



AGENDA

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

WEDNESDAY, APRIL 15, 2026; 9:00 AM

RECESSED SESSION

A. CALL TO ORDER

B. ADOPTION OF AGENDA

C. PUBLIC COMMENT

D. CONSENT AGENDA

1. Consideration of Budget Amendment #10 to FY 25/26 Budget
2. Approval of Minutes

E. PUBLIC HEARINGS

1. Public Hearing to Consider UDO Text Amendments Submitted by Albemarle & Associates, Ltd on behalf of Blue Moon Five-2, LLC (Blue Moon Restaurant), to Create a New Accessory Use to Restaurants, "Restaurant Waiting Lounge," with Associated Supplemental Regulations.
2. Public Hearing to Consider a Special Use Permit/Site Plan Amendment Submitted by Albemarle & Associates, Ltd on Behalf of Blue Moon Five-2, LLC (Blue Moon Restaurant) Seeking Approval of the Unified Development Plan for Blue Moon Restaurant and a Proposed Restaurant Waiting Lounge Pursuant to the Supplemental Standards Proposed in Section 7.31.3 of the UDO. The Subject Properties are Zoned C-5, Historic Character Commercial District, and Located at 101 & 102 E. Dove Street, Nags Head.

F. NEW BUSINESS

1. Presentation of the Strategic Plan Update from February 2026 Board of Commissioners Retreat
2. Consideration of Resolution in Support of Mid-Currituck Bridge

G. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

1. Request to Discuss Updated Town Attorney Retainer and Fee Agreement

H. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

I. BOARD OF COMMISSIONERS AGENDA

J. MAYOR'S AGENDA

K. CLOSED SESSIONS

L. OTHER BUSINESS

M. ADJOURNMENT/RECESS TO STORMWATER MASTERPLAN WORKSHOP



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

RECESSED SESSION: April 15, 2026

AGENDA ITEM D.1.

Consideration of Budget Amendment #10 to FY 25/26 Budget

Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

Reviewed by

Amy Miller
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

There is a justification included under the budget amendment which explains the purpose of the amendment.

Specific Action Requested

This item is provided for Board review and approval.

Summary

Attached please find Budget Amendment #10 to the FY 25/26 Budget which is provided for Board review and approval at the 4/15/2026 Board of Commissioners meeting. Budget Amendment #10 is in accordance with the FY 25/26 Budget Ordinance, adopted at the June 11, 2025 meeting.

Attachments

1. 4 mm D1 Budget Amendments



**BUDGET AMENDMENT REQUEST
FY 2025-2026**

BUDGET AMENDMENT NO. 10
Amendment 10.1

SOURCE OF FUNDS

USE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
440-555500	General Fund Expenditures Sales and Use Tax	400,000.00		10-428500	General Fund Revenues Sales and Use Tax	400,000.00
TOTAL CHARGES		\$ 400,000.00		TOTAL CREDITS		\$ 400,000.00

JUSTIFICATION

Recording the flow of sales and use tax paid is not required.

ADMINISTRATIVE SERVICES 3/25/2026
RECOMMENDED BY DATE

APPROVED BY BOC: DATE

POSTED TO GENERAL LEDGER:

INITIALS



**BUDGET AMENDMENT REQUEST
FY 2025-2026**

BUDGET AMENDMENT NO. 10
Amendment 10.2
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
	<u>General Fund</u> <u>Revenues</u>				<u>General Fund</u> <u>Expenditures</u>	
10-432100	NC DEQ grant	33,969.00		900-590093	Transfers to the Capital Investment Fund	33,969.00
10-435000	NC Commerce grant	5,178.00				
	<u>Capital Investment Fund</u> <u>Revenues</u>				<u>Capital Investment Fund</u> <u>Expenditures</u>	
11-492000	Transfers from the General Fund	39,147.00		911-590087	Contribution to Fund Balance	33,969.00
TOTAL CHARGES		\$ 33,969.00		TOTAL CREDITS		\$ 33,969.00

JUSTIFICATION

Rebudget grant funds in FY 25/26 that flowed through the Capital Investment Fund.
ARPA-Stormwater Project Areas 12-13 and Multi-Use Path.
NC DEQ grant - \$33,969; Rural Transformation grant - \$5,178.

ADMINISTRATIVE SERVICES
RECOMMENDED BY _____ DATE 4/2/2026

APPROVED BY BOC: _____ DATE _____



**BUDGET AMENDMENT REQUEST
FY 2025-2026**

BUDGET AMENDMENT NO. 10
Amendment 10.3
USE OF FUNDS

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
580-577500	General Fund Sanitation Expenditures Capital outlay-vehicles	96,797.00		900-590093	General Fund Expenditures Transfers to the Capital Investment Fund	134,386.00
500-577350	General Fund Public Services Expenditures Capital outlay-improvements	37,589.00				
11-492000	Capital Investment Fund Revenues Transfers from the General Fund	134,386.00		911-590081	Capital Investment Fund Expenditures Contribution to General Fund	134,386.00
TOTAL CHARGES		\$ 134,386.00		TOTAL CREDITS		\$ 134,386.00

JUSTIFICATION

Record net impact of Public Services trade in/sales to the Capital Investment Fund - \$96,797
Calculation error on sidewalk projects budget - \$37,589
Capital Investment Funds go back into the Capital Investment Fund.

ADMINISTRATIVE SERVICES
RECOMMENDED BY _____ DATE 4/2/2026

APPROVED BY BOC: _____ DATE _____



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

RECESSED SESSION: April 15, 2026

AGENDA ITEM D.2.

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 26-27, 2026 Retreat

Attachments

1. 4 mm D2 Feb 26-27 2026 DRAFT BOC Retreat mins



**DRAFT MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS RETREAT
THURSDAY FEBRUARY 26, 2026
AND FRIDAY, FEBRUARY 27, 2026**

The Nags Head Board of Commissioners met for a Board Retreat over a two-day period.

Day 1: Thursday, February 26, 2026, 8 am – 5 pm

- Epstein Bath House, Milepost 15, South Virginia Dare Trail, Nags Head

Day 2: Friday, February 27, 2026, 8 am – 5 pm

- Breakfast and tour start: Nags Head Town Hall, 5401 S Croatan Hwy, Nags Head
- Tour end and afternoon session: Public Services Complex, 2203 South Lark Avenue, Nags Head

Emily Groo of Zelos facilitated the retreat. The retreat agenda is attached to and made a part of these minutes as shown in Addendum "A".

Attendees:

Board of Commissioners and Attorney

- o Ben Cahoon, Mayor
- o Megan Lambert, Mayor Pro Tem
- o Bob Sanders, Commissioner
- o Megan Vaughan, Commissioner
- o Molly Harrison, Commissioner
- o John Leidy, Town Attorney

Staff

- o Andy Garman, Town Manager
- o Amy Miller, Deputy Town Manager/Finance Officer
- o Stephen Panaro, Deputy Finance Director
- o Perry Hale, Chief of Police
- o Chris Montgomery, Deputy Police Chief
- o Nancy Carawan, Director of Public Services
- o David Ryan, Town Engineer
- o Kelly Wyatt, Director of Planning and Development
- o Joe Costello, Deputy Planning Director
- o Randy Wells, Fire Chief
- o Shane Hite, Deputy Fire Chief
- o Jan Mielke, Director of Human Resources
- o Karen Snyder, IT Administrator
- o Katie Anzalone, Deputy Town Clerk
- o Brittany Phillips, Town Clerk

Session purpose and outcomes

To launch the newly composed Board with a clear plan for their future work together

Session outcomes:

- Improved team collaboration and cohesion
- Clarified governance roles and responsibilities
- Shared expectations for communication
- Deepened understanding of Town operations and key projects
- Reaffirmed commitment to the Strategic Plan

Retreat Agreements

The Board and staff set agreements for how they want to treat each other during the retreat and moving forward.

Atmosphere – What kind of atmosphere do you want in today's retreat and moving forward?

- Collaborative

- Relaxed
- Understanding
- Positive
- Constructive
- Open
- Exploratory
- Direct
- Genuine
- Realistic
- Humor

Challenges – What do you want to do when conversation get tough?

- Be respectful
- Receptive
- Stop + think
- Space to consider
- Constructive
- Forward-looking
- Honest
- Honor all perspectives
- Think about communication
- Compromise
- Consensus-building
- Be supportive
- Common goal
- Don't assume

Accountability – How do you want to hold yourselves accountable to creating this atmosphere?

- Call a flag on the play
- Let's restate so we all have the same understanding
- Model for each other
- Ask for clarification
- Pause when needed
- Constructive, not terminating
- Don't interrupt
- Honest about accountability
- Communicate directly
- Bring in appropriate parties
- Don't ruminate
- Listen
- Alignment

These are our desired agreements even in times of.... stress, high stakes, and transition.

Team Building Activity

In preparation for the retreat, the Board and staff completed a Everything DISC assessment (by Wiley) to better understand individual work styles and strengthen team collaboration. The facilitator reviewed the results with staff, helping build a shared language for communication and improving overall team effectiveness.

The Board and department heads identified key elements of the desired culture, including strong respectful leadership, clear implementation of organizational values, ongoing learning and professional growth, accountability, and open, sincere communication that accounts for differing communication styles. They also emphasized being forward-thinking in protecting resources, recognizing and celebrating staff accomplishments, maintaining momentum on priorities while continuing to be challenged at a high level, and fostering a supportive environment that reduces fear of failure.

Boardsmanship Presentation from Town Attorney

Attorney Leidy's presentation outlined the legal authority, roles, and responsibilities of the mayor and board of commissioners, emphasizing effective governance, ethical conduct, and adherence to North Carolina statutes. It also highlighted key requirements related to conflicts of interest, open meetings, public records, and confidentiality to ensure transparent, lawful, and high-performing local government operations.

Communication norms and protocols

The Board discussed and agreed to norms and protocols for communicating with the community, Town staff, and each other.

How the Board will communicate with the community

The Board discussed communication with the community, including who is responsible for responding, timelines for replies, and expectations for consistent and coordinated messaging.

- The Mayor is still the spokesperson.
- The Mayor won't commit to anything the Board hasn't already discussed.
- The Mayor will respond as quickly as possible.
- If it is a staffing issue, the Mayor will respond and prompt Town Manager to respond.
- If Mayor is unavailable for more than a short time, Mayor Pro Tem will serve as the spokesperson.
- The Board is not prevented from replying directly to a resident but should CC all other Commissioners and the Mayor.
- The Board should verbally thank residents for providing public comments during public meetings.

How the Board will communicate with staff

The Board discussed communication with staff, including appropriate channels, roles, and expectations to ensure clear, consistent, and professional coordination.

- All requests, actions, and questions should go through Town Manager.
- Urgent information can go directly to the Department Director but still copy Town Manager.
- Information comes from Town Manager to Board.
- Do not text. Use email from Town account to communicate only.
- Ensure all Commissioners have email working on their preferred devices.
- Town Manager to Board: If no objection, then I'm moving forward. Give appropriate timeframe for response.
- If a letter is sent from the Board on official Town letterhead, it goes on the next consent agenda to create a formal record.

How the Board will communicate with each other

The Board discussed communication with each other, emphasizing transparency, proper use of shared tools, and clear processes for coordinating discussions and decision-making.

- Town Clerk will create a shared calendar based on the "All Mayor Board" email address and share instructions for use.
- Share speaking engagements in your official capacity with each other by adding to the shared calendar.
- Town Clerk will share Town policy about speaking on behalf of Town.
- No texting; it creates additional steps if there is a FOIA request.
- Board can request items be added to agenda by asking the Mayor or Manager, or Commissioners can add items to their own agenda and let residents know as much.
- Be as open and transparent as possible.
- Avoid bringing up a topic and making a decision about it in the same meeting.

Town of Nags Head Tour

On the morning of Day 2, the Board, the Town Manager, and the Town Clerk toured Nags Head and were hosted by staff at a variety of locations including:

- Police Department
- Town Hall 2nd Floor
- Juncos Street Beach Access to see the dune infiltration system
- Seagull Drive North Beach to review beach conditions
- Fire Station 21
- Soundside Event site
- Fire Station 16
- Lifeguard Housing

The Board expressed appreciation for the pride in work and professionalism demonstrated by staff at every location visited during the tour. Board members also recognized the need for more functional and updated Town facilities, particularly for public safety staff, as well as the importance of planning ahead to ensure a safe and resilient beach and surrounding landscape.

Pay and Classification Study

Following the tour, the Board received a presentation on the recent pay and classification study and agreed for staff to move forward with the items presented, with the understanding that they will return to the Board for formal approval.

Strategic Plan

With the hands-on context of the morning’s site visits, the Board and staff reaffirmed the Town’s strategic direction by reviewing and updating the 2024 Strategic Plan. Working in teams, they assessed progress on action items, identified completed efforts, and added new items where needed.

Based on today’s work, the Strategic Plan will be updated and brought to the Board for approval at their April or May meeting.

They identified the initiatives below as priorities and assigned owners for each.

#	Initiative	Owner
2.12	Update the Town’s Parks and Recreation Plan	Joe
2.13	Determine if the Board wants to pursue a Boardwalk or CORD	Joe
1.4	Complete Stormwater Management Master Plan/Develop implementation plan with list of projects for annual Capital Improvement Program	David
1.5	Complete Water System Master Plan/Develop implementation plan with list of projects for annual Capital Improvement Program	Nancy
4.5	Develop Phase 2 of the Town Campus Master Plan	Town Manager, Fire Dept.
1.7	Develop creative strategies to increase participation in the Septic Health Initiative.	Kelly
4.6	Create a communication campaign highlighting Town accomplishments, staff, and services	Roberta and Dept. Heads
4.12	Continue Legislative Advocacy	Board, Town Manager, Lobbyist
4.8	Create Organizational Development Strategies	Jan

ADJOURNMENT

Facilitator Emily Groo received positive feedback from attendees on the retreat; the Board Retreat was adjourned at 5 pm on Friday, February 27, 2026.

Brittany A. Phillips, Town Clerk

Date Approved:_____

Mayor: _____
Benjamin Cahoon



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

RECESSED SESSION: April 15, 2026

AGENDA ITEM E.1.

Public Hearing to Consider UDO Text Amendments Submitted by Albemarle & Associates, Ltd on behalf of Blue Moon Five-2, LLC (Blue Moon Restaurant), to Create a New Accessory Use to Restaurants, "Restaurant Waiting Lounge," with Associated Supplemental Regulations.

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
John Leidy
Andy Garman

Staff Comments/Recommendation

STAFF RECOMMENDATION

Based on staff's review of the request and the proposed ordinance language, staff believes the amendment provides a reasonable regulatory mechanism for restaurants to manage customer waiting areas while maintaining the Town's longstanding policy of not allowing stand-alone bars or nightclubs. The ordinance establishes clear definitions, operational safeguards, and parking standards to ensure that a Restaurant Waiting Lounge remains subordinate to a principal restaurant and cannot operate independently. Staff therefore recommends approval of the proposed Unified Development Ordinance text amendment creating the use category "Restaurant Waiting Lounge" as presented.

PLANNING BOARD RECOMMENDATION

At their March 17, 2026 meeting, the Planning Board reviewed and discussed this item and voted unanimously to recommend adoption of the proposed text amendment. The recommendation included additional language within the supplemental regulations to address pedestrian connectivity between contiguous lots, which has since been incorporated into the ordinance for the Board of Commissioners' consideration.

Specific Action Requested

Conduct the Public Hearing for this text amendment at the Board of Commissioners' April 15, 2026, meeting.

Summary

Albemarle & Associates, Ltd., on behalf of Blue Moon Five 2, LLC (Blue Moon Beach Grill), has submitted the attached request to amend the Town of Nags Head Unified Development Ordinance (UDO) to create a new use category titled "Restaurant Waiting Lounge."

Blue Moon Beach Grill relocated to its current location at 102 E. Dove Street in 2023 and has experienced significant success and popularity as a dining destination within the Town of Nags Head. While the restaurant's success has been positive for the local economy and community, it has also resulted in operational challenges related to customer waiting areas and parking demand during peak dining periods. During busy service times, patrons often wait outside the restaurant or in nearby areas until seating becomes available. During peak periods, this has contributed to patrons circulating through the parking lot seeking available spaces, parking along nearby roadways

where parking is not permitted, and occasionally utilizing adjacent vacant lots. While these issues were largely the result of the restaurant's popularity, they created traffic circulation and parking concerns that needed to be addressed.

In late 2024, the owners of Blue Moon Beach Grill (the Shields family) purchased the property located at 101 E. Dove Street, directly across the street from the restaurant, at 102 E. Dove Street. The property was already permitted for Indoor Public Assembly (Keepers Galley). Since acquiring the property, the owners have primarily utilized the site to provide additional parking relief for the restaurant.

Recognizing that ownership of the additional property was helping alleviate many of the overflow parking concerns, the owners began exploring ways the existing structure could be utilized in a manner that would remain operationally connected to the restaurant, while avoiding the creation of a new principal commercial use that could compete for parking.

In early 2025, the Shields and their engineer, Jay Overton of Albemarle & Associates, met with Town staff to discuss potential options. One concept involved utilizing the existing structure as a waiting and gathering space for patrons awaiting seating at the restaurant, where guests could sit comfortably and potentially purchase a beverage while waiting for their table. However, as discussions progressed, it became apparent that the Town's UDO does not currently contain a provision that would allow this type of arrangement between two properties operating in conjunction with a single restaurant use. Likewise, the UDO does not permit stand-alone bars as principal uses.

Additionally, the Alcoholic Beverage Control (ABC) licensing structure required for the proposed waiting area concept differs from the licensing associated with the building's existing Indoor Public Assembly use, which has historically been used primarily for catered events.

Because the ordinance did not provide a mechanism to allow this type of arrangement while maintaining the Town's policy framework, the applicant submitted a text amendment request proposing the creation of a new use category titled Restaurant Waiting Lounge.

The proposed ordinance amendment would establish a new accessory use category titled "Restaurant Waiting Lounge", along with associated definitions, supplemental regulations, and parking standards. If adopted, the ordinance would allow a restaurant to establish a waiting lounge within a detached structure located on the same parcel or on a contiguous parcel separated only by a town maintained public street or right-of-way, provided the parcels are under common ownership or operational control and approved as part of a unified development plan.

Importantly, the ordinance is structured so that the waiting lounge remains accessory and subordinate to the principal restaurant use and cannot operate as an independent establishment.

The Town of Nags Head has historically taken a deliberate approach to limiting bars, nightclubs, and similar alcohol-focused establishments as principal uses due to potential impacts related to public safety, nuisance, and compatibility with nearby residential areas. Establishments primarily oriented toward alcohol service often operate later into the evening and can generate more substantial impacts than traditional restaurants if not properly managed. As a result, the Town's regulatory framework has historically allowed alcohol service primarily as an accessory component of restaurant uses rather than as a stand-alone principal use.

The proposed amendment establishes two new definitions within the UDO. Restaurant Waiting Lounge, defined as an indoor, detached, and fully enclosed permanent structure accessory to a principal restaurant use that provides waiting or gathering space for patrons of the associated restaurant. The definition was intentionally crafted to avoid confusion with outdoor gathering spaces, patios, bars, stages, tents, or other temporary or unenclosed areas commonly associated with restaurants. The definition ensures that outdoor restaurant spaces remain regulated as part of the principal restaurant use and prevents temporary structures, such as tents, from being used as waiting lounges.

The ordinance also introduces a definition for "Bar, Tavern, or Drinking Establishment" to provide clarity regarding establishments where the principal activity is the sale and consumption of alcoholic beverages. This definition was included to clearly distinguish the proposed waiting lounge use from establishments primarily oriented toward alcohol service. The amendment also updates Section 6.5 – Classification and Review of Unlisted Uses to expressly prohibit Bar, Tavern, or Drinking Establishments as principal uses within the Town's zoning jurisdiction.

Section 6.6, Table of Uses and Activities is proposed to be amended to include "Restaurant Waiting Lounge – Accessory to Restaurant, Sit Down" within the Accessory Uses category. The use would be allowed by Special Use Permit in the same commercial districts where a Restaurant, Sit Down is permitted. Including the use in the table ensures clarity within the ordinance and confirms that the waiting lounge is only permitted as an accessory use to a restaurant and not as a principal commercial use.

The proposed ordinance includes several provisions intended to ensure the waiting lounge remains clearly tied to the restaurant and cannot evolve into a separate alcohol-focused establishment. Key safeguards include:

- Approval through a Special Use Permit and Unified Development Plan.
- Requirement that the lounge remain an accessory and subordinate to the restaurant.
- Limiting the restaurant waiting lounge to the same hours of operation as the restaurant.
- Prohibiting the restaurant waiting lounge from operating as an independent bar, tavern, nightclub, or drinking establishment.
- Requiring signage to incorporate the associated restaurant name.
- Requiring that the lounge serve patrons of the restaurant only.

These provisions are intended to allow restaurants to better manage customer waiting areas while maintaining the Town's longstanding policy of not allowing stand-alone bars or drinking establishments.

The ordinance also clarifies how parking for a Restaurant Waiting Lounge would be calculated. The Town's existing parking standard for Restaurant, Sit Down, requires one parking space for every 55 square feet of indoor customer service area. The amendment updates Section 10.16, Required Parking by Use to specify that the square footage of any Restaurant Waiting Lounge must be included in the calculation of indoor customer service area for the associated restaurant. This ensures that any additional waiting area contributes to the restaurant's total parking demand and prevents the lounge from creating additional parking impacts without being accounted for.

As with all Unified Development Ordinance text amendments, the request before the Board is legislative in nature and not site-specific. While the request was prompted by the circumstances surrounding Blue Moon Beach Grill, if adopted, the ordinance would apply to any restaurant within the applicable zoning districts that meets the ordinance requirements and obtains approval through the Special Use Permit process. The Special Use Permit requirement provides an additional level of oversight by allowing the Board of Commissioners to review each proposal individually and impose conditions as necessary to ensure the use remains clearly accessory to the principal restaurant.

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:

- Commercial development that serves the needs of residents and visitors but respects the goals of the community related to design and appearance.
- Land uses that are compatible with the community and with adjacent properties that don't create excessive noise, light, unsafe conditions, or other nuisances.

LU-5 — Promote contiguous and cohesive nodes of commercial development of appropriate size and massing for the surrounding area.

LU-9 — 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-10 - Discourage high intensity land uses that produce significant noise, light, heavy vehicle traffic, noxious fumes or poor air quality, are unsightly, encourage unsafe behavior, or require large amounts of land for heavy industrial uses, processing, or storage of material or equipment.

LU-23 — Require sufficient parking for commercial businesses with parking area design regulations that limit impacts on neighbors and surrounding land uses.

EC-6 — Support and foster small, local businesses that preserve and uphold the vision and legacy of the town.

STAFF RECOMMENDATION

Based on staff's review of the request and the proposed ordinance language, staff believes the amendment provides a reasonable regulatory mechanism for restaurants to manage customer waiting areas while maintaining the Town's longstanding policy of not allowing stand-alone bars or drinking establishments. The ordinance establishes clear definitions, operational safeguards, and parking standards to ensure that a Restaurant Waiting Lounge remains subordinate to a principal restaurant and cannot operate independently. Staff therefore recommends approval of the proposed Unified Development Ordinance text amendment creating the use category "Restaurant Waiting Lounge" as presented.

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. 4 mm E1 UDO Restaurant Waiting Lounge ord
2. 4 mm E1 UDO Restaurant Waiting Lounge soc
3. 4 mm E1 UDO Restaurant Waiting Lounge pn

(DRAFT)
**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN
OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO CREATING A NEW USE
CATEGORY, “RESTAURANT WAITING LOUNGE”.**

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 Blue Moon Five 2, LLC, has requested that the UDO be amended to create a new use category, Restaurant Waiting Lounge, to include a definition, supplemental regulations, and parking standard.

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 **Appendix A, Section A.4, Definitions**, shall be amended to add the following use definitions:

Restaurant Waiting Lounge means an indoor, detached, and fully enclosed permanent structure accessory to a principal restaurant use that provides waiting or gathering space for patrons of the associated restaurant. The waiting lounge shall be located on the same parcel as the principal restaurant or on a parcel that is contiguous or separated only by a town maintained public street or right-of-way, provided the parcels are under common ownership or operational control and are developed pursuant to an approved unified development plan.

A restaurant waiting lounge shall operate solely in conjunction with the principal restaurant use and shall not operate as an independent establishment.

Outdoor seating areas, patios, pergolas, gazebos, stages, bars, or other unenclosed gathering areas contiguous to, and associated with a restaurant shall not be considered a Restaurant Waiting Lounge and shall instead be regulated as part of the principal restaurant use.

Bar, Tavern, or Drinking Establishment means a commercial establishment, or portion thereof, in which the principal use is the sale, service, and on-premises consumption of alcoholic beverages. Such use includes bars, taverns, pubs, cocktail lounges, and similar establishments primarily oriented toward the service and consumption of beer, wine, liquor, or mixed drinks for patrons on site.

The sale or service of food, snacks, or non-alcoholic beverages may occur but shall be incidental and subordinate to the principal alcoholic beverage service.

An establishment shall be considered a bar, tavern, or drinking establishment when it is designed, marketed, licensed, or operated primarily for patrons to assemble, wait, linger, or socialize for the purpose of purchasing or consuming alcoholic beverages rather than for the consumption of full meals as the principal activity.

This term shall not include a restaurant in which the preparation and service of full meals for on-premises consumption is the principal use and alcoholic beverage service is secondary and incidental to dining. This term shall also not include an approved Restaurant Waiting Lounge that operates solely in conjunction with the principal restaurant and does not function as an independent establishment.

PART II. That **Section 6.5, Classification and Review of Unlisted Uses**, shall be amended as follows:

6.5.3. The following uses are expressly prohibited in the Town of Nags Head Planning jurisdiction:

- COMMERCIAL:
 - Bar, Tavern, or Drinking Establishment (as a principal use).

PART III. That **Section 6.6, Table of Uses and Activities, Accessory Uses**, shall be amended as follows:

Use Category	Use Type	Commercial Districts						Supplemental Regulations
		CR	C-1	C-2	C-3	C-4	C-5	
<u>Accessory Uses</u>	<u>Restaurant Waiting Lounge – Accessory to Restaurant, Sit Down (not permitted as principal use)</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>		<u>SR</u>	<u>SR</u>	<u>Section 7.31.3</u>

PART IV. That **Section 7.31, Supplemental Regulations for Restaurant, Sit Down**, shall be amended as follows:

Section 7.31 - Restaurant, Sit Down.

7.31.3. As an accessory use, a Restaurant Waiting Lounge may be permitted in any district where Restaurant, Sit Down, is permitted upon issuance of a Special Use Permit by the Board of Commissioners, subject to the following conditions:

7.31.3.1. The Restaurant Waiting Lounge shall be accessory and subordinate to a principal restaurant use and shall be located on the same parcel as the restaurant or on a parcel that is contiguous or separated only by a town maintained public street or right-of-way, provided the parcels are under common ownership or operational control.

7.31.3.2. Where a Restaurant Waiting Lounge is located on a parcel that is contiguous to, or separated from, the principal restaurant use only by a town maintained public street or right-of-way, a clear and visible pedestrian connection shall be provided between the two uses. The pedestrian connection shall identify and reinforce the most direct and safest walking route for patrons traveling between the waiting lounge and the principal restaurant.

The pedestrian connection may be achieved through visual or physical means, including but not limited to pavement markings, surface treatments, signage, or similar design elements, and shall be subject to Town approval. This requirement is intended to provide clear wayfinding and pedestrian guidance and shall not, in itself, require the installation of a formal or regulated crosswalk unless otherwise determined necessary by the Town.

7.31.3.3. The Restaurant Waiting Lounge shall be approved as part of a unified development plan for the associated restaurant by the Board of Commissioners and shall not be established independently of the principal restaurant use. The Board of Commissioners may impose additional conditions necessary to ensure

the waiting lounge remains clearly subordinate and incidental to the principal restaurant use.

7.31.3.4. The approval of a Restaurant Waiting Lounge shall run with the unified development plan for the associated restaurant and shall not be separated from the principal restaurant use through subdivision, sale, lease, or other conveyance that would allow the lounge to function independently of the restaurant.

7.31.3.5. The Restaurant Waiting Lounge shall serve patrons of the associated restaurant and shall not operate as a stand-alone establishment independent of the restaurant.

7.31.3.6. Alcoholic beverages may be served and consumed within the Restaurant Waiting Lounge to patrons of the associated restaurant; however, the facility shall not operate as an independent bar, tavern, nightclub, or drinking establishment as defined by this Ordinance.

7.31.3.7. Alcoholic beverages may not be sold or served for consumption off premises.

7.31.3.8. The Restaurant Waiting Lounge shall operate only during the hours the associated restaurant is open for business and shall not maintain separate business operations, including but not limited to separate hours of operation, separate kitchen facilities, or separate management or operational control.

7.31.3.9. Exterior signage for a Restaurant Waiting Lounge shall incorporate the name of the associated restaurant and shall not present the lounge as a separate or independent establishment. Signage must comply with all standards of Article 10, Part III, Sign Regulations of the UDO.

PART V. That **Section 10.16, Required Parking by Use**, shall be amended as follows:

Use Category/Class	Use Type	Required Parking
Food Service	Restaurant – Sit Down	One space for every 55 square feet of indoor customer service area. <u>The square footage of any Restaurant Waiting Lounge shall be included in the calculation of indoor customer service area for the associated principal restaurant use.</u>

PART VI. 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
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, April 15, 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 UDO text amendments submitted by Albemarle & Associates, Ltd on behalf of Blue Moon Five-2, LLC (Blue Moon Restaurant), to create a new use titled "Restaurant Waiting Lounge" together with associated supplemental regulations, parking requirements, and necessary definitional clarifications

Public Hearing to consider a Special Use Permit/Site Plan Amendment submitted by Albemarle & Associates, Ltd on behalf of Blue Moon Five-2, LLC (Blue Moon Restaurant) seeking approval of the unified development plan for Blue Moon Restaurant and a proposed Restaurant Waiting Lounge pursuant to the supplemental standards proposed in Section 7.31.3 of the UDO. The subject properties are zoned C-5, Historic Character Commercial District, and located at 101 & 102 E. Dove Street, Nags Head. Approval of this item is contingent upon adoption of the proposed new use, "Restaurant Waiting Lounge".

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 26th day of March 2026.

Brittany A. Phillips
Town Clerk

*For publication in the Coastland Times on Wednesday, April 1, 2026 and on Wednesday, April 8, 2026.
Please use Nags Head seal and legal print.*



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

RECESSED SESSION: April 15, 2026

AGENDA ITEM E.2.

Public Hearing to Consider a Special Use Permit/Site Plan Amendment Submitted by Albemarle & Associates, Ltd on Behalf of Blue Moon Five-2, LLC (Blue Moon Restaurant) Seeking Approval of the Unified Development Plan for Blue Moon Restaurant and a Proposed Restaurant Waiting Lounge Pursuant to the Supplemental Standards Proposed in Section 7.31.3 of the UDO. The Subject Properties are Zoned C-5, Historic Character Commercial District, and Located at 101 & 102 E. Dove Street, Nags Head.

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
John Leidy
Andy Garman

Staff Comments/Recommendation

Both properties included within the proposed Unified Development Plan were previously reviewed and approved by the Town and remain compliant with all applicable development standards independently. The proposed Unified Development Plan does not introduce new site impacts or physical changes to either property and instead provides a mechanism for the properties to function together as a coordinated restaurant development, while managing parking demands. Staff finds that the proposal:

- Remains consistent with the Town's development standards.
- Maintains compliance with parking requirements.
- Preserves the accessory relationship between the restaurant and restaurant waiting lounge.
- Provides an operational solution to manage customer waiting areas, while not exacerbating parking problems.

Staff therefore recommends approval of the Special Use Permit and Unified Development Plan, contingent upon adoption of the proposed Unified Development Ordinance text amendment creating the use category Restaurant Waiting Lounge.

PLANNING BOARD RECOMMENDATION

At their March 17, 2026, meeting, the Planning Board voted unanimously to recommend approval of the Special Use Permit/Site Plan Amendment with the condition that pedestrian connectivity be provided between the principal restaurant and the restaurant waiting lounge.

Specific Action Requested

Conduct the Public Hearing for the SUP/Site Plan Amendment at the Board of Commissioners' April 15, 2026 meeting.

Summary

Albemarle & Associates, Ltd has submitted this Special Use Permit/Site Plan Amendment review on behalf of Blue Moon Five 2, LLC. The applicant requests approval of a Special Use Permit and Unified Development Plan to allow the establishment of a Restaurant Waiting Lounge accessory to Blue Moon Beach Grill located at 102 E. Dove

Street, utilizing the structure located at 101 E. Dove Street.

The request is being heard concurrently with a proposed Unified Development Ordinance (UDO) text amendment creating the use category "Restaurant Waiting Lounge." The Special Use Permit request is contingent upon adoption of the proposed ordinance amendment.

Blue Moon Beach Grill relocated to its current location at 102 E. Dove Street in 2023. The site plan for the restaurant was reviewed and approved by the Board of Commissioners through the standard development review process and constructed in accordance with the approved plans. At the time of construction and final inspection, the project was found to comply with all applicable development standards, including compliant use, lot coverage, building height, commercial architectural design requirements, parking, interior and site landscaping and buffering, lighting, signage, traffic circulation, stormwater management, NC Fire and Building Code Compliance. The restaurant has become a highly popular dining destination within the Town. During peak service periods, patrons frequently arrive prior to seating becoming available, resulting in guests waiting outside the restaurant, circulating within the parking area and patrons parking along nearby roadways where on-street parking is not permitted.

In late 2024, the owners of Blue Moon Beach Grill purchased the property located at 101 E. Dove Street, directly across the town street from the restaurant. The structure on this property was previously approved and constructed as an Indoor Public Assembly/Event Space (Keepers Galley) and was reviewed and approved by the Board of Commissioners at the time of construction. The building was also found to be compliant with all applicable development standards. Since acquiring the property, the owners have primarily utilized the site to provide additional parking relief for the restaurant.

The applicant now proposes to utilize the existing structure at 101 E. Dove Street as a Restaurant Waiting Lounge accessory to the Blue Moon Beach Grill restaurant. The proposed use represents a change of use from Indoor Public Assembly to Restaurant Waiting Lounge. Under the Town's development regulations, a change of use itself would not necessarily require Planning Board or Board of Commissioners review and could be processed administratively. However, because the applicant proposes to utilize the structure in conjunction with the restaurant through a Unified Development Plan and Special Use Permit, the request is being presented to the Planning Board and Board of Commissioners for review.

The proposed Unified Development Plan would encompass 102 E. Dove Street (Blue Moon Beach Grill, principal restaurant use) and 101 E. Dove Street (proposed Restaurant Waiting Lounge).

Both properties are already fully developed and compliant independently with applicable zoning and development standards.

Both properties are zoned C-5, Historic Character Commercial District. The C-5 District permits Restaurant, Sit Down as a permitted use. The proposed text amendment would allow Restaurant Waiting Lounge as an accessory use through approval of a Special Use Permit within the same district. Therefore, both the principal restaurant use and the proposed accessory restaurant waiting lounge use are appropriate within the C-5 zoning district.

The Unified Development Plan does not propose any modifications to the existing site layouts, including: building footprints, traffic circulation, parking layout and design, stormwater management, landscaping and buffering, architectural design, site lighting and signage. The purpose of the Unified Development Plan is simply to allow the two properties to operate in conjunction as a single coordinated restaurant development consistent with the proposed ordinance amendment.

The proposed Restaurant Waiting Lounge would be located within the existing building at 101 E. Dove Street. The applicant has provided a floor plan identifying the customer service area of the proposed waiting lounge as 1,249 square feet. For reference, Blue Moon Beach Grill has a customer service area of 2,513 square feet. The proposed Restaurant Waiting Lounge would have a customer service area of 1,249 square feet. The restaurant waiting lounge area is therefore less than half the size of the principal restaurant customer service area, supporting the ordinance

requirement that the use remain accessory and subordinate to the principal restaurant.

Parking for the unified development has been evaluated using the Town's existing parking standard for Restaurant – Sit Down, which requires one parking space for every 55 square feet of indoor customer service area. The proposed ordinance amendment clarifies that the square footage of a Restaurant Waiting Lounge must be included in the calculation of indoor customer service area for the associated restaurant. The applicant has accounted for parking based on the combined customer service area of both buildings. Note that 72 parking spaces are required, and 86 spaces are being provided, therefore parking remains compliant.

The proposed ordinance amendment establishes several operational safeguards intended to ensure the waiting lounge remains clearly accessory to the restaurant, including:

- Approval through a Special Use Permit and Unified Development Plan.
- Limiting operation of the lounge to the same hours as the restaurant.
- Requiring the lounge to serve patrons of the associated restaurant.
- Prohibiting the lounge from operating as an independent bar, tavern, or drinking establishment.
- Requiring signage to incorporate the associated restaurant name.

These provisions ensure that the waiting lounge remains operationally tied to the restaurant and cannot function as a separate commercial establishment.

The Unified Development Plan proposed appears to be consistent with the proposed Restaurant Waiting Lounge ordinance amendment, which establishes the use as an accessory use permitted through a Special Use Permit in districts where Restaurant – Sit Down is allowed.

Please keep in mind that approval of the Special Use Permit/Site Plan Amendment is contingent upon adoption of the proposed text amendment creating Restaurant Waiting Lounge use.

STAFF RECOMMENDATION

Both properties included within the proposed Unified Development Plan were previously reviewed and approved by the Town and remain compliant with all applicable development standards independently. The proposed Unified Development Plan does not introduce new site impacts or physical changes to either property and instead provides a mechanism for the properties to function together as a coordinated restaurant development. Staff finds that the proposal:

- Remains consistent with the Town's development standards.
- Maintains compliance with parking requirements.
- Preserves the accessory relationship between the restaurant and restaurant waiting lounge.
- Provides an operational solution to manage customer waiting areas, while not exacerbating parking problems.

Staff therefore recommends approval of the Special Use Permit and Unified Development Plan, contingent upon adoption of the proposed Unified Development Ordinance text amendment creating the use category Restaurant Waiting Lounge.

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. 4 mm E2 Blue Moon Rest. Waiting Lounge SUP
2. 4 mm E2 Blue Moon Rest. Waiting Lounge SUP pn



TOTAL PROPOSED SQUARE FOOTAGE _____ x .50 = \$ _____ +

SPECIAL USE ☒ (\$500.00)

(Optional) VESTED RIGHT ☐ (no fee)

= TOTAL FEE DUE _____

TOWN OF NAGS HEAD

DATE RECEIVED _____

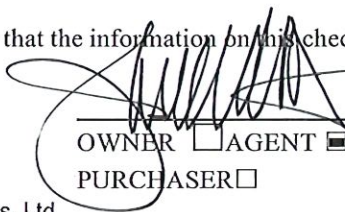
SITE PLAN REVIEW APPLICATION & CHECKLIST FOR SPECIAL USES

1. LOCATION AND ZONING INFORMATION

- A. PROJECT TITLE Blue Moon Five 2, LLC
- B. STREET ADDRESS 101 & 102 E. Dove Street
- C. SUBDIVISION Roanoke Sound Shore
- LOT(S) Lots 12-15, Parcel A BLOCK B1 & C1 SECTION 3
- D. PRESENT ZONING C5
- E. PRESENT USE Restaurant & Indoor Public Assembly
- F. EXISTING NONCONFORMITIES n/a
- G. ABUTTING PROPERTY ZONING C5
- H. ABUTTING PROPERTY USE Residential/Commercial

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 Albemarle & Associates, Ltd
- ADDRESS PO Box 3989
- Kill Devil Hills, NC 27948
- TELEPHONE 252-441-2113
- C. CONTACTPERSON: NAME James L. Overton
- ADDRESS PO Box 3989
- Kill Devil Hills, NC 27948
- TELEPHONE 252-202-2340

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

NAME/ADDRESS (N) See Attached

NAME/ADDRESS (S) _____

NAME/ADDRESS (E) _____

NAME/ADDRESS (W) _____

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

Blue Moon Five 2, LLC

Nags Head Adjacent Owners

North Owners Residential/Retail Use

Parcel #: 008614000 Owner: Slayton, Kenneth & Margaret -Primary Owner
4324 S Virginia Dare Tr., Nags Head, NC 27959

East Owners Residential Use

Parcel #: 008618002 Owner: Miller, Shannon & William - Primary Owner
4326 S Virginia Dare Tr., Nags Head, NC 27959

Parcel #: 008618001 Owner: Bradshaw, Charlie D Jr Ttee - Primary Owner
4328 S Virginia Dare Tr., Nags Head, NC 27959

Parcel #: 008618003 Owner: Bellflower, Wade & Shannon - Primary Owner
4330 S Virginia Dare Tr., Nags Head, NC 27959

Parcel #: 008618004 Owner: Paw Paw OBX, LLC - Primary Owner
4332 S Virginia Dare Tr., Nags Head, NC 27959

Parcel #: 008625000 Owner: GSC 115 East Dove LLC - Primary Owner
115 E Dove St., Nags Head, NC 27959

Parcel #: 008620001 Owner: Dunlo, James & Cynthia - Primary Owner
4406 S Virginia Dare Tr., Nags Head, NC 27959

South Owners Commercial Use

Parcel #: 008623000 Owner: Blue Moon Five, LLC - Primary Owner
4411 S Croatan Hwy, Nags Head, NC 27959

West Owners Vacant

Parcel #: 006539000 Owner: Town of Nags Head - Primary Owner
4222 S Croatan Hwy, Nags Head, NC 27959

OWNER: BLUE MOON FIVE 2, LLC
326 W VILLA DUNE DRIVE
NAGS HEAD, NC 27959

2. THE PROPERTIES:

102 E. DOVE STREET, NAGS HEAD
APPROVED USE: RESTAURANT;
LOTS 12-15, BLOCK B1, ROANOKE SOUND SHORES, RESUBDIVISION SECTION 3, M.B. 2, PG
114; DARE COUNTY PID 012411000, PIN 08019061969

101 E. DOVE STREET, NAGS HEAD.
APPROVED USE: INDOOR PUBLIC ASSEMBLY;
NEW PARCEL - ADJ. BLOCK C1, ROANOKE SOUND SHORES, RESUBDIVISION SECTION 3, P.C. J.
SL. 14; DARE COUNTY PID 008621000, PIN 080109062755.

3. NOW UNDER COMMON OWNERSHIP, BLUE MOON FIVE 2, LLC, THE FACILITY WOULD OPERATE
UNDER SPECIAL USE PERMIT AS A UNIFIED DEVELOPMENT PLAN INCLUDING A RESTAURANT
AND A RESTAURANT WAITING LOUNGE.

4. THE SITES ARE LOCATED IN FIRM ZONE X, FIRM MAP NUMBER 3730080100K,
EFFECTIVE DATE JUNE 19, 2020. (SUBJECT TO CHANGE BY FEMA)

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

6. AREAS SHOWN ARE BY COORDINATE METHOD.

7. BOUNDARY INFORMATION PROVIDED BY SEABOARD SURVEYING & PLANNING, LLC

8. THERE ARE NO DELINEATED WETLANDS ON THE PROJECT SITE.

9. THE PROPERTY IS ZONED C5 - HISTORIC CHARACTER COMMERCIAL.

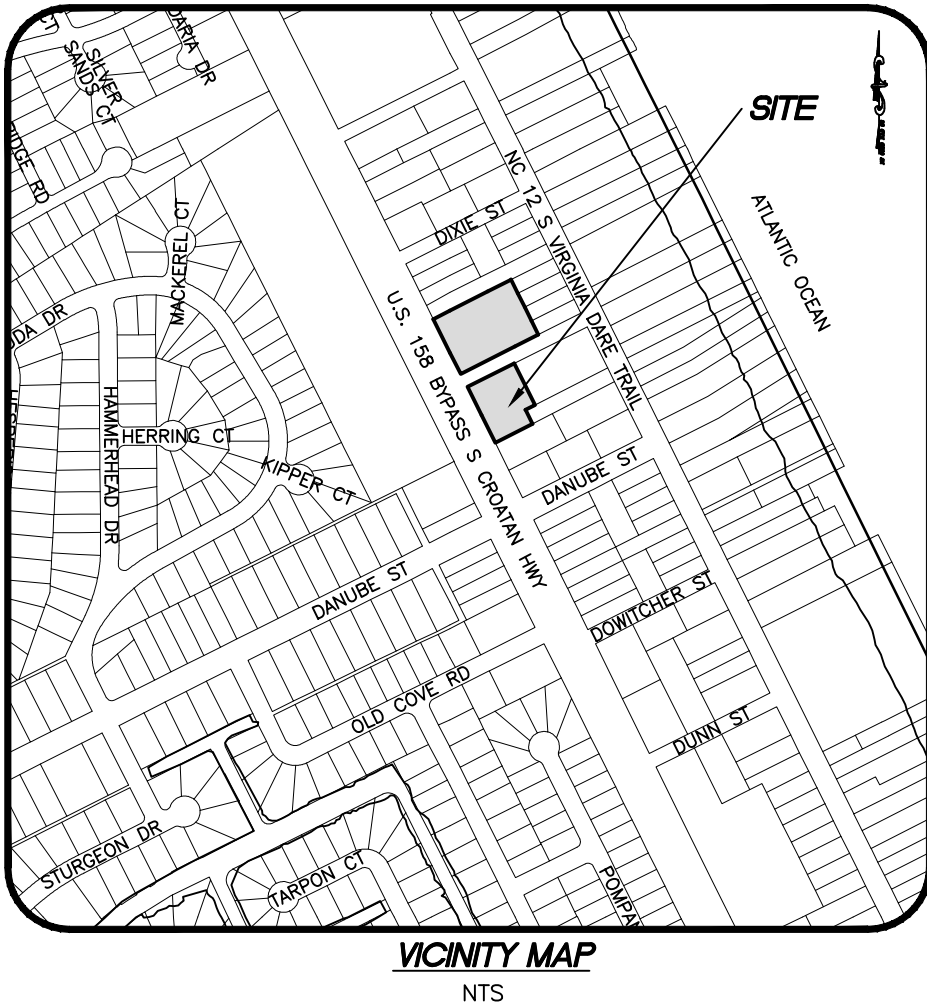
10. MINIMUM BUILDING SETBACKS:
FRONT - 15'
REAR - 25'
SIDES - 8', 15' ADJACENT TO R/W

9. PARKING REQUIREMENTS:

RESTAURANT PARKING
1 SPACE PER 55 SF OF CUSTOMER AREA = 2,513 SF / 55 = 49 SPACES

RESTAURANT WAITING LOUNGE PARKING -
1 SPACE PER 55 SF OF CUSTOMER AREA = 1,250 SF / 55 = 23 SPACES

TOTAL REQUIRED - 72 SPACES
TOTAL PROVIDED - 86 SPACES



PRELIMINARY ONLY
NOT FOR
CONSTRUCTION



Albemarle & Associates, Ltd.
115 West St. Clair Street
P.O. Box 3989
Kil Devil Hills, NC 27948
Phone: (252) 441-2113
Fax: (252) 441-0965
www.AlbemarleAssociates.com
Cert. of Licensure No. C-1027

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SITE PLAN

**BLUE MOON FIVE 2, LLC
101 & 102 E. DOVE STREET**

NAGS HEAD
NAGS HEAD TOWNSHIP
DARE COUNTY
NORTH CAROLINA

DATE:	03.09.2026
SURVEYED:	SEE NOTES
DESIGNED:	JLO
DRAWN:	KCA
CHECKED:	JLO
FILE:	08329B

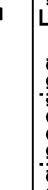
SCALE:
= 30'

C201

PROJ. NO. 08329B

THIS IS A FLOOR PLAN FOR SEATING AREA FOR THE BLUE MOON BEACH GRILL RESTAURANT WAITING LOUNGE LOCATED AT 101 E. DOVE STREET, NAGS HEAD, DARE COUNTY, NORTH CAROLINA.

THE FLOOR PLAN WAS PROVIDED BY CAHOON & KASTEN ARCHITECTS, NAGS HEAD COTTAGE COURT EVENT BUILDING, PLAN SHEET A101 DATED JANUARY 29, 2019. CONTRACTOR SHALL VERIFY ALL EXISTING FEATURE LOCATIONS AND MAKE NECESSARY DIMENSIONAL ADJUSTMENTS.

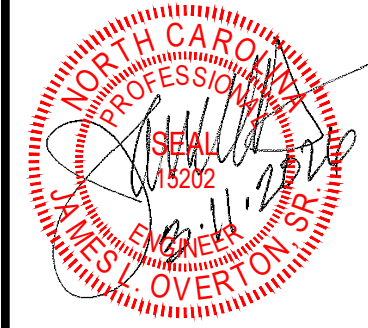


Albemarle
& ASSOCIATES, LTD.

Engineering • Environmental • Land Planning

Albemarle & Associates, Ltd.
115 West St. Clair Street
P.O. Box 3889
Kill Devil Hills, NC 27948
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Fax: (252) 441-0965
www.AlbemarleAssociates.com
Cert. of Licensure No. C-1027

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[illegible]

NACS HEAD	NACS HEAD	TOWNSHIP	DARE COUNTY	NORTH CAROLINA
CUSTOMER SERVICE AREA <i>BLUE MOON FIVE 2, LLC</i> <i>101 E. DOVE STREET</i>				

DATE:	03.09.2026
SURVEYED:	N/A
DESIGNED:	JLO
DRAWN:	KCA
CHECKED:	JLO
FILE:	08329B

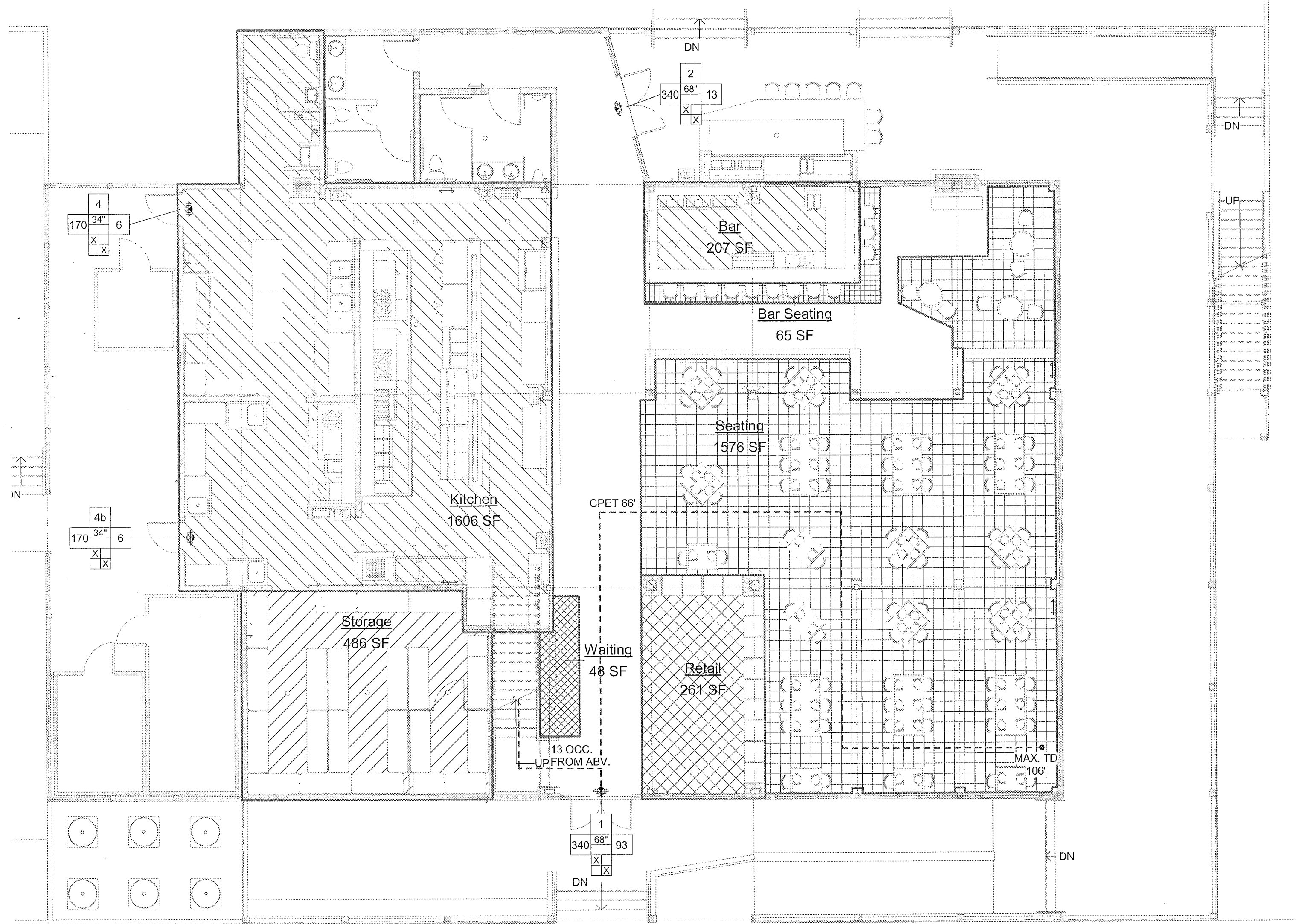
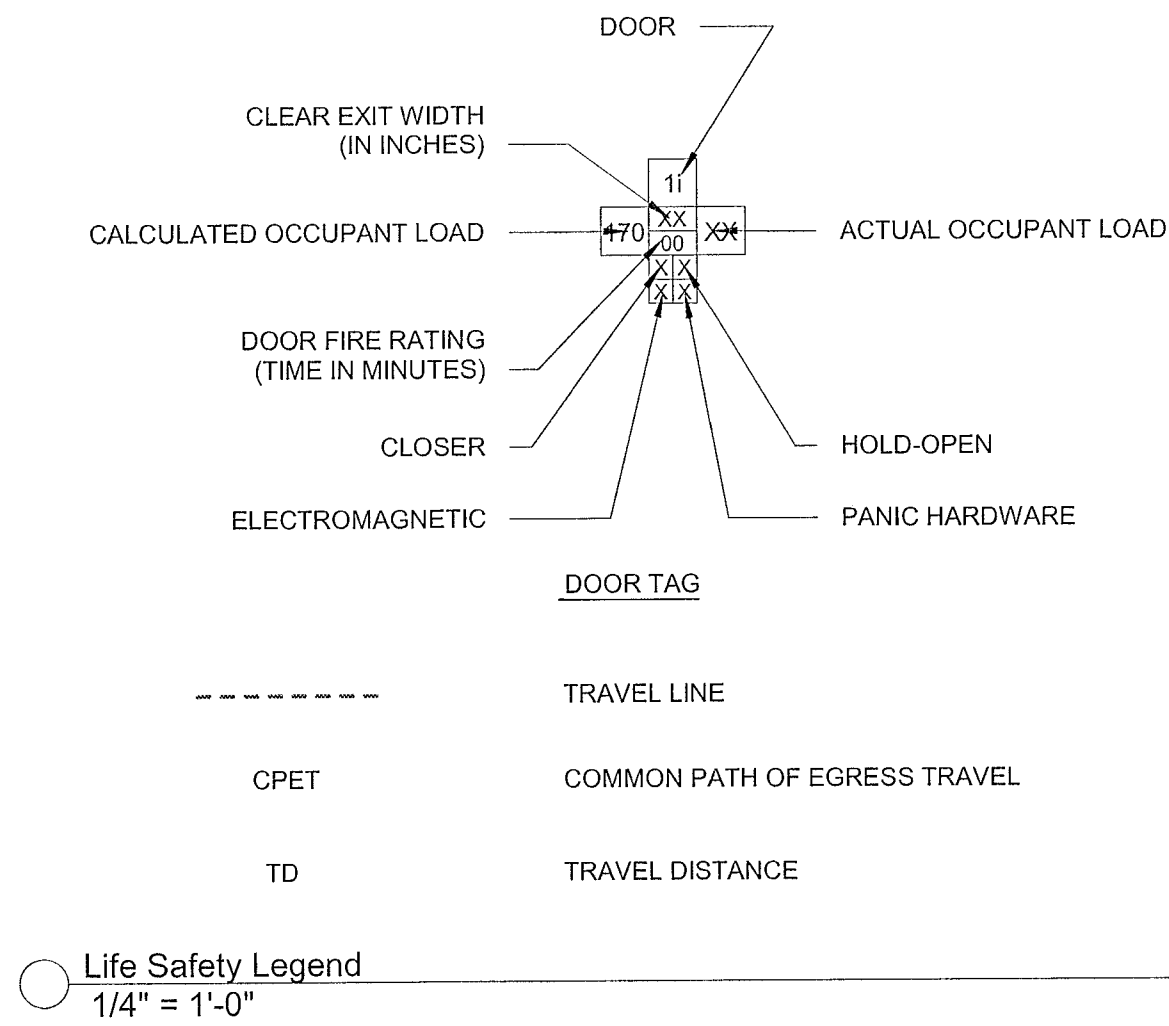
SCALE:
 $1/4" = 1'$

A1.1

PROJ. NO. 08329B



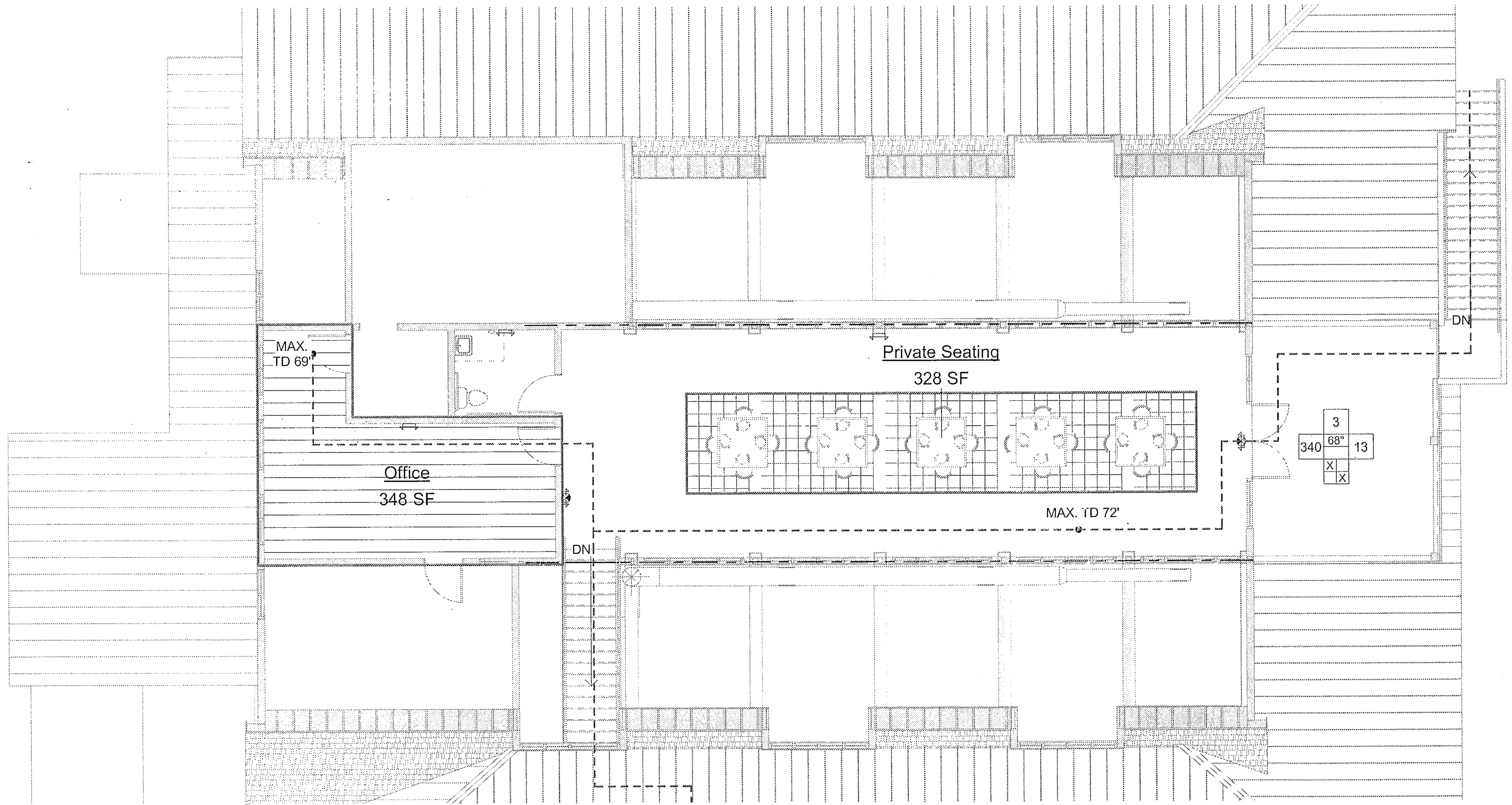
Occupant Schedule						
Name	Area	Occupancy	Occupancy S.F. Type	Area Per Occupant	Occupants	Occupants Actual
Kitchen	1606 SF	Kitchens, Commercial	Gross	200 SF	9	8.03
Storage	486 SF	Accessory Storage Areas, Mechanical Equipment Room	Gross	300 SF	2	1.62
Retail	261 SF	Mercantile	Gross	60 SF	5	4.35
Seating	1576 SF	Assembly Unconcentrated (tables and chairs)	Net	15 SF	106	105.08
Bar	207 SF	Kitchens, Commercial	Gross	200 SF	2	1.03
Bar Seating	65 SF	Assembly Concentrated (chairs only - not fixed)	Net	7 SF	10	9.24
Waiting	48 SF	Assembly Standing Space and Queueing Lines	Net	5 SF	10	9.65
Office	348 SF	Business Areas	Gross	100 SF	4	3.48
Private Seating	328 SF	Assembly Unconcentrated (tables and chairs)	Net	15 SF	22	21.87
					170	164.34



① (1) First Floor
1/8" = 1'-0"

Area Legend

- Assembly Standing Space and Queueing Lines
- Assembly Concentrated (chairs only - not fixed)
- Assembly Unconcentrated (tables and chairs)
- Mercantile
- Kitchens, Commercial
- Business Areas
- Accessory Storage Areas, Mechanical Equipment Room



② (2) Mezzanine Area Plan
1/8" = 1'-0"

Project: **Blue Moon Beach Grill**

Project No: **21028RT**

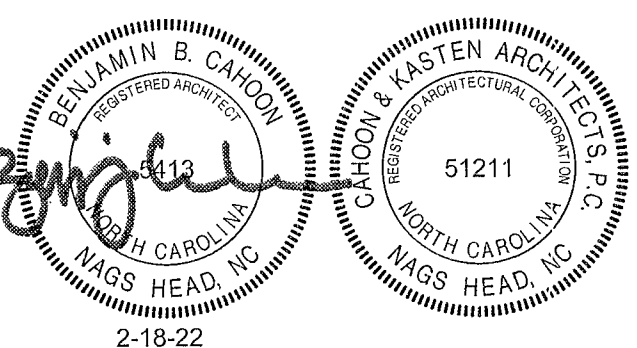
Location: **4329 S Croatan Hwy
Nags Head, NC 27959**

Title: **Life Safety Plans**

Date: **March 1, 2021**

Scale: **As indicated**

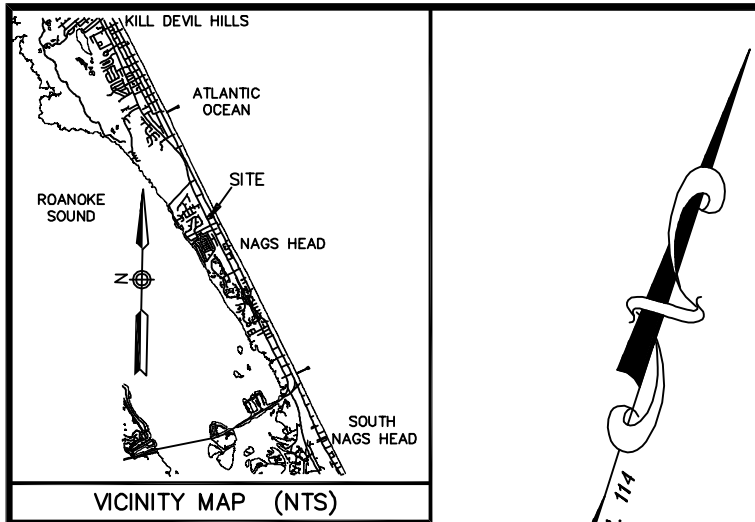
The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion 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: BBC
Drawn: JPB
Reviewed: BBC
Cad File:

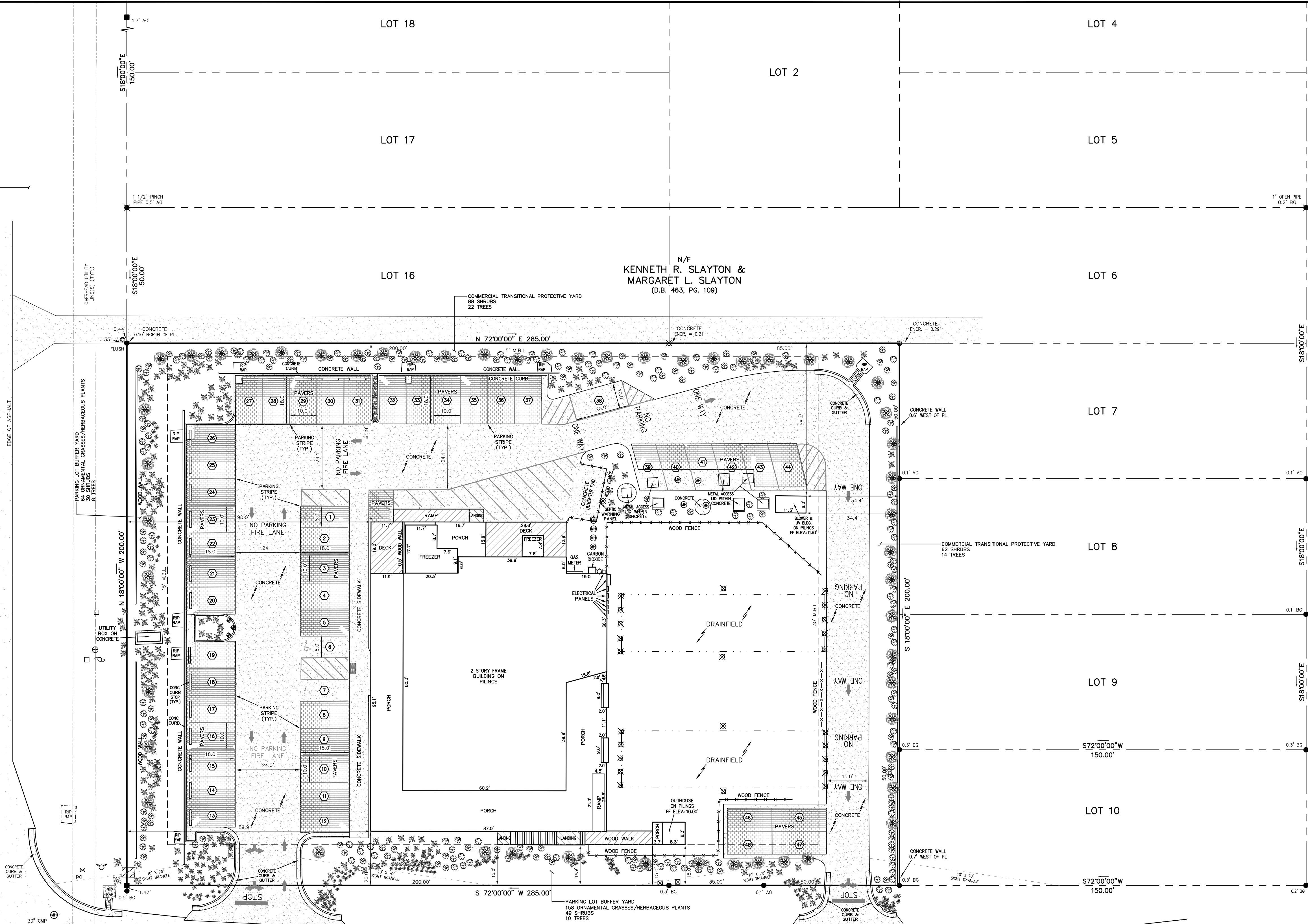
A003



- LEGEND**
- EX. PIPE
 - EX. 5/8" REBAR
 - EX. 1/2" REBAR SET
 - EX. 4" X 4" CONC. MON.
 - WITNESS POST
 - EX. MAG NAIL
 - SET 3" IN CONC.
 - WATER METER
 - PHONE PEDESTAL
 - CA 1/4"
 - UTILITY POLE
 - GUY WIRE
 - FIRE HYDRANT
 - ELECT. TRANS.
 - AG - ABOVE GRADE
 - BS - BELOW GRADE
 - PL - PROPERTY LINE
 - BOLLARD
 - EX. HOLE IN CONC.
- PLANTINGS LEGEND**
- EX. TREE
 - EX. SHRUB
 - EX. PLANT
 - EX. PLANT

- NOTES:**
- THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
 - AREA BY COORDINATE COMPUTATION: TOTAL = 27,000 S.F.
 - EFFECTIVE DATE: 19, 2020 (SUBJECT TO CHANGE BY F.E.M.A.)
 - RECORDED REFERENCE: M.B. 2, PG. 114; D.B. 2546, PG. 234
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 - DARE COUNTY P.L.N.: LOT 11, 08/09/07/2079
 - PROPERTY OWNER: BLUE MOON FIVE 2, LLC
326 W. VILLA DUNES DRIVE
NAGS HEAD, NC 27559
 - ELEVATIONS (NAVD 1985):
LOW GROUND @ BUILDING = 8.4'
HIGH GROUND @ BUILDING = 9.3'
FIRST FLOOR = 11.7'
 - UTILITY/STORAGE ROOM = N/A
 - MINIMUM BUILDING LINES (M.B.L.), IF SHOWN HEREON, ARE PER THE CURRENT LOCAL ZONING REGULATIONS. OTHER SETBACKS AND/OR RESTRICTIONS MAY APPLY AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.

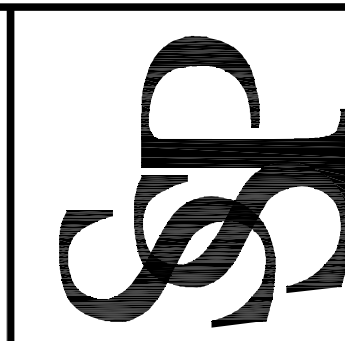
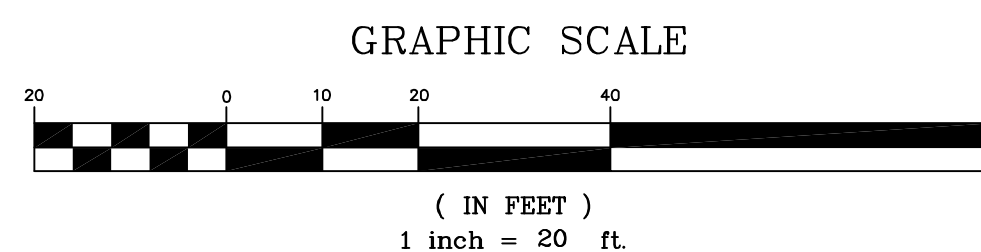
U.S. 158
S. CROATAN HIGHWAY
(150' R/W)



N/F
NEW PARCEL A
RECOMB. PLAT FOR
GANDT DEVELOPMENT, LLC
(P.C. J. SL. 14)

N/F
NEW PARCEL B
RECOMB. PLAT FOR
GANDT DEVELOPMENT, LLC
(P.C. J. SL. 14)

LINE TABLE		
LINE	LENGTH	BEARING
L1	56.00	S18°00'00"E



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NO.	DATE	REVISIONS	BY

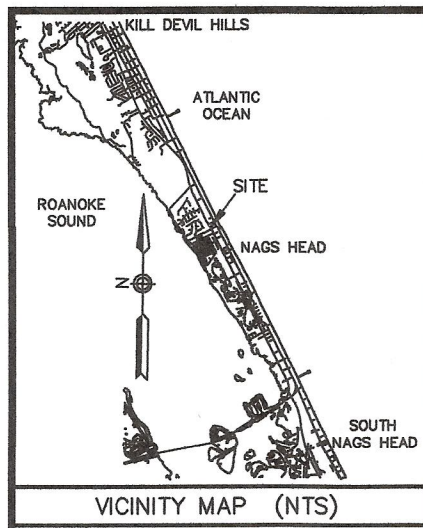
BLUE MOON FIVE 2, LLC
LOTS 11-15 - BLOCK B-1 - SECTION 3 - RESUBD. OF ROANOKE SOUND SHORES
NAGS HEAD - NAGS HEAD TOWNSHIP - DARE COUNTY - NORTH CAROLINA
Seaboard Surveying & Planning, Inc. C-1536
103 W. WOOD HILL DRIVE - UNIT F P.O. BOX 58 NAGS HEAD, NC 27559 252-480-9998

FILE NO.: 2109821
SURVEYED: 03/03/23 JC
DRAWN: 04/03/23 TG
CHECKED: 04/03/23 MRM
ISSUED: 04/03/23

SHEET NO.
2
OF 2 SHEETS

**PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES, OR SALES**

L. MANSON RAY MEDKINS, CERTIFIED SURVEYOR, has prepared this PLAT under my supervision from an actual survey made under my supervision. (DEED DESCRIPTION RECORDED IN DARE COUNTY REGISTRY BOOK 2546 PAGE 234) THAT THE BOUNDARIES NOT SHOWN ON THIS PLAT WERE OBTAINED FROM (DEED DESCRIPTION RECORDED IN DARE COUNTY REGISTRY BOOK 2546 PAGE 234) THAT THE RATIO OF PRECISION CALCULATED IS 1:1000. THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARD FOR PROFESSIONAL LAND SURVEYING IN NORTH CAROLINA. (N.C.A.C. 108B.0101) THIS PLAT WAS PREPARED ON THE DAY OF APRIL, 2023.
SURVEYOR L-2592



- NOTES:
- THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH AND EASEMENTS & RESTRICTIONS OF RECORD.
 - AREA BY COORDINATE COMPUTATION = 32,175 S.F.
 - F.I.R.M. ZONE: "A" (B.F.E. 10.0') (PER F.I.R.M.) + 1' FREEBOARD
 - PIN NO.: 14 080109 06 2755
 - RECORDED REFERENCE: P.C. J. SL. 14; D.B. 2228, PG. 560
 - MINIMUM BUILDING LINES (MBL), IF SHOWN HEREON, ARE PER THE CURRENT LOCAL ZONING REGULATIONS. OTHER SETBACKS AND/OR RESTRICTIONS MAY APPLY AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.
 - ELEVATIONS (NAVD 1988):
 - HIGH GROUND @ BUILDING = 10.6'
 - LOW GROUND @ BUILDING = 10.3'
 - FIRST FLOOR = 11.64'
 - UTILITY/STORAGE ROOM = N/A
 - THE EXISTING STORMWATER DRAINAGE INFRASTRUCTURE & ELEVATIONS SHOWN HEREON ARE FROM PLAT ENTITLED "AS-BUILT SURVEY FOR GANDT DEVELOPMENT, LLC - DOVE STREET - 50' R/W", DATED AUGUST 23, 2019.
 - EXISTING LOT COVERAGE:
 - BUILDING: 4,084 S.F.
 - PAVEMENT: 7,502 S.F.
 - PERMEABLE PAVEMENT: 4,350 S.F.
 - SIDEWALK: 1,736 S.F.
 - TOTAL: 17,672 S.F. (54.9%)
 - THE EXISTING CONCRETE/PAVERS COVERAGE HAS BEEN CALCULATED AS FOLLOWS:
 - PERMEABLE PAVERS: 6,492 S.F. X 0.67 = 4,350 S.F.
 - PARKING REQUIREMENTS:
 - (1 SPACE PER 55 S.F. OF CUSTOMER AREA = 2,013 S.F. / 55 = 36.6 SPACES)
 - TOTAL REQUIRED - 37 SPACES; TOTAL PROVIDED - 39 SPACES

LEGEND

- EX. 1" OPEN PIPE
- EX. 5/8" REBAR (UNLESS OTHERWISE NOTED)
- 8" WOOD PILING
- EX. 4" X 4" CONC. MON.
- CONC. MON. SET
- EX. MAG NAIL
- MAG NAIL SET
- SEPTIC CLEANOUT
- WATER METER
- PHONE PEDESTAL
- C.A.T.V. UTILITY POLE
- GUY WIRE
- FIRE HYDRANT
- ELECT. TRANS.
- AG - ABOVE GRADE
- BG - BELOW GRADE
- PL - PROPERTY LINE
- 2.3' @ SEPTIC ACCESS
- 2.8' @ SEPTIC ACCESS
- SEPTIC CONTROL PANEL
- WATER VALVE W/ CONCRETE COLLAR
- RIP RAP
- T.O.B. - TOP OF BANK
- T.O.S. - TOP OF SLOPE
- STEEL MANHOLE COVER
- CL - CENTERLINE
- EX. PLANT
- EX. SPOT GRADE
- DI - DROP INLET
- EX. SIGN
- EX. OBSERVATION WELL
- EX. ELECTRIC STUBOUT

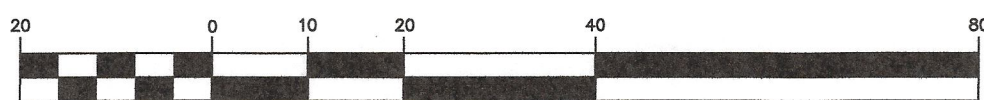
I, MANSON RAY MEEKINS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 2228, PAGE 560); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM (DEED DESCRIPTION RECORDED IN BOOK 2228, PAGE 560); THAT THE RATIO OF PRECISION AS CALCULATED IS 1/10,000+; THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 N.C.A.C. 56.1600); THIS 10TH DAY OF

SURVEYOR L-2592



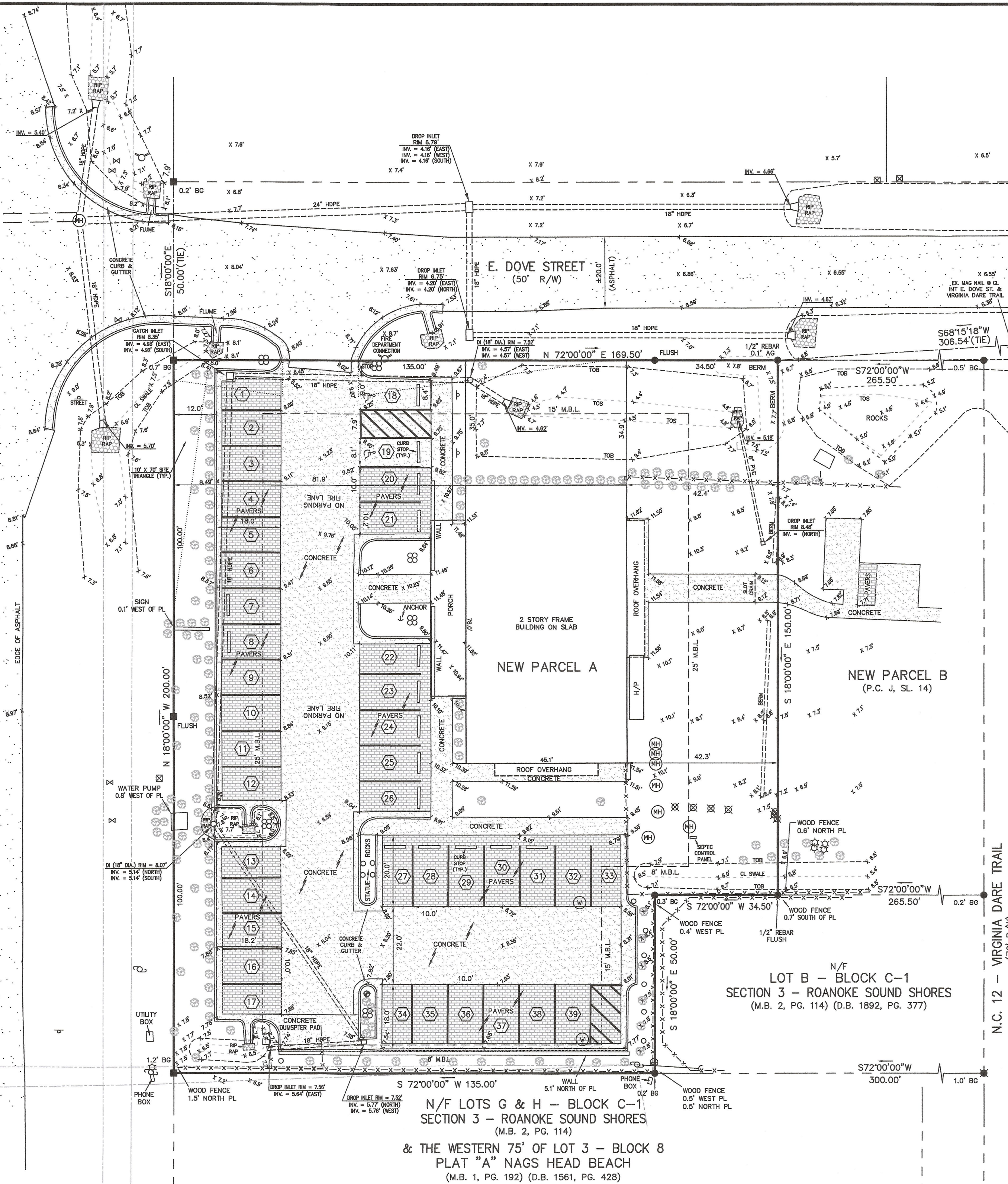
OVERHEAD UTILITY LINE(S) (TYP.)

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

U.S. 158
S. CROATAN HIGHWAY
(150' R/W)



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NO.	DATE	REVISIONS	BY

GANDT DEVELOPMENT, LLC
NEW PARCEL A - "RECOMBINATION PLAT FOR GANDT DEVELOPMENT, LLC"
NAGS HEAD - NAGS HEAD TOWNSHIP - DARE COUNTY - NORTH CAROLINA
Seaboard Surveying & Planning, Inc. C-1536
103 W. WOOD HILL DRIVE - UNIT F.P.O. BOX 58 NAGS HEAD, N.C. 27959 252-480-9998

FILE NO.: 1808054
SURVEYED: 06/03/20 JC
DRAWN: 06/03/20 TG
CHECKED: 06/03/20 MRM
SCALE: 1" = 20'

SHEET NO.
1
OF 1 SHEETS

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, April 15, 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 UDO text amendments submitted by Albemarle & Associates, Ltd on behalf of Blue Moon Five-2, LLC (Blue Moon Restaurant), to create a new use titled "Restaurant Waiting Lounge" together with associated supplemental regulations, parking requirements, and necessary definitional clarifications

Public Hearing to consider a Special Use Permit/Site Plan Amendment submitted by Albemarle & Associates, Ltd on behalf of Blue Moon Five-2, LLC (Blue Moon Restaurant) seeking approval of the unified development plan for Blue Moon Restaurant and a proposed Restaurant Waiting Lounge pursuant to the supplemental standards proposed in Section 7.31.3 of the UDO. The subject properties are zoned C-5, Historic Character Commercial District, and located at 101 & 102 E. Dove Street, Nags Head. Approval of this item is contingent upon adoption of the proposed new use, "Restaurant Waiting Lounge".

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 26th day of March 2026.

Brittany A. Phillips
Town Clerk

*For publication in the Coastland Times on Wednesday, April 1, 2026 and on Wednesday, April 8, 2026.
Please use Nags Head seal and legal print.*



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

RECESSED SESSION: April 15, 2026

AGENDA ITEM F.1.

Presentation of the Strategic Plan Update from February 2026 Board of Commissioners Retreat

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

We hope the attached Strategic Plan Update accurately reflects the discussions from our retreat and the board's priorities for the coming year.

Specific Action Requested

Adoption of the 2026 Strategic Plan Update

Summary

In November of 2023, the Nags Head Board of Commissioners held a retreat for the purpose of developing a strategic plan. The strategic plan was developed with input from our community and through a joint effort of our dedicated Board of Commissioners and staff. The starting point for this plan was the mission, vision, goals, and actions from the 2021 Strategic Plan. In addition to reviewing strategic guidance from our prior plan, the Town actively sought the input of our community to understand their needs, concerns, and aspirations for the Town's future through the 2023 Community Survey. The insights gathered in the survey played a pivotal role in shaping the strategic priorities outlined in the plan.

The 2024 Strategic Plan, formally adopted in February of 2024, established a revised mission and vision statement for Nags Head. In addition, the strategic plan went beyond routine operations and defined a set of goals, objectives, and action items that are forward-thinking, innovative, and designed to address both current challenges and future opportunities. They represent a commitment to proactive, intentional efforts to enhance the well-being of all residents and visitors.

In October of 2024, the Board held a retreat to review progress on implementation of the strategic plan and to make updates as necessary to reflect evolving circumstances and priorities. This review resulted in revisions to the plan, including recognition that many initiatives are multi-year efforts intended to be implemented over time, with updated timelines and adjustments to select action items.

Most recently, in February of 2026, the Board of Commissioners held a retreat to further evaluate implementation progress, consider feedback, and refine strategic plan priorities. Based on this discussion, the strategic plan has been further updated to reflect completed actions, clarify or adjust ongoing initiatives, and incorporate emerging priorities and community needs.

Attached for the Board's review is the most recent revised version of the strategic plan, which incorporates the changes discussed at the February 2026 retreat. The minutes from the February 2026 retreat are included in the

packet for the Board's review.

In order to provide information to our citizens on the strategic planning process—and recognizing that the strategic plan is a living document—staff has created an interactive version of the plan on the Town's website: <https://www.nagsheadnc.gov/1114/Strategic-Planning>. This resource explains the strategic planning process and is intended to be revised as necessary to reflect the current version of the plan. Links are included on this page to external sources of information referenced in the plan. For instance, when the plan discusses shoreline management strategies, a link is provided that takes the reader directly to the recently adopted Beach Nourishment Master Plan. Additionally, readers can click the number to the left of each action item to navigate directly to the corresponding page in the status report, where progress on that item is described.

An updated version of this web page will be published should the Board adopt the updated plan.

We would ask the Board for feedback on the attached documents at the upcoming meeting and whether the Board wishes to formally adopt this revision to the plan.

Attachments

1. 4 mm F1 Strategic Plan Revised Feb 2026



TOWN OF NAGS HEAD, NC

Strategic Plan 2026

Adopted, February 7, 2024 | Updated, February 27, 2026



Board of Commissioners

Nags Head's Board of Commissioners is the town's governing body, made up of a mayor and four elected commissioners. Together, they are responsible for setting the policies that guide how the town operates, including adopting local ordinances, approving the town's budget, and making key decisions about land use, infrastructure, and community services. All decisions are made in accordance with procedures established under North Carolina law.

Once the Board sets policy, the Town Manager is responsible for carrying out those directives through the town's professional staff. This structure ensures that elected officials remain accountable to residents while day-to-day operations are managed by experienced professionals.



(Pictured above from left to right: Mayor Ben Cahoon, Commissioner Molly Harrison, Commissioner Megan Vaughan, Mayor Pro Tem Megan Lambert, Commissioner Bob Sanders)

2026 Town of Nags Head Strategic Plan

Introduction

Welcome to the 2024–2026 Town of Nags Head Strategic Plan. A strategic plan is a formal document that describes where an organization wants to go and how it intends to get there. It is not a day-to-day operations guide; rather, it defines the most important priorities and long-term goals that will shape the community's future over the coming years.

This plan was developed collaboratively with input from community members, and through a joint effort of the Board of Commissioners and town staff. The starting point was the mission, vision, and goals from the 2021 Strategic Plan. We are grateful to everyone who contributed to that earlier work and to this updated version.



Strategic Plan Process

Community Involvement

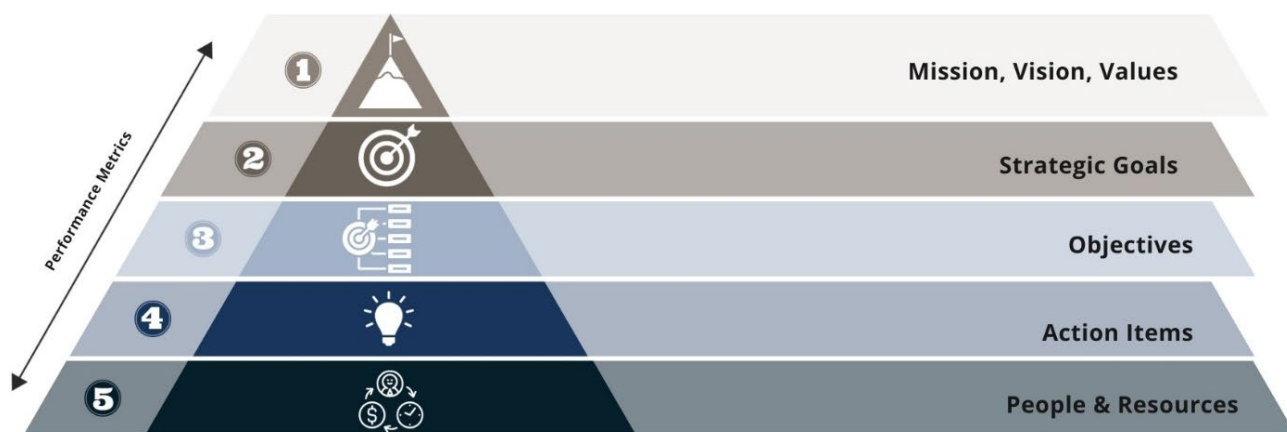
The foundation of this plan lies in the collective wisdom of Nags Head’s residents and property owners. In addition to reviewing strategic guidance from prior plans, the Town actively sought community input through the 2023 Community Survey to better understand residents’ needs, concerns, and aspirations for the town’s future. The insights gathered in the survey played a pivotal role in shaping the strategic priorities outlined in this plan.

Joint Board and Staff Retreat

To ensure alignment between community expectations and administrative resources, the Board of Commissioners and Town staff held a planning retreat on November 16–17, 2023. The retreat gave the Board and staff the opportunity to review Community Survey results and other data, share ideas, and work collaboratively to set priorities.

The result is a strategic plan that reflects a shared vision and commitment to the town’s future. Staff and Board met again on October 18, 2024, and on February 27, 2026, to review progress and make updates to the plan.

What’s Included in the Plan



Goals, Objectives, and Strategic Action Items

The strategic plan goes beyond routine day-to-day operations. It defines a specific set of goals, objectives, and action items that guide the Town’s longer-term direction. These are forward-thinking and designed to address both current challenges and future opportunities.

Think of it this way: Goals are the broad outcomes the Town wants to achieve. Objectives are more specific areas of focus within each goal. Action items are the concrete steps the Town will take to make progress toward those objectives.



Beyond Business as Usual

The strategic plan intentionally focuses on action items that go beyond routine government functions, things that require dedicated resources, planning, and leadership to accomplish. This helps ensure that the Town channels its energy efficiently and makes a lasting impact on Nags Head's future.

This does not mean that daily operations are unimportant. The work that Town staff perform every day, maintaining roads, providing public safety, managing utilities, and serving residents, is the essential foundation that everything else is built upon.

Conclusion

The Town of Nags Head Strategic Plan is a dynamic roadmap that reflects the shared aspirations of our community, the dedication of our Board and staff, and a commitment to strategic action that will shape our town's future. As we continue on this journey together, we invite all residents and property owners to actively participate and contribute to the realization of our collective vision.



Mission, Vision, and Goals

As part of the strategic planning process, the Board of Commissioners reviewed and revised the Town's foundational statements. These statements provide the philosophical underpinning for everything in this plan.

MISSION

To support the well-being of our citizens, property owners, and visitors by delivering municipal services in an open, respectful, and responsive manner.

VISION

To thoughtfully preserve our unique coastal environment, heritage, and lifestyle now and for the future.

Vision Statement — In Full

The Town of Nags Head is a unique coastal community built upon a legacy rooted in shared values, including our most recognized common bond, a love for the Outer Banks. We recognize that the town must be a good place to live before it can be a good place to visit. We strive to preserve and protect the Nags Head character, environment, tourism-based economy, and sense of place to ensure a high quality of life for residents and a memorable family vacation experience for present and future generations.

Legacy

We uphold our legacy by protecting and promoting our small-town character that includes a sustainable local economy based on family vacation tourism, a high-quality beach experience, and small, locally owned businesses. Fundamental to our legacy and quality of life are preserving the historic architecture and culture that distinguishes our town; providing residents and visitors with excellent public services and well-maintained recreational amenities; and ensuring access to a well-protected natural coastal environment. Our legacy will be strengthened and preserved by a focused, transparent decision-making process that is comprehensive and consistent with the community's vision.



Goals Overview

The following goals reflect the Town's highest-level strategic priorities. Each goal is broken down into specific objectives and action items in the section that follows. The four strategic goal areas are:

ENVIRONMENT



To safeguard our critical natural resources and coastal ecosystem.

DEVELOPMENT



To achieve responsible, adaptive development that aligns with our community vision.

ECONOMY



To promote a sustainable economy that supports residents and visitors.

COMMUNITY SERVICES



To maintain an efficient government that provides high quality and cost-effective services.



Town of Nags Head Core Values

Core values define how the Town of Nags Head conducts itself, the principles and behaviors that guide our staff in serving the community every day. These values were developed collaboratively and reflect a shared commitment to excellence, integrity, and community service.

Attitude is Key • The right attitude is critical to our success • We recognize that positivity is a force multiplier • We treat our community and each other with kindness and respect • We are honest and transparent with each other, even when it is uncomfortable	Our People are in the Know • We share relevant and timely information at all levels of the organization • Our community deserves to know what we are doing • We actively seek and value feedback • We communicate and follow-up; this is how we establish credibility
We Do What's Right, for the Right Reasons • Accountability and integrity are principles we hold dearly • We honor our commitments and do what we say we are going to do • Each team member participates in decision making and takes ownership of the outcomes • We operate with a sense of urgency and get things done	We Are Community Stewards • Our goal is to provide top-tier community services • Our Town assets, our environment, and our people deserve our greatest effort and undivided attention • Nags Head has a legacy of strong leadership and values, and we carefully consider how this can be strengthened and upheld
Our People Matter • We recognize that the Town's workforce, our team, is the Town's greatest asset • We value different backgrounds, perspectives, and cultures • We create an environment where people can do their best work	Excellence Requires Innovation & Curiosity • Growth is accomplished by challenging the status quo • We encourage new ideas that positively impact how we do things



Goals, Objectives, and Action Items

The following section outlines each strategic goal area in detail. For each goal, you will find a brief explanation of why that area matters to Nags Head, a set of specific objectives that define what success looks like, and a list of action items, the concrete steps the Town will take to make progress.

Action items are divided into two groups: Active items currently in progress and Completed & Ongoing items that have been accomplished or are now part of regular Town operations.

GOAL AREA 1: ENVIRONMENT

Nags Head's natural environment, its beaches, dunes, estuaries, and water systems, is not only what makes the town beautiful, it is the economic engine that drives tourism and the quality of life that residents value. Protecting these resources requires proactive planning, public education, and significant infrastructure investment. This goal area focuses on the stewardship of Nags Head's natural assets for current and future generations.

Goal: To safeguard our critical natural resources and coastal ecosystem.

Objectives

Objective #1 Maintain the natural resources that we have	Objective #2 Mitigate the risk of natural disasters	Objective #3 Educate the public about their natural environment	Objective #4 Have a comprehensive strategy for clean water
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Active Action Items

#	Action Item	Description	Related Objectives
1.1	Create water rates that incentivize water stewardship	The Town engaged a consultant to complete a cost of service and water rate study, to determine an appropriate rate structure to fund both operating and capital costs to sustain the town's water service. The consultant has suggested several scenarios for the Board's consideration, including separating residential and non-residential customer classes, creating a seasonal rate structure, and charging irrigation at the peak rate. The rate study was conducted as part of the Water Master Plan Asset and Inventory Assessment (AIA) grant. Staff is working to complete the project in conjunction with a water system master plan with the goal of finalizing recommendations for the FY 2027-28 budget.	#1
1.2	Implement the Estuarine Shoreline Management Plan	The Town is moving forward with several "living shoreline" projects, using natural materials to reduce erosion and flooding, at key sites, with grants, partnerships, and designs already in progress. The town is also considering offering an advisory service to property owners interested	#1, #2, #4



#	Action Item	Description	Related Objectives
		in completing nature-based shoreline stabilization solutions.	
1.3	Complete Stormwater Management Plan and develop an implementation plan with a list of projects for the annual Capital Improvement Program (CIP)	The Town is updating its stormwater plan to assess drainage systems and create a long-term strategy for managing flooding and water runoff, funded by a state grant from the NC DEQ Division of Water Infrastructure. Early assessment work is complete, and the next steps include finalizing improvement plans, prioritizing projects, and gathering public input before presenting recommendations.	#1, #2, #4
1.4	Complete Water System Master Plan and develop an implementation plan with a list of projects for the annual Capital Improvement Program (CIP)	The Town is creating a Water System Master Plan to assess its water infrastructure and prioritize needed upgrades, with ongoing fieldwork to map pipe sizes and materials. This information will help guide future improvement projects once the study is completed.	#1, #2, #4
1.5	Implement the Decentralized Wastewater Management Plan with guidance from the Septic Health Advisory Committee	The Town is working on a plan to better manage septic systems to protect local water quality, including preparing a zero-interest repair loan program with support from the NC DEQ Division of Water Infrastructure and identifying the highest-risk properties for early action. At the same time, officials are increasing public awareness, improving system mapping, and gathering data to guide future septic improvements.	#1, #2, #4
1.6	Develop creative strategies to increase participation in the Septic Health Initiative	The Town's Septic Health Initiative encourages residents to maintain their septic systems through education, outreach, and incentives, like water bill credits for septic tank pump outs, to help protect local water quality. Staff is expanding awareness through events, media, and targeted outreach, especially as they prepare to roll out additional support programs with the NC DEQ Division of Water Infrastructure.	#3, #4
1.7	Create an education program including a video series on the major threats to water quality in Nags Head (e.g., stormwater and wastewater)	The Town created short educational videos to help residents understand water quality issues like runoff and failing septic systems and shared them on social media where they have gotten strong engagement. The videos will continue to be used online as part of ongoing outreach efforts.	#3



#	Action Item	Description	Related Objectives
1.8	Update the One Water philosophy, an integrated approach to managing all water resources (drinking water, stormwater, and wastewater) as a unified system	The Town is updating its One Water philosophy, which takes an integrated approach to managing drinking water, stormwater, and wastewater as a single, coordinated system. This update will help guide long-term planning, improve resource efficiency, and support sustainable water management across all Town infrastructure.	#1, #2, #4

Completed & Ongoing Items

The items below have been completed or are now part of the Town's regular business operations. They are recognized here as achievements and ongoing commitments.

Action Item	Status	Related Objectives
Complete and implement Beach Nourishment Master Plan, including an engineering plan, a financial plan with recommended tax rates and revenues, and springing in all future plans	Completed	#1, #2, #4
Consider the impacts of sea level rise and climate change in policies, ordinances, and planning studies	Ongoing	#1, #2, #3

GOAL AREA 2: DEVELOPMENT

How and where development occurs in Nags Head has lasting consequences for the town's character, safety, and livability. This goal area addresses land use planning, infrastructure resilience, public spaces, and transportation. The aim is to ensure that development decisions reflect the community's values and protect both the built and natural environment.

Goal: *To achieve responsible, adaptive development that aligns with our community vision.*

Objectives

Objective #1 Proactively balance appropriate types of land uses	Objective #2 Ensure resilient development and infrastructure	Objective #3 Ensure public spaces are preserved and maintained equitably	Objective #4 Ensure efficient traffic movement and pedestrian safety
---	--	--	--



Active Action Items

#	Action Item	Description	Related Objectives
2.1	Identify and correct areas of land use incompatibility within the town; correct inconsistencies between the Comprehensive Plan and the Unified Development Ordinance.	Staff have begun reviewing mismatches between its long-term plan and zoning rules, but progress has largely been paused after Senate Bill 382 limited its ability to reduce or change property uses. Some of these inconsistencies included: revisiting the Hotel Overlay District, identifying areas where zoning and existing development patterns are misaligned, examining Beach Road vs US 158 corridor uses, and reviewing allowable uses within the Commercial Outdoor Recreation District.	#1
2.2	Review the character areas set forth in the Comprehensive Plan and suggest strategies for implementation	The town's Comprehensive Plan describes several planning areas within the town with specific strategies to achieve a desired character. The Town is focusing first on improving the Whalebone Junction and Commercial Outdoor Recreation District areas by coordinating several projects, including shoreline restoration, a soundside boardwalk, park upgrades, and efforts to improve walkability and connections to nearby destinations like Jennette's Pier and the Soundside Event site. This area is a priority because multiple related projects are already underway, with plans to review other areas later as time and resources allow.	#1, #2
2.3	Develop and present an accessory dwelling unit (ADU) ordinance	The Town has explored creating an ordinance for accessory dwelling units (ADUs), which are smaller secondary homes on the same property as a main house, with public input showing support, especially for long-term rentals and attached units, while noting concerns about neighborhood character. The ordinance would include a menu of optional provisions covering zoning districts allowed, minimum lot size, maximum square footage, height limits, deed restrictions, and parking requirements.	#1, #2
2.4	Recommend non-regulatory approaches to minimize residential lighting impacts	This may include education on dark sky benefits, a program to provide residents with free light shields, a 'keep it dark' campaign, turtle-friendly lighting guidelines, and education on security lighting that avoids nuisance impacts on neighbors. Currently the town has developed a Dark Skies, Bright Stars initiative. Staff is educating the public through demonstrations, the Town's website, local partnerships, and tracking sky quality. Future work may also consider limited regulations for residential lighting.	#1
2.5	Explore and pursue grant opportunities to leverage Town resources for	The Town actively pursues grants to support infrastructure projects, having secured millions for stormwater improvements, shoreline restoration, beach access, and conservation initiatives. Staff continue to explore	#2



#	Action Item	Description	Related Objectives
	infrastructure planning, maintenance, and enhancements	upcoming opportunities for beach access, boardwalks, solar projects, disaster relief, and coastal resilience programs, while maintaining flexibility to pursue additional grants that align with Board priorities.	
2.6	Advocate to NCDOT (NC Department of Transportation) for a corridor study of US 158 to improve safety while considering access, function, and efficiency	The Town is advocating for a corridor study to improve safety and traffic flow along US 158. This would analyze safety and efficient traffic movement within the town and could involve creating a median divided facility. This was a recommendation from the Dare County Comprehensive Transportation Plan. This study would be funded through the NCDOT State Transportation Improvement Program. State funding through the STIP is not yet confirmed. This effort may require legislative assistance to affect the timeline and priority of this project.	#4
2.7	Update the Town's Parks and Recreation Plan	The Town seeks to update its Parks and Recreation Plan, replacing the 2012 version to reflect community growth, recent park improvements, and evolving needs. The process will involve a consultant team with coastal expertise, community engagement, and a focus on practical, implementable strategies, including ocean and sound access, beach parking, and Whalebone Park amenities, resulting in a community-driven plan that guides future investments and strengthens eligibility for PARTF grants.	#1, #3
2.8	Determine if the Board wants to pursue a boardwalk; work to implement strategies to activate the Commercial Outdoor Recreation Overlay District (CORD)	The Town is exploring future options for enhancing commercial recreation and pedestrian connectivity, including a potential boardwalk extension in the town's Commercial Outdoor Recreation Overlay District (CORD). This action item includes refining and implementing strategies to achieve the development goals as described for these areas in the town's Comprehensive Plan.	#1



Completed & Ongoing Items

The items below have been completed or are now part of the Town's regular business operations.

Action Item	Status	Related Objectives
Place conservation easements on Town-owned properties, ensuring equitable public access to these lands	Completed	#3
Implement the current model for streets, water, and stormwater Capital Improvement Program (CIP) projects; incorporate projects resulting from infrastructure planning studies	Completed	#2
Develop and recommend a process for handling neighborhood requests for traffic calming measures	Completed	#4
Discuss the existing Pedestrian Plan priorities with the Board	Completed	#4
Develop an initiative to improve pedestrian safety at crosswalks and reduce user conflicts on multi-use paths	Completed	#4



GOAL AREA 3: ECONOMY

Nags Head's economy is largely driven by tourism. Maintaining a healthy local economy means supporting the businesses that depend on that tourism while also ensuring that the workforce who serve both residents and visitors have access to housing and stable employment. This goal area also addresses protecting the beach itself, the Town's most valuable economic asset, from over-commercialization.

Goal: To promote a sustainable economy that supports residents and visitors.

Objectives

Objective #1 Provide workforce housing for Town employees	Objective #2 Support and encourage small businesses	Objective #3 Maintain a free, family-friendly, non-commercial, well-maintained beach
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Active Action Items

#	Action Item	Description	Related Objectives
3.1	Create strategies to connect the Town to local businesses, including exploring ways to strengthen communication, resources, and partnerships	This could include new communication methods such as a newsletter for businesses, establishing a staff liaison to the business community, exploring new partnerships, enhancing sponsorship programs, collaborating on events, and continuing programs and services for businesses through police, fire and other departments.	#2
3.2	Create clarity in Town Code regarding the prohibition of beach commercialization, ensuring the beach remains a free, accessible, and family-friendly resource	The Town is reviewing and updating its code to reinforce the long-standing policy of keeping the ocean and estuarine beaches free, family-friendly, and non-commercial. Staff have completed an internal review of rules on rentals, concierge services, and other commercial activities, with plans to finalize and present proposed amendments to the Board.	#3



Completed & Ongoing Items

The items below have been completed or are now part of the Town's regular business operations.

Action Item	Status	Related Objectives
Participate in Dare County's Housing Taskforce; apply a menu of strategies from the Taskforce to the Town's housing needs. The town is currently participating in the Dare Housing Foundation.	Completed	#1
Evaluate optimal housing options for Ocean Rescue staff within the Town Campus Master Plan, and explore opportunities to accommodate additional employees	Completed	#1
Continue to monitor and facilitate educational opportunities regarding over-occupancy issues (including wastewater, traffic, sanitation, and noise), engaging local real estate agencies, the Outer Banks Association of Realtors, and local event planners	Ongoing	#2

GOAL AREA 4: COMMUNITY SERVICES

The quality of services delivered by the Town of Nags Head, from public safety and beach operations to administration and communications, directly shapes the experience of every resident and visitor. This goal area focuses on building the internal capacity of Town government to deliver excellent services, communicate effectively, and collaborate with partner agencies to expand what the Town can offer.

Goal: To maintain an efficient government that provides high quality and cost-effective services.

Objectives

Objective #1	Objective #2	Objective #3	Objective #4	Objective #5
Maintain a work environment where people feel valued, appreciated, and respected	Provide friendly, accommodating, and responsive customer service	Provide the highest quality services possible and review the needs of the community to ensure resources are available	Enhance internal and external communication that reflects the Town's goals, values, and heritage	Collaborate with other local and state agencies to align or expand services



Active Action Items

#	Action Item	Description	Related Objectives
4.1	Develop strategies to integrate the Town's Total Rewards philosophy into daily operations	The Town's Total Rewards Program supports employees through pay, benefits, recognition, and development, aiming to create a positive, competitive, and fiscally responsible work environment. Recent updates include a new evaluation system, merit-based pay, service awards, updated health insurance, and participation in a cooperative for better medical cost management, with ongoing improvements to mental health, longevity, and wellness benefits.	#1
4.2	Discuss what department performance data is most meaningful to the Board, and determine the best way to regularly report that data	The Town has developed draft Key Performance Indicators (KPIs) for all departments to track progress and align with strategic goals. Staff will work to update and/or create new reporting mechanisms for the board and the community to track progress and provide information on town services and initiatives.	#2, #3
4.3	Develop Phase 2 of the Town Campus Master Plan, which guides the long-term development and use of Town-owned facilities and properties	The Town Campus Master Plan is guiding development of Town facilities to meet current and future needs, with construction underway on a combined Wellness Center and Ocean Rescue housing facility set for completion in September 2026. Additionally, the Town purchased property for a potential future fire station and is planning improvements to the Board meeting room and other facilities as part of long-term campus development.	#3
4.4	Create a communication campaign highlighting Town accomplishments, staff, and services to keep the community informed and engaged	This initiative involves developing a coordinated communication campaign to showcase the Town's achievements, recognize staff contributions, and explain available services, helping residents stay informed, feel connected, and engaged with local government activities.	#1, #3
4.5	Create formal mechanisms to work with other local or state agencies to align initiatives, including the National Park Service and NC Department of Transportation	The Town is working to strengthen collaboration with local and state agencies to address regional challenges more effectively. Current efforts include coordinating with NCDOT, participating in county housing and legislative initiatives, engaging in interagency groups on shoreline and coastal management, and identifying opportunities, like resuming quarterly regional shoreline meetings, to improve coordinated planning and communication.	#5
4.6	Create Organizational Development strategies	Human Resources is creating a structured approach to strengthen the workforce and leadership. Talent reviews	#1, #3



#	Action Item	Description	Related Objectives
	including talent review, succession planning, team building, and leadership training	and succession planning ensure critical roles are filled smoothly and future leaders are prepared, team-building initiatives improve collaboration and morale, and leadership training equips staff with skills to manage teams effectively, adapt to change, and deliver services more efficiently to the community.	
4.7	Enhance Ocean Rescue services and staffing to ensure the highest level of beach safety for residents and visitors	The Town is working to strengthen Ocean Rescue services by making the current captain position year-round and considering adding a lieutenant to replace the existing hybrid summer/fall-firefighting role, ensuring consistent leadership and maintaining the highest level of beach safety for residents and visitors.	#3
4.8	Consider restructuring the Water Department to improve efficiency and service delivery	The Town is considering restructuring the Water Department to improve efficiency and service. The town will evaluate strategies to most effectively utilize staff in water operations and water distribution and may even consider a long-term plan to combine the divisions.	#2, #3
4.9	Enhance the Arts & Culture program to celebrate and promote Nags Head's unique heritage and community identity	Consideration is being given to adding a part-time, year-round support position for the Arts & Culture program to help with event coordination, logistics, communications, and on-site operations. The goal would be to provide continuity beyond seasonal staff, reduce reliance on a single coordinator, and support the growing year-round event schedule, improving program efficiency, sustainability, and community engagement.	#3, #4
4.10	Continue legislative advocacy at the state and federal level to advance Nags Head's interests	The Board and staff will continue to engage in state and federal legislative advocacy, working with lobbyists and traveling to government offices to represent Nags Head's interests. These efforts help advance funding, policy, and regulatory priorities that support the Town's infrastructure, services, and long-term goals.	#3, #5

Completed & Ongoing Items

The items below have been completed or are now part of the Town's regular business operations.

Action Item	Status	Related Objectives
Highlight high-performing employees and accomplishments to the Board and the public throughout the year	Ongoing	#1
Design and implement a performance-based merit structure as part of the FY 2024–25 budget process	Completed	#1, #2



New Action Item Priorities

At the planning retreat, the Board and staff were asked to identify the action items they considered most important and most urgent. The items below represent those top priorities, listed in ranked order. These will receive focused attention and resources in the near term.

Rank	Action Item	Item #
1	Update the Town's Parks and Recreation Plan	2.7
2	Determine if the Board wants to pursue a Boardwalk in the Commercial Outdoor Recreation Overlay District	2.8
3	Complete Stormwater Management Master Plan and develop an implementation plan with a list of projects for the annual Capital Improvement Program	1.3
4	Complete Water System Master Plan and develop an implementation plan with a list of projects for the annual Capital Improvement Program	1.4
5	Develop Phase 2 of the Town Campus Master Plan	4.3
6	Develop strategies to increase participation in the Septic Health Initiative	1.6
7	Create a communication campaign highlighting Town accomplishments, staff, and services	4.4
8	Continue legislative advocacy	4.10
9	Create Organizational Development Strategies	4.6

Plan Implementation

A strategic plan is only as valuable as its implementation. To ensure that this plan drives real results, the Town has established clear accountability and tracking mechanisms.

Champions & Timelines

For each action item, Town staff have identified a responsible 'champion,' a staff member who will oversee progress and coordinate efforts. Most action items are designed to be implemented within two years. Some items are ongoing and will be addressed through the Town's annual Capital Improvement Program (CIP) and budget process.

Progress Reporting

Formal updates on the progress of implementation will be provided to the Board of Commissioners twice per year. Staff will develop tracking mechanisms to monitor each action item. The strategic plan will continue to be updated annually, typically in the fall, so that action items can be considered in the upcoming budget cycle, which begins in February/March each year.





AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

RECESSED SESSION: April 15, 2026

AGENDA ITEM F.2.

Consideration of Resolution in Support of Mid-Currituck Bridge

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Dare County and Dare County Municipalities are in various stages of adopting similar resolutions in support of this important project.

Specific Action Requested

This item is provided for Board review and approval.

Summary

At the April 15, 2026 Board of Commissioners meeting, request Board consideration of the following resolution showing the Board's support for continuing the Mid-Currituck Bridge project, which would improve evacuation safety and reduce heavy traffic to the Outer Banks. While rising construction costs have created a funding gap, the Town of Nags Head urges keeping the project in the state funding program and exploring solutions like higher tolls, federal grants, and partnerships.

Attachments

1. 4 mm F2 Support Mid-Currituck Bridge res



**RESOLUTION SUPPORTING THE CONTINUED INCLUSION OF
THE MID-CURRITUCK BRIDGE PROJECT
IN THE NCDOT STATE TRANSPORTATION IMPROVEMENT PROGRAM**

WHEREAS, the Mid-Currituck Bridge is a critical infrastructure project designed to provide a second crossing of the Currituck Sound, connecting the mainland to the Outer Banks near Corolla; and

WHEREAS, the project is essential to reducing hurricane evacuation clearance times, which currently exceed state-established standards for the northern Outer Banks; and

WHEREAS, the purpose of the Mid-Currituck Bridge is to substantially improve traffic flow on the project area's thoroughfares, i.e. NC 12 and US 158, substantially reduce travel time for persons traveling between the Currituck County mainland and the Currituck County Outer Banks, and to substantially reduce the hurricane clearance time for residents and visitors who use US 158 and NC 168 during coastal evacuation; and

WHEREAS, updated financial analyses indicate that projected construction costs have increased, resulting in a significant funding gap between currently committed state funds, anticipated toll revenues, and total project costs; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) is considering withdrawing previously committed funding and requiring the project to re-compete for inclusion in the State Transportation Improvement Program (STIP); and

WHEREAS, the Nags Head Board of Commissioners finds that removing or de-prioritizing the project at this stage would jeopardize decades of planning, environmental review, and recent legal progress that have positioned the project for construction; and

WHEREAS, maintaining the project in the STIP for at least one additional funding cycle will allow state and regional partners, including the N.C. Turnpike Authority, sufficient time to identify and secure alternative funding sources, including federal grants and updated tolling strategies.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Nags Head that the Mid-Currituck Bridge project is reaffirmed as the Town's highest transportation priority in support of regional safety, emergency preparedness, and economic resilience; and

BE IT FURTHER RESOLVED that the Board strongly urges the NCDOT and the North Carolina Board of Transportation to retain and advance the Mid-Currituck Bridge project (STIP No. R-2576) within the current and future State Transportation Improvement Program; and

BE IT FURTHER RESOLVED that the Town supports and encourages a coordinated effort among state and local partners to aggressively pursue additional funding sources, including federal U.S. Department of Transportation grants and public-private partnerships, to close the identified funding gap.

ADOPTED this 15th day of April 2026.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Brittany A. Phillips, Town Clerk



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

RECESSED SESSION: April 15, 2026

AGENDA ITEM G.1.

Request to Discuss Updated Town Attorney Retainer and Fee Agreement

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
John Leidy
Andy Garman

Staff Comments/Recommendation

The board last increased the fee for our attorney in 2023. The attached request is consistent with the methodology used to calculate the increase in 2023. The town also uses the CPI to develop annual recommendations for cost of living adjustments.

Specific Action Requested

Consider approval of the revised contract between the Town and Hornthal, Riley, Ellis, & Maland.

Summary

Town Attorney John Leidy will discuss the attached revised contract between the Town and Hornthal, Riley, Ellis, & Maland to include an adjustment of the rates. The rates were prepared based on a consideration of the CPI and reflect an average increase of 8.18%.

The rates would adjust as follows:

Retainer	\$2950 to \$3150 monthly
Attorney Rate	\$250 to \$270 per hour
Law Clerk	\$175 to \$190 per hour
Paralegal	\$160 to \$175 per hour

Attachments

1. 4 mm G1 Retainer Agreement Legal services contract

NORTH CAROLINA
DARE COUNTY

This instrument has been preaudited in the manner required by the Local Government Budgets and Fiscal Control Act.

Finance Director

CONTRACT FOR LEGAL SERVICES

This Agreement for the employment of Town Attorney is effective as of the 1st day of July, 2026, by and between Town of Nags Head, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina (hereinafter "Town"), and Hornthal, Riley, Ellis & Maland, L.L.P. (hereinafter collectively referred to as "Attorney").

RECITALS

1. Town is in need of the legal assistance of a law firm to fill the position of Town Attorney.
2. The law firm is desirous of filling that position.
3. The parties desire to memorialize their agreement as hereinafter set forth.

NOW, THEREFORE, for and in consideration of the mutual covenants expressed herein it is agreed as follows:

1. **Term of Employment:** It is the agreement and understanding of the parties, that this is an appointed position and may be terminated at will by the Town provided, however, Attorney shall not cease employment in such manner as to prejudice any legal positions, whether by litigation or otherwise, the Town may be maintaining through the Attorney. In this regard, the Attorney shall not withdraw from any litigation, negotiations, drafting or the like without the specified permission of Town, if to do so would prejudice Town's position.
2. **Services:** Attorney shall provide to Town such legal services as Town requires and requests.
3. **Independent Contractor Status:** Attorney offers its services as an independent contractor and Town has no liability for payment of any benefits that would normally accrue to its employees by virtue of their employment with the Town.
4. **Reimbursement and Billing:** Attorney, including its partners, associates and paralegals, shall be reimbursed as follows:
 - a. \$3150 per month as retainer for attendance at two meetings per month and telephone consultation with Town staff and officials.
 - b. \$270 per hour for legal services other than attendance at two meetings per month and telephone consultation with Town staff and officials for the Town plus actual expenses incurred. The hourly rate includes word processing, but does not include expenses such as long distance telephone calls, photocopies, telefax charges, overnight mail service, and computer-assisted legal research, which are billed separately. Because of the high cost, computer-assisted legal research (a source of out-of-state case law which can be helpful if there are no North Carolina cases addressing the legal issue) will not be utilized unless specifically directed by the Town Council.

- c. Use of paralegals – \$ 175.00 per hour.
- d. Use of Law Clerks -- \$190.00 per hour.

5. Expectations: Attorney recognizes the need of Town for accessibility and prompt service. To this end, it shall be the obligation of Attorney to diligently return phone calls, be available upon request, and otherwise meet reasonable deadlines imposed by the Town. John D. Leidy, partner of the firm, shall be primarily responsible for providing the requisite services to the Town. However, Town understands it is hiring the firm as opposed to an individual attorney. In the event of Leidy's unavailability, the Town shall seek advice from other Partners or Associates within the firm who shall comply with the Town's needs.

6. Organization and Access to Services: Attorney represents the Town Council and not administration. However, the Attorney shall be assigned legal tasks by the Town Manager pursuant to instructions from the Town Council and unless requested to the contrary, shall report to the Town Manager as to the progress and status of legal matters. In the event Attorney recognizes a legal matter it deems in need of attention, the same shall be reported to the Town Manager for permission to proceed. Except in emergency situations, Attorney shall not initiate any legal action, or maintain any position on behalf of the Town, without the permission of the Town Council pursuant to the instruction of the Town Manager.

7. Non-exclusive Obligation: It is agreed and understood that Attorney is a private law firm with a substantial and varied practice. Nothing herein shall be construed as to prohibit the Attorney from continuing to serve its other clients and promote its practice outside representation of Town.

8. Conflict of Interest: During its representation, Attorney shall not undertake any new representation in conflict with the Town or any of its agencies. In the event a conflict of interest is discovered as a result of prior representation, the same shall immediately be reported by Attorney to the Town Manager. If the conflict is ethically irreconcilable, the Attorney shall not represent either the Town or its other client in the controversy.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

ATTEST:

TOWN OF NAGS HEAD

Town Clerk

By: _____
Town Manager

(SEAL)

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.

By: _____
John D. Leidy, Partner