



**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)
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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.

MOTION: 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: March 4, 2026

Mayor: Benjamin Cahoon

Brittany A. Phillips, Town Clerk