be included in calculation for undisturbed vegetation preservation compliance in Article 10, Part I of the Unified Development Ordinance.	X	15% REQ 7,397 sq ft
C. Site improvements in accordance with regulations of state of North Carolina, Dare County, and Town of Nags Head		
1. Proposed building type (e.g., concrete or frame), number of floors and dimensions.	X	
2. Proposed building elevations of all sides of building labeled in accordance with proposed architectural design criteria of Article 10, Part VI of the UDO.	X	
3. Total height and number of stories of proposed structure(s). If increased height is being proposed in conjunction with increased setbacks, show increase allowed in tabular form on plan. Note definition of height in Appendix A of the Unified Development Ordinance.	X	
4. Existing and proposed ground elevations at the corners of proposed structure(s).	X	
5. Sanitary sewer facilities with connection to sewer system or septic tank.	X	
6. Approximate locations of proposed underground utilities and any necessary easements.	X	
7. Screened dumpster pad(s) accessible to left-side loaders and sized in accordance with the Town Code of Ordinances.	X	
8. Proposed fire hydrants and extensions of water distribution lines.	X	
9. Location and height of proposed free-standing signs. See requirements of Article 10, Part III of the Unified Development Ordinance.	N/A	
10. Location of all sidewalks, curbs, drives, and parking within the site and proposed finished elevations.	X	
11. Handicapped parking spaces, walks, ramps, and entrances in accordance with the NC State Building Code. Handicapped parking spaces to be 13 feet wide, marked with a free-standing handicapped sign.	X	
12. The Vegetative Buffer Yard areas have been identified and the proper buffer yard provision(s) have been identified as outlined in the Unified Development Ordinance.	X	
13. Layout of numbered stalls/loading zones in accordance with Article 10, Part II of the Unified Development Ordinance.	X	

Commercial ☐ Residential ☐	Parking Spaces Required	Parking Spaces Shown	Loading Spaces
<u>1</u> STORIES BUILDING SQUARE FOOTAGE: PRINCIPAL <u>8,405</u> ACCESSORY _____ TOTAL <u>8,405</u>	REFER TO PLAN FOR PARKING REQUIREMENTS	<u>24</u>	
# EMPLOYEES <u>5</u>			
#DWELLING/LODGING UNITS <u>6 CREW QUARTERS</u>			

D. EXPLANATORY NOTES

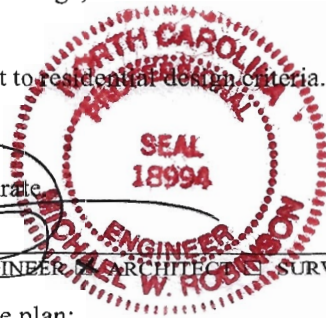
1. Vicinity map.
2. Total square feet of land area to undergo land-disturbing activity.
3. The total required parking spaces versus the total parking spaces provided. Parking spaces to be numbered.
4. Cross-section details of all streets, roads, ditches, and parking lot improvements.
5. The number of dwelling/commercial units. If more than one use is proposed (e.g., large hotel with shops, etc.), show breakdown of units or square footage by building.
6. If additional height above 35 feet is being proposed, the additional height and increased setbacks shall be laid out in tabular form.
7. Total site coverage calculations. (Refer to UDO to calculate lot coverage for lots abutting ocean or sound).
8. Components of the lighting plan (pole location, pole height, type of fixture, wattage, source of illumination, etc.). See Article 10, Part IV of the Unified Development Ordinance.
9. A completed architectural points worksheet for commercial structures subject to residential design criteria.

6. PLAN AND ATTACHMENT PREPARER CERTIFICATION

A. I certify that all information for which I am responsible is complete and accurate.

11-04-24
DATE

SIGNATURE OF ENGINEER, ARCHITECT, OR SURVEYOR ☐



B. The following individuals have contributed information or attachments to the plan:

Name	Phone#	Information Provided
DAVEY COLLIER ARCHITECTS	252-937-2500	SKETCH PLAN, BUILDING

Site Specific Development Plan Option - Vested Right for Site Plans

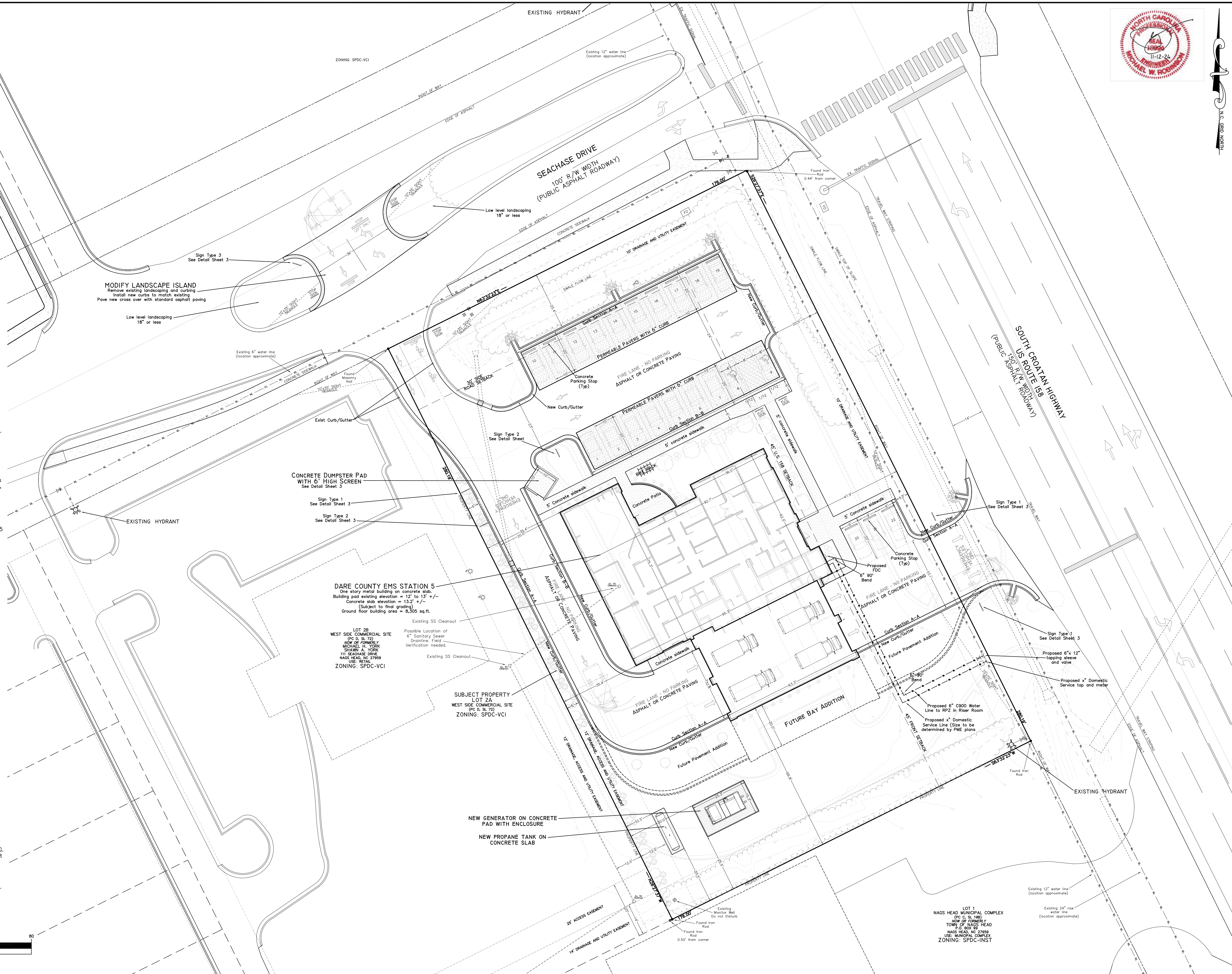
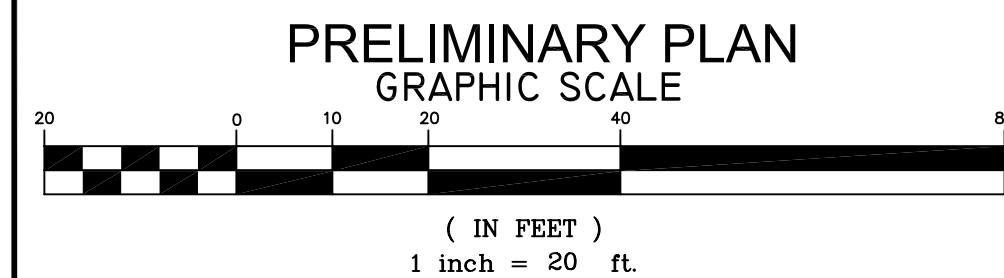
Please be advised that as the owner, or agent for the owner, you have the opportunity to apply for and receive a Site-Specific Development Plan that will establish a Vested Right for this project for a period of time not to exceed two (2) years from the date the Board of Commissioners approves the plan. You must secure a building permit for this project within two (2) years of the approval date, or your Site-Specific Development Plan will expire. If you elect not to apply for a Site-Specific Development Plan, you must secure a building permit within six (6) months or else your site plan will expire.

If you choose the Site-Specific Development Plan option, please keep in mind the following concerns:

1. Although your project may be classified as a permitted use, by requesting a Site-Specific Development Plan your project will be processed as a Special Use for which a public hearing will be held, and an additional fee of \$200.00 will be charged to process your application.
2. Once your Site-Specific Development Plan has been approved with vested rights status no modifications can be made to the plan.

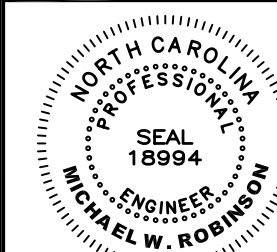
If you wish to take advantage of the Vested Right process, please check off the Vested Right box on page one. If you do not, then leave the box blank.

- NOTES AND DEVELOPMENT DATA:**
1. Current Owner: The Town of Nags Head
P.O. Box 99, Nags Head, NC 27959
2. Site Engineer: Michael W. Robinson P.E., P.L.S.
P.O. Box 2852, Kill Devil Hills, NC 27948
252-255-8026 mrobinson@bengineering.com
3. Subject Parcel:
Lot 2A, West Side Commercial Site
Site Address: 105 West Seachase Drive, Nags Head 27959
Reference: P.C.D. SI 22-01, D.B. 2575 Pg. 0006
PIN 0801 17 22 1177 Parcel 031038001
4. Parcel Area = 49,314 sq.ft.
5. FEMA Data:
Map Number: 3730080100K, Effective Date: 6/19/2020
Flood Zone X - Base Flood Elevation = n/a
Flood Zones subject to change by FEMA.
- Regulatory flood protection elevations: Properties west of NC 12 and SR 1243 are subject to the same flood heights located west of NC 12 and SR 1243 and in flood zones Shaded X, X, or AE, is 9 feet NAVD 1983 Reference Level - The reference level is the bottom of the lowest floor or the bottom of the lowest attendant utility including ductwork, whichever is lower, with only flood resistant materials located below the reference level west of NC 12 and SR 1243.
6. Zoning: SPDC-VI (Special Planned Develop.-Village Commercial 1)
7. Special Notice: Town Staff has proposed several text amendments to facilitate the construction of the EMS Station within the SPDC-VI Commercial-1 Zoning Designation.
- These include:
- Amend Section 9.36, Table of Uses and Activities to list "County EMS Station" as a permitted use within the Village Commercial-1 District
 - Amend Section 9.21.8.2, Table of Development Standards, to reduce the front yard setback requirement from 75 feet to 45 feet
 - Amend Section 10.16, Required Parking by Use, to establish a parking standard for the new use category of "County EMS Station".
8. District Development Standards:
Minimum Front Yard (U.S. 158) - 45' (Pending approval)
Minimum District Side Yard (Seachase Drive) - 15'
Minimum Side Yard - None
Minimum Front Yard (West Property Line) - 5' from the rear side of a building and the adjacent parking area.
Maximum Building Height: 35 feet
Maximum Lot Coverage: 80%
9. Proposed Use: New 8,305 sq.ft. Dare County Emergency Management Services Building on a 1.13 ac. parcel located at the South West Corner of Seachase Drive and U.S. 158 (Croatan Highway).
10. Minimum Parking Requirements:
Use Category/Class - EMS facilities
Required Parking (Proposed):
 - One parking space per employee on duty (12 employees at 1 space per employee = 12 spaces)
 - (12 employees is the maximum during a shift change)
 - One Parking Space per 200 sq.ft. of training area (Training area = n/a)
 - One Parking Space per 200 sq.ft. of customer service area (Customer service area = 104 sq.ft. = 1 space)Parking Spaces Proposed = 22
11. Lot Coverage calculations:
Parcel Area = 49,314 sq.ft.
Current Lot Coverage = 34,388 sq.ft. (from referenced survey)
Proposed Coverage:
Building Footprint = 8,305 sq.ft.
Concrete Curbing = 1,514 sq.ft.
Concrete or Asphalt Pavement = 10,255 sq.ft.
Permeable Pavers (adjusted area) = 2,299 sq.ft.
(Actual area = 3,432 sq.ft. x 0.67 = 2,299 sq.ft.)
Concrete Sidewalks = 1,700 sq.ft.
Concrete Dumpster Pad = 100 sq.ft.
Concrete Generator Pad = 387 sq.ft.
Concrete LP Pad = 120 sq.ft.
Future Development = 3,257 sq.ft.
Total Lot Coverage = 27,937 sq.ft.
% Lot Coverage = 56.7
12. Survey Data from a survey by Sea Level Consulting, Inc., William C. Smith P.L.S., 5215 Spangmo Lane, Kitty Hawk, NC 27949. The plot is titled "Dare County, Lot 2A, West Side Commercial Site", dated September 24, 2024 with Project Number 074-2024.
13. A lighting plan consistent with Section 10.37.1 of the UDO will be required prior to issuance of building permits for the proposed use.



MICHAEL W. ROBINSON, P.E., P.L.S.
ENGINEERING AND SURVEYING
 P.O. BOX 2852
 KILL DEVIL HILLS, NC 27948
 PHONE: 252-255-8026
 EMAIL: mrobinson@xengengineering.com

SITE PLAN PRELIMINARY

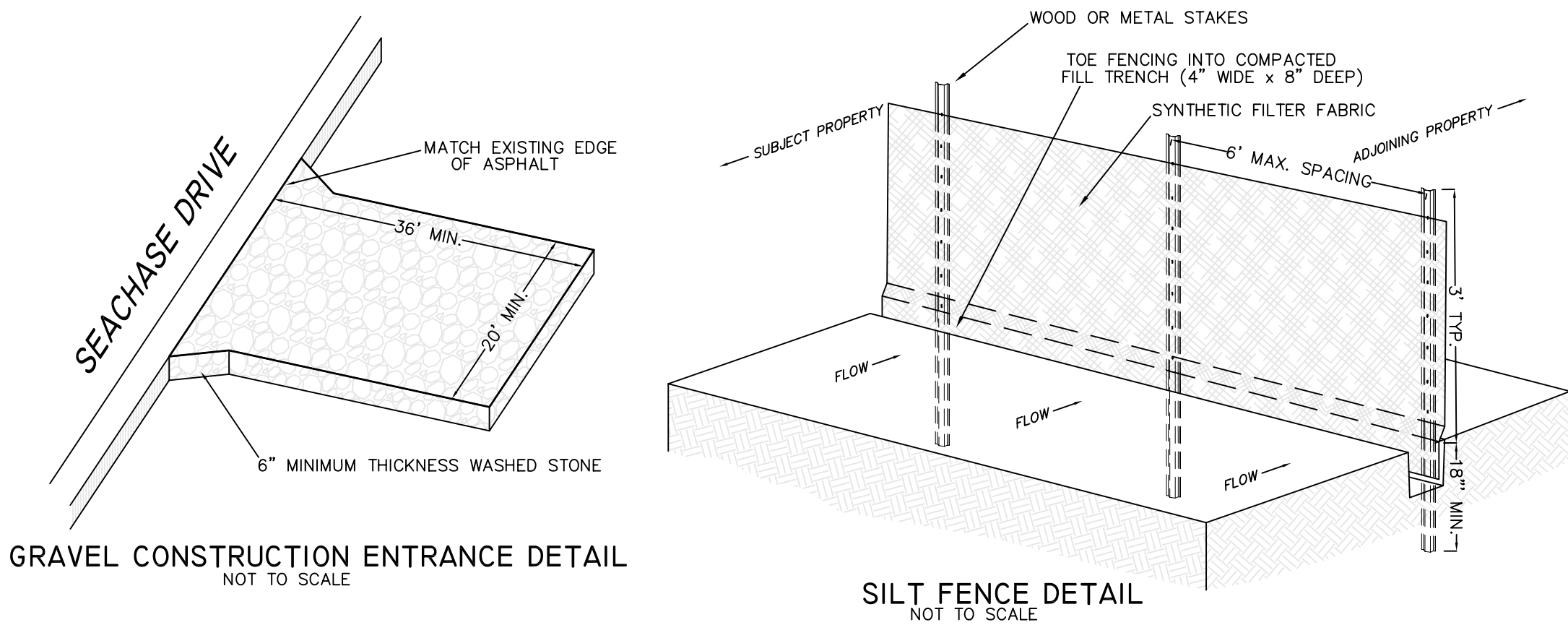
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PROJECT: DARE COUNTY EMS STATION 5
S HEAD DARE COUNTY NORTH CAROLINA
105 WEST SEACHASE DRIVE, NAGS HEAD

DATE: 11-12-24	SCALE: 1"=20'
DESIGNED: MWR	DRAWN: MWR
SHEET: 1 OF 5	
CAD FILE:	
PROJECT NO: 110424	



DATE: 11-12-24	SCALE: 1"=20'
DESIGNED: MWR	DRAWN: MWR
SHEET: 2 OF 5	
CAD FILE:	
PROJECT NO: 110424	



GRAVEL CONSTRUCTION ENTRANCE DETAIL
NOT TO SCALE

SILT FENCE DETAIL
NOT TO SCALE

PERMANENT VEGETATION

SEEDING DATES: APRIL 1- SEPT 30

SEED MIXTURE	APPLICATION RATES/ACRE
BAHIA	50 LBS.
COMMON BERMUDA (UNHULLED)	50 LBS.
GERMAN MILLETT	15 LBS.
FESCUE	20 LBS.

FERTILIZER

26-13-13 @ 500 LB/ACRE

MULCH

APPLY 4,000 LB/ACRE STRAW. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

GENERAL: FERTILIZER RATES SHOWN ARE GENERAL RECOMMENDATIONS; FREQUENCY AND AMOUNT OF FERTILIZATION CAN BEST BE DETERMINED THROUGH SITE SPECIFIC SOIL TESTING. MAINTENANCE: SATISFACTORY STABILIZATION AND EROSION CONTROL REQUIRES A COMPLETE VEGETATIVE COVER. EVEN SMALL BREACHES IN VEGETATIVE COVER CAN EXPAND RAPIDLY AND, IF LEFT UNATTENDED, CAN ALLOW SERIOUS SOIL LOSS FROM AN OTHERWISE STABLE SURFACE. A SINGLE HEAVY RAIN IS OFTEN SUFFICIENT TO GREATLY ENLARGE BARESPOTS, AND THE LONGER REPAIRS ARE DELAYED, THE MORE COSTLY THEY BECOME. PROMPT ACTION WILL KEEP SEDIMENT LOSS AND REPAIR COST DOWN. NEW SEEDINGS SHOULD BE INSPECTED FREQUENTLY AND MAINTENANCE PERFORMED AS NEEDED. IF RILLS AND GULLIES DEVELOP, THEY MUST BE FILLED IN, RE-SEEDED, AND MULCHED AS SOON AS POSSIBLE. DIVERSIONS MAY BE NEEDED UNTIL NEW PLANTS TAKE HOLD. MAINTENANCE REQUIREMENTS EXTEND BEYOND THE SEEDING PHASE. WEAK OR DAMAGED SPOTS MUST BE RELINED, FERTILIZED, MULCHED, AND RESEEDED AS PROMPTLY AS POSSIBLE. REFERTILIZATION MAY BE NEEDED TO MAINTAIN PRODUCTIVE STANDS.

TEMPORARY VEGETATION

SEEDING DATES: OCT. 1 - MARCH 31

SEED MIXTURE	APPLICATION RATES/ACRE
RYE GRAIN	175 LBS.

FERTILIZER

10-10-10 @ 1000 LB/ACRE

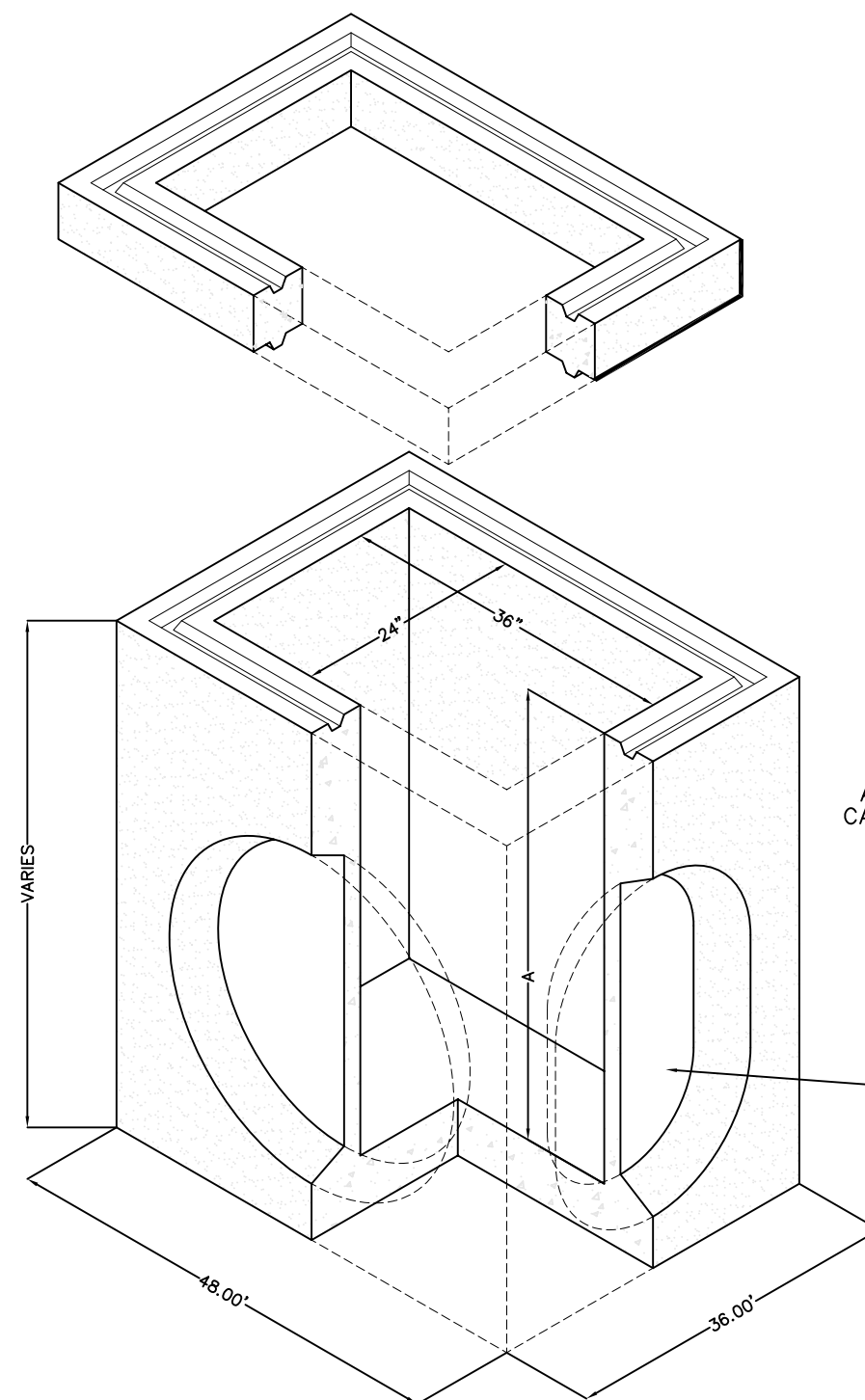
MULCH

APPLY 4,000 LB/ACRE STRAW. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

SEEDING SPECIFICATIONS

SOIL EROSION & SEDIMENTATION CONTROL PLAN NOTES:

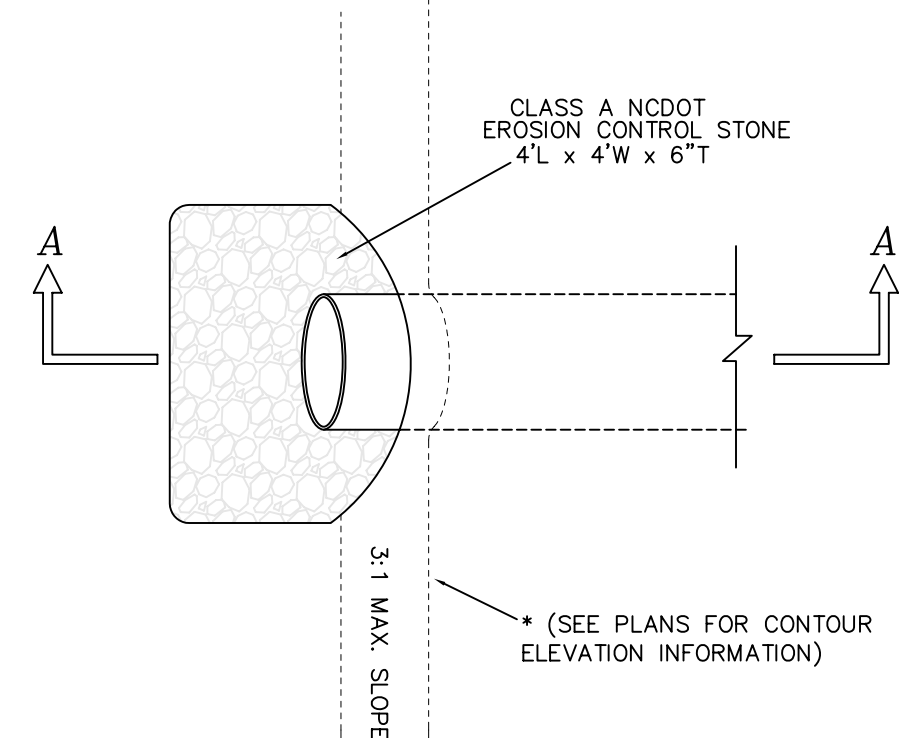
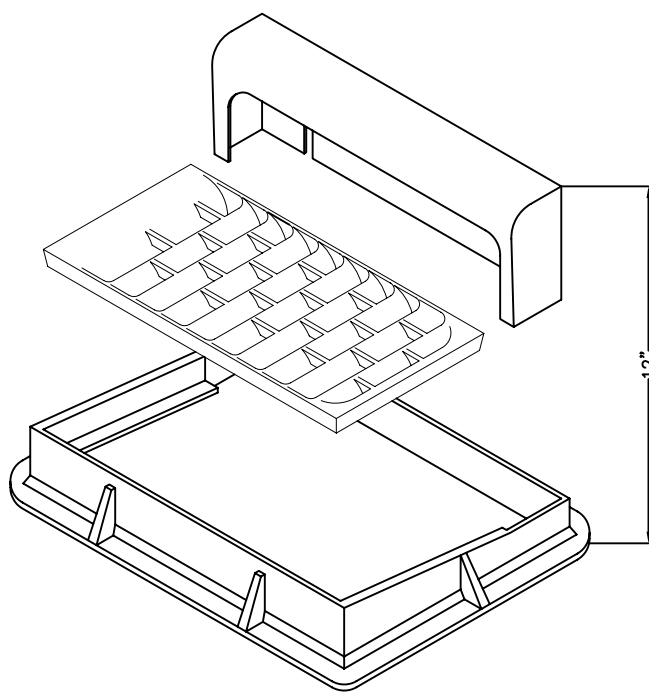
- SOIL EROSION & SEDIMENT CONTROL PLAN NOTES:
 - AREA TO BE DISTURBED: $\pm 35,000$ sq.ft. ± 0.83 ac.
 - PROVIDE A GROUND COVER (TEMPORARY OR PERMANENT) ON ALL SLOPES 3:1 OR STEEPER WITHIN 7 CALENDAR DAYS AND ALL SLOPES FLATTER THAN 3:1 WITHIN 14 CALENDAR DAYS FOLLOWING COMPLETION OF ANY PHASE OF GRADING. PROVIDE A PERMANENT GROUND COVER FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR 90 CALENDAR DAYS (WHICHEVER IS SHORTER) FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT.
 - IF LAND DISTURBING ACTIVITIES OCCUR OUTSIDE THE PERMANENT VEGETATION SEEDING DATES (APR. 1- SEPT.30) THEN TEMPORARY VEGETATION SEEDING SPECIFICATIONS SHALL BE FOLLOWED FOR PLANTING UNTIL THE NEXT APPROPRIATE PERMANENT SEEDING PERIOD, AT WHICH TIME PERMANENT VEGETATION SHALL BE ESTABLISHED ACCORDING TO PERMANENT VEGETATION SEEDING SPECIFICATIONS (SEE PERM. & TEMP. SEEDING SPECIFICATIONS ONSHEET ES2).
 - IF EXCESSIVE WIND EROSION OR STORMWATER RUNOFF EROSION DEVELOPS DURING TIME OF CONSTRUCTION ANY LOCATION ON THE PROJECT SITE, ADDITIONAL SILT FENCING OR OTHER MEASURES SHALL BE INSTALLED AS DIRECTED BY ENGINEER SO AS TO PREVENT DAMAGE TO ADJACENT PROPERTY. SEE SILT FENCE DETAIL ON THIS SHEET.
 - SOIL EROSION AND SEDIMENTATION CONTROLS ARE TO BE INSPECTED WEEKLY AND AFTER ANY SIGNIFICANT RAINFALL PRODUCING EVENT AND SHALL BE MAINTAINED AND REPAIRED AS NECESSARY UNTIL PERMANENT CONTROLS ARE ESTABLISHED.
 - CONSTRUCTION SCHEDULE:
 - OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMITS. NO WORK SHALL BE PERFORMED IN WETLAND AREAS PRIOR TO ISSUANCE OF ALL APPLICABLE USACE PERMITS.
 - FLAG AND/OR ROUGH STAKE WORK LIMITS.
 - HOLD PRECONSTRUCTION CONFERENCE (OWNER, CONTRACTOR, ENGINEER, AND APPROPRIATE GOVERNMENT OFFICIALS) AT LEAST ONE WEEK PRIOR TO START OF CONSTRUCTION ACTIVITIES.
 - INSTALL SILT FENCING AND ORANGE CONSTRUCTION FENCING @ LOCATIONS SHOWN ON PLAN.
 - COMPLETE CLEARING AND GRUBBING PROCEDURES.
 - GRADE SITE ACCORDING TO PLAN.
 - INSTALL INFILTRATION BASINS AND STORM SEWER. DROP INLETS TO BE PROTECTED WITH INLET PROTECTION UNTIL CONTRIBUTING DRAINAGE AREAS ARE STABILIZED. PIPE ENDS AT INFILTRATION BASINS SHALL BE PROTECTED WITH OUTLET PROTECTION.
 - INSTALL PERMEABLE PAVEMENT GRAVEL BASE. BASE LAYER TO BE PROTECTED FROM SEDIMENT AT ALL TIMES. CONSTRUCTION TRAFFIC TO BE RESTRICTED TO SPECIFIC AREAS WITHIN THE BASE (STAGING / WORK AREA TO BE DEFINED BY CONTRACTOR AND CLEARLY DEMARCATED UTILIZING BARRIERS/CONES/TAPE). ONCE HEAVY BUILDING CONSTRUCTION IS COMPLETE, STAGING / WORK AREA BASE MATERIAL WILL BE INSPECTED BY ENGINEER AND IF FOUND TO BE DEGRADED, IT SHALL BE REMEDIATED AT THE EXPENSE OF THE CONTRACTOR. INSTALLATION OF PERMEABLE CONCRETE PAVEMENT SHALL NOT TAKE PLACE UNTIL ALL EARTHWORK ACTIVITIES AND ALL HEAVY BUILDING CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED. INSTALLED PERMEABLE CONCRETE SHALL BE PROTECTED FROM SEDIMENT AND FROM HEAVY CONSTRUCTION EQUIPMENT AT ALL TIMES.
 - ALL EROSION & SEDIMENTATION CONTROL PRACTICES WILL BE INSPECTED WEEKLY AND AFTER HEAVY RAINFALL EVENTS. NEEDED REPAIRS WILL BE MADE IMMEDIATELY.
 - ONCE SITE IS FULLY STABILIZED; REMOVE INLET AND OUTLET PROTECTION, CLEAN STORM SEWER OF ANY SEDIMENT, FINE-GRADE AND SEED OR LANDSCAPE INFILTRATION BASINS.



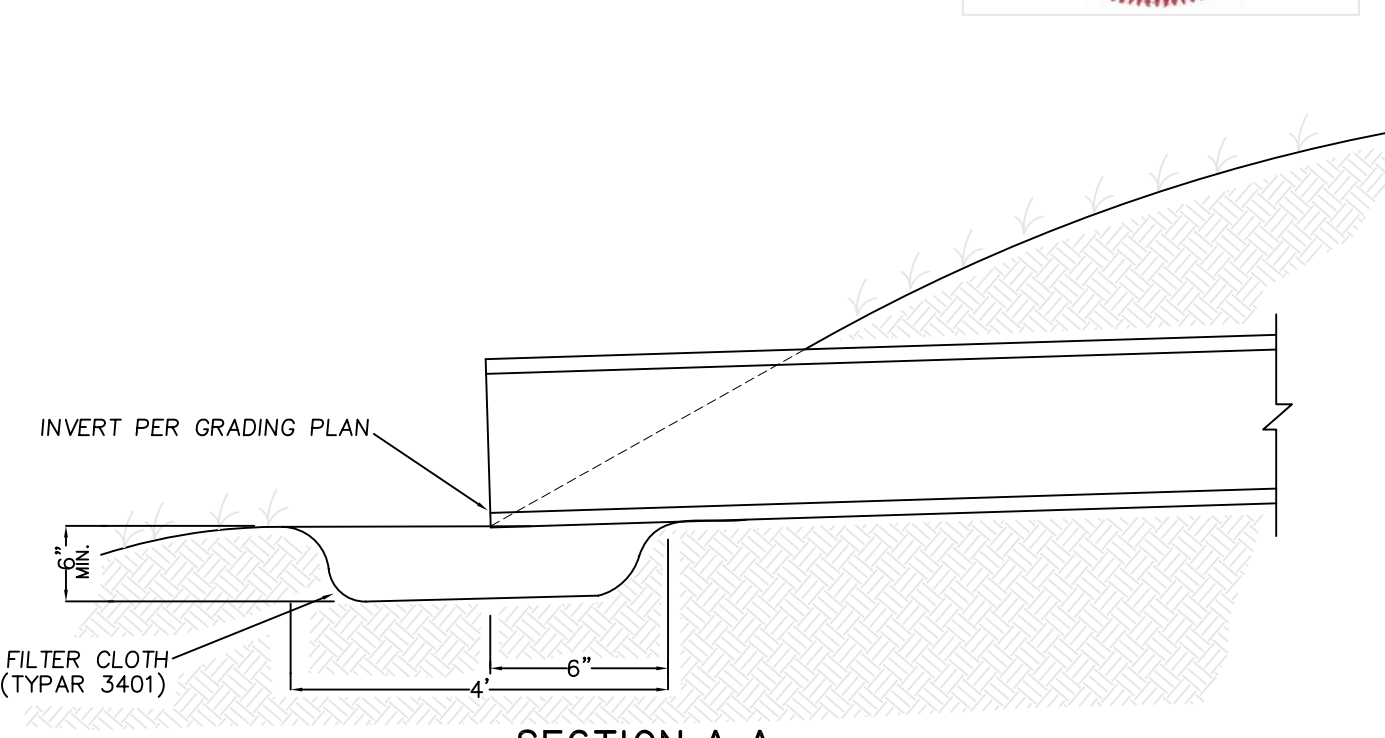
CURB INLET BOX DETAIL
NOT TO SCALE

TYPICAL CURB INLET
24"x36" "VARIES" DEEP CATCH BASIN
5000 PSI CONCRETE PRECAST
OR BUILT IN PLACE
ADA COMPLIANT 24"x36"x2'-1/2" TALL GRATE
CAPITAL FOUNDRY CB-2436P-SH-PED OR EQUAL
SUBMITTALS REQUIRED FOR TOWN AND
ENGINEER APPROVAL PRIOR TO ORDERING

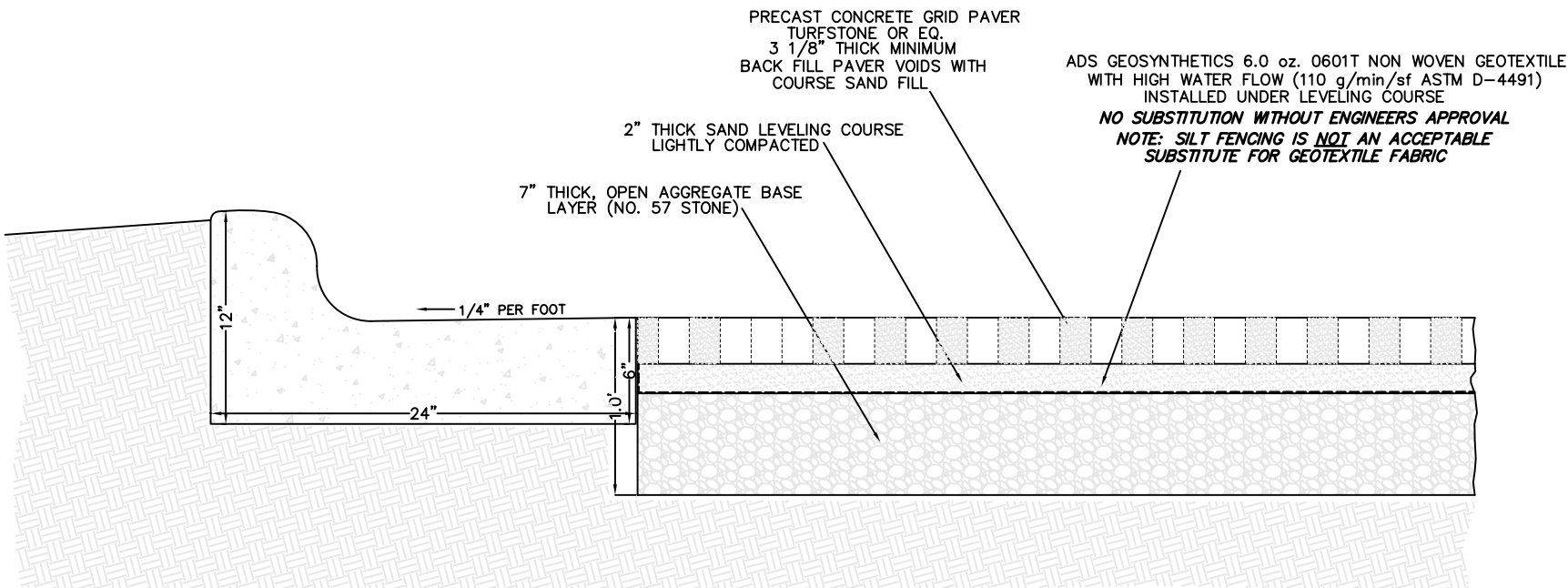
Wall knockouts.
Sledge out as required.



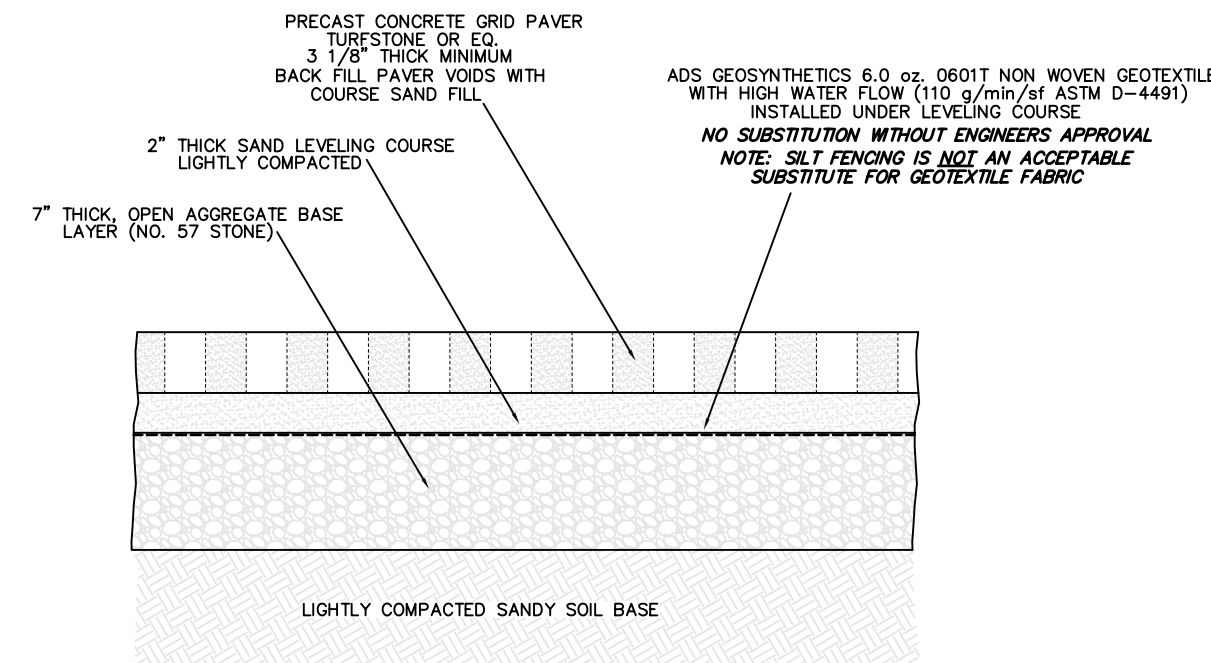
PLAN VIEW



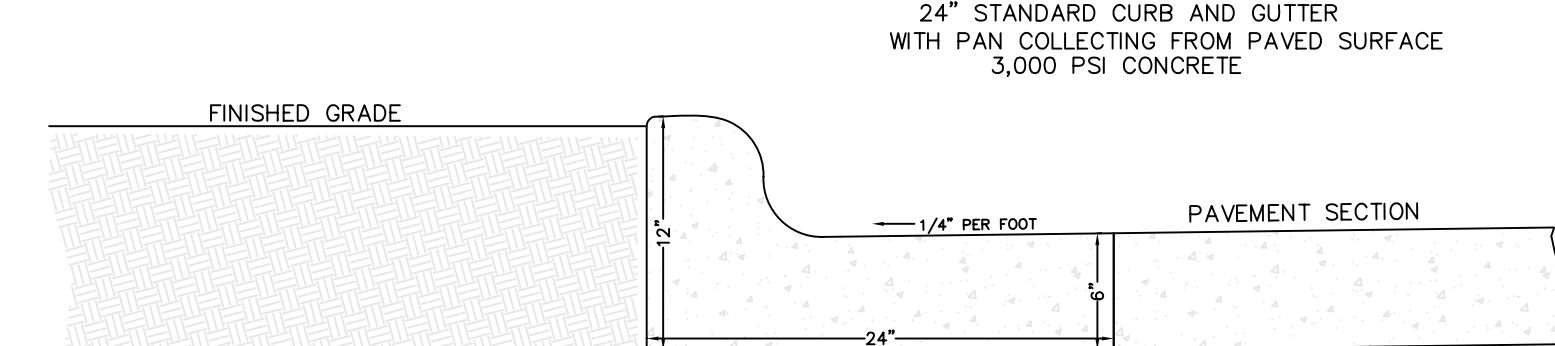
STORM PIPE OUTLET DETAIL
(APPLIES TO ALL PROPOSED STORM PIPE OUTLETS)
NOT TO SCALE



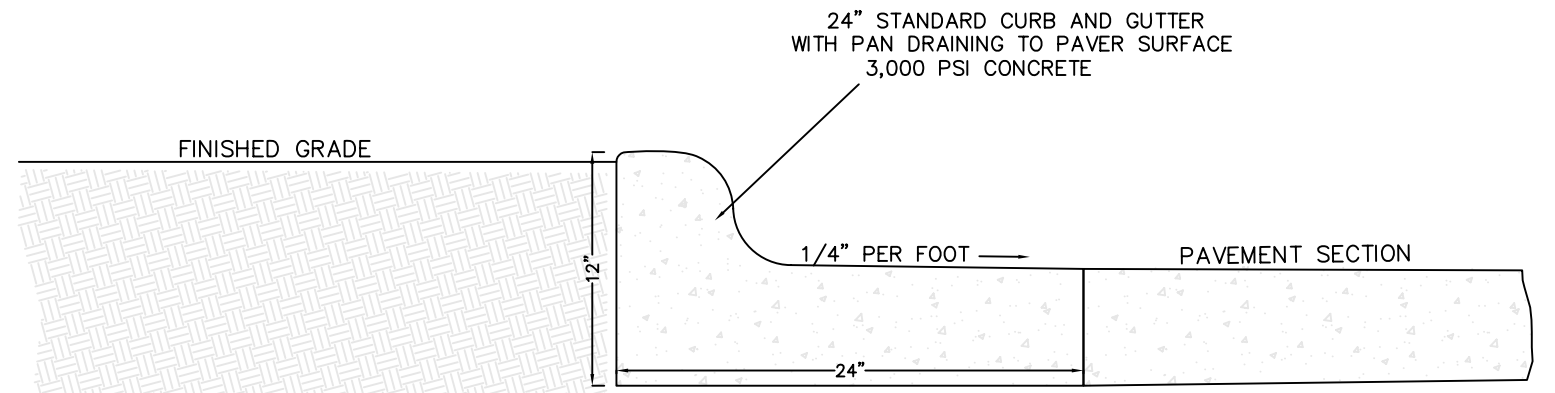
CURB AND GUTTER/PICP PAVING DETAIL
NOT TO SCALE



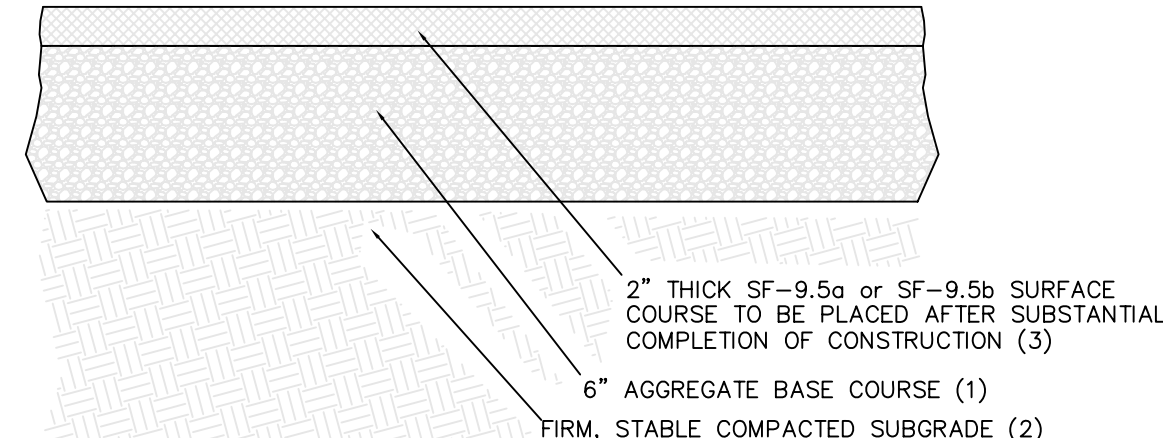
TURFSTONE/PICP PAVING DETAIL
NOT TO SCALE



CONTRACTION JOINTS SHALL BE PLACED AT 10' INTERVALS.
ALL CONTRACTION JOINTS SHALL BE FILLED WITH JOINT FILLER AND SEALER.
CURB AND GUTTER PAVING SECTION AA
NOT TO SCALE

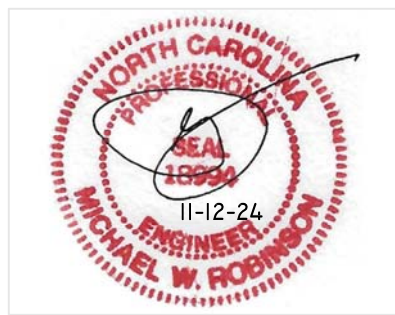


CONTRACTION JOINTS SHALL BE PLACED AT 10' INTERVALS.
ALL CONTRACTION JOINTS SHALL BE FILLED WITH JOINT FILLER AND SEALER.
CURB AND GUTTER PAVING SECTION BB
NOT TO SCALE



OPTION-TYPICAL LIGHT DUTY ASPHALT PAVING SECTION

- NC DOT ABC materials compacted to a dry density of at least 100% of the Standard Proctor maximum dry density (ASTM D698)
- Subgrade soils compacted to a dry density of at least 100% of the Standard Proctor maximum dry density (ASTM D698)
- Optional, surface course may be placed with original intermediate paving



MICHAEL W. ROBINSON, P.E., P.L.S.
ENGINEERING AND SURVEYING
P.O. BOX 2852
KILL DEVIL HILLS, NC 27948
PHONE: 252-255-8026
EMAIL: mrobinson@bwengineering.com

DETAIL SHEET
PRELIMINARY



NO.	DATE	DESCRIPTION	BY

PROJECT: DARE COUNTY EMS STATION 5
NAGS HEAD
NORTH CAROLINA
DARE COUNTY
105 WEST SEACHASE DRIVE, NAGS HEAD

DATE: 11-12-24	SCALE: 1"=20'
DESIGNED: MWR	DRAWN: MWR
SHEET: 4	OF 5
CAD FILE:	
PROJECT NO:	110424

Page 147 of 215









Carolina Water Service of North Carolina™

January 3, 2025

Mr. Dustin Peele
Special Projects – Purchasing Manager, Dare County
P.O. Box 1000954
Marshall C Collins Drive
Manteo, NC 27954

Re: 105 W Seachase Drive
Nags Head, Dare County NC

To Whom It May Concern,

Carolina Water Service of North Carolina ("CWSNC") provides sanitary sewer service to the Nags Head Community which encompasses the above referenced property. CWSNC is a franchised and regulated public utility company in North Carolina.

CWSNC is willing and able to provide sanitary sewer utility needs for the above referenced property with a capacity not to exceed 1400 gallons per day.

If you should have any questions, please do not hesitate to call me at 704-576-1685 or by email at Tony.Konsul@Nexuswg.com.

Thank you in advance for your attention.

Sincerely,

Tony Konsul

Digitally signed by Tony Konsul
DN: OU="Vice President, Operations", O=Carolina
Water Service of NC, CN=Tony Konsul, E=Tony.Konsul@
Nexuswg.com
Reason: I am approving this document
Location: Charlotte, NC
Date: 2025.01.03 14:01:18-05'00"
Foxit PDF Editor Version: 13.1.4

Tony Konsul
Vice President, State Operations



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM G.3.

Update on Estuarine Shoreline Management Plan — Catfish Farm/Causeway Living Shoreline Project

- Consideration of the revised scope from McAdams for Soundside Road
- Consideration of scope from Environmental Professionals for Soundside Road
- Consideration of scope from Environmental Professionals for Catfish Farm/Causeway
- Consideration of Budget Amendment 7.1
- Consideration of Capital Project Amendment #11

Prepared by

Joseph Costello, Deputy Planning Director

Reviewed by

Joseph Costello
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

This is a follow-up from January's presentation. Staff has received a scope from George Wood to assist the town with a living shoreline project design adjacent to the town's Catfish Farm property. Additional funding of \$8,979 is requested to be used from the manager's capital contingency to fund the remaining scopes involving Soundside Road and the Catfish Farm projects as part of the RCCP phase 3 grant. The funds would be used to complete the grant deliverables using the updated scopes provided by Environmental Professionals at both Soundside Road and the Catfish Farm, and the updated scope from McAdams at Soundside Road.

Specific Action Requested

This item is provided for Board review and approval, including:

- Approval of McAdams scope at Soundside Road
- Approval of Environmental Professionals scope at Soundside Road
- Approval of Environmental Professionals scope at the Catfish Farm/Causeway
- Approval of budget amendment 7.1
- Approval of capital project ordinance amendment #11

Summary

Harvey/Soundside Event Site Living Shoreline Project

The major permit package was submitted to the Division of Coastal Management on January 14th and is currently under review. Construction is likely to take place in the fall of 2026.

Villa Dunes Drive Project Area

The town has contracted with Environmental Professionals, Inc. to engage with Villa Dunes Drive property owners to better understand site-specific concerns and identify alternative, implementable solutions.

Soundside Road Project Area

Staff has asked the RCCP grant team for a scope change to exclude the offshore breakwaters and to instead allow the town to focus funds on the resiliency berm section along Soundside Road. As a part of this scope change

request, staff has also requested the use of previously awarded RCCP funds for the design of stormwater management components as part of the project. Staff recommends the town contract with McAdams who will utilize Moffatt and Nichol as a subconsultant for assistance with design and permitting of the resiliency berm and stormwater management in the project area. Staff recommends contracting Environmental Professionals, Inc. to do necessary outreach as a part of this project. The scopes of work from McAdams and Environmental Professionals, Inc. are attached for the Board's review and approval.

Catfish Farm/Causeway Living Shoreline Project

Staff has asked the RCCP project team for a scope change to fund a living shoreline design at the Catfish Farm/Causeway project area as an alternative to the offshore breakwaters at the Villa Dunes and Soundside Road sites.

- The area was identified in the ESMP as an alternative pilot site location.
- This location includes the Causeway, which is crucial public infrastructure that will likely be 'riprapped' by NCDOT if the marsh in front continues to erode. Given the huge amount of fetch coming up to this site, this is likely without intervention. People note this area is a hub of speckled trout and a variety of species of birds and fish.
- Potential spat in the area may allow for oyster reefs and/or other innovative natural approaches to erosion control. More groundwork is needed to confirm anecdotal evidence that the area can support oysters, but oyster reefs or other natural shoreline treatments would be preferable to gray infrastructure as they provide water quality and habitat benefits in addition to erosion protection.
- The town owns the 'catfish farm' parcels adjacent to Sugar Creek to the east. These are wetlands that provide crucial habitat and water quality benefits but are eroding and need intervention to protect them in the long term. These parcels are already under a conservation easement. Living shorelines have been confirmed as allowable within the terms of the conservation easement.
- The 4.7425 town-owned tract, pin #080019624199, the .0574 acre tract owned by Virginia Campbell, pin #0800119614808, and the 2.8471 tract owned by Sugar Creek LLC, pins# 080019514133 and 08001196127, are included in this design scope.

Attached is the scope received from Environmental Professionals, Inc. for design and permitting services for the Catfish Farm/Causeway site. Staff recommends the Board approve the attached contract for a living shoreline design and permitting assistance at the site.

Attachments

1. 3 G3 McAdams scope Soundside Road
2. 3 G3 EPI Scope Soundside Road
3. 3 G3 EPI scope Catfish Farm
4. 3 G3 Budget Amendment 7.1
5. 3 G3 Cap Proj amend 11 ord



621 Hillsborough Street
Suite 500
Raleigh, NC 27603
919. 361. 5000

TNH22001.31

January 5, 2026

Joseph Costello
Deputy Director of Planning
Town of Nags Head
PO Box 99
Nags Head, NC 27959

**RE: Town of Nags Head Estuarine Shoreline Management Plan
West Soundside Road Resilience Berm
Nags Head, North Carolina
TNH22001.31 (formerly TNH22001.27)**

Dear Mr. Costello,

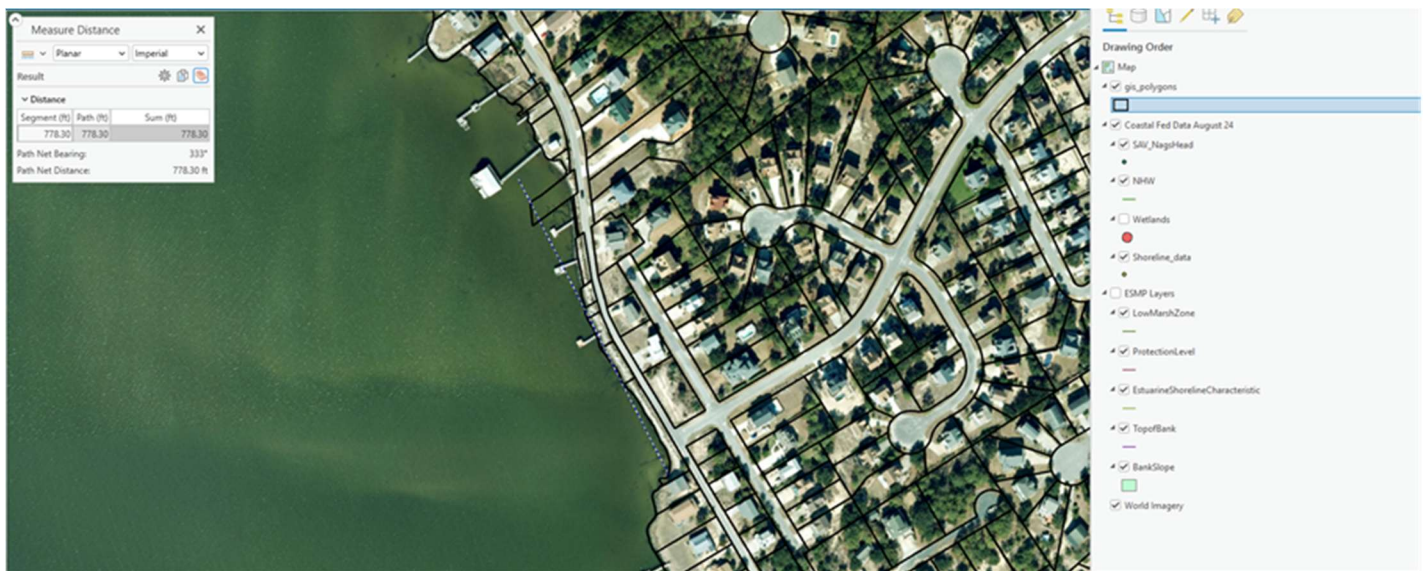
Project Understanding

The original scope of work for this NC Resilient Coastal Communities Program (RCCP) Phase 3 funded effort was developed to advance the design of two living shoreline projects identified as priority in the Town of Nags Head Estuarine Shoreline Management Plan, including the Nags Head Wood Preserve/Villa Dunes Drive and West Soundside Road projects. After completing data collection, schematic designs, and initiating community engagement, both projects were paused when it was deemed that the initial design concepts were not likely to be accepted by riparian property owners. After discussion with the Town, McAdams and Moffatt & Nichol will proceed with revising the West Soundside Project as a resilience berm along approximately 780 linear feet of West Soundside Road. The Town has elected to utilize the remaining RCCP Phase 3 funds to also develop a new living shoreline project at Sugar Creek in lieu of the Nags Head Wood Preserve/Villa Dunes Drive project. A scope of work for design and permitting of a living shoreline at Sugar Creek is provided in a separate scope of work.

The project team for this West Soundside Road site will consist of McAdams as the project manager, and Moffatt and Nichol (M&N) as the design and permitting lead. Our team will work with Town staff and George Wood, whom the Town will independently contract to assist with stakeholder engagement. McAdams will also provide general grant reporting support, team coordination, and Town communication, and will work with the project team and Town to facilitate completion of the project.

The West Soundside Road project includes study, design, and permit submittal for a resilience berm or revetment enhancement along West Soundside Road generally between Jockey's Ridge and W. Deering St. (approximately 780 linear feet), as shown in the below figure. The project should also incorporate stormwater flood reduction efforts which are being studied by McAdams under separate task order (TNH22001.28).





Per discussion with the Town, the priorities for the West Soundside Road Resilience Berm are to:

1. Obtain property owner support for the project, including flood reduction efforts
2. Develop a permittable design approach in coordination with stakeholders and regulatory agencies
3. Submit a complete permit application to applicable regulatory entities
4. Continue coordination with regulatory agencies through a permit decision
5. Continue design and bid drawing development to a level that aligns with “shovel ready” thresholds to the maximum extent feasible given budget and schedule limitations.

Assumptions

This proposal is based on the following assumptions:

- I Any materials and communications for the purpose of public notifications, stakeholder meetings, and public engagement will be coordinated through the Town of Nags Head and developed by selected stakeholder engagement contractor, George Wood.
- I This task order includes a detailed scope of work for preliminary design work which will be done in conjunction with stakeholder engagement (completed by others) with the aim of building property owner support for the project. Final design approach will be based on the feedback received by the Town, agencies, and stakeholders, and will help to determine feasible (permittable) project design options.
- I RCCP Phase 3 grant deadline is December 31, 2026; however, an extension to April 2027 is possible but not a guarantee.

Proposed Services + Fees

We propose the following services (Alphanumeric task numbers are for internal coding purposes):

Task 1 – Project Initiation + Due Diligence

M&N and McAdams will conduct initial due diligence to assess the ability to obtain permits of a waterward-of-NWL berm given existing SAV coverage and stakeholder feedback received to date. After receiving input from Town, regulatory agencies, and stakeholders on key design elements (existing revetment condition, most current SAV mapping, NWL reference, sightlines, and grant intent), M&N will deliver a summary memo to include:

- Summary of constraints: waterward of NWL, active SAV overlap, existing revetment condition, easement needs, homeowner sightline sensitivity, tie-in to existing dock structures, and right-of-way limitations.
- Two pathways for Town decision will be developed:
 - Path A (Waterward berm): recognize SAV impacts with alignment and permitting implications, with localized crest shaping.
 - Path B (Footprint-limited revetment enhancement): narrow overlay/crest raise largely within existing revetment footprint (reduced waterward encroachment), acknowledging aesthetic/sightline risk and performance uncertainty.
- Recommended path to advance based on regulatory agency feedback and Town/ homeowner goals and constraints.

For the duration of the project McAdams and M&N will maintain updated information on a shared online file depository provided by the Town. This includes:

- Monthly update posting (1x/month) + posting of approved PDFs (plans, minutes, schedules).
- Content updates at milestone points: permit application submittal and shovel ready design completion.

The project team will coordinate with Town staff and their selected stakeholder engagement contractor for the duration of the project. Task includes supporting and participating in stakeholder engagement efforts to ensure a coordinated design and permitting effort consistent with publicly shared project information. Attendance at one in-person community stakeholder meeting is included for the project team. The project team will respond to comments received during or in direct response to official stakeholder and regulatory meetings and submittals. Responses to comments received outside of these meetings will be addressed as time and budget permit, if requested by the Town.

I Task 1 Deliverables

- Agency coordination meeting summary
- Summary Memo
- Presentation support for community engagement
- Monthly summary updates

Task 2 – Soundside Road Regulatory Permit Application & Agency Coordination

Scoping Subject to Change based on Town directions following completion of Task 1

M&N will provide regulatory guidance on CAMA, 401 Water Quality Certificate, and USACE regulatory processes, including the development and submittal of the appropriate permit applications and associated technical documents required for state and federal agency reviews and consultations.

Permit Application Preparation - M&N will compile available biological/ecological data and field assessment analyses performed by the team and other sources and integrate the data into the Basis of Design (BOD) report. The BOD report will be used to support the narrative to be included with state and federal agency permit applications, as required by the Joint CAMA/Corps review. The complete application is anticipated to include permit drawings which are an extension of the preliminary design approach developed in Task 1. The drawings will show overall plan geometry, typical sections, construction access and sequencing, environmental BMP notes, and impacts and quantities.

Regulatory Coordination – M&N will work with the Town to coordinate with DCM / USACE / DMF / WRC / DWR. Touch points shall be focused on SAV avoidance/minimization and impacts.

Joint Permit Application – Our team will prepare and submit a joint permit application for the resilience berm (or shoreline revetment) and include the proposed stormwater improvements for West Soundside Road. The permit application will include a narrative of alternatives and accounting of impacts. Once the application is submitted, M&N will assist in responding to agency requests for additional information.

Our team’s priority during this phase of the project is to progress towards permit issuance prior to December 2026, with the goal of maintaining core project goals (shoreline protection and roadway flood reduction). Our team has significant experience in problem resolution during permit application review and will use that expertise and relationships with North Carolina regulatory and resource agencies to satisfy any agency concerns that may arise during project and permit development. Completion of this task is not contingent on receiving approved permits; however it is anticipated that regulatory agencies will have sufficient project information to reach a permit decision at the completion of this task.

Regulatory Feedback - Comments received from regulatory agencies on the schematic design prior to the end of the RCCP grant schedule will be addressed in the BOD report and incorporated into the final permit set. Completion of this task is not contingent on receiving approved permits.

I Task 2 Deliverables

- Completed & Submitted Regulatory Application
- Draft and Final Permit Drawings
- Agency Meeting Minutes
- Regular Status Updates on permit reviews

Task 3 – West Soundside Road Design Development Package

Deliverables Subject to Change based on Town directions and agency comments received during permit application review

The project team will complete engineering and design to advance the design package to “shovel ready” status. The final deliverable is anticipated to include updated resilience berm and stormwater drawings, additional design details, construction quantities, a summary of environmental impacts, and an outline of technical specifications. The design development drawings will build upon the deliverables of Task 2 and include an updated BOD. Anticipated regulatory requirements will be incorporated into the design documents.

The submittal will include an opinion of probable construction costs, proposed construction staging needs, and schedule for final design and construction. An electronic copy of the design documents will be provided to the Town for review and comment.

- I Milestone Review (virtual) – M&N will lead a meeting with the Town to review and answer questions regarding the design development documents. Revisions will be addressed in a future phase/contract in which final bid documents will be developed. The project team will prepare and distribute meeting minutes.

Special Condition: It is anticipated that the Design Development phase will be completed concurrently with permit review and prior to final permit issuance. While not anticipated, regulatory comments that result in significant design changes will be reviewed by our Team and the Town prior to making design

revisions. To the extent practicable, design revisions necessary to continue with permit review will be prioritized over the advancement of the design development package as described in this task above.

The project team will coordinate the resilience berm design with conceptual stormwater design plans being completed by McAdams under separate scope. These associated stormwater improvements along West Soundside Road will be reflected in the final deliverables for this task.

“Design Development Package Submittals – The project team will transmit to the Town digital copies of the Design Development Documents, the topographic and bathymetric surveys, geotechnical results, technical documents and other material used to support the design and permit applications.

I Task 3 Deliverables

- Design Development Package (AutoCAD and PDF)
- Topographic and bathymetric surveys and other material used to support the design and permit applications.
- Construction quantities schedule (PDF)
- Refinement of the opinion of probable construction cost (PDF)
- Milestone Review meeting minutes

Contingencies

Any change to the project’s direction, or a change in the location of the anticipated shoreline protection installation will require reassessment of the scope and budget. This may also result in the reallocation of project budget and additional tasks that will be identified during the course of the Task 1 scope of work. Additional services may be completed using this remaining budget with written approval from the Town.

Supplemental Services

Supplemental services are not included in the scope of work for this contract. These services may be performed at the Owner’s request with compensation and potential schedule adjustments. Supplemental services that the Town may choose to add to the scope of work include, but are not limited to the following items:

- On-site meetings with local, State, or Federal agencies not included in the scope of work.
- The following services that are not anticipated to be necessary to reach a permit decision:
 - Additional field studies to identify rare, threatened or endangered species; contaminated soils; or water quality sampling.
 - Additional surveying or geotechnical investigations.
 - Additional regulatory coordination beyond the 12-month schedule, including permit application tracking, responding to requests for additional information and attending meetings requested by the regulatory agencies.
 - Formal consultation with NOAA Fisheries and US Fish and Wildlife Service requiring separate environmental technical documents (Essential Fish Habitat Assessment and Biological Assessment).
 - Development of a mitigation plan for potential impacts to SAV.
- Supplemental design and engineering work required to meet the requirements of regulatory or funding agencies that are identified after the completion of the design development package
- Additions to an engineering report or other document to update or revise original recommendations.
- Revision of designs, drawings, and specifications to incorporate changes arising from Value Engineering review.

- Preparation of a Benefit-Cost-Analysis (BCA).
- Preparation of bid documents (100% design documents) and bidding support.
- Securing temporary construction easements.
- Performing construction administration.
- Performing post construction monitoring.
- Producing or hosting a project web site, except as described in Task 1.

Assumptions

The following assumptions have been made in the generation of this proposal's scope and fee.

- Available background information helpful to the goals of this project was previously collected during the initial project phases and will be used as the basis for this design.
- Unencumbered access to the project sites, shoreline and adjoining properties. The Town shall be responsible for notifying and obtaining permission from the property owners to access the shoreline if needed. Drone photos & videos may be collected when access to certain properties is not feasible. The Town will be notified at least 5 days prior to an anticipated site visit to determine availability of boat-site access.
- All fees and costs associated with community workshops and permit application will be the responsibility of the Town and the selected community engagement contractor and are not included within the proposed fee.
- To remain on schedule, the review period of deliverables by the Town has been assumed to be 1 week.

Project Schedule

The following schedule outlines the anticipated time frames for performing each Task. In accordance with the grant funding requirements and anticipated extension, the Team anticipates reaching a permit issuance and completing the scope of work prior to December 31, 2026. Work beyond December 31, 2026, including additional design development, permit application tracking, responding to requests for additional information and attending meetings requested by the regulatory agencies is considered supplemental services and not included in this schedule.

FEE

- | Task 1- Project Initiation + Due Diligence - \$33,996
- | Task 2 – Soundside Road Regulatory Permit Application + Agency Coordination – \$43,220
- | Task 3 – West Soundside Road Design Development Package - \$37,140
- | **Total Fee - \$114,356**

Client Responsibilities

Client shall be responsible for the following:

- | Notification to proceed.
- | Timely review and comments (or approval) of all deliverables or other information presented for Owner approval.
- | Payment of invoices in accordance with Terms and Conditions.
- | Notification to Firm of any problems, in accordance with Terms and Conditions.

General Conditions

- | This proposal is valid for 60 days from the above date.
- | Reimbursable expenses will be billed in accordance with the attached Rate Schedule.

Conclusion

We appreciate this opportunity to offer our services. We are eager to pursue this project further and thank you for your consideration.

Sincerely,
McAdams

Hunter Freeman, PE, LEED AP | Senior Advisor, Water Resources – Green Stormwater Infrastructure
freeman@mcadamsco.com | 919. 361. 5000

HF/kt

Acceptance

By: _____ Date: _____

Name: _____

Title: _____

Accounting Information

Billing Contact: _____

Billing Contact Email Address: _____

Billing Contact Phone Number: _____

Billing Address: _____



January 7, 2026

Town of Nags Head

Attn: Mr. Joseph Costello Deputy Director of Planning

joe.costello@nagshead.gov

Dear Mr. Costello,

As requested, Environmental Professionals, Inc. (EPI) has prepared this proposal to provide Community Engagement for the Town of Nags Head Estuarine Shoreline Management Plan: Living Shoreline Design for West Soundside Road.

Scope of Services

The objective of this proposals to provide 'listening sessions' with ~~the 38~~ ^{1-15 & 26} property owners along the West Soundside Drive area and to communicate concerns and opportunities to the Town of Nags Head (Town) and Design Team to effectuate an approach that incorporates the community input into a permutable plan that meets the goals and objectives of the Town of Nags Head Estuarine Shoreline Management Plan. ^{25 27 JC}

Based on my understanding of your needs, I propose that the following task be included in the Scope of Services:

- a review of readily available documents, maps, aerial photographs, and interviews that have been created for the project to understand the efforts taken to this point;
- meet with the Town and Design Team to review how the community involvement could be helpful in a design that is effective and meets the goals and objectives of the Town's Estuarine Shoreline Management Plan;
- lead one meeting with the community to listen to their opinions/concerns;
- prepare a summary report of the findings of that meeting;
- lead subgroup meetings to discuss unique concerns;
- prepare a summary report of the meeting(s);
- discuss options with the Town and Design Team to prepare for an onsite field trip with the community;
- lead an onsite meeting with the community to review site conditions and expectations;
- prepare a summary report of the onsite meeting findings;
- engage with the Town and Design Team to refine an effective approach which addresses community input and meets the goals and objectives of the Town's Estuarine Shoreline Management Plan;
- lead a community meeting to review the refined approach and to receive feedback;
- prepare a summary report of the meeting;

- review with the Town and Design Team a final proposal;
- participate in a presentation to the Town Council;
- and prepare a final summary report (compilation report).

Report Reliance

The report(s) provided will be for the exclusive use by the Town of Nags Head and its contractors for this project.

Fee

The fee for these services is \$15,540.00 not including reproduction cost of the report(s).

Schedule

EPI will begin this work upon your acceptance of this proposal. I will keep the Town. Verbally informed of the findings during the duration of the project.

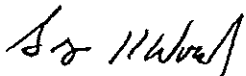
Authorization

For authorization to proceed, please sign/date at the bottom of this proposal. Any exceptions to this proposal or specific requirements not covered should be identified with the sign proposal. The contract amount is due upon receipt of the report and invoice.

Conclusion

EPI appreciates the opportunity to offer the Town professional services for this project.

Sincerely,



George H Wood , CEP
Environmental Professionals, Inc.

_____ (Client)

_____ (Date)



January 13, 2026

joe.costello@nagsheadnc.gov

Mr. Joseph Costello

Town of Nags Head Deputy Director of Planning

Dear Mr Costello

This letter is with reference to your request that Environmental Professionals, Inc. (EPI) provide a Scope of Services for design, permitting and cost estimates to implement a shoreline erosion control project consistent with the the Town of Nags Head (Town)Estuarine Shoreline Management Plan (ESMP) at the 4.7425 acre tract owned by the the Town Pin# 080019624199; the 0.0574 acre tract pwned by Virginia B Campbell Estate Pin # 0800119614808 and the 2.8471 acre tract owned by Sugar Creek II,LLC Pin # 08001196127 and 080019514133. This scope of the proposed work will result in four general areas:

- Preliminary Site Planning and Strategic Planning
- Submerged Aquatic Vegetation Delineation
- Environmental Permitting
- Preliminary Cost Estimation of projected plan

1. **Preliminary Site Planning and Strategic Planning**

Projects, which move along in a predictable and timely fashion, occur because of the project proponent's ability to balance environmental design, and economic considerations. Part of these considerations are impacted by environmental regulations and permitting complications. It is often customary that EPI advise on unrealistic preliminary site design or advise on design alternatives which could ease the regulatory process.

This phase was initiated in part during our discussion(s), our preliminary site reconnaissance and will continue as we collect information.

2. **Submerged Aquatic Vegetation Delineation**

In order for EPI to delineate the submerged aquatic vegetation at the site, it will be necessary to:

- Coordinate with the Dare Soil & Water Conservation District Community Supervisor(Dare Soil & Water) to obtain a mapping of the resource
- ground truth the delineation
- prepare the distribution Data Sheets in conformance with the NC Division of Marine Fisheries's guidelines;
- coordinate with Dare Soil& Water to provide a digital map for use in the planning and permit phase(s)
- arrange a meeting with the NC Divison of Marine Fisheries and the Division of Coastal Management for confirmation; and
- communicate with the Town regarding the potential opportunities/constraints that this information may present for the project.

3. **Environmental Permitting**

Based on our understanding of the proposed development, EPI proposes to apply for a Section 404 and 401 Permit (Clean Water Act) and CAMA Major Development Permit for the proposed plan.

Tasks to be performed by Environmental Professionals, Inc. (EPI) for submittal of the applications for Permits:

- on-site visit to review project goals and to collect natural resource data necessary for environmental design;
- design of project to meet goals of client and provide best opportunity for approval by resource agencies (if client's goals can not be permitted, then EPI will discuss alternatives with client);
- arrange pre-application conference with resource agencies that have substantive input for type of project proposed;

224 COLINGTON RIDGE • KILL DEVIL HILLS, NORTH CAROLINA 27948
MOBILE: 252-423-1234
EMAIL: obxwood@yahoo.com

- identify adjacent riparian property owners to the project and prepare letter of notification to be sent certified mail, return receipt requested;
- assist in the preparation of the site design to be approved by client;
- complete appropriate applications for submittal of approvals required for the project;

These may include:

1. Sections 404 and 401 of the Clean Water Act applications
2. CAMA Major Development Permit

*This proposal does not include:

- Coastal Stormwater application
- marina water quality modeling
- archaeological review to satisfy Section 106 of the National Historic Preservation Act
- submerged aquatic vegetation survey (see above)
- wetland delineation (State or Federal)
- surveying
- local zoning or unified development ordinance coordination with local government
- other authorities not specifically mentioned above
- State Environmental Policy Act compliance

These services can be provided should they become a requirement either identified during the pre-application conference or during application review. It has been our experience that EPI can negotiate the extent of these requirements during the process to eliminate the need by site design or limit the scope.

- obtain the appropriate support documents from the client (i.e. deed, letter authorizing EPI to act as agent for the client (s) (See attached Authorization to Act as Representative Form);
- request and submit the appropriate application fee - once the application fee is determined, the client will be informed of the amount to be paid. Upon receipt of the check, the application package will be submitted to the appropriate review agencies;
- prepare the permit application packages and mail to the appropriate agencies;
- follow up with the appropriate review agencies to promote timely decision; and
- consultation with our client to review permit conditions and/or special considerations of approval.

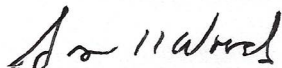
4. Cost Estimate

Responsible firms will be requested to provide input to implement the proposed plan. These estimates will be provided to the Town to support grant applications for construction.

In order to accomplish this Scope of Services our fee will be \$37,000.00 not including permit application fees.
[Expenses Outside of the Scope of Services: Application Fee, Reproducibles, Postage, Outside Services (Dare Soil & Water Mapping).

If you find this Scope of Services and Fee Estimate acceptable, please sign at the bottom of this document, and return one signed copy of the Scope for our file along with the signed/dated attached Authorization to Act as Representative form and the Jurisdictional Determination Property Owner Certification so that we may commence work.

Sincerely,
Environmental Professionals, Inc.


George H. Wood, CEP

AUTHORIZATION TO PROCEED

DATE

Attachments: a/s



**BUDGET AMENDMENT REQUEST
FY 2025-2026**

BUDGET AMENDMENT NO. 7
Amendment 7.1

SOURCE OF FUNDS

USE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
900-599900	General Fund Expenditures Manager's Contingency	8,979.00		900-590083	General Fund Expenditures Transfer -Capital Project Fund	8,979.00
41-492000	Capital Project Fund Revenues Transfers from the General Fund	8,979.00		347-577350	Capital Project Fund Expenditures Capital Outlay Improvements (Living Shoreline)	8,979.00
TOTAL CHARGES		\$ 8,979.00		TOTAL CREDITS		\$ 8,979.00

JUSTIFICATION

Budget Amendment to coincide with capital project ordinance #11, this transfers funds from the general fund to the capital project fund using manager's capital contingency. Funds used towards living shoreline project Soundsdie Road/Catfish Farm as part of the RCCP Phase 3 grant.

ADMINISTRATIVE SERVICES
RECOMMENDED BY _____ DATE 2/25/2026

APPROVED BY BOC: _____ DATE _____



CAPITAL PROJECT ORDINANCE
(Amendment #11)

BE IT ORDAINED by the Governing Board of the Town of Nags Head, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance as adopted January 5, 2022, amended August 3, 2022, amended March 1, 2023, amended April 3, 2024, amended August 7, 2024, amended October 2, 2024, amended January 8, 2025, amended March 5, 2025, amended April 2, 2025, amended October 1, 2025, amended November 5, 2025, is hereby further amended as follows:

- Section 1. This ordinance is to establish a budget for Capital Projects.
- Section 2. The following budget shall be conducted within the Capital Projects Fund (fund #41).
- Section 3. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.
- Section 4. The following amounts are appropriated for the Public Services Complex project:

Construction design and oversight	\$ 1,326,152
Building	12,205,807
Equipment	1,179,413
Professional fees	265,938
Improvements	175,000
Contribution to Capital Investment Fund	<u>489,950</u>
Total Expenditures	<u>\$ 15,642,260</u>

Section 5. The following revenues are anticipated to be available to complete Public Services Complex project:

Contribution from General Fund	\$ 489,950
Interest Income	776,056
Intergovernmental Grant	4,000
Bond Proceeds, Limited Obligation Bonds, Series 2023	<u>14,372,254</u>
Total revenues	<u>\$ 15,642,260</u>

Section 6. The following amounts are appropriated for the Harvey/Soundside Event sites living shoreline project:

Improvements	\$600,000
Total Expenditures	<u>\$ 600,000</u>

Section 7. The following revenues are anticipated to be available to complete Harvey/Soundside Event sites living shoreline project:

Intergovernmental Grant	\$ 600,000
Total revenues	<u>\$ 600,000</u>

Section 8. The following amounts are appropriated for the NC Department of Environmental Quality/Division of Water Infrastructure Project Area 12/13 S. Old Oregon Inlet Road Stormwater Improvements:

Infrastructure	\$ 2,310,323
Improvements	<u>184,380</u>
Total Expenditures	<u>\$ 2,494,703</u>

Section 9. The following revenues are anticipated to be available to complete NC Department of Environmental Quality/Division of Water Infrastructure Project Area 12/13 S. Old Oregon Inlet Road Stormwater Improvements:

Intergovernmental Grant	\$ 2,494,703
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Section 10. The following amounts are appropriated for the NC Department of Environmental Quality/Division of Water Infrastructure Project Area 4 Bonnett Street Stormwater Pump Station:

Infrastructure	\$233,624
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Section 11. The following revenues are anticipated to be available to complete NC Department of Environmental Quality/Division of Water Infrastructure Project Area 4 Bonnett Street Stormwater Pump Station:

Intergovernmental Grant	\$ 233,624
-------------------------	------------

Section 12. The following amounts are appropriated for the NC Department of Environmental Quality/Division of Water Infrastructure Stormwater Master Plan Update project:

Infrastructure	\$ 251,291
----------------	------------

Section 13. The following revenues are anticipated to be available to complete the NC Department of Environmental Quality/Division of Water Infrastructure Stormwater Master Plan Update project:

Intergovernmental Grant	\$ 251,291
-------------------------	------------

Section 14. The following amounts are appropriated for the NC 12 multi-use path repair project:

Capital Outlay Improvements	\$235,430
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Section 15. The following revenues are anticipated to be available to complete the NC 12 multi-use path repair project:

Intergovernmental Grant	\$ 235,430
-------------------------	------------

Section 16. The following amounts are appropriated for the Living Shoreline Projects at **Sugar Creek** and West Soundside Road:

Capital Outlay Improvements	\$ 345,852
-----------------------------	-------------------

Section 17. The following revenues are anticipated to be available to complete the Living Shoreline Projects at **Catfish Farm/Sugar Creek Causeway** and West Soundside Road:

Intergovernmental Grant	\$ 336,873
Transfer-General Fund	<u>8,979</u>
Total Expenditures	\$ 345,852

Section 18. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy federal, state, and local regulations.

Section 19. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element.

Section 20. Copies of this project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and Finance Officer for direction in carrying out this project.

Adopted this 4th day of March 2026.

Benjamin Cahoon, Mayor

ATTEST: _____
Brittany A. Phillips, Town Clerk



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM H.1.

Action Necessary to Approve 2026 Beach Nourishment Project
- Consideration of Notice to Proceed to Weeks Marine, Inc.

Prepared by

David Ryan, Town Engineer

Reviewed by

David Ryan
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Consideration of issuance of Notice to Proceed to commence with construction for the 2026 Beach Renourishment project.

Specific Action Requested

Authorize Town Manager to issue Notice to Proceed to Weeks Marine, Inc.

Summary

At its February 4, 2026 meeting, the Board of Commissioners issued a Notice of Award to Weeks Marine, Inc. for the 2026 Beach Renourishment Project and authorized the Town Manager to execute the construction contract. The contract has been fully executed. The next procedural step is issuance of the Notice to Proceed with construction. Accordingly, staff requests that the Board authorize the Town Manager to issue the Notice to Proceed.

Attachments

1. 3 H1 2026 BN Notice to Proceed

Notice to Proceed

Date: March 5, 2026

Project: Town of Nags Head Beach Renourishment Project 2026	
Owner: Town of Nags Head	Owner's Contract No.: N/A
Contract: Town of Nags Head Beach Renourishment Project 2026	Engineer's Project No.: 10979/16
Contractor: Weeks Marine, Inc.	
Contractor's Address:	
304 Gaille Drive	
Covington, LA 70433	

You are notified that the Contract Times under the above Contract will commence to run on April 1, 2026. On or before that date, you are to start performing your obligations under the Contract Documents. In accordance with Article 4 of the Agreement, Substantial completion of all awarded work, including all dredging and beach fill activities, must be completed on or before December 15, 2026. Final Completion, including demobilization and site restoration, must also be completed prior to final payment.

Before you may start any Work at the Site, Paragraph 2.01 of the General Conditions provides that you and Owner must each deliver to the other (with copies to Engineer and other identified additional insureds and loss payees) certificates of insurance which each is required to purchase and maintain in accordance with the Contract Documents.

Also, before you may start any Work at the Site, you must:

Attend project preconstruction meeting

_____	Owner
_____	Given by:
_____	Authorized Signature
_____	Title
_____	Date

Copy to Engineer



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM I.1.

Consideration of Appeal by Garage Band Charities, Inc. regarding the Denial of a Crowd Gathering Permit Application Submitted January 21, 2026 - Time Specific 11:15 a.m.

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

N/A

Specific Action Requested

Uphold the Appeal or Overturn the Appeal and Approve the Permit with or without Conditions

Summary

At the March 4, 2026 Board of Commissioners meeting, the Board will consider an appeal by Garage Band Charities, Inc., related to the town's denial of the Crowd Gathering Permit Application for the OBX Rod & Custom Festival submitted on January 21, 2026.

After careful review by the Crowd Permit Review Team, which includes the Town Manager, Police Chief, Fire Chief, Fire Marshal, Planning and Development Director, Public Services Director, and Chief Building Inspector, the Town denied the permit pursuant to Ordinance No. 25-12-002, Chapter 4, Article I, Sections 4-7 and 4-8 of the Town of Nags Head Code of Ordinances (Crowd Gathering Activities and Group Demonstrations).

The request for the appeal was received on Monday, February 23, 2026. Attached is the crowd gathering permit application, the town's denial letter, the applicant's appeal, and Chapter 4 of the Town Code. Staff is compiling a file consisting of information that was used as the basis for the denial. This will also consist of the town's response to the comments in the applicant's appeal. This will be provided to the board and the applicant ahead of the meeting.

Attachments

1. 3 I1 Garage Band Charities Event Application
2. 3 I1 Garage Band Charities Denial Letter
3. 3 I1 Garage Band Charities Appeal Request
4. 3 I1 Crowd Gathering - Park Use ord

CHECKLIST: Please read all guidelines, policies and rates. All forms are submitted to the Outer Banks Visitors Bureau.

Event Name: OBX Rod and Custom Festival **Event Date(s):** April 30 – May 2, 2026

No more than 1 year prior to your event, submit:	Reservation application form with the \$200 reservation fee. Make check payable to Outer Banks Visitors Bureau	Completed	
For tier 3 events with expected attendance of 750 or more, 90 Days prior to the Event, submit: For tier 2 events with expected attendance between 250 and up to 749, 60 Days Prior to the Event, submit: For tier 1 events with expected attendance less than 250, 30 Days Prior to the Event, submit:	- Final event permit form - Crowd Gathering Activity Application fee to the Town of Nags Head (tier 3 is \$300, tier 2 is \$200, and tier 1 is \$100) - Final Site plan - Final Parking plan - Signed copy of the release and indemnity agreement for facility use - Signed copy of the site guidelines, policies and rates - NC ABC permit (will require ABC lease letter from Outer Banks Visitors Bureau) <i>Please note that Nags Head Town Code dictates application deadlines and late applications could result in denial of your permit from the Town. All items must be submitted to Outer Banks Visitors Bureau prior to the Town of Nags Head reviewing the permit application. Minor changes may be submitted for review up to 30 days prior.</i>	1/27/2026	Outstanding
30 days Prior to the Event, submit:	- Remainder of the Site rental fee - Site damage deposit - Town of Nags Head Security Contract, signed and payment due (if applicable) - Temporary Food Establishment Permit submitted to Dare County Health Department	3/31/2026	Outstanding
15 days Prior to the Event, submit:	- On-site Electricity request - Final list of vendors and/or concessions and vendor number - Proof of Certificate of Insurance for Public Liability - Contact the businesses around the event site to let them know about your upcoming event	4/15/2026	Outstanding
3 Business Days Prior to the Event:	- Walk through Site with Outer Banks Visitors Bureau and Event Organizer representatives - If applicable, pay any remaining permit fees due to the Town of Nags Head	4/27/2026	Outstanding
Day of Event	Have all permits, licenses, etc. on hand at site.	4/30/2026	Outstanding
Post Event	- Walk through Site with Outer Banks Visitors Bureau and Event Organizer representatives - Submit letter for refund of Site deposit	Click here to enter a deadline.	To be determined

The Outer Banks Visitors Bureau reserves the right to cancel the site reservation if deadlines are missed by the Event Organizer

THE SOUND SIDE EVENT SITE
6800 S. Croatan Hwy Nags Head, NC 27959
Event Application

Application Status
(OBVB & NH official use
only)

1/14/2026

Draft

I. Event Info

- a. Event Name: **OBX Rod & Custom Festival**
- b. Event Date(s): April 30, May 1 & 2, 2026
- c. Event Time(s): **12pm – 5pm Thurs 10AM – 5PM TO GET PEOPLE OUT BY 6PM Friday and Saturday**
- d. Site Reservation Start & End Dates (*Include move in and out dates*): **APRIL 27 (MONDAY) – MAY 4 (MONDAY), 2026**
- e. Estimated Total Attendance: **1250**
- f. Estimated Peak Attendance: **900+**
- g. Explain the Type of Event: **Thursday Afternoon is a preview afternoon to show off cars. Friday and Saturday events at the site will include static displays of cars. Food vendors and merchandise vendors will be available both days. Cruise ins of participants throughout both days. We will also have music on site both days through our sound system of Friday & Saturday. ALL PREREGISTRATION PICKUP AND NEW REGISTRATION WILL BE HANDLED OFF SITE AGAIN THIS YEAR. ALL PARTICIPANTS WILL HAVE THERE STICKER APPLIED TO ENTER WHEN THEY ARRIVE AT THE EVENT SITE TO HELP WITH FLOW OF INCOMING TRAFFIC. This worked well in 2025 and we continue to improve. We have also added 2 other extra main, monitored event areas. We are bringing in volunteers to man these locations and encourage event participants to visit all the different sites and participate in the activities. We will again have our poker run and the ICE Cream Challenge is returning for 2026 for participants to go out and do and not all be in the same location at the same time. Our efforts are all to raise money for Children & Youth Partnership of Dare County, Food for Thought Dare County, United Methodist Church Hatteras Toy Fund, several Scholarship Funds, Roanoke Island Food Pantry and more.**

II. Event Contact

- a. NonProfit Organization Name (*if applicable, Non-Profit status letter required with application*)
Garage Band Charities
 - i. NonProfit EIN# **83-2967499**
 - ii. NonProfit Address: **1634 Village Lane, Kill Devil Hills, NC 27948**
 - iii. NonProfit Email: **garagebandcharities@outlook.com**
 - iv. NonProfit Telephone: **252-423-0845**
- b. Event Organizer/Planner Name/Point of Contact (*IF different from above named NonProfit*):
Sara Hole
 - i. Event Organizer Address: **same as above**
 - ii. Event Organizer Email: **same as above**
 - iii. Event Organizer Telephone: **same as above**

- c. Name(s), email addresses, and cell/telephone number(s) of designated Crowd Control Manager, Point of Contact and any other representative(s) and responsibilities or titles, who will be responsible for maintaining contact with Town personnel throughout the event.

Richard Quidley	EVENT COOR/CROWD MANAGER	252-256-0717	obxrc@outlook.com
Michael Tillett	EVENT COOR/CROWD MANAGER	252-305-5789	Obxss231@yahoo.com
Sara Hole	EVENT COOR/CROWD MANAGER	252-423-0845	garagebandcharities@outlook.com

III. Event Schedule

- a. Provide a full description/schedule for **each** day of your site reservation (*can be tentative schedule*).

Date	Times	Activity <i>i.e., Vendor set-up, Gates Open, Clean-Up, etc.</i>	Does activity require OBVB provided:		Is site open to General Public?
			Electricity?	Wi-Fi?	
4/27-29/26	9AM – 5PM	Various set up SCHEDULED– Tents, Portable Restrooms, Stage	☐ 220V & 50amp ☐ 100amp	No	No
4/30/26	8am-12pm	Various set up for vendors and any remaining things to be set up	☒ 220V & 50amp ☐ 100amp	No	No
4/30/26	12pm-5pm	Preview at the Event Site – Participants can cruise in – Meet & Greet Souvenir and other vendors onsite, Music through sound system	☒ 220V & 50amp ☐ 100amp	No	Yes
5/1/26	10am-5pm	10am-5pm Cruise In – Show and Shine for cars 10am – 5pm Vendors & Food Sales	☒ 220V & 50amp ☐ 100amp	No	Yes
5/2/26	10am-5pm	10am-5pm Cruise In –Show and Shine for cars 4pm – Final Prize Drawings 10am – 5pm Vendors & Food Sales	☒ 220V & 50amp ☐ 100amp	No	Yes
5/3/26	9am-5pm	Clean up and pick up of rental items, portable restrooms & tent.	☐ 220V & 50amp ☐ 100amp	No	No
5/4/26	9am-5pm	Clean up and pick up of rental items, portable restrooms & tent.	☐ 220V & 50amp ☐ 100amp	No	No

IV. Event Details

- a. List and describe all temporary structures. *Town building Inspections will be required for generators and other temporary structures.*

The main structure would be one tent (40X80 TENT) (Tents installed 4/27-29 and removed by 5/4/2026 by Ocean Atlantic Rentals) Some 10 x 10 tents maybe placed by vendors and or us but no spectators or participants will be having any tents. A stage area will be set up under the large tent. Tables and Chairs will be under the larger tent for shelter/cooling area/place to eat for attendees and spectators. We will have electricity turned on for several vendors. Trash Collection Containers will be placed throughout the site. We will also have a larger dumpster or

2 onsite this year. We will be providing electricity to our vendors so there should not be any generator use. If we do use a generator it would be a 5000W to run lights and electricity on the souvenir trailer.

- b. Describe the use of electricity at the site.

Electricity will be on for our vendors to use at their booths to run and charge computer equipment, any lighting they may need. At this time 220V should be all we need, we did have to turn on the other power for a few of our food vendors last year.

- c. List and describe any special hazards at this event. (i.e.: cooking-related fires, environmental emergencies). Include how you are managing these hazards with a list of relevant safety equipment that will be present at the event.

Cooking related fires would be a possible issue – cooking vendors will have at least one fire extinguisher. Event staff will also have access to fire extinguishers on location on the OBX Rod & Custom event trailer. And also near the food vendor set ups. Our tents from Ocean Atlantic Rentals have Fire Extinguishers as well. Our event Golf Cart has a fire extinguisher on it as well. All golf carts on loan from High Tider will have Extinguishers on them as well. We have first aid and fire extinguisher stations throughout the event site.

- d. List the number and type of sanitation facilities that will be provided on site. The restrooms at the Harvey Estuarine Site are NOT available for use during any event held at the Soundside Event Site.

Portable Toilets will be rented and set up on site. We will provide at least four handicap accessible Portable Toilet and at least 20 other Portable Toilets.

- e. Describe your process for collecting recyclables and solid waste. *Event organizers/planners are responsible for securing a vendor for trash/recycle collection; the Town of Nags Head does not provide trash collection for events at the Soundside Event Site.*

Trash cans will be placed throughout the site and event staff will be checking them throughout the event. Each evening trash will be emptied and contained within a rented dumpster that will be picked up on Monday.

- f. List all temporary signs to be displayed during the event. *All signs shall be located within the boundaries of the event area and be directed internally. Signage shall be promptly removed once event is concluded.* Event Banner attached to the OBX Rod & Custom Festival Event Trailer daily during event. Event Sponsor Banner attached to stage area. Possible several smaller signs designating parking areas and providing direction to participants, parking lane area, entrance and exit signs

- g. Are you planning to have alcohol consumption during event: **No**

i. IF yes, please select alcohol type(s) to be served: ☐ ☐ ☐

ii. IF yes, describe how alcohol beverages will be served at event. Describe how alcohol to be served

iii. IF yes, a copy of the approved ABC permit:

☐ OR ☐

V. Event Parking & Site Plan

- a. **Provide Information on designated parking areas and a traffic flow description on and off the event site.** The Site can accommodate up to 1250 total guests with use of all OBVB lots and depending on layout of the event. Capacity is based on the peak attendance at one time during the event. Higher capacity is possible but will require a plan for off-site parking in addition to parking at the Site. If parking off-site, attach a letter from that property owner verifying how many excess parking spaces will be available for the event. **Parking attendants are required for Miller's Waterfront Restaurant and First Flight Adventure Park parking lots.** (Event Organizers CANNOT use the Harvey Estuarine Site as part of their plans for parking or infrastructure)

During the day on Thursday, Friday and Saturday we will fill cars in the grass parking arrangement first and then if necessary, will use paved parking. We will use paved parking for the people who will be coming and going throughout the day and the grassy areas parking for people who plan to stay on site for longer periods of time. We plan to reserve a few on site paved parking spaces for handicap or elderly spectators. We will use the parking at Dairy Queen site for our staff. We also use the parking at Pamlico Jacks site for Spectators

- b. **Check the box(es) below of the OBVB parking lots your event requires:**

☒ Pamlico Jacks: (125 spaces) no parking allowed on the grassy areas due to the septic system; parking attendant needed; right turn only out of the parking lot.

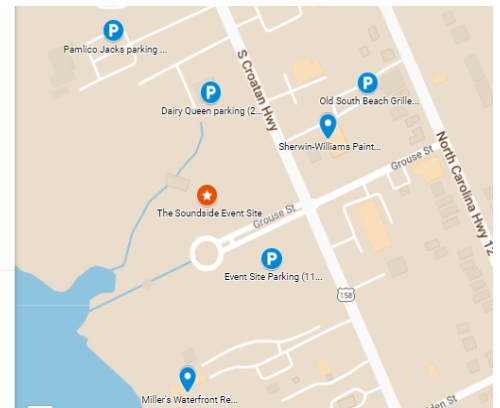
☒ Dairy Queen: (24 spaces) located

on the west side of the building, only available for event organizers or staff parking; all other spaces are reserved for First Flight Adventure Park.

☐ South Beach Grille lot: (50 spaces) only available for staff, volunteer or vendor parking. No public or event parking.

Parking

- ☒ Dairy Queen parking (24 spaces)
- ☒ Pamlico Jacks parking (125 spaces)
- ☒ Event Site Parking (113 spaces)
- ☒ Old South Beach Grille parking (50 spaces)
- ☐ The Soundside Event Site
- ☐ Sherwin-Williams Paint Store - NO parking
- ☐ Miller's Waterfront Restaurant - NO parking



Garage Band Charities, Inc agrees to hold harmless the Outer Banks Visitors Bureau for any damage to vehicles or liability related to the vehicles being on the property. The Outer Banks Visitors Bureau accepts no responsibility for liability, loss, damage, or theft of equipment or property on the lots.

Garage Band Charities, Inc shall be responsible for any damage done to the lots or building due to their negligence while using the lot(s).

Garage Band Charities, Inc agrees that the vehicles are parking at their own risk.

- c. Include the following elements on the event map (*Tip: Choose "INSERT" tab, then "Shapes" to select lines, boxes, symbols, etc. to create your event layout on the below map.*)
- Boundaries of main event area within entire Site
 - Participant activity areas and access points (crowd flow) participants will be around their cars, at vendors or in the stage area. Clear areas will be kept in between all rows of cars and perimeters
 - Number and location of concessions, stages, or other event activity areas
 - Parking locations, estimated capacity and traffic circulation Parking areas are in the grassy areas and paved areas as shown. 400-500 at any given time. Traffic circulation shown on image. We will use the north "exit" for exiting cars, right turn only and will be manned (as we did last year)
 - Location of medical services if needed shown with first aid symbols and also mobile first aid (golf carts) and at stage area.
 - Location and number of trash and recycling receptacles Trash cans shown and will be a total of 18-20 throughout the site and emptied regularly
 - Location and number of sanitary facilities General area of portable restrooms shown
 - Size and location of tents or canopies Event Tent is 40X80 shown in the field, vendor tents will be no larger than 10X10
 - Location and number of generators or electric poles to be rented All regular electric poles rented for Thur/Fri/Sat
 - Please show your emergency exits on your event map



- d. Comments Map shows approximate locations of trash cans, portable restrooms, wash stations, first aid areas. We will also have first aid kits and fire extinguishers on all of our golf carts.

VI. Event Vendors

- a. List all vendors and concessions. *Applicants must purchase a vendor license (also called Specialty Market Permit) prior to operating concessions or provide proof that participating vendors already have a vendor license with Nags Head.*

American Classic Garage (Retail Vendor), Daniels Performance Group (Retail Vendor), Garden Deli & Pizzeria (Food Truck), Sun-Shades (Retail Vendor), Plateman OBX (Retail Vendor), Cigar Dudes (Retail Vendor), GC Diesel Performance Repair (Vendor Promoting Business), Diesel Crew (Vendor Promoting Business), Jax Wax Culpeper (Vendor Auto Care Products), Kona Ice of OBX (Treat Vendor), BB's Tropical Treats (Treat Vendor), NC Department of Insurance (Vendor Promotional), Shut the Barn Door Coffee (Coffee Vendor), Topp Dogg Catering (Food Vendor), Outer Banks Box (Retail Vendor), Joe Lam Jr & Associates (Promotions Vendor), Fork me Not (Food Truck), Greasy Wrench Clothing (Retail Vendor), Linda's Unique Creations (Retail Vendor)

VII. Event Safety & Communications

- a. What are your plans for emergency medical services and first aid?
We will have at least one area set up for a first aid set up and clearly marked. We will also keep all travel ways clear and accessible for emergency personnel. We will also have event staff clearly marked and working the entire event site to be available for any questions and medical concerns. We will also have our event golf cart available to move anyone from one location to the other also equipped with a first aid kit.
- b. How will you broadcast emergency information to your vendors and event attendees, both before and during your event?
Sound system and or Bull Horn and also event staff communicating with attendees and vendors. We have also purchased radios for volunteers to be able to communicate quick and easy and for event coordinators to be able to relay messages to volunteers quickly.
- c. How are you planning to monitor weather conditions and what will be your protocol for a weather-related event cancellation?
Weather will be monitored daily online and on multiple phone apps before the event. We will monitor the weather the same way hourly during the event or more often if chance of weather issues. We will make a call if event is already going on at least an hour before the weather would arrive to the area to easily move people out.
- d. Describe use of parking and event staff or other personnel regarding crowd and traffic control. Please indicate if private security will be on site and if off-duty police officers are needed.

For 2026 we will continue to improve our parking from the last 2 years and will be bring participants in and all the way to the back of the site and back out to the front areas to fill them in first and keep the "line" of traffic in the event site and off of the bypass. We will have staff directing traffic to correct areas for parking. Staff will also keep cars parking properly and neatly lined up for ease of flow of more traffic. At this time, we have volunteers that will be helping control traffic and crowd control that have been part of other large events. We hope to either be able to use the Marquee sign at the Pamlico Jacks site to announce Spectator parking or have signage at that area for Spectator parking. We will have volunteers at Pamlico Jacks site. As well as volunteers for restricting event traffic from Millers as well. We will need off-duty officers for crossing 158 and will be contacting Nags Head PD about that as well. Again we have also put packet pickup and new registration off site to avoid traffic backups caused by this.

- e. How do you plan to ensure emergency vehicle access at the event?

We will maintain all entry and exit routes and keep them all clear throughout the day. Entry and exit will also be staffed throughout the day to ensure the ways are clear. With the new entry/exit ramps for the grassy areas we will be able to move cars quickly and safely from the grassy areas of the event site.

- f. If an evacuation of the site is not possible due to an emergency situation (i.e.: weather), what is your plan to shelter in place?

If evacuation is not possible and is weather related, ask all attendees to return to their cars and stay in place until they receive an all clear from event staff.

I have read the Soundside Event Site guidelines and completed this application and ensure that our group will comply with regulations, policies and fee schedule governing the use of the event site.

X Sara M Hole
Signature, Authorized Event Organizer

1/21/2026
Application Date

**Town of Nags Head – Dare County Tourism Board
(dba Outer Banks Visitors Bureau)
Release and Indemnity Agreement for Facility Use**

WHEREAS, the undersigned has requested the use of The Soundside event Site owned or operated by the Town of Nags Head and the Dare County Tourism Board (the “Owners”), located at 6800 S. Croatan Hwy. Nags Head, NC and do engage in activities for the exclusive benefit of the undersigned.

NOW, THEREFORE, In consideration of the mutual promises or other good and valuable consideration, the undersigned does hereby for himself/herself, his/her heirs, executor, employers, successors, of himself/herself or of his/her employees, administrators, and personal representatives, I/We/The Event Organizer), **Garage Band Charities, INC** understand and agree to the following:

The Owners shall not be liable for any damage to property or person by reason of the Event Organizers use or occupancy of the Premises and the Event Organizer agrees to save the Owners harmless from and against all claims, suits, demands, actions, and the cost and expense thereof, including attorney’s fees, arising out of any property damage or personal injury occurring as a result of applicant’s use of the Premises. *The Event Organizer further specifically agrees that it will procure and keep in full force at its expenses, Commercial Liability Insurance in an amount not less than \$1,000,000.00 per occurrence, which policy or policies of insurance shall show the Owners as additional insured. Event Organizer will cause a certificate of insurance to be furnished to the Owners evidencing such coverage and said policy shall provide that said insurance may not be cancelled without written notice to the Owners at least thirty (30) days prior to any cancellation.

I/We/The (Event Organizer, **Garage Band Charities, INC**) hereby declare that the terms of this Release and Indemnity Agreement have been fully read and understood by me, and freely and voluntarily entered into and accepted by me, and I hereby acknowledge that I have read and understand this agreement. This agreement shall be in full force and effect any time after the execution thereof.

X Sara M Hole_____

Name, Authorized Event Organizer

X Sara M Hole

Signature, Authorized Event Organizer

*If Event Organizer is renting as an individual, the commercial liability insurance is not required. It is understood that the individual’s homeowner’s policy may apply. Please consult with your insurance agent or carrier. This statement does not act as a waiver of any of the other conditions of paragraph 3 cited above. If the individual renter has an organization, commercial entity or other recognized entity providing any assistance or services then that entity or organization is required to carry commercial general liability insurance with the specified limits and is required to provide the Town of Nags Head and Dare County Tourism Board with a certificate of insurance as noted above.

THIS PAGE MUST BE SUBMITTED WITH THE FULL APPLICATION

FOR TOWN USE ONLY

Comments or restrictions imposed by Police, Fire, Zoning, Health Department or Other: [Click here to enter all comments or restrictions here.](#)

APPROVED BY:

Outer Banks Visitors Bureau, Executive Director:

Lee Nettles

DATE: 1/22/2026

COMMENTS: Assumes completion of outstanding items

APPROVED BY:

Planning & Development Director: [Click here to enter electronic signature.](#)

Date: [Click here to enter a date.](#)

Comments: [Click here to enter comments.](#)

Fire Chief: [Click here to enter electronic signature.](#)

Date: [Click here to enter a date.](#)

Comments: [Click here to enter comments.](#)

Police Chief: [Click here to enter electronic signature.](#)

Date: [Click here to enter a date.](#)

Comments: [Click here to enter comments.](#)

Public Works Director: Nancy Roop Carawan 1-26-26

Date: [Click here to enter a date.](#)

Comments: [Click here to enter comments.](#) **None**

Chief Building Inspector: Steve Szymanski

Date: [Click here to enter a date.](#)

1/26/26

Comments: [Click here to enter comments.](#)

Town Manager: [Click here to enter electronic signature.](#)

Date: [Click here to enter a date.](#)

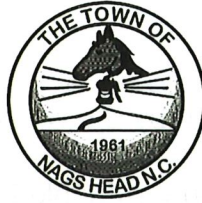
Comments: [Click here to enter comments.](#)

The office of the Town Manager, PO Box 99, 5401 S. Croatan Hwy, Nags Head, NC 27959; 252.441.5508

Benjamin Cahoon
Mayor

Megan Lambert
Mayor Pro Tem

Andy Garman
Town Manager



Town of Nags Head
Post Office Box 99
Nags Head, NC 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

Bob Sanders
Commissioner

Megan Vaughan
Commissioner

Molly Harrison
Commissioner

February 20, 2026

Sara M. Hole, Authorized Event Organizer
Garage Band Charities, Inc.
1634 Village Lane
Kill Devil Hills, NC 27948
garagebandcharities@outlook.com

RE: Denial of Crowd Gathering Activity Permit Application – OBX Rod & Custom Festival,
April 30 – May 2, 2026

Dear Ms. Hole:

The Town of Nags Head has received and reviewed your Crowd Gathering Activity Permit Application submitted on January 21, 2026, on behalf of Garage Band Charities, Inc., for the OBX Rod & Custom Festival to be held April 30 through May 2, 2026, at the Soundside Event Site, 6800 S. Croatan Highway, Nags Head, North Carolina. After careful review by the Crowd Permit Review Team, which includes the Town Manager, Police Chief, Fire Chief, Fire Marshal, Planning and Development Director, Public Services Director, and Chief Building Inspector, the Town of Nags Head is issuing this letter to inform you that your application has been denied.

This denial is issued pursuant to Ordinance No. 25-12-002, Chapter 4, Article I, Sections 4-7 and 4-8 of the Town of Nags Head Code of Ordinances (Crowd Gathering Activities and Group Demonstrations). There are numerous grounds for denial that the Review Team has also considered, as follows:

1. Failure to Conduct a Previously Authorized Crowd Gathering Activity in Accordance with Law or Permit Terms (Sec. 4-8(4))

The OBX Rod & Custom Festival has operated under Town-issued crowd gathering permits for three or more consecutive years. During that time, Town records document a persistent and escalating pattern of violations of Town ordinances across each prior event year, including repeated violations of the Town's noise ordinance (Article III, Chapter 16 of the Code of Ordinances) and traffic control regulations, as well as conditions established in previously issued permits. These violations include documented noise disturbance calls, careless and reckless driving calls, and traffic

direction and hazard calls responded to by the Nags Head Police Department during each event period; written complaints from members of the public and vacationers regarding vehicle noise occurring at unreasonable hours, including early morning and late at night, both during and after event hours; police documentation of dangerous and unlawful driving behavior in the vicinity of the event site, including on public roadways; video evidence reviewed by the Nags Head Police Department, which concluded on the basis of training and experience that the conduct depicted constitutes probable violations of Sec. 16-73 (Maximum Permitted Sound Levels by Zoning District), Sec. 16-79 (motor vehicle noise), and Sec. 16-76(a)(4)(h) (Prohibited Noise engine acceleration in a manner disturbing the peace and comfort of persons of normal sensitivities), the latter of which does not require corroboration by a sound measuring device; photographic documentation of roadway surface damage caused by tire burnouts on public roads in the vicinity of the event site; and written acknowledgment by the event organizer as early as 2023 that participant noise behavior was a known and unresolved issue. The Town's Police Department has been required to make extraordinary efforts in the past to address such violations of permit conditions and applicable law that would not have been required had the event organizer complied with the permit conditions and applicable law. The Town's records supporting this determination are available for review by the applicant upon request by contacting the Town Manager's Office. These documented multiple, repeated, various, and serious violations of prior permit conditions and applicable law constitute grounds for denial under Section 4-8(4) of the Ordinance.

2. Likelihood of Vehicle Noise Violations (Sec. 4-8(5)(b))

The event's established history demonstrates that participants routinely operate motor vehicles in violation of the Town's noise ordinance during and after event hours. Town records and police review of video evidence support probable violations of Sec. 16-73 (Maximum Permitted Sound Levels by Zoning District), Sec. 16-79 (motor vehicle noise), and Sec. 16-76(a)(4)(h) (Prohibited Noise), which makes it unlawful to operate any motor-driven vehicle in a manner that disturbs the peace, quiet and comfort of any person of normal sensitivities. Notably, violations under Sec. 16-76(a)(4)(h) do not require corroboration by a sound measuring device. Per Section 4-7(g)(5) of the Ordinance, compliance with Article III, Chapter 16 of the Code is required as a condition of any permit that includes live music or electronic sound amplification; however, the primary noise concerns driving this denial are vehicle-related and have persisted across all prior event years despite the Town's advisements to the event organizer. In fact, the event's established history demonstrates that committing these violations of the Town's noise ordinance and disturbing the peace is an inevitable, predictable, and unavoidable result of these events. In the informed judgment of the crowd permit review team, the proposed activity meets the grounds for denial under Section 4-8(5)(b) in that it is likely to violate public health or safety laws, specifically the Town's noise ordinance. The affirmative finding required under Section 4-7(d) that the proposed activity will not unreasonably interfere with or detract from the promotion of public health, welfare, and safety cannot be made.

3. Inadequate Traffic Control and Burden on Public Agencies (Sec. 4-8(5)(a) and Sec. 4-7(e))

The application reports an estimated total attendance of 1,250 people with a peak attendance exceeding 900 at one time, qualifying this event as a Tier III crowd gathering activity under Section 4-3(3) of the Ordinance. In reviewing this application under Section 4-7(c), the crowd permit review team considered the burden placed by the event on public agencies and the adequacy of the applicant's provisions for traffic control and crowd control. The event's prior history has produced documented traffic violations and significant burden upon the Nags Head Police Department and other public agencies for traffic and crowd control across all three prior event years, including careless and reckless driving on public roadways, tire burnouts causing roadway surface damage, traffic backup from attendees accessing the site, and the need for officer-directed traffic management at and near the event site. While the applicant has proposed certain traffic management measures, including off-site pre-registration and sticker application, the Town's review team has determined that these measures are insufficient in light of the event's established history of traffic violations and the extraordinary demands placed upon public resources. The Town cannot make the affirmative finding required under Section 4-7(e) that the provisions and plans for traffic control are adequate. In the informed judgment of the crowd permit review team, the event should be denied pursuant to Section 4-8(5)(a) in that it is likely to create the imminent possibility of disorderly conduct likely to endanger public safety.

4. Permit Condition Violations (Sec. 4-8(3) and Sec. 4-8(4))

In addition to the above, the Town's records reflect that the event organizer has failed to comply with specific terms and conditions imposed in prior crowd gathering permits issued for this event. Despite permit conditions and direct advisements from law enforcement to the event organizer across multiple prior event years, participants have repeatedly engaged in conduct violating the Town's noise ordinance and traffic regulations, and the event organizer has not demonstrated an adequate ability to prevent such conduct. The Town's Police Department has been required to make extraordinary efforts in the past to address such violations of permit conditions that would not have been required had the event organizer complied with the permit conditions and applicable law. The specific permit conditions at issue, and the supporting documentation, are available for review by the applicant upon request by contacting the Town Manager's Office. Such failures constitute an independent basis for denial under Sections 4-8(3) and 4-8(4) of the Ordinance.

5. Unauthorized Crowd Gathering Activities and Related Violations Associated with the Event (Sec. 4-8(4) and Sec. 4-8(5)(a), (b), and (c))

The Town's concerns are not limited to activities occurring at the permitted event site. During prior event years, the presence of OBX Rod & Custom Festival attendees has been associated with a pattern of unauthorized crowd gathering activities elsewhere within the Town that did not obtain the required crowd gathering permits under

Chapter 4 of the Town Code. These incidents include an unauthorized gathering at a private commercial shopping center, where attendees congregated without the permission of the property owner, resulting in trespassing on private property and complaints that ATM access at a bank within the shopping center was obstructed. They also include impromptu vehicle processions along Beach Road, in which a significant number of vehicles traveled in a parade-like formation with spectators in attendance. Although these processions were advertised on social media and drew public spectators, the Town received no advance notice and no crowd gathering permit was sought or obtained. These unauthorized activities created public safety hazards, burdened Town public safety resources, and resulted in violations of private property rights. The Town has no mechanism to condition or control activities that occur outside the permitted event site, and the event organizer has not demonstrated the ability or willingness to prevent festival attendees from engaging in unpermitted activities throughout the Town. This pattern of associated unpermitted activity provides additional grounds for denial under Section 4-8(4) in that prior authorized events have been conducted without complying with applicable law; further, the review team has determined that the permit should be denied pursuant to Sections 4-8(5)(a), (b), and (c) in that the proposed event is likely to again result in disorderly conduct endangering public safety, violations of public health and safety laws, and violations of Town policy and law. The supporting documentation for this determination is available for review by the applicant upon request by contacting the Town Manager's Office.

Final Administrative Decision

The Review Team has carefully considered the numerous grounds for denial and concluded that any one of these reasons in isolation constitute grounds to deny the Permit Application. The Review Team has also considered the number and significance of these various grounds in combination and has decided to issue this denial of the Permit Application.

Right to Appeal

Pursuant to Section 4-9 of the Ordinance, you have seven (7) days from the date of this letter in which to appeal this denial to the Nags Head Board of Commissioners. Such appeal must be submitted in writing, stating the grounds for the appeal, and addressed to the Mayor of the Town of Nags Head with a copy to the Town Manager. The Board of Commissioners will hear the appeal at the next regularly scheduled meeting or regular adjourned session, whichever occurs first, and the decision of the Board of Commissioners shall be final.

The Town of Nags Head acknowledges and appreciates the charitable mission of Garage Band Charities, Inc. and the community benefit provided by the organizations you support. However, the Town has an obligation to protect the public health, safety, and welfare of its residents and visitors, and the documented history of ordinance violations associated with this event does not permit the Town to approve the permit

Town of Nags Head
Rod and Custom Letter – February 20, 2026

application at this time. Should you have questions regarding this decision or the appeal process, please contact the Town Manager's Office at 252.441.5508.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Garman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andy Garman
Town Manager

cc: Police Chief, Perry Hale
Public Services Director, Nancy Carawan
Fire Chief, Randy Wells
Planning & Development Director, Kelly Wyatt
Town Clerk, Brittney Phillips
Deputy Town Manager, Amy Miller
Town Attorney, John Leidy
Outer Banks Visitors Bureau, Executive Director Lee Nettles

GARAGE BAND CHARITIES, INC.

1634 VILLAGE LANE - KILL DEVIL HILLS, NC 27948



2/22/2026

Town of Nags Head
Mayor Benjamin Cahoon
cc: Town Manager Andy Garman

Re: OBX Rod and Custom Festival Application

Dear Mayor Cahoon,

We are in receipt of the letter dated 2/20/26 from the Town of Nags Head regarding the event site permit for the OBX Rod and Custom Festival 2026. Our application has been denied and we would like to file a formal appeal to the decision. We request an audience at the next town commissioners meeting on March 4, 2026. Our response to reasons for denials are listed below.

Best Regards,

Richard M. Quidley

Garage Band Charities, Inc
Founding Partner / Promoter
300 W Lake Drive
Kill Devil Hills NC 27948

GARAGE
BAND
CHARITIES, INC

Supports Events and Promotions

- Everything listed as infractions happened outside of the event site and was not under direction or supervision of Garage Band Charities, Inc (herein GBC)
- Many of these occurrences were incidents from years prior and were addressed and corrected at that time.
- GBC has no legal authority to enforce traffic laws or noise ordinances on a public street. We do have reminders in our fliers, itinerary and at our registration trailer, for participants to be "mindful of noise", as well as "no burn outs, anywhere, anytime". We have also reinforced this in person and in our social media campaigns.

- GBC has no control of individuals or groups meeting at restaurants or other private businesses outside of event hours. In one of the early shows we had groups showing up at Ben Franklins, which was not a planned location. It was brought to our attention as no one was given permission to gather there. In later events we obtained permission from the owners to have displays there after hours and hired off duty officers and private security to keep order and added that location to our permit and insurance. Other groups assembled at the Food Lion south of Ben Franklins, again without permission. This was brought to my attention. We advised everyone the next day at the event site that it was not permitted and the problem was resolved.
- The police escorted cruise (not a political parade) has been on the event itinerary every year, and in the past escorted by Dare County Sheriffs Department, or as last year by the NC State Highway Patrol. A copy of the itinerary was provided at each of the pre-meetings each year that listed this "cruise". Groups of participant cars could have assembled on their own, but was not a preplanned ride by GBC.
- GBC has no legal control regarding spectators along the highway watching cars go by. That is not a planned element of our event. The gathering along the roadside to watch any procession such as funerals, memorial services, wounded warrior escorts and the escort of the Viet Nam memorial wall or welcoming home a winning ball team, are common and grow organically out of public interest and occur in public areas.
- At the conclusion of the event in 2024 and 2025 we were not called in for follow up meetings to address any concerns moving forward. With this in mind we continued as in previous years to plan and organize our efforts for the 2026 show. Needless to say, the content of the denial letter was much of a shock to us. We have secured sponsors, vendors, and as every year, we opened registration online for participants. Thousands of dollars have been spent on merchandise and promotional material in anticipation of this event.
- Without the event site you are only removing our central location. There were no problems of traffic at the event site as we have modified our registration and entry procedures each year to make things run smoother and alleviate traffic back-ups on the bypass.
We have employed off duty officers at our expense to man the pedestrian crosswalk.
We instituted "no pedestrian zones" at the exits of the event site to discourage onlookers prompting bad behavior from exiting cars.
We have done everything that was ever asked of us. Our goal has always been to have a safe environment at the event site.
- Chief Hale had my personal cell phone and through the years we kept in touch during the event scheduled hours and even after hours, to insure any issue was immediately addressed. We had a great working relationship and to this day, I value his friendship.

In the last seven years we have brought new visitors to the Outer Banks that did not even know what OBX was. Last year we had participants from 27 states. Our event brought immeasurable business to restaurants, motels and retail shops giving them a great off season boost. On top of that, last year alone GBC donated \$65,000 to local charities from the two and a half day event, and \$246,000 in the course of our event.

Just like bike week, OBX car week is a date on the calendar now, every year. The people will be coming. The cars will be here. They will be eating in Nags Head. They will be sleeping in Nags Head. They will be shopping in Nags Head. They feel in love with the Outer Banks. The question is if we have the event site as the common ground that helps keep everything organized.... Or not.



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Code of Ordinances be amended as follows:

PART I. General Provisions

Chapter 4, *AMUSEMENTS, ENTERTAINMENTS, MASS GATHERINGS AND COMMERCIAL-OUTDOOR RECREATIONAL USES* of the Code of Ordinances shall be replaced in its entirety as follows:

Chapter 4, CROWD GATHERING ACTIVITIES AND GROUP DEMONSTRATIONS

ARTICLE I. CROWD GATHERING ACTIVITIES

Sec. 4-1. Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Crowd gathering activity means an organized activity, for a specific duration of time, on public or private lands, which may include amplified noise, food, beverage, merchandise, and/or other forms of entertainment. Examples include festivals, performances, parades, running events, markets, tournaments/contests, or other similar activities. Crowd gathering activities typically consist of the following:

- a) Temporary uses of land, buildings, and structures not intended to be of a permanent duration;
- b) Uses that are intended to, or likely to, attract substantial crowds, participants, and/or spectators;
- c) Uses that are advertised and/or open to the general public; and
- d) Uses that are unlike customary or usual activities generally associated with the principal use of the property where the crowd gathering activity is to be located.

Sec. 4-2. Permits for Crowd Gathering Activities. Any crowd gathering activity that meets any of the criteria listed below shall not be held, commenced, or advertised until such time as a crowd gathering permit is applied for and issued in accordance with this article:

- (1) An expected total attendance of 100 or more persons;
- (2) Use of the public right-of-way or closure of a street;
- (3) Location on the public beach;
- (4) Use of fireworks, pyrotechnics, or open flame performances;
- (5) Use of special amusement buildings or rides; and
- (6) A concert or live performance with use of an amplified sound system.

Sec. 4-3. Crowd Gathering Permit Tiers. Crowd gathering permit requirements are defined according to the following three tiers:

- (1) Tier I: Lowest impact activities that take place in off-street venues; have fewer than 250 total attendees; affect a minimal number of residents or establishments; and have no significant activity infrastructure. A Tier I activity cannot include any of the following:
 - a. Use of the public right-of-way
 - b. Use of fireworks, pyrotechnics, or open-flame performances
 - c. Use of special amusement buildings or rides
 - d. A concert or live performance with the use of an amplified sound system
 - e. Use of temporary structures that would require inspection by the building inspector or fire marshal
 - f. Activity location on the public beach
- (2) Tier II: Medium impact activities that take place in off-street venues and/or close only one street; have at least 250 but fewer than 750 total attendees; affect a minimal number of residents or

establishments; and have no significant activity infrastructure. A Tier II activity cannot include or require any of the following:

- a. Activity attendance of 750 or more people
 - b. Use of fireworks, pyrotechnics, or open-flame performances
 - c. Use of special amusement buildings or rides
 - d. Closure of more than one street
- (3) Tier III: Highest impact on the community, which may involve the closure of multiple streets; closure that inconveniences numerous residents or establishments; excessive noise; attendance of 750 or more people; and significant activity infrastructure that requires inspection and permitting. Any crowd gathering activity not meeting the requirements of Tier I or Tier II shall be classified as a Tier III crowd gathering activity.

Sec. 4-4. Crowd Gathering Permit Management Responsibility.

The Town Manager's Office serves as a liaison between Town departments, activity organizers, and members of the community as it oversees organized activities through the coordination of town-wide functions.

Organizers of crowd gathering activities that require a crowd gathering permit will submit an application to the Town Manager's Office. The crowd permit coordinator, as designated by the town manager, will be the primary point of contact for all crowd gathering activities covered in this chapter. They, along with a crowd permit review team, which includes the town manager, police chief, fire marshal, planning and development director, public services director, chief building inspector, or their designees, will review each activity, as needed, for compliance. The Town Manager's Office shall either approve a crowd gathering activity permit or may place conditions upon, reschedule, relocate, or deny any requested crowd gathering activity that is deemed to be inconsistent with the requirements of this ordinance.

Sec. 4-5. Permit Application Requirements.

- a) Application. A permit application, if required under Section 4-2 of this section, shall be submitted to the crowd permit coordinator.
- b) Submittal Timeframe. Crowd gathering activity applications must be submitted no later than the dates specified below and will be accepted no more than one year prior to the date of the activity. Submission of an application does not guarantee the issuance of a permit. Applications are not considered submitted until the application fee has been received.
 - (1) Tier I: No later than 15 days prior to the event
 - (2) Tier II: No later than 60 days prior to the event
 - (3) Tier III: No later than 90 days prior to the event
- c) Application Contents. Applications should include the following information:
 - (1) The name and address of the applicant, person, group or organization;
 - (2) The name and address of the person, organization or association sponsoring the activity, if any;
 - (3) The date(s) and hours for which the permit is desired;
 - (4) A detailed site plan that includes:
 - a. Boundaries of main activity and entire site;
 - b. Location of any vendors/concessions;
 - c. Location of parking areas and traffic circulation plan;
 - d. Location of medical services;
 - e. Location of signage (all signs must comply with the Nags Head Unified Development Ordinance);
 - f. Location of sanitary facilities;
 - g. Location and dimensions of tents, canopies, stages, or inflatables (An additional permit may be required in accordance with the provisions of the NC State Building and/or Fire Prevention Code); and,
 - h. Location of electrical sources and/or generator system and size.
 - (5) An estimate of the anticipated total and peak attendance to include participants and spectators. If the event requires registration or if tickets are being sold, total registrations or tickets to be sold must be listed;
 - (6) In summary format, the general plan for the event or activity, to include the following items:
 - a. Crowd control procedures;
 - b. Traffic control;
 - c. A parking and transportation plan demonstrating that adequate parking and access will be provided to serve the reasonably anticipated attendance of the event. The plan may include a

combination of on-site and off-site parking areas, supported by written permission from the property owner documenting the number of available excess spaces, as well as transportation options such as shuttle service, ride-share staging areas, or other measures; (Use of "NO ACTIVITY PARKING" signs may be required for neighboring businesses to ensure parking for their patrons.);

- d. The impact of the performance or activity on existing parking areas, streets, highways and the burden placed upon public agencies for traffic and crowd security and control;
 - e. The effects of such performance or activity on fire control and fire prevention, including safety precautions;
 - f. Provisions for emergency medical services and first aid; (The Town reserves the right to require these services.);
 - g. Provisions for collection and disposal of solid waste - including trash, recycling, and human waste – and for the provision of sanitary facilities; and
 - h. Provisions for returning the site to its pre-activity conditions including, but not limited to, the removal of all debris and trash immediately after the activity.
- (7) An estimated total number of vendors, with a complete list of all vendors providing concessions no less than 15 days prior to the date of the event;
- (8) The amount, type, and location of signage as defined in the Unified Development Ordinance, Section A.4 Definitions;
- (9) The proposed noise level, frequency, and duration of music, PA systems, or other loud activities.

Sec. 4-6. Insurance Requirements.

- a) As a condition precedent to the issuance of a permit authorizing an activity, the applicant shall obtain public liability insurance that shall provide "occurrence" coverage against liabilities for death, personal injury or property damage arising out of, or in any way connected with, such activity. Such insurance shall be in the amount of at least \$1 million combined single limit, and shall name the Town of Nags Head, the Town's officers, employees, and agents, as additional insureds under the coverage afforded. In addition, such insurance shall be primary and non-contributing with respect to other insurance available to the Town and shall include a severability of interest (cross liability) clause. Proof of insurance shall be provided no less than 15 days prior to the date of the event.
- b) Waiver of insurance requirements; other. An applicant for an activity permit may request and obtain a waiver of this insurance requirement from the Office of the Town Manager. The applicant shall be required to submit a letter describing the reasons for the waiver request from the town manager with the activity application. The decision to waive the activity insurance requirement shall be made at the town manager's sole discretion and may not be appealed. Waiver requests shall be filed with the activity application.
- c) There shall be no insurance requirement for Group Demonstrations as defined in Article II of this ordinance.

Sec. 4-7. Review of Application; Conditions to be Met.

- a) The crowd permit coordinator shall, upon receipt of an application for a permit, review the application with the applicant or sponsoring organization to determine if the application is complete and/or to request more specific information concerning the items presented in the application.
- b) The crowd permit coordinator may request a meeting between the applicant and the crowd permit review team to review the permit application.
- c) In determining whether or not to issue a permit, the town manager shall consider the information required in the application, as well as any conflicts, or possible conflicts, with other events and performances; the burden placed by the event on public agencies; the adequacy of security, traffic control, and crowd control provisions; the health and safety conditions for attendees, and the capacity of the area designated for the event to contain the expected number of vehicles, participants and spectators.
- d) The town manager shall issue a permit when they find that the proposed activity will not unreasonably interfere with the rights of the general public in having free access along public ways and streets. After consultation with the police chief and other public officials, as deemed appropriate, that the proposed activity will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation; that adequate public services are available for security, traffic control, and crowd control; that the proposed activity is not reasonably anticipated to incite violence, crime or disorderly conduct, that the proposed activity will not entail extraordinary or burdensome expense or operations on the police department and other public agencies, and that the activities will not interfere with other scheduled events.
- e) In addition, the town manager must find that the provisions and plans for security, traffic control, and crowd control, health and sanitation, and all matters required to be included in the permit application are adequate and that the applicant and sponsor have the reasonable capability of carrying out such plans and preparations.

- f) Form of permit; conditions to be set out. The town manager, or their designee, after due consideration of the matters contained in this article, shall either grant or deny such permit. The granting of a permit shall be by letter to the applicant, setting out all conditions of the permit and incorporating any provisions or conditions in addition to statements and presentations in the permit application. Any deviation from the terms and conditions of the permit, or the approved statements contained in the application, or any misstatement of fact made in such application shall be grounds for immediate revocation of the permit at any time by the town manager.
- g) Standards.
- (1) A permit issued under this article shall be valid only for a period of seven consecutive days and may not be renewed or reissued prior to the passage of 25 days from the prior activity.
 - (2) All activities shall be contained either within the applicant's property or within property upon which the applicant has written permission from the owner to use.
 - (3) The Town reserves the right to approve, reschedule, deny, or place conditions on any event that proposes to use the public right-of-way and/or close a public street.
 - (4) Permits for crowd gathering activities may also be subject to the requirements of other agencies including, but not limited to, the Dare County Health Department, the North Carolina Department of Transportation, and/or the North Carolina Division of Coastal Management. Compliance with these requirements shall be demonstrated by the applicant no less than 15 days prior to the date of the event.
 - (5) If live music or an electronic sound amplification system is proposed with the activity, the applicant shall comply with article III, Chapter 16 of this Code.
 - (6) Signage. Signage is allowed in accordance with the following standards:
 - a. The total amount of signage shall not exceed 2,000 square feet in area. Such signage may be in a single sign or a combination of signs.
 - b. All signs shall be located within the boundaries of the area in which the activity will be held.
 - c. Signs shall not be located on Town owned property, except in instances where the activity is located on Town property.
 - d. Signs shall be displayed only during the time of the activity and shall be promptly removed by the permittee at the close of such activity.
 - e. Signs that are prohibited by the Unified Development Ordinance, Section 10.22.6 Prohibited Signs, will not be allowed as part of a crowd gathering activity.
 - f. Signs shall not be located in a manner that impedes the movement of pedestrians or life safety vehicles on the beach.
 - (7) No permit will be issued until all permit fees are fully paid in accordance with the Consolidated Fee Schedule.
 - (8) If a site inspection is a condition of approval, the applicant shall notify the Town two hours prior to the performance or event that the site is ready for inspection. The Town may inspect the site prior to, during, or after the performance or event to verify compliance with this chapter with the issued permit and all applicable Town regulations. Failure to make provisions for complying with this Code shall be grounds for revocation under this article.
 - (9) It shall be unlawful for any person to violate any provision of this section or to violate any term or condition of a permit issued pursuant to this section.
 - (10) The granting of any permit is not grounds for the violation of any other ordinance of the Town, and the applicant shall take whatever steps are necessary to comply with all ordinances of the Town for the duration of the activity.

Sec. 4-8. Denials. Any crowd gathering activity permit may be denied for the following reasons:

- (1) The application is not fully completed and executed.
- (2) The application has not met the tier deadline requirements.
- (3) The applicant has failed to comply with any term of this Chapter,
- (4) The applicant has failed to conduct a previously authorized crowd gathering activity in accordance with law or the terms of a permit, or both.
- (5) Superseding reasons for denial. Even when all conditions are met for approval of a crowd gathering activity permit, the permit may be denied when in the informed judgment of the crowd permit review team:
 - a. The special event is likely to create the imminent possibility of disorderly conduct likely to endanger public safety or to result in significant property damage;
 - b. The special event is likely to violate public health or safety laws including but not limited to trespassing, noise violations, unauthorized use of public or private property; or
 - c. The special event will likely result in violations of Town policy or law.

Sec. 4-9. Appeals.

- (a) If the town manager denies such permit, or subsequently revokes the permit, the applicant shall have seven days in which to appeal such denial or revocation to the board of commissioners. Such appeal shall be in writing, stating the grounds therefore and shall be addressed to the mayor of the town with a copy to the town manager. The board of commissioners shall hear the appeal at the next regularly scheduled meeting or regular adjourned session, whichever occurs first. The decision of the board of commissioners shall be final.

Sec. 4-10. Special Requirements for Motorized Parades.

- (a) *Event Organizer's Responsibilities.* There shall be one person designated on the crowd gathering permit application as the event organizer. This person will be the primary point of contact with the Town and shall be responsible for ensuring the event is carried out in accordance with the approved permit and all other town ordinances. The responsibilities of the parade event organizer are as follows:
- (1) Ensure compliance with all requirements of this ordinance.
 - (2) Prepare a plan for the parade including a written Emergency Action Plan. This should include the following:
 - a. The parade route including starting and ending points;
 - b. Number, type, and order of participants;
 - c. Traffic control points;
 - d. Locations of sanitary facilities;
 - e. Spectator viewing areas;
 - f. Street closures and timing of closures;
 - g. Plan for emergency services to include EMS services;
 - h. Staffing requirements for the parade including marshals;
 - i. The Emergency Action Plan should address ways to mitigate risk for the event. It should also address communication issues, such as contact with parents or guardians in the event of an emergency involving a child.
 - (3) Obtain insurance coverage for the event in the minimum amount of \$2 million per occurrence/\$4 million aggregate and list the Town of Nags Head as an additional insured.
 - (4) Inform all parade participants of parade safety and participant rules.
 - (5) Collect and maintain records of required information from parade participants. The town manager or their designee will provide event organizers with a list of information that must be collected from each parade entry and may provide a proposed entry information form for this purpose. This may include the following items:
 - a. A Parade Entry Information Form must be submitted by each parade entry;
 - b. Documentation that parade participants received the parade safety information;
 - c. Proof of insurance from each vehicle operator and for each vehicle;
 - d. Signed copies of the Operator Safety Acknowledgment.
 - (6) Supervise the parade. Event organizers must be present to supervise the event throughout the parade.
 - (7) Units must be organized to provide reasonable distance between motorized parade units and units comprised of pedestrians or animals. Event organizers must anticipate issues that may slow normal parade progress and establish an order that considers these factors.
 - (8) Provide list of parade applicants/entries and any other operational information needed by law enforcement.
 - (9) Ensure the safety of all parade entries including trailers, floats, and vehicles. This shall include documenting compliance with state vehicle inspection and registration requirements. If vehicle is unable to be registered, provide safety plan for that vehicle.
- (b) *Requirements for Parade Units (Vehicles, Floats, Objects Towed).*
- (1) Each operator must review, sign, and provide to the event organizer an Operator Safety Acknowledgement indicating that they understand the safety requirements set out in this section and will abide by them. The Operator Safety Acknowledgement must be in a form that is acceptable to the town manager or their designee.
 - (2) Operators must be at least 21 years old and must have a valid driver's license of the type required for the vehicle that they are operating.

- (3) Operators must be experienced in operating the type of vehicle they will be driving during the parade.
 - (4) Operators must be familiar with the parade route, including the location of turns, intersections, and where slowing is likely.
 - (5) Operators may operate their parade unit only after confirming it is in good working condition and safe to participate in the parade.
 - (6) Operators must ensure that valid automobile and/or liability insurance is in place for the vehicle they will operate during the parade.
 - (7) All trailers must be registered with the North Carolina Division of Motor Vehicles and display a current North Carolina registration plate, as required by N.C. Gen. Stat. §20-111. (1). Trailers that are registered in another state must show proof of compliance with that state's registration requirements.
 - (8) Operators must confirm that the vehicle they are driving is rated sufficiently to tow any float and passengers riding on it that they are assigned.
 - (9) Operators must obey all instructions from parade marshals and law enforcement officers along the route.
 - (10) Operators must ensure that their visibility remains unobstructed at all times when they are operating the unit.
 - (11) Operators will not consume or have consumed alcoholic beverages or take drugs or medication that will impair their ability to safely operate a parade unit.
 - (12) No open containers will be allowed in or on parade units.
 - (13) Operators must ensure that they are informed of the intended pace/speed of the parade and must maintain that pace.
 - (14) Operators must refrain from cell phone use, eating, smoking, or any other form of distracted driving. Passengers assisting the operator may utilize a mobile device or two-way radio for event-related communication purposes only. The purpose and function of the passenger is to observe the surroundings, assist the driver with outside, event-related communication, and keep a proper lookout during the event.
 - (15) Operators must not allow anyone within their parade unit to throw items, including candy, from their parade units.
- (c) *Passengers in Vehicles and on Floats.* Passengers in vehicles and on floats must comply with the following requirements:
- (1) Passengers may be seated at the top of the back seats in a convertible. All passengers must stay seated and wedge their feet under a seatbelt if one is available. No standing is allowed in a convertible vehicle. Any minors seated on the top of a convertible vehicle must be accompanied by an adult. The total number of individuals in a convertible must not exceed the total number of seatbelts if the vehicle has seatbelts.
 - (2) Passengers riding in the bed of a pickup truck are not permitted to sit on sides of the truck.
 - (3) Any additional seating in the bed of a pickup truck must be adequately secured.
 - (4) Minors riding in the bed of a pickup truck must be accompanied by an adult.
 - (5) Number of occupants in the vehicle are not to exceed the number of seatbelts if the vehicle has seatbelts.
 - (6) Children riding on floats must be supervised by an adult. The chaperone ratio for float passengers is not less than one (1) adult for every four (4) children. Children less than eighteen (18) years old may ride on or in a parade unit provided they are safely holding onto harnesses or tether devices, standing behind railings, or strapped into seat belts or car seats, as applicable.
 - (7) Float riders may not mount or dismount the float or tow vehicle when it is in motion.
 - (8) Rider seats must be secured to the float deck.
 - (9) Riders are prohibited from standing or riding on the edge of a float.
- (d) *Violations.* The event organizer is responsible for removal of parade participants that do not comply with these regulations and should take all reasonable steps to ensure compliance with applicable requirements. Law enforcement personnel may also remove parade participants not in compliance with these regulations as necessary. The Town may also remove any parade unit or participant from the event if there is a clear violation of North Carolina vehicle safety requirements. Participants in violation of this ordinance may be restricted from future participation in the parade event. The Town may also levy a civil penalty in the amount of \$500 to the event organizer for violations of this ordinance.

Sec. 4-11. Events Exceeding Expected Attendance.

Any event for which a permit would be required, and no permit is applied for, shall immediately be cancelled and all participants with their associated equipment shall be disbursed from the site. It is expected that the sponsor will act in compliance with this section on their own initiative.

Sec. 4-12. Disclaimer of Liability.

In no event shall the issuance of a permit under this article make or cause the Town to be deemed a sponsor of the event. Further, the Town shall incur no liability for any injury to person or property arising out of any events regulated by this article. Further, as a condition of any permit issued pursuant to this article, the applicant and sponsor shall hold the Town harmless and indemnify the Town for any liability incurred as the result of a valid judgment in a court of law. It is further provided as a condition of any permit issued hereunder that the applicant shall defend the Town against any action filed against it arising out of any event for which a permit is issued.

Secs. 4-13—4-50. Reserved.

ARTICLE II. GROUP DEMONSTRATIONS

Sec. 4-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means that portion of any street lying between its intersection with other streets.

Defamatory means false or untrue statements made or published by the speaker to a third-party which the speaker intends to result in harm to a person's reputation which actually results in or is likely to result in harm to another's reputation or dignity.

Group demonstration means any assembly or concert of action for the purpose of protesting or demonstrating for or against any matter, or of making known any position or promotion of such persons or matter, or of or on behalf of any organization, group, corporation or class of persons, or for the purpose of attracting attention to such assembly.

Obscene or *Obscenity* means materials to which the average person, applying contemporary community standards, would find appeals to prurient interests and depicts or describes, in a patently offensive way, sexual conduct which lacks serious literary, artistic, political, or scientific value.

Procession means any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks or other public grounds or places in the town.

Picket line means a group of persons formed together for the purpose of making known any position or promotion of such persons, or of or on behalf of any organization, group, corporation or class of persons.

Sec. 4-52. Prohibited acts and regulations.

The following acts or activities, when performed or undertaken in conjunction with or as a part of any procession, picket line or group demonstration, are hereby prohibited and declared unlawful:

- (a) *Carrying weapons.* The carrying on or about the person of any firearm or any weapon or article including, but not limited to, blackjacks, nightsticks or flashlights, which by their use might constitute a deadly weapon, as prohibited under N.C. Gen. Stat. § 14A-277.2.
- (b) *Taking or keeping of vicious animals.* The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.
- (c) *Location.* Group demonstrations, processions, and picketing may be conducted only on the areas, shoulders or sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic. Any such activity must also be conducted at least one-hundred feet away from any storefront or financial institution open to the public, and any automatic teller machine or other machine at which money is dispensed to the public.
- (d) *Signs and pickets.* Individual signs, pickets, or other written or printed placards must not exceed nine square feet, and must not contain content which is obscene, defamatory, creates a clear and present danger to the health, safety, and welfare of the general public, or is directed at inciting or producing imminent lawlessness which is reasonably likely to incite or produce such imminent lawlessness. Signs, pickets, or other written or printed placards shall not be mounted, installed, or affixed in the dedicated right-of-way at any time.
- (e) *Use of Right of Way.* Participants in a group demonstration, procession, or picket shall be at least ten feet from the paved or running surface of all highways and streets where no sidewalks are provided, shall remain on the dedicated right-of-way of any highway or street. Where sidewalks or curblines are provided, participants shall not be allowed closer than four feet to the curbline.
- (f) *Allocation of time among separate groups.* If individuals engaging in group demonstrations, processions, or picket lines promoting different objectives or ideas desire to use the same sidewalk or shoulder, and such use would result in the presence of more than ten signs, pickets, or other written or printed placards thereon, the police chief or their designee shall allot time to each group for the use of such sidewalk on an equitable basis.

- (g) *Obstruction of Traffic.* No group demonstrations, processions, or picket lines shall be allowed in the travelled portion, including the shoulders and median, of any street, highway, or right-of-way in such a way to obstruct vehicular or pedestrian traffic. Nor shall any group demonstrations, processions, or picket lines occurring on a sidewalk or multi-use path obstruct or prevent any person from travel along or access through the area.

Sec. 4-53. Interference with activity conducted under authority of permit.

No person shall hamper, obstruct, impede or interfere with any procession, picket line or group demonstration being conducted under the authority of a permit duly issued by the police chief or their designee.

Sec. 4-54. Exemptions.

The provisions of this article shall not apply to:

- (a) Funeral processions;
- (b) Students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities;
- (c) Any governmental agency acting within the scope of its functions.

Sec. 4-55. Permit Required.

It shall be unlawful for any person to organize, conduct or participate in any procession, picket line or group demonstration in or upon any street, sidewalk, alley or other public place within the town unless a permit therefor has been issued by the Town in accordance with the provisions of this article; provided that groups of less than fifteen individuals engaging in processions, picketing, or group demonstrations need not obtain a permit.

Sec. 4-56. Powers and duties of police chief; contents of permit.

The police chief or their designee is authorized to issue permits as required in this division, and in the issuance thereof they shall:

- (a) Application. Require a written application for such permit to be filed not less than 72 hours in advance of such procession, picket line, or group demonstration. Such application shall be on a form prescribed by the police chief, shall require the application to be signed by the applicant, and shall require that the applicant show the applicant's name, address, affiliated organization, if any, phone number, and email address, the proposed time, place, purpose and size of such procession, picket line or group demonstration and whether or not any minor below the age of 18 years shall participate. Gatherings or demonstrations which are open to the public and drawing or likely to draw more than 100 participants must also obtain a crowd gathering activity permit as required under Article I of this chapter. In no instance shall an application for a group demonstration be required to be submitted more than 30 days from the date of the event. Failure to obtain a crowd gathering activity permit, if applicable, shall be grounds for the police chief or their designee to refuse to issue a permit.
- (b) Refusal to issue. Refuse to issue such permit when the activity or purpose stated in the application would violate any law or ordinance of the town or state law.
- (c) Participation of minors. Specify in the permit whether or not minors below the age of 18 years will be permitted to participate.
- (d) Person in charge of activity. Require that the application for a permit shall specify and the permit shall designate the person in charge of the activity. Such person shall be required to accompany the procession, picket line or other group demonstration and shall carry such permit with them at all times. Such permit shall not be valid in the possession of any other person.
- (e) The police chief or their designee shall determine whether the applicant has provided all information required in this Section and complied with other applicable provisions of federal, state, and local laws and, if so, shall issue the permit without undue delay, but in no event less than 48 hours after receipt of the application. The police chief or their designee shall only deny a permit sought in accordance with this Section if the application is incomplete, the applicant has furnished false or untrue information in his application, or the applicant has failed to comply with another provision of federal, state, or local law governing permit requirements or the proposed activity.
- (f) Contents. The permit issued by the police chief or their designee shall set the starting time, duration, speed of travel and space between persons or vehicles in the procession, picket line or group demonstration, shall prescribe the portions or areas of streets, alleys, sidewalks or other public places to be used, and shall impose such other reasonable requirements as the police chief or their designee may prescribe for the control and free movement of pedestrian and vehicular traffic, or for the health, safety and property rights of the participants and the general public.

Sec. 4-57. Revocation.

The police chief shall revoke any permit granted for a procession, picket line or group demonstration for any of the following causes:

- (a) The violation by any participant of sections 4-52 or 4-53 of this Article, or other any other applicable federal, state, or local law; or
- (b) The failure of the applicant to furnish a copy of the permit issued by the police chief or their designee in response to a lawful request by law enforcement or a Town official.

Sec. 4-58. Enforcement.

It shall be unlawful to violate any provision of this Article. Violations shall be a misdemeanor and punishable as provided in G.S. 14-4 in the discretion of the presiding judge. In addition to or in lieu of any criminal enforcement, the Town or any aggrieved person may pursue applicable civil remedies deemed appropriate and necessary.

PART II. That Section 26.13 Town of Nags Head Park Use Regulations, be amended as follows:

The regulations contained in this section shall apply to Town Park, located at 415 West Health Center Drive, Dowdy Park, located at 3005 South Croatan Highway, the Harvey Soundside Access located at 6912 South Croatan Highway, the Dog Park located at 227 West Satterfield Landing Road, and Whalebone Park located at 7300 South Virginia Dare Trail.

- (1) Hours of operation. The parks shall be open every day from an hour before sunrise to an hour after sunset.
- (2) Commercial activity. Commercial activity within the parks, including, but not limited to, the vending and the solicitation of products or services, is prohibited.
- (3) Events or activities. Organizations, groups, or private individuals who wish to schedule an event or activity may do so only in accordance with the Town of Nags Head's Use of Town Parks Policy [or Use of Dowdy Park Policy](#), as amended.
- (4) Pets. Except as otherwise provided in this section, pets must be on a leash at all times. Owners must clean up after pets.
- (5) Alcoholic beverages. The use and possession of alcoholic beverages is prohibited within the parks, except as otherwise permitted as part of a Town sponsored/authorized event. The sale and distribution of alcohol shall be prohibited at all times. For the purposes of this section, alcoholic beverages means any beverage containing at least 0.5 percent alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.
- (6) Smoking. The use of cigarettes, cigars, or similar products is prohibited.
- (7) Littering. Littering or dumping of waste within the park is prohibited. All waste shall be disposed of in waste containers.
- (8) Fireworks. Fireworks (including sparklers) are prohibited within the parks.
- (9) [Firearms. Firearms, concealed or otherwise, are prohibited in Town parks.](#)
- (10) Children. Children under the age of 12 shall be under the supervision of an adult who is physically present within the park.
- (11) Open fires/grills. Open fires shall be limited to the permanently installed grill facilities located at the parks.
- (12) Damage to Town property. It shall be unlawful for any person to damage Town property, including, but not limited to, defacement of property with graffiti, damaging furniture or fixtures, or damaging trees or vegetation within the park.
- (13) Bicycles/rollerblades/skateboards/scooters. Except as otherwise provided in this section, the use of bicycles, rollerblades, skateboards, scooters and similar apparatus is strictly limited to the sidewalks and walkways within the parks. Use of bicycles, rollerblades, skateboards, scooters and similar apparatus on playground equipment, play dunes, or on the lawn areas is strictly prohibited. Use of skateboards at Dowdy Park shall be prohibited.
- (14) Motorized vehicles. Motorized vehicles of any kind, whether powered by gasoline, diesel or other fuel source, batteries, or similar devices, are allowed only in designated parking areas within the park and are prohibited within other areas of the park. This prohibition shall not apply to town employees or contractors working on behalf of the Town, or to persons who are required to use a motorized vehicle due to a disability.
- (15) Tents, umbrellas. The erection of tents, umbrellas, or similar products not associated with an approved activity is prohibited within the parks. When approved by the Town as part of a scheduled activity, tents shall be secured with sandbags or weights. No stakes shall be used in lawn areas.
- (16) Dog Park.
 - (a) Dogs shall remain leashed until securely inside the dog park.
 - (b) Owners are legally responsible for the actions and behavior of their dog(s). Owners shall be within the dog park and supervising their dog(s) at all times.
 - (c) Aggressive dogs shall be leashed and removed from the dog park immediately. Dogs that have been previously declared dangerous shall be prohibited from entering the dog park.

- (d) Dogs in heat and puppies under four months of age are not allowed within the dog park.
- (e) Dogs shall be licensed and vaccinated for rabies and DHLPP. Current license and rabies tags shall be worn on the dogs collar at all times.
- (f) There shall be a limit of three dogs per person within the dog park.
- (g) Food (dog or human) and glass containers shall not be allowed within the dog park.
- (h) Owners shall fill all holes dug by their dog and immediately pick up and dispose of any dog waste left by their dog.
- (i) All dogs and owners use the dog park at their own risk.

PART III. That **Section 1-6, General Penalty; enforcement of ordinances; continuing violations**, be amended as follows:

(b) Violations of any provision of the following chapters and sections of this Code or the Unified Development Ordinance shall be a misdemeanor and punishable as provided by G.S. 14-4:

- (1) Chapter 4, articles I and II, III, and VI and chapter 26, subsection 26-8(b);

PART IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

PART V. Effective Date

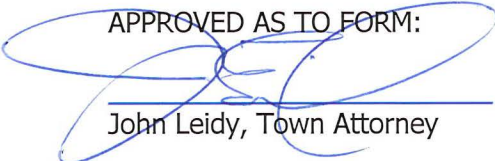
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the **3rd** day of **December 2025**.


Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:


Brittany A. Phillips, Town Clerk

APPROVED AS TO FORM:


John Leidy, Town Attorney



Date adopted: December 3, 2025

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS _____



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM I.2.

Committee Reports

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

N/A

Specific Action Requested

This item is provided for Board information and update.

Summary

At the March 4, 2026 Board of Commissioners meeting, Board members will provide reports from meetings they have attended on behalf of the Town.

Attachments

None



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM K.1.

Review of Town Legislative Agenda - Time Specific 10:30 a.m.

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Largely, this is a continuation of the town's legislative agenda from last year since very little was accomplished by the legislature during the last session. We acknowledge that there are several new board members who may have questions/comments regarding these items. Staff, as well as representatives from the town's lobbyist, Ward and Smith, will present the items and answer questions for the board.

Specific Action Requested

Request board feedback/modifications and approval to move forward with the updated 2026 Legislative Agenda.

Summary

Staff met virtually with our lobbying firm, Ward and Smith, P.A. on January 13, 2026 to review the status of the Legislative Agenda established in 2025. Based on the status and feedback from staff, a DRAFT Legislative Agenda for 2026 has been created.

Whitney Campbell Christensen and Marley Peterson from Ward and Smith, P.A. will be in attendance at the March 4, 2026 meeting to review and collect feedback on the legislative agenda and advise the board on the upcoming short session.

Attached is the draft legislative agenda for the upcoming year as well as the legislative agenda from last year with status updates on each item.

Attachments

1. 3 K1 2026 DRAFT Legislative Agenda
2. 3 K1 2025 Legislative Agenda Status Report

Benjamin Cahoon
Mayor

Megan Lambert
Mayor Pro Tem

Andy Garman
Town Manager



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Bob Sanders
Commissioner

Megan Vaughan
Commissioner

Molly Harrison
Commissioner

DRAFT 2025 – 2026 Biennial State Legislative Agenda

Revised January 13, 2026

Key Priorities:

- Seek funding to replace the Town's asbestos cement water lines. The replacement can be undertaken in segments or in its entirety. Total project cost is estimated between \$7 to \$10 million.
- Seek funding for public safety infrastructure improvements, including replacement of a fire station experiencing persistent mold and moisture issues and with insufficient living quarters as well as funding for a police station.
- Collaborate with other local government stakeholders to protect local government planning authority and to repeal or improve the 2024 down zoning legislation authorized by Session Law 2024-57.
- Seek legislation to increase the threshold for informal versus formal bidding requirements to reflect recent increases in the cost of construction and inflation. Also look at modifying other construction/contracting related statutory requirements that would have the effect of reducing costs for construction procurement and/or increasing interest in government projects.

Appropriations:

- Seek opportunities for expansion of existing beach nourishment funding sources including, but not limited to, expansion of the Coastal Storm Damage Mitigation (CSDM) program, establishment of additional state beach nourishment programs, and expansion of local government authority to raise revenue for beach nourishment projects.
- Seek approximately \$400,000 in funding to replace the public safety mobile command center currently utilized by Nags Head Public Safety during and after storms, search and rescue operations, checkpoints, and public events.
- Seek approximately \$60,000-\$80,000 in funding to replace outdated audio and video equipment at Town Hall.

Policy:

- Work with other local government stakeholders to seek policy changes to allow for the use of public dollars for the construction of local government employee housing.
- Seek and clarify local government authority to remove hazardous residential structures from the beach before they collapse.

Other Priorities:

Appropriations:

- Seek full or partial funding for the Town's pedestrian plan which includes multi-use paths and sidewalks for residents and tourists. The plan can be funded incrementally or in segments.
- Support recurring funding for the Transportation Infrastructure Resiliency Fund (TIRF), the Resilient Coastal Communities Program (RCCP), the Local Assistance for Stormwater Infrastructure Investments Program (LASII), the Stormwater Retrofit Pilot Program (SRPP) and seek recurring state funding resources to make the Town's flood prone primary, secondary and local roadways more resilient to future heavy rain events.
- Advocate for the advancement of the US 158 Corridor study within the STIP.

Policy:

- Oppose proposed changes to the Building Code and Fire Code that would erode local government authority to keep their communities safe.
- Oppose legislation that would limit local government authority over the regulation of short-term rental properties and accessory dwelling units.
- Expand recent legislation providing cancer and other health screenings to volunteer fire departments to also provide screenings for first responders serving at career and combined fire departments.
- Support state initiatives and funding related to pedestrian safety and seek changes to allow local governments to apply for non-infrastructure Transportation Alternatives Program (TAP) funding for pedestrian improvements directly through the state.
- Support the addition of cost-sharing factors as a new STIP criteria for project prioritization.
- Seek legislation to expand local authority to construct terminal groins and/or offshore breakwaters to improve the performance of beach nourishment projects.

Benjamin Cahoon
Mayor

Michael Siers
Mayor Pro Tem

Andy Garman
Town Manager



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Bob Sanders
Commissioner

Megan Lambert
Commissioner

Vacant
Commissioner

2025 State Legislative Agenda

With Status Updates Through the End of 2025

Key Priorities:

- Seek \$7 to \$10 million in funding to replace the Town's asbestos cement water lines.
 - *We prepared an informational handout on this funding request, it has been submitted and we have had several meetings with House and Senate budget chairmen to advocate for it. Mayor Cahoon, Commissioner Lambert and Andy Garman also discussed this item with the delegation on their trip to Raleigh.*
- Seek funding for public safety infrastructure improvements, including replacement of a fire station experiencing persistent mold and moisture issues and with insufficient living quarters as well as funding for a police station.
 - *We prepared an informational handout on this funding request, it has been submitted and we have had several meetings with House and Senate budget chairmen (including Capital Appropriations leaders) to make sure it is on their radar. Mayor Cahoon, Commissioner Lambert and Andy Garman also discussed this item with the delegation on their trip to Raleigh.*
- Collaborate with other local government stakeholders to protect local government planning authority and to repeal or improve the 2024 down zoning legislation authorized by Session Law 2024-57.
 - *We highlighted this issue with both members of our delegation. Sen. Hanig filed a local bill that would resolve this issue for all municipalities in Dare County. Our understanding is that this issue will be resolved with a statewide bill.*
- Work with other local government stakeholders to seek changes to the laws governing private septic system repair and replacement.
 - *We understand that this has been resolved through rulemaking.*
- Seek legislation to increase the threshold for informal versus formal bidding requirements to reflect recent increases in the cost of construction and inflation. Also look at modifying other construction/contracting related statutory requirements that would have the effect of reducing costs for construction procurement and/or increasing interest in government projects.

- *We developed an informational handout on this priority and held several meetings with Rep. Brody, Chair of the House Housing and Development Committee. At our request, he inserted language into H661 to raise the thresholds that trigger formal bidding requirements. The bill increases the threshold for construction or repair contracts from \$500,000 to \$1.5 million and for purchase contracts from \$90,000 to \$180,000. H661 passed the House with this language included and is now before the Senate.*

Appropriations:

- Seek opportunities for expansion of existing beach nourishment funding sources including, but not limited to, expansion of the Coastal Storm Damage Mitigation (CSDM) program, establishment of additional state beach nourishment programs, and expansion of local government authority to raise revenue for beach nourishment projects.
 - *Mayor Cahoon, Commissioner Lambert, Andy Garman and our team highlighted this issue in our meetings with the delegation.*
- Seek approximately \$400,000 in funding to replace the public safety mobile command center currently utilized by Nags Head Public Safety during and after storms, search and rescue operations, checkpoints, and public events.
 - *We prepared an informational handout on this funding request, it has been submitted and we have had several meetings with House and Senate budget chairmen to make the case for it and the benefits to the region. Mayor Cahoon, Commissioner Lambert and Andy Garman also discussed this item with the delegation on their trip to Raleigh.*
- Seek approximately \$60,000-\$80,000 in funding to replace outdated audio and video equipment at Town Hall.
 - *We also flagged this item in our meetings with the delegation.*

Policy:

- Work with other local government stakeholders to seek policy changes to allow for the use of public dollars for the construction of local government employee housing.
 - *Sen. Hanig indicated that he could not sponsor this legislation until he had requests from every impacted local government, so we coordinated resolutions with Andy Garman and delivered those resolutions to Sen. Hanig upon adoption. We have met with Dare County's lobbyist twice to keep him informed. We met with Rep. Pickett to request the addition of this language to H306 (employee housing bill for Watagua). Rep. Pickett was amenable and the plan is for Sen. Hanig to PCS the bill when it arrives in the Senate. This bill has already nearly cleared the House and is exempt from crossover, so in a great position.*
- Seek/Clarify local government authority to remove hazardous residential structures from the beach before they collapse.
 - *We presented this item to Sen. Hanig and Rep. Kidwell but have no other progress to report.*

Other Priorities:

Appropriations:

- Seek full or partial funding for the Town's pedestrian plan which includes multi-use paths and sidewalks for residents and tourists. The plan can be funded incrementally or in segments.
 - *Mayor Cahoon, Commissioner Lambert, Andy Garman and our team highlighted this issue in our meetings with the delegation.*
- Support recurring funding for the Transportation Infrastructure Resiliency Fund (TIRF), the Resilient Coastal Communities Program (RCCP), the Local Assistance for Stormwater Infrastructure Investments Program (LASII), the Stormwater Retrofit Pilot Program (SRPP) and seek recurring state funding resources to make the Town's flood prone primary, secondary and local roadways more resilient to future heavy rain events.
 - *We have secured and attended several meetings on this topic with the American Flood Coalition (AFC). Legislators appear to have a preference for allocating resiliency resources disproportionately to western NC, but we have been beating the drum all session about the need to continue investing in these solutions statewide.*
- Advocate for the advancement of the US 158 Corridor study within the STIP.
 - *We prepared an informational handout on this and have shared it with both members of the delegation as well as Transportation Chairmen. We have also shared it with your DOT Board member and Division Engineer.*

Policy:

- Oppose proposed changes to the Building Code and Fire Code that would erode local government authority to keep their communities safe. Work with other local government stakeholders to seek legislation authorizing local governments to require life safety systems in rental properties exceeding certain size thresholds.
 - *We explored this issue with Sen. Hanig, the homebuilders and the realtors and there was significant pushback to the life safety system requirement in residential structures. We continue to monitor for proposed Building Code and Fire Code changes that would impact local authority and will flag them for you all as they are filed.*
- Oppose legislation that would limit local government authority over the regulation of short-term rental properties and accessory dwelling units.
 - *Alongside Mayor Cahoon and Andy Garman, we have spent considerable time working to defeat House Bill 765 and related legislation that would limit local government authority over ADUs, parking requirements, density and other key topics. We scheduled meetings with the H765 bill sponsors and Senate Government Chairs (which were ultimately cancelled or postponed by the legislators). We have shared letters of opposition and had countless conversations with House members prior to H765 votes. As a result of the groundswell of opposition, H765 has been functionally abandoned by*

the sponsors. We continue to monitor closely for related provisions that might appear in separate bills.

- Expand recent legislation providing cancer and other health screenings to volunteer fire departments to also provide screenings for first responders serving at career and combined fire departments.
 - *We have pitched this idea to several Senators who filed legislation related to firefighter benefits and have also worked with Sen. Hanig to secure a Fiscal Note from NCGA staff. We will continue to promote the idea during the budget conference process for inclusion in the budget.*
- Support state initiatives and funding related to pedestrian safety and seek changes to allow local governments to apply for non-infrastructure Transportation Alternatives Program (TAP) funding for pedestrian improvements directly through the state.
 - *We have promoted this concept to DOT Board members this session, however DOT funding is already severely constrained.*
- Support the addition of cost-sharing factors as a new STIP criteria for project prioritization.
 - *We have also shared this concept with DOT Board members and Transportation Committee chairmen.*
- Seek legislation to expand local authority to construct terminal groins and/or offshore breakwaters to improve the performance of beach nourishment projects.
 - *We advocated for this alongside Mayor Cahoon, Commissioner Lambert and Andy Garman in our delegation meetings.*



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM L.1.

Mayor Pro Tem Megan Lambert – Consideration of Government Education Access Channel Committee FY 26/27 Budget

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips

Amy Miller

Andy Garman

Staff Comments/Recommendation

Approval of the proposed budget per the recommendation of the GEAC with Mayor Pro Tem Lambert as a participating member.

Specific Action Requested

Request Board approval of the GEAC annual budget for FY 26/27.

Summary

At the March 4th Board of Commissioners meeting, Mayor Pro Tem Lambert will present the attached proposed budget for 2026/2027 for the operation of the Government Education Access Channel.

The proposed budget, which has been approved by the Government Education Access Channel Committee, must be approved by the governing board of every participating member, which includes Nags Head.

Attachments

1. 3 L1 GEAC proposed budget narr

Government Education Access Channels Committee

Current TV

FY 2026-2027 Proposed Budget

The following items are presented for review and approval.

Board Action Requested:

Approve the proposed 2026-2027 GEAC Budget.

Budget Summary

The Government Education Access Channels (GEAC) Committee has reviewed and approved the proposed 2026-2027 budget for the operation of the Government and Education Channels (Current TV). The proposed budget, which would take effect July 1, 2026 must be approved by every participating member entity of the Channels, which includes the towns of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, Manteo, Dare County, Dare County Schools, College of The Albemarle, and ECU Coastal Studies Institute.

The budget as proposed requires no additional funding from the participating entities above the current annual \$1,000 membership fee. The budget is funded primarily from the North Carolina Video Distribution proceeds, which are disbursed quarterly by the state to certified channels throughout the state. These funds must be used for the operations of the two channels and no other purpose. Additionally, the legislation that originally established the Video Distribution funding required that the proceeds not supplant current funding. Accordingly, the annual \$1,000 membership fee that was in place when the program began must remain, or the Channels would lose all Video Distribution funding from the state.

The GEAC committee recommends the attached budget, which includes, in part, the following: funding for two full-time, and one part-time staff positions and the Local Programming Development Initiative to assist members in the development of programming for the Government and Education Channels. The funding also includes contractor funding to continue to produce two regular news magazine shows that highlight each of the participating members on the Education Channel and the Government Channel.

GEACC FY 2026-2027 Proposed Budget

GEACC CURRENT TV PROPOSED BUDGET FY 2026/2027	
INCOME	
[1] Supplemental PEG Channel	251,573
[2] Member Fees	10,000
[3] Interest Income	8,000
[4] Appropriated Fund Balance	143,614
Total Revenue	413,187
EXPENDITURES	
[5-A] Salaries (2 Positions)	-153,813
[5-B] Pt. Time Salary	-19,298
[6] Merit Pay	-3,000
FICA	-13,243
Retirement	-23,288
401K	-4,615
[7] Health Insurance	-25,824
Life Insurance	-210
Retiree Health	-262
Insurance & Bonds	-6,765
[8] Contractual Services	-40,000
[9] Professional Services	-2,000
[10] Equipment Repair & Purchase	-5,000
[11] Supplies	-3,500
Training	-3,000
[12] Website ADA Compliance Development	-19,500
Travel	-2,000
Professional Memberships	-500
[13] CHANNEL OPERATIONS	
Music Library	-350
OBX Media	-4,200
Adobe	-995
Tightrope Hardware	0
Cablecast Software Assurance Service	-1,600
Cable Subscription	-324
Cablecast Reflect (Streaming/VOD Service)	-2,600
Cablecast Closed Captioning Service (500 hours)	0
Fiber internet upgrade	-4,800
Envato Elements Digital Assets Library	-400
Marketing	-5,000
Miscellaneous	-500
Dropbox	-200
Contingency (Reserve for unexpected expenses)	-10,000
Emergency Contingency (Storm related overtime)	-2,500
Car Maintenance	-2,000

GEACC FY 2026-2027 Proposed Budget Continued

	Car Fuel	-1,000
	Uniforms	-400
	AI credits	-500
Total		-363,187
LPDI		
LPDI 1- Coastal Studies Institute		-5,000.00
LPDI 2- College of The Albemarle		-5,000.00
LPDI 3 - Dare County Government		-5,000.00
LPDI 4 - Dare County Schools		-5,000.00
LPDI 5 - Duck		-5,000.00
LPDI 6 - Kill Devil Hills		-5,000.00
LPDI 7 - Kitty Hawk		-5,000.00
LPDI 8 - Manteo		-5,000.00
LPDI 9 - Nags Head		-5,000.00
LPDI 10 - Southern Shores		-5,000.00
Total LPDI		-50,000.00
Total Expenditures		-413,187
Over / Under		0

Government and Education Access Channel Draft Budget Notes for Fiscal Year 2026

Goals and Objectives

To continue to fund the operation of the channel at a level that provides a professional, reliable, and quality service to the citizens of Dare County. To increase awareness of Current TV.

[1] NC PEG Supplemental Video Disbursement – Revenue collected by the state in the form of a use tax on cable and satellite providers. Funds are pooled and disbursed quarterly to qualifying PEG operations.

[2] Member Fees – Each entity pays an annual \$1,000 membership fee to participate. This amount remains unchanged from the prior fiscal year.

[3] Interest Income – Interest earned on the unappropriated fund balance. Dare County Finance advised including \$8,000 for FY 2026–2027.

[4] Appropriated Fund Balance – Amount pulled from the unappropriated fund balance to meet obligations.

[5-A&B] Salaries – Funds two full-time Dare County employees and one part-time employee positions and includes a 3.0% COLA increase.

[6] Merit Pay – Awarded based on employee performance. Dare County Finance advised \$3,000.

[7] Health Insurance – Includes individual health insurance coverage for eligible employees.

[8] Contractual Services – Assistance in producing Destination Dare and Dare Education Awareness programs.

[9] Professional Services – Covers professional voiceover, acting, and production support.

[10] Equipment – Purchase and repair of large video production equipment.

[11] Supplies – Items such as batteries, tape, lighting gels, and small accessories.

[12] Website Development - Development cost to ensure the Current TV website complies with the Americans with Disabilities Act, meeting all federal accessibility standards to include WCAG 2.1 Level AA compliance.

[13] Channel Operations – Day-to-day channel expenses including website hosting, streaming, software, monitoring services, and digital asset libraries.

- \$350 for music library to provide music beds for videos.
- \$4,200 - OBX Media: for website hosting and maintenance.
- \$995 - Adobe: Creative Cloud subscription for professional non-linear editing tools.
- \$1,600 Cablecast Software Assurance- software warranty for our Cablecast software which we use to schedule and send our stream to the cable channels.
- \$2,600 - Reflect: Streaming Video/VOD for online video streaming service.
- \$4,800 Fiber internet-For buffer-free playback of livestreams and Videos on Demand on CurrentTV website.
- \$400 - Envato Elements: Digital asset and stock footage library
- \$5,000 Marketing budget for social media ads, promotional handouts, and advertising.
- \$200 Dropbox subscription to transfer and house videos produced by contractors.
- \$500 for AI credits for video AI tools such as audio enhancements, animation, and time saving tools.



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: March 4, 2026

AGENDA ITEM M.1.

Request for Nominations for Lightkeeper/Nags Header Awards

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

We would request that the Board of Commissioners solicit and publicize applications for these awards. This would allow for selection of the recipients to occur at the May regular meeting and the presentation of the award at the June regular meeting.

Specific Action Requested

This item is provided for Board information.

Summary

Mayor Cahoon will request nominations for the Town's Lightkeeper and Nags Header programs to be delivered to the Town Clerk's Office by April 15, 2026. Attached is the list of past recipients of these awards. Application forms may be found on the Town's website at nagsheadnc.gov/AwardNominations.

Attachments

1. 3 M1 Mayor Lightkeeper-NHr PastRecipientList

Nags Head Lightkeepers

2000 - 2001 Carl Nunemaker
2001 - 2002 Donald Bryan
2002 - 2003 Mike Kelly
2003 - 2004 David Oaksmith
2004 - 2005 Drew Wilson
2005 – 2006 Russell Twiford
2007 – 2008 Lillie Daniels “Doll” Gray
2008 – 2009 Glen Eure
2009 – 2010 John Harris
2011- 2012 Doris Gard
2016 – 2017 Tom White
2021-2022 John and Annette Ratzenberger
2022-2023 Sandra Austin
2023-2024 Robert W. “Bob” Muller
2024-2025 J. Webb Fuller

Nags Header

2005 Nellie Myrtle Midgette Pridgen
2005 George Stonewall Crocker
2013 Alvin S Hibbs
2016 Martin Kellogg
2023 Richard “Dick” and Jo Fessler
2024 Lillie Daniels “Doll” Gray
2025 Bruce M. Bortz