



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED SESSION
WEDNESDAY, APRIL 15, 2026**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, April 15, 2026 at 9:00 a.m. for a Recessed Meeting.

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

Board Members Absent: None

Others Present: Town Manager Andy Garman; Attorney John Leidy; Amy Miller; Kelly Wyatt; David Ryan; Perry Hale; Randy Wells; Nancy Carawan; Joe Costello; Roberta Thuman; Karen Snyder; Shane Hite; Katie Anzalone; Jay Overton; Scott Shields; Melissa Shields; Ken Slaughter; Marty Slaughter; Cameron James; Graham Scherle; and Town Clerk Brittany A. Phillips

Mayor Cahoon called the meeting to order at 09:00 a.m.

ADOPTION OF AGENDA

MOTION: Comr. Sanders moved to adopt the April 15th agenda as presented. The motion was seconded by Comr. Vaughan, which passed unanimously.

PUBLIC COMMENT

Town Attorney John Leidy opened Public Comment at 09:01 a.m.

There was no one present who wished to speak during Public Comment.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of Budget Amendment #10 to FY 25/26 Budget
- Approval of Minutes

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

Budget Amendment #10, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

The minutes from the February 26-27, 2026, Board Retreat, were approved by the board and are on file in the Town Clerk's office and on the town's website.

PUBLIC HEARINGS

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.

Notice of the Public Hearing was published in the Coastland Times on Wednesday, April 1, 2026 and on Wednesday, April 8, 2026 as required by law.

Attorney John Leidy opened the Public Hearing at 09:02 a.m.

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

"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).

'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."

Mayor Cahoon asked how outdoor restaurant seating areas (patios, pergolas, gazebos, outdoor bars) are regulated. Director Wyatt confirmed they are part of the principal restaurant use and included in the 15% supplemental standards, not treated as a separate waiting lounge. He then raised a theoretical question: if two buildings currently separated by a street were instead located on a single parcel, and if in aggregate they met all applicable standards—kitchen proportionality, parking ratios, entertainment area limits—could a restaurant operator today run what was effectively a two-building restaurant under the existing ordinance without this amendment? He referenced the Sugar Creek and Sugar Shack properties on the Causeway as a possible precedent, noting they were originally under single ownership with food service in separate buildings. Director Wyatt acknowledged she was not certain the current scenario was "much different" from what had been approved for those properties in the past via a text amendment, noting that Sugar Shack was originally approved as a takeout.

Mayor Pro Tem Lambert added to the Sugar Shack discussion, noting that it also has an oyster bar serving food, making it operate somewhat as a restaurant—not merely as a waiting area for a bar. Director Wyatt concurred. Comr. Harrison sought clarification on the 15% limitation: under the Blue Moon situation, the bar inside the existing principal restaurant building counts against the 15% allowance, but the proposed waiting lounge in the separate building would not be subject to that 15% standard. Director Wyatt confirmed this was correct, the principal restaurant would comply with its own supplemental regulations, and the proposed accessory use would be separately governed by the new ordinance.

Mayor Pro Tem Lambert summarized that if it's inside the principal, it adheres to the 15%. If it's accessory to the principal in a separate building across the street, it does not have to adhere to the 15%. Director Wyatt confirmed this was an accurate characterization.

Comr. Vaughan confirmed that the supplemental regulations for sit-down restaurants would not apply to the ordinance under consideration, and Director Wyatt confirmed that the principal restaurant must still comply with its own supplemental regulations, while the waiting lounge would be separately governed.

Comr. Sanders asked whether entertainment is permitted in the restaurant waiting lounge. Ms. Wyatt stated it is not specifically addressed but could be regulated through added conditions, including entertainment and operating hours. She noted the current language requires lounge hours to match the principal use, but the board could require matching or separate closing times. She also noted the proposal does not prohibit entertainment and may require further discussion, including whether simultaneous entertainment in both areas would be appropriate. Comr. Sanders then asked whether the town could legally set specific hours of operation. Attorney Leidy confirmed that it has that authority.

Attorney Leidy then asked the board if they had any additional questions for Ms. Wyatt or if she had further information to present. Both responded that they did not.

Jay Overton, with Albemarle and Associates, Ltd., representing Blue Moon Five-2, LLC, stated the request is driven by increased demand, describing it as a "positive problem" and noting added pressure from the loss of other Nags Head restaurants. He said the primary issue is insufficient waiting space and long waiting times under standards not designed for current demand. He noted the owners purchased adjacent property to address parking, which has helped but not resolved overflow and wait-area needs, and explained the need for additional shaded waiting space using an existing structure. He also noted the property is approved as an event site and raised concern about combined impacts if both uses operate simultaneously. He stated the proposal reflects months of coordination with staff and the Planning Board and is intended to improve operations and help support small business.

Mayor Cahoon, noting he had been the architect for both buildings, provided context on the physical layouts: the Blue Moon has a minimal interior waiting area but an enormous kitchen; the Keepers Galley building has a small kitchen and an open floor space with a minimal second floor. He returned to his earlier theoretical question, asking Mr. Overton whether the exception being sought was essentially to allow across two sides of a street what another restaurant owner, with a large enough single site, might already be permitted to do today.

Mayor Pro Tem Lambert stated that without the street separation, the arrangement would not be permissible because it would effectively function as 100% bar seating rather than within the 15% allowance.

Additional discussion ensued with ending with the mayor acknowledging that in Blue Moon's case his question would not apply.

Mr. Overton responded that he believed two separate parcels anywhere in town, both meeting regulatory standards, could be used for two separate businesses. He noted the distinction here was that the Shields, by seeking the text amendment, were effectively giving up the opportunity to operate the second property as an independent business in exchange for using it to support the first. He stressed that no additional dining tables were being added in the principal restaurant. Comr. Vaughan asked whether there would be tables in the waiting

lounge at all. Mr. Overton confirmed there would be seating—approximately 1,200 square feet of seating area—but clarified these would not be dining tables in the restaurant sense.

Mayor Pro Tem Lambert pressed on a key concern: could a person walk into the waiting lounge, order a drink, and leave without ever going to the principal restaurant? Mr. Overton acknowledged that was technically possible but noted the same is true at any restaurant that has a bar in town. He stated the intent was for all patrons to enter through Blue Moon's front door and be part of the restaurant's waiting system. Mayor Pro Tem Lambert characterized this as potentially "adding a third bar to that property," suggesting that even with the "waiting lounge" designation, it could generate independent bar traffic. Mr. Overton replied that anyone seeking just a drink would be equally able to go to the existing bar inside the restaurant today, and that the waiting lounge would not introduce a new type of behavior.

Comr. Sanders asked about plans for a pedestrian connection between the properties, considering lot coverage and safety concerns, particularly to avoid patrons crossing at the bypass. Mr. Overton responded that he was aware of the issue but could not discuss specific details at that time, noting it would need to be addressed later in the process.

Attorney Leidy asked the board if there were any additional questions, and the board indicated there were none.

Mr. Overton said that if the proposed solution is not accepted, it is unclear how the issue will be resolved. He emphasized that staff, the Planning Board, and stakeholders have worked collaboratively to develop what they believe is the best approach. If the proposal is not agreeable, additional guidance or alternatives will be needed, as the underlying problems, parking and space for customers waiting for meals, remain unresolved.

Attorney Leidy asked if any member of the public wished to comment, and no one came forward. The email below was submitted to the board prior to the meeting:

"I am unable to attend the Public Hearing on April 15, so I am writing to state my objection to the proposed changes.

'Section 31 of the UDO specifically addresses sit-down restaurants and, among other things, has the obvious intent of prohibiting bars. Seems to me that the term "Restaurant Waiting Lounge" is a thinly veiled attempt to permit bars, so long as they use this moniker. Regardless of the moniker, surely many patrons would go there for cocktails, etc., with no intent of dining at the Blue Moon.

'If the building being addressed is considered an accessory use building on the same "site" as Blue Moon, is it not a reach to consider a piece of real estate separated by a street part of the same "site"?

'If the requirement for a sit-down restaurant is for 75% seating for full service dining, presumably the seats in the "Restaurant Waiting Lounge" will be in the 25% without full service dining - I will venture a guess that combining the two buildings would make the non-full service dining seats far exceed the 25% limitation.

'Isn't safety a major concern? No sidewalk, no crosswalk, yet patrons of the "Restaurant Waiting Lounge" likely will consume alcohol before crossing the street to dine at the Blue Moon. If the "Restaurant Waiting Lounge" would be on a parcel across bypass would it not come under the same rules?

'Parking is already an issue, and additional customer traffic will exacerbate the issue. Quite frequently, both parking lots are already filled and more. Blue Moon removed the grass from the vegetation barrier on the original site plan and replaced the grass with packed soil, creating at least 7 parking places that were not on the original site plan - see photo attached. This reduction of drainage could affect me and other neighbors during an extreme storm.

'Finally, a code revision so complicated and carefully construed that it will likely only apply to one specific business seems to be patently unfair.

'Thank you for consideration of my thoughts.

'Chuck Bradshaw 4328 S Virginia Dare Trail, Nags Head.'

Attorney Leidy then asked the board if there were any additional questions for Director Wyatt.

Comr. Harrison asked how many other sites in town could use the proposed amendment. Director Wyatt confirmed it would apply broadly in the C-2 and C-5 districts and is not limited to a specific property. She stated staff has not completed a full analysis of eligible sites but could do so if requested and noted she could not estimate how many sites might qualify.

Director Wyatt noted that when creating the ordinance, her thoughts were that if a restaurant owned a contiguous parcel, it might make more sense to pursue a separate, principal use development rather than limit itself with the restrictions that come with an accessory use. She viewed the accessory space mainly as a controlled

extension of the restaurant (like a waiting/lounge area), not a standalone drinking spot. If it ever turns into a bar where people mostly drink without dining, that will violate its special use permit and could be shut down.

Comr. Harrison stated that even with restrictions, the ability to sell alcohol (which is profitable) could make the accessory use appealing, so restaurants might still choose this option. She then asked what enforcement would look like if we received complaints. Noting that, while a business like Blue Moon might follow the rules, it could be harder to monitor and enforce compliance across many businesses in town. Director Wyatt replied that enforcement would likely rely on visibility—if it becomes obvious that people are mainly coming just to drink and leave, staff, neighbors, or others would notice and report it. She also suggests a possible method of requiring businesses to submit sales data showing the proportion of alcohol vs. food sales. Attorney Leidy agreed enforcement would mostly come from observation and complaints, possibly followed by inspections. He noted sales records could serve as supporting evidence—either to prove a violation (too much alcohol-focused business) or as a defense (showing most customers still dine).

Mayor Pro Tem Lambert questioned whether there's a solid legal basis to revoke a special use permit if the space starts functioning more like a bar than a restaurant accessory. She felt that it was unclear whether the ordinance explicitly prohibits people from using the space just to drink, and whether that would be strong enough grounds to revoke a permit. She worries it could turn into a dispute over conflicting evidence. Attorney Leidy responded that the key legal test isn't simply whether people drink without eating, but whether the space is operating in conjunction with the restaurant or as an independent business. He noted that distinction is covered in the ordinance. Also, if evidence shows people are regularly using the space to drink, especially when they could have dined but didn't, that could demonstrate its functioning as a standalone bar. That would support enforcement or revocation.

Director Wyatt explained that the ordinance clearly states the lounge must serve restaurant patrons and not function independently. Enforcement would follow a typical process: if there's a problem, issue a violation notice, request proof of compliance, and potentially revoke the permit if it continues. Mayor Pro Tem Lambert feels that the ordinance is too vague. It doesn't define a threshold (like how many people can just drink without dining), so it's unclear how to consistently enforce it. Without a clear standard, it could effectively function as a bar despite the wording.

Comr. Vaughan questioned the feasibility of long-term observation. Ms. Wyatt responded that intermittent observation may be used, but continuous monitoring is not practical, and enforcement is typically complaint-driven and may require multiple approaches.

Manager Garman emphasized that ordinance drafting should consider whether provisions are practical to implement and enforce and cautioned against standards that require an unrealistic level of oversight or ongoing monitoring of businesses. He noted that more practical regulations would reduce the need for intensive enforcement and supervision.

Mayor Pro Tem Lambert stated that any permit revocation would require board review and expressed concern about the difficulty of evaluating and verifying documentation for accuracy and reliability, given the seriousness of revoking a permit.

Attorney Leidy asked the board if they had any additional questions for Director Wyatt or if Director Wyatt had anything further to present. All responded that they did not. Attorney Leidy asked Mr. Overton if he had anything further to add regarding the issues raised.

Mr. Overton responded to Mayor Pro Tem Lambert by explaining that land use regulations don't ensure perfect compliance, comparing enforcement to speed limits that rely on observation and complaints. Any issues would be handled through standard enforcement processes. Blue Moon was described as a regulated business with internal standards and staff oversight, not an unmanaged space. The business is expected to protect its reputation, and each special use permit will be reviewed individually, taking into account operational history and reputation.

Attorney Leidy asked whether the board wished to receive any additional information regarding the proposed UDO text amendment. Hearing no response, he stated that the public hearing would be closed and that the board could proceed with deliberations on the proposed amendment. The time was 09:54 a.m.

Mayor Cahoon stated that several outstanding questions remained, including how many sites in town could utilize the proposed amendment and how enforcement would be implemented. He also noted discussion of whether a separate, independent business model on the site might better address the concerns. He stated the board had two options: proceed with deliberation and vote, or table the item to allow staff additional time to provide information, address questions, and explore alternative approaches.

Comr. Harrison stated that while she appreciated the intent to support the business, her focus was on townwide impacts. She said she was not comfortable with the ordinance as written, noting the restaurant waiting lounge closely resembles a bar, which is not currently an allowed use, and expressed concern that the amendment could be used by other operators in the future. She stated that special use approvals should not be based on reputation

and raised fairness concerns, noting the proposal could allow a higher proportion of alcohol service space than currently permitted for other restaurants. She concluded she is open to alternatives but has significant concerns with the ordinance as drafted.

Mayor Pro Tem Lambert stated concerns regarding fairness, consistency, and unintended consequences. She said the proposed "restaurant waiting lounge" functions as a bar in practice if patrons can enter, socialize, and consume alcohol without clear enforcement standards. She stated it could undermine the 15% bar and entertainment limitation by allowing a separate structure to effectively operate as 100% bar seating, creating an uneven playing field for property owners. She also noted multiple properties could use the amendment, raising concerns about cumulative impacts, enforcement demands, and increased bar-style uses near residential areas. She concluded she views the ordinance as a workaround to existing restrictions and cannot support it.

Comr. Sanders disclosed he owns a restaurant and has purchased adjacent property for parking. He stated that parking and waiting area constraints create significant operational challenges, particularly with long wait times causing congestion and service impacts. He said he understands both the applicant's position and other board members' concerns and does not view the proposal as a standalone bar but as a way to manage wait times and improve operations across two high-demand buildings. He noted patrons can already obtain drinks at restaurants without dining. He concluded he sees merit in the proposal as an operational solution but remains undecided, leaning generally in favor.

Comr. Vaughan expressed appreciation for the efforts of staff and the applicant but raised concerns regarding the specificity of the proposed amendment and whether it effectively serves the broader needs of the community. It was noted that the amendment may function as a workaround to allow a use similar to a bar, which had previously been considered but not advanced. Concerns were raised about whether the proposal adequately addresses parking issues, as it may instead result in more patrons remaining on site for extended periods. She also questioned the enforceability of the provisions, noting that reliance on complaint-driven enforcement may be insufficient. Additional concern was expressed regarding the potential for similar developments throughout town, which could disadvantage smaller businesses lacking comparable resources or space. She then emphasized the importance of considering community-wide impacts and advocated for a more comprehensive, holistic planning approach rather than increased reliance on special use permits. While acknowledging the applicant as a valued contributor to the community, Comr. Vaughan cautioned against creating precedents that may lead to enforcement challenges and difficult decisions for future boards.

Mayor Cahoon noted having reviewed prior comments and presented a simplified interpretation of the current ordinance framework. It was stated that, under existing regulations, a single restaurant operation could theoretically be structured across multiple buildings on one site, with proportional allocations of principal and accessory uses (including kitchen space, entertainment space, seating, and parking calculations) still meeting applicable standards when considered in aggregate. He further noted that there are no specific regulations governing the distribution of food service between principal and accessory buildings or establishing operating hours, and that oversight of food and alcohol balance would largely be managed by the establishment itself within the approved framework. Concern was expressed that the current proposal is being evaluated more narrowly due to the circumstance of two separate parcels divided by a street, rather than a single contiguous property, despite similar functional outcomes potentially being achievable elsewhere under existing regulations. Mayor Cahoon concluded by stating uncertainty as to whether the proposed ordinance is workable in its current form and requested guidance from the board regarding next steps.

MOTION: Comr. Vaughan moved to table the ordinance creating a new accessory use to Restaurants, "Restaurant Waiting Lounge" with associated supplemental regulations. The motion was seconded by Mayor Pro Tem Lambert.

Attorney Leidy recommended that the motion to table include a specific duration, noting that the item should not be tabled indefinitely. He suggested setting a timeframe, such as 30, 60, or 90 days, for staff to bring back a revised proposal for consideration. Manager Garman stated that staff understands the questions raised and will bring back answers regarding the ordinance, along with potential modifications. He noted the question of whether the ordinance is fixable and whether there may be an alternative approach that is more practical to enforce and more equitable. He asked for board guidance on whether an alternative should be explored to help staff determine the path forward.

Comr. Vaughan suggested considering a modification to the ordinance, noting that Nags Head prohibits bars, drinking establishments, and nightclubs. She asked whether a provision could be modified to allow lounges townwide. She stated this could support the applicant and other businesses while allowing restrictions to prevent the use from functioning as a bar or nightclub. Mayor Pro Tem Lambert stated that, for clarity, she views bars as full-liquor establishments and lounges as beer and wine establishments and asked for confirmation of that distinction. Manager Garman stated that new definitions would likely be needed, noting that the current definition of bar would encompass those uses. He added that communities sometimes differentiate between establishments serving liquor and those serving only beer and wine. Mayor Pro Tem Lambert noted that the town currently allows microbreweries, which may serve beer and wine but not liquor.

Comr. Vaughan stated that an ordinance like this would provide flexibility to establish other requirements related to

hours and other standards. Manager Garman responded that supplemental standards are typical for such ordinances and then discussed the intent of regulating bars, noting that the town has historically sought to prevent nightclub-type uses. He explained that the 15% standard reflects concern about restaurants transitioning into late-night entertainment venues with alcohol service extending into early morning hours, which can create issues such as noise, parking problems, and increased police calls. Comr. Sanders noted that prior establishments included entertainment, while the proposed concept would not necessarily include entertainment.

Comr. Vaughan mentioned that a townwide provision allowing lounges would not necessarily preclude entertainment and could be viewed as an opportunity rather than a restriction. It was suggested that allowing limited entertainment, such as a small group performing for a few hours in the evening within a waiting lounge or similar space, would not cause harm. She expressed that such flexibility could benefit businesses and enhance use options without creating negative impacts. Manager Garman pointed out that simply allowing something explicitly, with appropriate restrictions, is often more practical than attempting to enforce a prohibition with undefined thresholds.

Comr. Sanders questioned whether a separate business would assist in addressing parking concerns. Mayor Cahoon responded that, in theory, a separately permitted operation could be structured to meet all regulatory requirements while allowing flexibility in how it is operated, and that such a structure could potentially reduce parking impacts depending on how the business is managed.

Comr. Harrison suggested that adopting a separate ordinance explicitly allowing beer and wine service could provide greater clarity to the public and reduce confusion, noting that the term "waiting lounge" may be misleading if it does not clearly communicate the presence of alcohol service. Mayor Pro Tem Lambert expressed concern that members of the public appeared unaware that alcohol service was included in the proposal, raising concerns that the concept of a "waiting lounge" may be misleading and could contribute to public misunderstanding.

Manager Garman noted that the item is part of a fluid process and that the board and staff have already been discussing potential revisions to address identified concerns. He indicated that there is sufficient time before the May 6th meeting to prepare both revisions to the existing ordinance and a potential alternative ordinance reflecting additional options discussed by the board. Staff could present both items to the Planning Board the following week and meet required public notice and advertising deadlines for a public hearing at the May 6th meeting. He recommended bringing forward both versions for consideration so that the board may evaluate all options simultaneously.

MOTION CONT.: Comr. Vaughan amended her motion to table the ordinance creating a new accessory use to Restaurants, "Restaurant Waiting Lounge" with associated supplemental regulations to the May 6, 2026 Board of Commissioners meeting. The motion was seconded by Mayor Pro Tem Lambert, which passed unanimously.

MOTION: Mayor Pro Tem Lambert moved to schedule a public hearing for May 6, 2026 to consider an UDO text amendment to create an allowable use, "Wine Bar, Tap Room, and/or Lounge", with associated supplemental regulations. The motion was seconded by Comr. Harrison, which passed unanimously.

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.

Notice of the Public Hearing was published in the Coastland Times on Wednesday, April 1, 2026 and on Wednesday, April 8, 2026 as required by law.

MOTION: Mayor Cahoon moved to table this item until the May 6, 2026 Board of Commissioners meeting. The motion was seconded by Mayor Pro Tem Lambert, which passed unanimously.

NEW BUSINESS

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

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

"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.

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

Mayor Cahoon said the discussion captured the board's work during the retreat and distilled it into key action items. He expressed thanks to the board, staff, and facilitators for their participation and effort in developing the plan. He observed that this level of strategic planning is uncommon in many communities encountered through intergovernmental work, emphasizing its value even when resources are limited. Appreciation was noted for the town's continued commitment to a shared vision and ongoing strategic planning. In closing, he said the depth of the discussion demonstrates a collaborative approach to building consensus and protecting the community's character over the long term.

Comr. Sanders noted that the plan was a useful tool when answering constituent questions, and that the website allowed him to direct people there for more information.

Comr. Vaughan stated that the information can be reviewed together and emphasized appreciation for staff's work on the public interface. She noted that it supports transparency and makes it easier for the public to stay informed and follow town activities.

Comr. Harrison stated she had been taking the system for granted but found it very helpful as a new board member. She noted it provides a clear, organized overview of the town's work and appreciated the level of staff and board input involved.

Mayor Pro Tem Lambert expressed appreciation for the work on the item and noted the consistency between prior and current boards. She stated it is reassuring to remain on a consistent path and thanked staff for their hard work.

Manager Garman stated that if the board had no further changes, it could consider adopting the item or defer it to the May agenda for additional time. He noted staff would suggest holding another retreat in the fall for further discussion, with additional ideas to be brought forward at that time but emphasized that the timing would be at the board's discretion.

MOTION: Mayor Pro Tem Lambert moved to adopt the Strategic Plan Update as presented. The motion was seconded by Comr. Vaughan, which passed unanimously.

Consideration of Resolution in Support of Mid-Currituck Bridge

Mayor Cahoon introduced this item. The summary sheet read in part as follows:

"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.

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

Mayor Cahoon reported that the issue was discussed at a recent mayors and county board chair luncheon and that Dare County has adopted a related resolution. He noted Southern Shores has requested additional time for further consideration and referenced a letter from a Southern Shores resident. The bridge project already has permits, completed design work, and significant investment. Current discussion centers on economic viability and whether the state has fully evaluated alternative tolling models. The request is to allow one additional cycle to determine if a viable funding approach can be identified; otherwise, the effort may conclude.

MOTION: Comr. Vaughan moved to adopt the resolution in support of the Mid-Currituck Bridge project as presented. The motion was seconded by Mayor Pro Tem Lambert, which passed unanimously.

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

"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."

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Request to Discuss Updated Town Attorney Retainer and Fee Agreement

Attorney Leidy requested an update to his contract.

MOTION: Comr. Harrison moved to approve the revised attorney contract as presented. The motion was seconded by Comr. Sanders which passed unanimously.

The town attorney's contract, as approved, is on file in the Town Clerk's office.

MAYOR'S AGENDA

Mayor Cahoon – noted that he will be out of town most of next week for Coastal Leadership Institute and NCBIWA Spring Meeting.

ADJOURNMENT/RECESS TO STORMWATER MASTER PLAN WORKSHOP

MOTION: Comr. Harrison moved to recess to the Stormwater Master Plan Workshop. The motion was seconded by Comr. Vaughan, which passed unanimously. The time was 10:38 a.m.

Brittany A. Phillips, Town Clerk

Date Approved: May 6, 2026

Mayor: _____
Benjamin Cahoon



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
STORMWATER MASTER PLAN WORKSHOP
WEDNESDAY, APRIL 15, 2026**

The Nags Head Board of Commissioners met in the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, April 15, 2026 for a Stormwater Master Plan Workshop that followed the Recessed Meeting.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Megan Lambert; Comr. Bob Sanders
Comr. Megan Vaughan; and Comr. Molly Lambert

Board members Absent: None

Others present: Town Manager Andy Garman; Amy Miller; Roberta Thuman; Nancy Carawan; Perry Hale; Kelly Wyatt; Joe Costello; David Ryan; Karen Snyder; Katie Anzalone; Cameron James; Graham Scherle; and Town Clerk Brittany A. Phillips

CALL TO ORDER

Mayor Cahoon called the Stormwater Master Plan Workshop to order at 10:47 a.m.

AGENDA REVIEW

Project Overview
Survey and Condition Assessment
GIS Dashboard
Conceptual Project Plan Development
Priorities and Deliverables

Town Engineer Ryan opened the workshop, introducing Cameron James and Graham Sherrill of McAdams, the town's engineering consultant, who co-presented the slides which are attached to and made a part of these minutes as shown in Addendum "A". Nags Head Stormwater Master Plan preliminary conceptual plans were given to the board at the meeting.

Project Overview

Engineer Ryan outlined the goals of the Stormwater Master Plan, which has been a work in progress for over a year. He described the following primary objectives: assessing the condition of existing drainage infrastructure; updating the town's GIS inventory to reflect completed work from the past several years; engaging stakeholders and incorporating citizen feedback gathered at a public workshop held in August of 2025 and over time; establishing new tools and metrics for staff use in the field; evaluating the performance of projects from the 2015 CIP update, which included 13 projects (9 of which are completed or nearing completion); analyzing the South Memorial Avenue drainage corridor, where an older standard had led to capacity concerns; and developing a scalable, phased plan that considers funding opportunities and incorporates successful methods from past projects, particularly the perforated "sock pipe" approach that simultaneously addresses surface runoff and groundwater elevation management.

He noted the project is funded through a \$400,000 planning grant from the North Carolina Department of Environmental Quality (DEQ), Division of Water Infrastructure. The grant scope includes asset inventory and condition assessment, development of an interactive GIS dashboard, problem area identification and conceptual design development, project prioritization, completion of a stormwater master plan report, and a watershed action plan. Engineer Ryan stated the anticipated schedule calls for a return to the board in late summer for project prioritization, a final stormwater master plan report presentation in November, and full completion of deliverables by December 31, 2026, as required by the grant performance period.

Survey and Condition Assessment

Cameron James of McAdams presented the survey and conditions assessment work completed during the prior year. He reported that McAdams surveyed approximately 540 structures and 344 individual culverts and storm mains across town. Combined with the town's existing GIS inventory and as-built data from recently

completed and in-construction projects, the updated database now encompasses approximately 1,658 structures and 1,320 culverts and storm mains.

Mr. James explained that each asset was evaluated using a dual-criteria methodology: likelihood of failure (based on pipe condition, clogging percentage, material type—noting that corrugated metal pipes are far more susceptible to damage than concrete or HDPE—maintenance access, and downstream conveyance compatibility) and consequence of failure (based on geographic location, proximity to critical infrastructure such as hospitals, and ownership). This framework allowed McAdams to generate a prioritized list of assets most in need of remedial action, which the town has already begun integrating into its maintenance program.

GIS Dashboard

Graham Scherle of McAdams demonstrated the new interactive GIS dashboard developed as part of the grant scope. He described it as a tool that allows town staff to access all surveyed information—condition ratings, pipe material, elevations, clogging percentage, maintenance access notes, and photographs of each structure—in a single filterable and searchable interface. Staff can sort by structure type, data source, condition rating, or project priority ranking and visually locate assets on a map before going into the field. Mr. Scherle noted that the dashboard consolidates data from McAdams' survey, the town's previous GIS inventory, and as-built data from recent years, and includes links to the prioritization and condition assessment report for each feature. Board members and staff showed clear enthusiasm, and Mayor Cahoon noted that the tool was well received.

Conceptual Project Plan Development

Mr. James then presented the 17 identified flooding hotspot areas and their associated conceptual improvement projects, noting that the documents provided to the board contained more detailed information including preliminary cost estimates and site constraints.

Project Area 1 — Carolinian Circle: A northern hotspot experiencing nuisance flooding, partly receiving runoff from Jockey's Ridge hillside. The primary issue is a lack of infrastructure along the loop section of Carolinian Circle. The proposed design involves new yard and drop inlets connected by a new HDPE sock pipe storm drainage trunk line, tying into the existing drainage system on the western side of South Croatan Highway. Constraints include proximity to existing water lines and the limitation of an 18-inch pipe on South Croatan Highway downstream.

Project Area 2 — West Blue Jay Street: A steep road that flattens at South Pamlico Drive, causing drainage to pond at the base. The proposal calls for extending curb and gutter along the full length of Blue Jay Street to South Croatan Highway, adding a double inlet system at the curve, and installing a new 24-inch HDPE sock pipe system.

Project Area 3 — Buccaneer Drive and West Lookout Road: A low-lying area between Jockey's Ridge and South Croatan Highway experiencing flooding as well as backflow from the swale on the western side of South Croatan Highway. The proposed design adds new infrastructure to capture runoff and installs a backflow prevention device at the outlet.

West Lookout Road: Similar issues to Buccaneer Drive, including backflow from the South Croatan swale. The existing outfall pipe was assessed as being in adequate condition, so the proposal calls for cleaning the outfall and installing a new HDPE sock pipe storm drainage system with a backflow prevention device.

Project Area 4 — Soundside Road: Described as a "long standing issue," Soundside Road experiences overwashing from the sound as well as flooding from storm events. Approximately 200 acres drains from the east side of South Croatan Highway into this area. The water table is very high given proximity to the sound, and water can remain for days to over a week following storm events. Given the scale, the project was broken into four phases:

- Phase 1: Installation of a new 36-inch HDPE sock pipe closed drainage system along Soundside Road to provide flood storage and infiltrative benefit.
- Phase 2: Addition of a new storm drainage system along Ridgeview Way and installation of piping through private property (requiring a permanent drainage easement along the property line) to tie into the Phase 1 system.
- Phase 3: Acquisition of an empty parcel at the intersection of Soundside Road and Deering Street to convert into an infiltration basin for additional flood storage, with the potential to directly outfall the Phase 1 trunk line into the basin.
- Phase 4: Adding a pump station and force main and acquisition of state-owned parcels near Jockey's Ridge to pump water from the infiltration basin to a higher elevation with greater separation from the water table for improved infiltration during high-flow events.

Project Area 5 — West Deering Street: Located just north of Soundside Road, this area experiences flooding in swales along the right-of-way and ponding at the Breeze Way and West Duppies Court intersection due to a lack of infrastructure and inadequate driveway culverts. The proposal involves installing new driveway culverts, grading and reconstructing swales to better convey runoff, and connecting ultimately to the

proposed Soundside Road Phase 3 infiltration basin. This project can also be constructed independently with outfall at the existing swale.

Project Area 6 — Barracuda Drive: Runoff flows from the Hesperides Drive right-of-way northward, causing flooding of private properties along West Barracuda Drive. The proposal includes installing a grass swale with earthen check dams to slow runoff and provide infiltrative benefit, and a new 30-inch HDPE sock pipe closed system to store and infiltrate water before it crosses Barracuda Drive. The proposal also includes dry well systems for the Salmon Court and Mackerel Court cul-de-sacs, which currently experience flooding with no adequate outfall. Dual 15-inch HP storm pipes would connect to dry wells constructed in the center of each cul-de-sac. Mayor Cahoon inquired whether the dry wells would involve removing pavement and installing a grassed infiltration area, referencing the approach used at Old Nags Head Place. Engineer Ryan confirmed this was the concept and noted that the large sizes of those cul-de-sacs allow for the approach while still meeting fire truck and sanitation vehicle turning radius requirements.

Project Area 7 — Dune Street: Water frequently ponds at the eastern end of Dune Street at the intersection with South Virginia Dare Trail due to a lack of infrastructure. The project is split into phases:

- Phase 1 installs a 24-inch perforated sock pipe along the southern right-of-way as a closed system for storage and infiltration
- Phase 2a adds a pipe to allow outfall to an existing swale approximately 750 linear feet to the north
- Phase 2b involves potential acquisition of a parcel at the Dune Street and South Virginia Dare Trail intersection to construct an infiltration basin.

Project Area 8 — Seven Sisters Subdivision (Enterprise Street): The area lacks infrastructure along Enterprise Street, experiences flooding during storm events, and experiences backflow from the swale along South Virginia Dare Trail. An unusual feature of the site is that the driveways of properties along Enterprise Street are inverted—graded to channel flow along the bottom of the driveways rather than having elevated culverts underneath. The proposal involves installing a new HDPE sock pipe storm drainage system, reconstructing driveway inlets, installing outfall to the existing swale on South Virginia Dare Trail, and adding backflow prevention.

Project Area 9 — South Old Road: Close proximity to the sound limits feasible options. Only approximately 7 to 8 acres drain through this area, but flooding is exacerbated by overwash from a nearby channel that drains golf course runoff.

- Phase 1 proposes installing a new storm drainage trunk line, a new outfall before the existing wetlands, and backflow prevention at both the outlet and the northern end of the road.
- Phase 2 involves potential acquisition of a parcel at the corner of West Lakeside Street and South Croatan Highway to convert into an infiltration basin, with a pump station to convey water from South Old Road to an elevation with greater separation from the water table. Mr. James noted that without pumping, the benefit of Phase 1 alone will be present but limited.

Mayor Cahoon asked, regarding backflow prevention devices more broadly, whether the town was prepared for the maintenance burden of the additional flap gates proposed across multiple projects. He noted that unmaintained flap gates can become stuck. Engineer Ryan confirmed the town currently has close to a dozen flap gates or backflow preventers and acknowledged the maintenance requirement, noting that ocean outfalls also have flap gates. He stated the benefits outweigh the risks when maintenance is properly performed. Mr. James added that the HDPE sock pipe flap gates proposed for most of the hotspot projects are simpler than the more robust devices on CMP ocean outfall pipes—they consist essentially of a hose clamp and a plastic flap gate at the pipe end, are visually inspectable, and require less intensive maintenance.

Project Areas 10 — Whalebone Junction: The Whalebone Junction area near Gulfstream Street and Jeanette's Pier experiences parking lot flooding at the Dune Burger restaurant due to runoff from South Virginia Dare Trail. The proposal involves two segments: on the north, installing a valley curb and curb inlets to capture runoff and convey it to an existing storm drainage system through Whalebone Park; and on the south, installing an 18-inch HDPE storm drainage trunk line along driveway entrances to convey water to an existing channel that outfalls to the sound. A third component is installing a flap gate backflow prevention device at the outfall of the existing 30-inch HDPE pipe, which currently experiences sound backflow that diminishes its conveyance capacity.

Mayor Cahoon also asked about the backflow prevention device at the ditch associated with Project Area 10, noting from the contours that the bank of the ditch might be near elevation 4, suggesting sound water could overtop the ditch rather than being stopped by the flap gate. He asked whether a berm or other protection along the north and west side of the adjacent park was warranted. Engineer Ryan confirmed that the finished grade of the park is approximately elevation 5, the bottom of the ditch is approximately 1.5 to 2 feet above mean sea level and acknowledged that additional grading could be incorporated to provide protection from backflow or overflow into the park area.

Project Areas 11 — Ramp 1 Outfall: The primary issue is a corrugated metal pipe that experiences sound backflow into the swale on the western side of South Oregon Inlet Road. The proposal is to install a new

junction box and retrofit a flap gate backflow prevention device into the existing 36-inch outlet pipe.

Project Areas 12 — South Memorial Avenue (Four Sub-Areas): McAdams performed detailed hydrologic and hydraulic modeling for the South Memorial Avenue trunk line, which runs from the north end at 8th Street to two ocean outfalls. Drainage areas were delineated to individual inlets and pipes, and the system was analyzed for capacity and conveyance against the town's level-of-service standard of the 10-year storm event.

Four critical areas were identified:

- *Area 1 (near Atlas Street):* Existing pipes surcharge in the 1-year storm event. Proposal is to replace culverts with new 24-inch HDPE pipes, positively regraded. Constraints include proximity to an existing water main.
- *Area 2 (near Admiral Street):* Pipes flow full in the 10-year storm, meeting a lesser level of service. Existing pipes are negatively sloped. Proposal is to upsize from 24-inch to 30-inch HDPE and integrate with ongoing storm drainage and sidewalk construction near Admiral Street.
- *Area 3 (near Bonnett Street):* An existing 15-inch pipe surcharges in the 2-year storm event and is restricted by downstream conveyance capacity. Proposal is to upsize to a 24-inch HDPE pipe.
- *Area 4 (near East Baltic Street):* An existing 24-inch corrugated metal pipe surcharges in the 2-year storm event. Proposal is to upsize to a 30-inch HDPE pipe and regrade swales along the eastern shoulder of South Memorial Avenue for positive drainage.

Project Area 13 — East Epstein Street: Modeling determined portions of the existing 24-inch pipe are hydraulically insufficient for the upstream drainage area. The proposal is to upsize several sections to 30-inch pipe from the northern side of East Epstein Street to a dual 24-inch outfall pipe on the east side of South Croatan Highway. Additionally, a 36-inch pipe was recently installed at the fire station entrance nearby, and the design includes upsizing the bounding pipes to 36 inches as well to better promote conveyance.

Priorities and Deliverables

Mr. James discussed the prioritization process for the stormwater projects. He highlighted that the prioritization matrix will be aligned with the Town's Stormwater Management Standard Operating Procedure, scoring each project based on factors like flood frequency, impact, system condition, site constraints, and cost estimates.

Watershed Action Plan – Mr. James briefly described the watershed action plan component of the project, which addresses impaired waters along the Roanoke Sound shoreline between Jockey's Ridge and the Whalebone Junction area. The plan will follow the EPA nine-element watershed plan framework to assess contributing drainage areas, evaluate potential redevelopment or water quality retrofits, and position those projects for Section 319 EPA grant funding. It will be delivered as an interactive story map and as a portion of the final stormwater master plan report.

Engineer Ryan outlined the path forward. He invited board members to review the conceptual materials and submit comments or questions, which will be incorporated before the next presentation. He anticipated returning to the board in late summer with a prioritized CIP project list for consideration and finalizing the master plan report for presentation in November 2026.

In response to Comr. Harrison's question about the total cost of all proposed work, Mr. James stated that the total for all current phases across all 17 areas is approximately \$3,900,000. Including potential future phases, the total rises to approximately \$6,400,000. He indicated that the detailed cost estimate table could be shared with the board. Manager Garman noted that one of the strengths of this plan is the many ways the work can be phased and combined with existing neighborhood paving and drainage maintenance programs. He highlighted that the plan allows the town to do initial phases and assess their effectiveness before committing to more expensive future phases.

Comr. Harrison asked for clarification on grant requirements, asking whether grant applications must be tied to specific actionable projects rather than stormwater needs in general. Engineer Ryan confirmed that a specific, actionable project is required to be competitive for grant funding.

The board praised the presentation for its quality and thoroughness.

ADJOURNMENT

Comr. Vaughan moved to adjourn. The motion was seconded by Comr. Sanders, which passed unanimously. The time was 11:52 a.m.

Brittany A. Phillips, Town Clerk

Date Approved: _____
May 6, 2026

Mayor: _____
Benjamin Cahoon