



## **AGENDA**

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

**WEDNESDAY, AUGUST 5, 2026; 9:00 AM**

REGULAR SESSION

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

### **B. ADOPTION OF AGENDA**

### **C. RECOGNITION**

1. NEW EMPLOYEE – Chief Building Inspector Rick Godsey – July 13, 2026  
NEW EMPLOYEE – Tax Collector Jessica Gallop – July 20, 2026

TEN YEARS – Police Sergeant JC Mitchell – May 10, 2016

PRESENTATION – MADD NC DWI Per Capita Enforcer of the Year Award – Police Sergeant JC Mitchell

TWENTY-FIVE YEARS – Public Information Officer Roberta Thuman – June 25, 2001

RETIREMENT – Water Plant Superintendent David Perry – July 1, 2026

RETIREMENT – Chief Building Inspector Steven Szymanski – November 1, 2026

### **D. PUBLIC COMMENT**

### **E. CONSENT AGENDA**

1. Consideration of Budget Amendment #2 to FY 2026/27 Budget
2. Consideration of Tax Documents
  - FY 25/26 Year End Tax Adjustment Report
  - FY 25/26 Year End Tax Settlement Report
3. Approval of Minutes
4. Consideration of Multi-Year Banking Contract Renewal with Southern Bank
5. Consideration of Beach Nourishment Capital Project Ordinance Amendment #20
6. Consideration of the Second Year of the Sand Relocation and Dune Management Cost Share Program (Cycle Approved August 6, 2025)
7. Consideration of Recommended Standard Details Update

### **F. PUBLIC HEARINGS**

1. Public Hearing to Consider a Text Amendment Application Submitted by Ms. Suzanne Baer on behalf of BIPA, LLC to Amend Section 7.32 of the Unified Development Ordinance to Allow Water Dependent Recreational Uses as a Permissible Use within Commercial Mixed-Use Developments, including Shopping Centers, Located within the Commercial Outdoor Recreation Overlay District

### **G. REPORTS AND RECOMMENDATIONS FROM THE PLANNING BOARD AND THE PLANNING AND**

## **DEVELOPMENT DIRECTOR**

1. Update from Planning Director

## **H. NEW BUSINESS**

1. Committee Reports
2. Consideration of Resolutions Authorizing Fall 2026 Fishing Tournaments  
- Outer Banks Association of Realtors; Fraternal Order of Eagles; Nags Head Surf Fishing Club

## **I. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY**

## **J. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER**

1. Financial Update
2. Multi-Use Path Project Update - Carolista Drive to Soundside Road
3. Discussion of Stormwater Master Plan Prioritization
4. Beach Driving Season Update

## **K. BOARD OF COMMISSIONERS AGENDA**

## **L. MAYOR'S AGENDA**

## **M. CLOSED SESSIONS**

## **N. OTHER BUSINESS**

## **O. ADJOURNMENT**





# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## AGENDA ITEM C.1.

NEW EMPLOYEE – Chief Building Inspector Rick Godsey – July 13, 2026

NEW EMPLOYEE – Tax Collector Jessica Gallop – July 20, 2026

TEN YEARS – Police Sergeant JC Mitchell – May 10, 2016

PRESENTATION – MADD NC DWI Per Capita Enforcer of the Year Award – Police Sergeant JC Mitchell

TWENTY-FIVE YEARS – Public Information Officer Roberta Thuman – June 25, 2001

RETIREMENT – Water Plant Superintendent David Perry – July 1, 2026

RETIREMENT – Chief Building Inspector Steven Szymanski – November 1, 2026

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### Prepared by

Brittany Phillips, Town Clerk

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### Reviewed by

Brittany Phillips  
Andy Garman

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### Staff Comments/Recommendation

Welcome and congratulations!

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### Specific Action Requested

This item is provided for Board recognition.

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### Summary

Recognition at the August 5th Board of Commissioners meeting will include the above-listed items.

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### Attachments

None



# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## AGENDA ITEM E.1.

Consideration of Budget Amendment #2 to FY 2026/27 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 #2 to the FY 2026/27 Budget which is provided for board review and approval at the 8/5/2026 Board of Commissioners meeting. Budget Amendment #2 is in accordance with the FY 2026/27 Budget Ordinance, adopted at the June 3, 2026 meeting.

### Attachments

1. 8 E1 Budget amend 2 to FY26-27



**BUDGET AMENDMENT REQUEST  
FY 2026-2027**

**BUDGET AMENDMENT NO. 2**  
**Amendment 2.1**

**SOURCE OF FUNDS**

**USE OF FUNDS**

| CODE          | ACCOUNT                                            | AMOUNT        |  | CODE          | ACCOUNT                                                                           | AMOUNT        |
|---------------|----------------------------------------------------|---------------|--|---------------|-----------------------------------------------------------------------------------|---------------|
| 10-491000     | <b>General Fund Revenues</b><br>Proceeds from loan | 125,279.00    |  | 530-577200    | <b>General Fund Facility Maintenance Expenditures</b><br>Capital outlay-buildings | 125,279.00    |
| TOTAL CHARGES |                                                    | \$ 125,279.00 |  | TOTAL CREDITS |                                                                                   | \$ 125,279.00 |

**JUSTIFICATION**

Town Hall elevator - FY 26/27 budget

ADMINISTRATIVE SERVICES 6/24/2026  
RECOMMENDED BY DATE

APPROVED BY BOC: DATE

POSTED TO GENERAL LEDGER:

INITIALS



# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## AGENDA ITEM E.2.

Consideration of Tax Documents

- FY 25/26 Year End Tax Adjustment Report
- FY 25/26 Year End Tax Settlement Report

### Prepared by

Jackie Szymanski, Tax Collector

### Reviewed by

Jackie Szymanski  
Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

N/A

### Specific Action Requested

This item is provided for board review and approval.

### Summary

Attached please find the FY 25/26 Year End Tax Adjustment Reports for both the MSD and the Town-wide taxes and the FY 25/26 Year End Tax Settlement Report.

These reports are submitted for your approval at the August 5, 2026 Board of Commissioners meeting.

### Attachments

1. 8 E2 Tax Adj Town-Wide Year End Report
2. 8 E2 Tax Adj MSD Year End Report
3. 8 E2 2025 Yr End Tax Settlement Report

**Town of Nags Head, North Carolina**  
**ANALYSIS OF CURRENT 2025-2026 TOWN WIDE TAX LEVY**  
**2025 Tax Levy As of Jul 24, 2026 for AUG 5, 2026 BOC**

|                                                  | Town-Wide Tax        |                      |                      | Total Levy                                   |                           |
|--------------------------------------------------|----------------------|----------------------|----------------------|----------------------------------------------|---------------------------|
|                                                  | Property Valuation   | Rate                 | Total Levy           | Property Excluding Registered Motor Vehicles | Registered Motor Vehicles |
| <b>Original levy:</b>                            |                      |                      |                      |                                              |                           |
| Property taxed at current 2025 rate              | 5,171,302,058        | 0.002320             | 11,998,450.08        | 11,998,450.08                                |                           |
| Registered Motor Vehicles at current 2025 rate   | 61,405,716           | 0.002320             | 142,460.13           |                                              | 142,315.00                |
| Registered Motor Vehicles at 2024 year's rate    | 15,975,844           | 0.003300             | 52,720.29            |                                              | 52,843.37                 |
| Registered Motor Vehicles at 2023 year's rate    | 22,400               | 0.003300             | 73.95                |                                              | 73.95                     |
| Penalties                                        |                      |                      | 5,552.37             | 5,552.37                                     |                           |
| <b>Total</b>                                     | <b>5,248,706,018</b> |                      | <b>12,199,256.82</b> | <b>12,004,002.45</b>                         | <b>195,232.32</b>         |
| <b>Discoveries &amp; Adjustments:</b>            |                      |                      |                      |                                              |                           |
| Current year discoveries & adjustments tax       | 41,768               |                      | 88.55                | 88.55                                        |                           |
| Town wide beach nourishment tax                  |                      |                      | 8.35                 | 8.35                                         |                           |
| Corporate Utilities discoveries & tax            | 24,132,206           |                      | 51,160.27            | 51,160.27                                    |                           |
| Corporate Utilities beach nourishment tax        |                      |                      | 4,826.43             | 4,826.43                                     |                           |
| Penalty Discoveries                              |                      |                      | 0.00                 | 0.00                                         |                           |
| <b>Total</b>                                     | <b>24,173,974.00</b> |                      | <b>56,083.60</b>     | <b>56,083.60</b>                             |                           |
| <b>Releases &amp; Adjustments:</b>               |                      |                      |                      |                                              |                           |
| Current year releases & adjustments              | (17,281,192)         |                      | (37,913.46)          | (37,080.33)                                  | (833.13)                  |
| Town wide beach nourishment                      |                      |                      | (3,498.14)           | (3,498.14)                                   |                           |
| Penalty Releases                                 |                      |                      | (113.86)             | (113.86)                                     |                           |
| <b>Total</b>                                     | <b>(17,281,192)</b>  |                      | <b>(41,525.46)</b>   | <b>(40,692.33)</b>                           | <b>(833.13)</b>           |
| <b>Write-offs (under \$1.00) or Adjustments:</b> |                      |                      | (0.25)               | (0.25)                                       |                           |
| <b>Total Property Valuation</b>                  | <b>5,255,598,800</b> |                      |                      |                                              |                           |
| <b>Net levy</b>                                  |                      | <b>12,213,792.66</b> |                      | <b>12,019,393.47</b>                         | <b>194,399.19</b>         |
| Uncollected Taxes & Penalties                    |                      | (3,196.24)           |                      | (3,196.24)                                   | 0.00                      |
| Uncollected Town Wide Beach Nourishment          |                      | (293.68)             |                      | (293.68)                                     |                           |
| <b>TOTAL UNCOLLECTED TAXES AS OF 07/24/26:</b>   |                      | <b>(3,489.92)</b>    |                      | <b>(3,489.92)</b>                            | <b>0.00</b>               |
| <b>CURRENT YEAR TAXES COLLECTED:</b>             |                      | <b>12,210,302.74</b> |                      | <b>12,015,903.55</b>                         | <b>194,399.19</b>         |
| <b>CURRENT LEVY COLLECTION PERCENTAGE:</b>       |                      | <b>99.971%</b>       |                      | <b>99.971%</b>                               | <b>0.000%</b>             |

**Town of Nags Head, North Carolina**  
**ANALYSIS OF CURRENT 2025-2026 MSD TAX LEVY**  
**2025 Tax Levy As of Jul 24, 2026 for AUG 5, 2026 BOC**

|                                                       | BEACH NOURISHMENT DISTRICT |                     |                     |                                               |                                 |
|-------------------------------------------------------|----------------------------|---------------------|---------------------|-----------------------------------------------|---------------------------------|
|                                                       | MSD<br>Valuation           | Rate                | Total<br>Levy       | MSD Excluding<br>Registered<br>Motor Vehicles | Registered<br>Motor<br>Vehicles |
| <b>Original MSD Levy:</b>                             |                            |                     |                     |                                               |                                 |
| MSD Beach Nourishment at Current 2025 Dist 1 Rate     | 966,453,299                | 0.00090             | 869,807.94          | 869,807.94                                    |                                 |
| MSD Beach Nourishment at current 2025 Dist 2 Rate     | 826,305,310                | 0.00090             | 743,674.87          | 743,674.87                                    |                                 |
| MSD Beach Nourishment at Current 2025 Dist 3 Rate     | 1,764,477,822              | 0.00005             | 88,225.53           | 88,225.53                                     |                                 |
| MSD Beach Nourishment at Current 2025 Dist 4 Rate     | 1,181,551,706              | 0.00010             | 118,155.31          | 118,155.31                                    |                                 |
| MSD Beach Nourishment at Current 2025 Dist 6 Rate     | 0                          | 0.00000             | 0.00                | 0.00                                          |                                 |
| Registered Motor Vehicles at Current 2025 Dist 1 Rate | 2,776,297                  | 0.00090             | 1,997.38            |                                               | 1,997.38                        |
| Registered Motor Vehicles at Current 2025 Dist 2 Rate | 2,398,430                  | 0.00090             | 2,261.90            |                                               | 2,261.90                        |
| Registered Motor Vehicles at Current 2025 Dist 3 Rate | 8,432,700                  | 0.00005             | 426.31              |                                               | 426.31                          |
| Registered Motor Vehicles at Current 2025 Dist 4 Rate | 5,595,611                  | 0.00010             | 565.01              |                                               | 565.01                          |
| Registered Motor Vehicles at Current 2025 Dist 5 Rate | 0                          | 0.00000             | 0.00                |                                               | 0.00                            |
| Registered Motor Vehicles at Current 2025 Dist 6 Rate | 0                          | 0.00000             | 0.00                |                                               | 0.00                            |
| Registered Motor Vehicles at 2024 Dist 1 Rate         | 271,252                    | 0.00143             | 387.89              |                                               | 387.89                          |
| Registered Motor Vehicles at 2024 Dist 2 Rate         | 822,517                    | 0.00143             | 1,176.20            |                                               | 1,176.20                        |
| Registered Motor Vehicles at 2024 Dist 3 Rate         | 1,811,800                  | 0.00005             | 90.59               |                                               | 90.59                           |
| Registered Motor Vehicles at 2024 Dist 4 Rate         | 1,618,500                  | 0.00010             | 161.85              |                                               | 161.85                          |
| Registered Motor Vehicles at 2024 Dist 6 Rate         | 1,342,600                  | 0.00005             | 67.13               |                                               | 67.13                           |
| Registered Motor Vehicles at 2023 rate                | 0                          | 0.00143             | 0.00                |                                               | 0.00                            |
| Penalties                                             |                            |                     | 0.00                |                                               |                                 |
| <b>Total</b>                                          | <b>4,763,857,844</b>       |                     | <b>1,826,997.91</b> | <b>1,819,863.65</b>                           | <b>7,134.26</b>                 |
| <b>Discoveries &amp; Adjustments:</b>                 |                            |                     |                     |                                               |                                 |
| Current year discoveries & adjustments                | 0                          |                     | 0.00                | 0.00                                          |                                 |
|                                                       |                            |                     | 0.00                | 0.00                                          |                                 |
| <b>Total</b>                                          | <b>0</b>                   |                     | <b>0.00</b>         | <b>0.00</b>                                   |                                 |
| <b>Releases &amp; Adjustments:</b>                    |                            |                     |                     |                                               |                                 |
| DMV Current year valuation adjustments                | 0                          |                     | 0.00                | 0.00                                          | 0.00                            |
| DMV Current year tax releases                         | (1,394,194)                |                     | 0.00                | 0.00                                          | 0.00                            |
| Real/Personal Current year releases & adjustments     | (8,604,956)                |                     | (7,986.99)          | (7,986.99)                                    | Dist 2,3 & 4                    |
| <b>Total</b>                                          | <b>(9,999,150)</b>         |                     | <b>(7,986.99)</b>   | <b>(7,986.99)</b>                             | <b>0.00</b>                     |
| <b>Write-offs (under \$1.00) or Adjustments:</b>      |                            |                     | (0.81)              | (0.81)                                        |                                 |
| <b>Total MSD Valuation</b>                            | <b>4,753,858,694</b>       |                     |                     |                                               |                                 |
| <b>Net levy</b>                                       |                            | <b>1,819,010.11</b> |                     | <b>1,811,875.85</b>                           | <b>7,134.26</b>                 |
| <b>TOTAL UNCOLLECTED MSD AS OF 07/24/26:</b>          |                            | <b>(5.17)</b>       |                     | <b>(5.17)</b>                                 | <b>0.00</b>                     |
| <b>CURRENT YEAR MSD COLLECTED:</b>                    |                            | <b>1,819,004.94</b> |                     | <b>1,811,870.68</b>                           | <b>7,134.26</b>                 |
| <b>CURRENT MSD COLLECTION PERCENTAGE:</b>             |                            | <b>100.000%</b>     |                     | <b>100.000%</b>                               | <b>0.000%</b>                   |



**Administrative Services**  
Finance

**Town of Nags Head**

Post Office Box 99  
Nags Head, North Carolina 27959  
Telephone 252-441-5508  
Fax 252-441-4680  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

**M E M O R A N D U M**

To: Mayor and Board of Commissioners

From: Jackie Szymanski, Tax Collector

Date: August 05, 2026

Subject: Tax Settlement for Tax Year 2025/2026 (per NCGS 105-373)

I hereby certify that records located in the tax office of the Town of Nags Head show an outstanding balance due on June 30, 2026 of \$3489.92 (including DMV) for 2025 Town-Wide taxes. The adjusted Town-Wide levy (including DMV) as of June 30, 2026 is \$12,213,792.66 with an unaudited collection rate of 99.971%.

I hereby certify that records located in the tax office of the Town of Nags Head show an outstanding balance due on June 30, 2026 of \$5.17 (including DMV) for 2025 Municipal Service District taxes. The adjusted Municipal Service District levy (including DMV) as of June 30, 2026 is \$1,819,010.11 with an unaudited collection rate of 100%

I hereby certify that records located in the tax office of the Town of Nags Head show an outstanding balance due on June 30, 2026 of \$0 for 2025 Cart Rollback fees. The adjusted fees as of June 30, 2026 were \$229,750 with an unaudited collection rate of 100%.

The total amount of taxes outstanding for **all** years is \$9,718.05 a summary of which is as follows:

| <b>Town-Wide Taxes:</b>                  |                                   |                        |                                                              |                                                              |                                 |  |  |
|------------------------------------------|-----------------------------------|------------------------|--------------------------------------------------------------|--------------------------------------------------------------|---------------------------------|--|--|
| <u>Tax Year</u>                          | <u>Uncollected Ad<br/>Valorem</u> | <u>Uncollected DMV</u> | <u>Total<br/>Uncollected<br/>Balance as of<br/>6/30/2026</u> | <u>Total<br/>Uncollected<br/>Balance as of<br/>6/30/2025</u> | <u>Difference<br/>Collected</u> |  |  |
| 2025                                     | 3,489.92                          | 0.00                   | 3,489.92                                                     |                                                              |                                 |  |  |
| 2024                                     | 1,209.38                          | 0.00                   | 1,209.38                                                     | 3,650.00                                                     | -2,440.62                       |  |  |
| 2023                                     | 1,240.64                          | 0.00                   | 1,240.64                                                     | 1339.55                                                      | -98.91                          |  |  |
| 2022                                     | 677.17                            | 0.00                   | 677.17                                                       | 677.17                                                       | 0.00                            |  |  |
| 2021                                     | 796.96                            | 0.00                   | 796.96                                                       | 796.96                                                       | 0.00                            |  |  |
| 2020                                     | 1,061.16                          | 0.00                   | 1,061.16                                                     | 1,061.16                                                     | 0.00                            |  |  |
| 2019                                     | 689.03                            | 0.00                   | 689.03                                                       | 689.03                                                       | 0.00                            |  |  |
| 2018                                     | 202.20                            | 0.00                   | 202.20                                                       | 202.20                                                       | 0.00                            |  |  |
| 2017                                     | 175.81                            | 0.00                   | 175.81                                                       | 175.81                                                       | 0.00                            |  |  |
| 2016                                     | 144.11                            | 0.00                   | 144.11                                                       | 144.11                                                       | 0.00                            |  |  |
| <b>Town-Wide Total</b>                   | <b>9,686.38</b>                   | <b>0.00</b>            | <b>9,686.38</b>                                              | <b>8,735.99</b>                                              | <b>-2,539.53</b>                |  |  |
|                                          |                                   |                        |                                                              |                                                              |                                 |  |  |
| <b>Municipal Service District Taxes:</b> |                                   |                        |                                                              |                                                              |                                 |  |  |
| <u>Tax Year</u>                          | <u>Uncollected Ad<br/>Valorem</u> | <u>Uncollected DMV</u> | <u>Total<br/>Uncollected<br/>Balance as of<br/>6/30/2026</u> | <u>Total<br/>Uncollected<br/>Balance as of<br/>6/30/2025</u> | <u>Difference<br/>Collected</u> |  |  |
| 2025                                     | 5.17                              | 0.00                   | 5.17                                                         |                                                              |                                 |  |  |
| 2024                                     | 3.60                              | 0.00                   | 3.60                                                         | 48.55                                                        | -44.95                          |  |  |
| 2023                                     | 3.59                              | 0.00                   | 3.59                                                         | 9.35                                                         | -5.76                           |  |  |
| 2022                                     | 2.36                              | 0.00                   | 2.36                                                         | 2.36                                                         | 0.00                            |  |  |
| 2021                                     | 7.55                              | 0.00                   | 7.55                                                         | 7.55                                                         | 0.00                            |  |  |
| 2020                                     | 1.72                              | 0.00                   | 1.72                                                         | 1.72                                                         | 0.00                            |  |  |
| 2019                                     | 1.58                              | 0.00                   | 1.58                                                         | 1.58                                                         | 0.00                            |  |  |
| 2018                                     | 1.58                              | 0.00                   | 1.58                                                         | 1.58                                                         | 0.00                            |  |  |
| 2017                                     | 1.58                              | 0.00                   | 1.58                                                         | 1.58                                                         | 0.00                            |  |  |
| 2016                                     | 0.00                              | 0.00                   | 0.00                                                         | 0.00                                                         | 0.00                            |  |  |
| <b>MSD Total</b>                         | <b>28.73</b>                      | <b>0.00</b>            | <b>28.73</b>                                                 | <b>74.27</b>                                                 | <b>-50.71</b>                   |  |  |
|                                          |                                   |                        |                                                              |                                                              |                                 |  |  |
| <b>Combined Total</b>                    | <b>9,715.11</b>                   | <b>0.00</b>            | <b>9,715.11</b>                                              | <b>8,810.26</b>                                              | <b>-2,590.24</b>                |  |  |





# AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: August 5, 2026

## AGENDA ITEM E.3.

Approval of Minutes

### Prepared by

Brittany Phillips, Town Clerk

### Reviewed by

Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

N/A

### Specific Action Requested

This item is provided for board review and approval.

### Summary

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

July 1, 2026 Regular Session

### Attachments

1. 8 E3 July 1 2026 DRAFT BOC mins



**DRAFT MINUTES  
TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION  
WEDNESDAY, JULY 1, 2026**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, July 1, 2026 at 9:00 a.m. for a Regular 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; Chris Montgomery; Nancy Carawan; Joe Costello; Karen Snyder; Shane Hite; Katie Anzalone; Chad Motz; 2026 Summer Season Lifeguards; Matt Hanusik; Randy Cartwright; Skip Saunders; Bob Muller; Susie Walters; Webb Fuller; Josselyn Brown; and Town Clerk Brittany A. Phillips

Mayor Cahoon called the meeting to order at 09:01 a.m. A moment of silence was followed by the Pledge of Allegiance. He then recognized former elected officials in attendance: Bob Muller, Webb Fuller, and Susie Walters.

**ADOPTION OF AGENDA**

MOTION: Comr. Sanders moved to adopt the amended July 1st agenda, moving the 25-yr recognition of Public Information Officer Roberta Thuman to the August 5th meeting. The motion was seconded by Comr. Vaughan, which passed unanimously.

**RECOGNITION**

INTRODUCTION OF LIFEGUARDS – Ocean Rescue Captain Chad Motz mentioned his personal milestone of 26 years with Nags Head Ocean Rescue and then introduced the lifeguard staff for the 2026 season. He invited each lifeguard to introduce themselves, stating their name, hometown, and years of service with Nags Head Ocean Rescue.

Mayor Cahoon thanked the lifeguards and expressed gratitude for their service.

Captain Motz invited the public to attend and support the lifeguards in a local series competition scheduled for that evening at 7:00 p.m. at the Ocean Bay Boulevard Beach Access in Kill Devil Hills.

NEW EMPLOYEE – Public Services Director Nancy Carawan introduced Water Services Technician Matt Hanusik who was welcomed by the board to town employment.

**PUBLIC COMMENT**

Town Attorney John Leidy opened Public Comment at 09:12 a.m.

Susie Walters, Nags Head Resident - thanked the board, town manager, and staff for working with the community to protect First Amendment rights while developing the proposed ordinance to be considered at today's meeting. She expressed concern that the definition of "spontaneous demonstration" is ambiguous, recommending the definition end after "event" to avoid subjectivity and potential conflicts related to social media communication.

Skip Saunders, Kitty Hawk Resident - encouraged the board to uphold its oath to the Constitution and protect citizens' rights to free speech and peaceful assembly. He expressed support for the board's review of the group demonstration ordinance, commending its efforts to balance constitutional rights with fairness and public safety.

Randy Cartwright, Nags Head Resident - thanked the board, town manager, town attorney, and staff for their collaborative work in revising the group demonstration ordinance, stating that the process resulted in significant improvements that better balance public safety and First Amendment protections. While expressing overall support for the ordinance, he encouraged the board to reconsider recent revisions affecting good-faith attendance estimates and the definition of spontaneous demonstrations.

There being no one else who wished to speak, Attorney Leidy concluded Public Comment at 09:25 a.m.

**CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- Consideration of Budget Amendment #1 to FY 26/27 Budget
- Consideration of Tax Adjustment Report
- Approval of Minutes
- Consideration of Order to the Tax Collector to Collect Taxes
- Consideration of Business License/Registration Fee Debt Release/Write-Offs
- Consideration of Resolution Authorizing Higher Federal Micro-Purchase Thresholds
- Consideration of Amendment #3 to the Capital Reserve Fund Ordinance
- Consideration of Personnel Policy Update to Include Mental Health Leave and Longevity
- Consideration of Reimbursement Resolution - Carolista Dr./W. Soundside Rd. Multi-use Path Construction and Town Hall Improvements
- Consideration of Career Progression Update for Administrative Services
- Request for Public Hearing to Consider a Vested Right/Special Use Permit/Site Plan Review Submitted by Michael Robinson, P.E. on Behalf of Tar Heel Motel of OBX, to Construct a Two-Story, 26-Guest Room, Hotel. The Property is Zoned C-2, General Commercial and is Included Within the Hotel Overlay District and is Located at 7001 S. Croatan Highway, Nags Head.
- Request for Public Hearing to Consider a Text Amendment Application Submitted by Ms. Suzanne Baer on behalf of BIPA, LLC to Amend Section 7.32 of the Unified Development Ordinance to Allow Water Dependent Recreational Uses as a Permissible Use within Commercial Mixed-Use Developments, including Shopping Centers, Located within the Commercial Outdoor Recreation Overlay District

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

Budget Amendment #1, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

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

The minutes from the June 3, 2026, Regular Session meeting were approved by the board and are on file in the town clerk's office and on the town's website.

The Order to Collect Taxes, as approved, is attached to and made a part of these minutes as shown in Addendum "C".

The Business License/Registration Fee Debt Release/Write-offs summary sheet, as approved, read in part as follows:

"As per section 12-32(c) and 12-33 of the Town of Nags Head Code of Ordinances, see below, the list of inactive businesses with their outstanding balance that were released for the year 2023 is attached.

'2023 Business Licenses/ Registration Fees \$750.00

'Sec. 12-32. Collection of deficiency or delinquent taxes. (c) Any business/privilege license or registration invoice older than three years, regarding a business that the town no longer regards as active, may be removed from the list of receivable accounts in the town's financial statement. At least annually, the tax collector will present the board of commissioners with a list of uncollectible accounts, requesting the board's approval for a formal write-off of such accounts. The town will use all available means to collect these accounts to include but not be limited to: bank attachment and payroll garnishment where applicable, debt set-off, etc.

'Sec. 12-33 - Releases. If it is determined that upon the issuance date of a renewal license or registration the business has been discontinued, the finance director may release a tax of less than \$100.00. The tax collector shall annually report to the board of commissioners releases made pursuant to this section and the tax collector's annual report shall be recorded in the minutes of the board of commissioners. This report will be included with the annual request to the board to write off uncollectible accounts pursuant to section 12-32.

'Requesting board's approval for a formal write-off of uncollectible accounts."

The list of businesses for license/registration fee release, as approved, is attached to and made a part of these minutes as shown in Addendum "D".

The Resolution authorizing higher federal micro-purchase thresholds, as adopted, read in part as follows:

"WHEREAS, from time to time, the Town of Nags Head purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

'WHEREAS, the Town of Nags Head's procurement of such goods and services is subject to the Town of Nags Head's purchasing and bid requirements policy, as most recently amended on January 30, 2025; and

'WHEREAS, the Town of Nags Head is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a "higher threshold consistent with State law"; and

'WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the Town of Nags Head to conduct a competitive bidding process for the purchase of (1) "apparatus, supplies, materials, or equipment" where the cost of such purchase is equal to or greater than \$30,000, and (2) "construction or repair work" where the cost of such purchase is greater than or equal to \$30,000; and

'WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the "Mini-Brooks Act"); and

'WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

'WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), the Board of Commissioners of the Town of Nags Head now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

'NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD:

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the Town of Nags Head hereby self-certifies the following micro-purchase thresholds, each of which is a "higher threshold consistent with State law" under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:
  - A. \$30,000, for the purchase of "apparatus, supplies, materials, or equipment"; and
  - B. \$30,000, for the purchase of "construction or repair work"; and
  - C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
  - D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.
2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until June 30, 2027, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).
3. In the event that the Town of Nags Head receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.
4. The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.
5. The Town Manager, or in absence designee, of the Town of Nags Head is hereby authorized, individually and collectively, to revise the Purchasing Policy of the Unit to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution."

Amendment #3 to the Capital Reserve Fund ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "E".

The summary sheet for the Consideration of Personnel Policy updates read in part as follows:

"As part of the Fiscal Year 2027 budget, staff recommended updating the Personnel Policy with two benefits highlighted below:

- Mental Health Leave: Through the internal staff engagement survey, mental health was highlighted as a

priority item. Additionally, the Classification and Compensation Study provided benchmark information that indicated Nags Head is below the market average for designated holidays by one day. The town currently provides 12 paid holidays, while the market average is 13 days. Given this information, staff is recommending adding one mental health day leave annually for all staff, equivalent to the holiday hours provided in their respective positions. Staff can use this leave to support mental and emotional well-being.

- Longevity Pay: The Fiscal Year 2027 budget includes funding to increase the longevity pay for those individuals on the fixed dollar amount plan, hired after 7/1/2008. The current amounts have not been updated for 18 years, and staff recommends doubling this benefit to the amounts indicated below. Individuals hired prior to 7/1/2008 will remain on their current percentage-based longevity plan.
  - Five (5) full years of service but less than ten (10) full years: \$1,000.00
  - Ten (10) full years of service but less than fifteen (15) full years: \$2,000.00
  - Fifteen (15) full years of service but less than twenty (20) full years: \$3,000.00
  - Twenty (20) full years of service but less than twenty-five years (25): \$4,000.00
  - Twenty-five (25) plus years of service \$5,000.00

'Review and approve the proposed Longevity and Mental Health Leave Policies as reviewed during the budget process"

The personnel policy, as approved, is on file in the town clerk's office and on the town's website.

The Resolution declaring the intention to reimburse the cost of certain expenditures, as adopted, read in part as follows:

"WHEREAS, The Town Manager and the Finance Officer have described to the Board of Commissioners the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town's use of financing proceeds to restore Town funds when the Town makes capital expenditures prior to closing on installment financing.

'BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Nags Head, North Carolina as follows:

'Section 1. The projects are the financing of multi-use path construction, Town Hall improvements including an elevator and transfer switch, and associated professional costs for projects identified in the fiscal year 2026/2027 adopted budget:

- Multi-use path construction located between Carolista Drive and West Soundside Road, Nags Head, as well as associated professional costs
- Town Hall improvements (elevator/transfer switch) located at 5401 S. Croatan Highway, Nags Head

'Section 2. The project is to be financed. The currently expected type of financing (which is subject to change) is an installment finance contract(s). The currently expected maximum amount to be financed for the projects is \$1,500,000.

'Section 3. The Town presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the Town from the General Fund within 60 days of adoption of this Resolution from a portion of the financing proceeds.

'Section 4. This Resolution shall become effective immediately upon the date of its adoption."

The summary sheet for the consideration of Career Progression Update for Administrative Services, as approved, read in part as follows:

"For the Fiscal Year 2027 budget, the board approved an HR Assistant position for Admin Services (that did not result in a net headcount increase in the Town). Staff is providing recommended career progression for this position, and has updated career progression for other positions in Admin Services that better align with operational structure and position requirements.

'Review and approve the updated career progression for Administrative Services."

The updated career progression chart is on file in the town clerk's office.

The summary sheet concerning the request for Public Hearing to Consider a Vested Right/Special Use Permit/Site Plan Review Submitted by Michael Robinson, P.E. on Behalf of Tar Heel Motel of OBX, to Construct a Two-Story, 26-Guest Room, Hotel. The Property is Zoned C-2, General Commercial and is Included Within the Hotel Overlay District and is Located at 7001 S. Croatan Highway, Nags Head, as approved, read in part as follows:

"Michael Robinson, P.E., on behalf of Tar Heel Motel of OBX, has submitted a Vested Right/Special Use Permit/Site Plan Review application to construct a new two-story, 26-room hotel building and associated site improvements as an expansion of the existing Tar Heel Motel located at 7001 S. Croatan Highway. The proposal includes 18 two-bedroom suites with kitchenettes and 8 standard guest rooms and will increase the motel's total accommodations while remaining consistent with the property's General Commercial zoning and Hotel Overlay District designation.

'Staff reviewed the proposal for compliance with the Unified Development Ordinance, including hotel overlay standards, building height, lot coverage, parking, landscaping, buffering, stormwater management, floodplain regulations, and commercial design standards, and found the application to be compliant.

'STAFF RECOMMENDATION

Based upon staff's review of the proposal, staff recommends approval of the Special Use Permit/Site Plan Review as presented.

'PLANNING BOARD RECOMMENDATION

At its May 19, 2026, meeting, the Planning Board voted unanimously to recommend approval of the Special Use Permit and Site Plan Review as presented, finding the proposed expansion to be consistent with the applicable requirements of the Unified Development Ordinance.

'Schedule the Public Hearing to consider this Vested Right/SUP/Site Plan at the Board of Commissioners August 5, 2026, meeting."

The summary sheet concerning the request for Public Hearing to Consider a Text Amendment Application Submitted by Ms. Suzanne Baer on behalf of BIPA, LLC to Amend Section 7.32 of the Unified Development Ordinance to Allow Water Dependent Recreational Uses as a Permissible Use within Commercial Mixed-Use Developments, including Shopping Centers, Located within the Commercial Outdoor Recreation Overlay District, as approved, read in part as follows:

"The Planning Board considered a request submitted by Suzanne Baer on behalf of BIPA, LLC to amend Section 7.32 of the Unified Development Ordinance to allow Water-Dependent Recreational Uses to be considered within Commercial Mixed-Use Developments, including Shopping Centers, located within the Commercial Outdoor Recreational Overlay District (CORD). The amendment does not increase the number of permitted commercial water recreation operators within the Town, increase the number of personal watercraft allowed per operator, or expand the boundaries of the Commercial Outdoor Recreational Overlay District. This request allows the existing use to be considered within an additional development type through the existing Special Use Permit process.

'During its review, the Planning Board discussed the Town's longstanding regulations governing commercial water recreation activities, including the findings of the 1999 Recreational Water Use Carrying Capacity Study. While concerns were expressed regarding parking, circulation, storage, fueling, and compatibility with adjacent tenants, the Board agreed these issues are site-specific and can be addressed through future SUP/Site Plan Review.

'STAFF RECOMMENDATION

While staff recognizes concerns related to parking availability, circulation, equipment storage, fueling operations, compatibility with adjacent tenants, and overall site functionality, these concerns are largely site-specific and are more appropriately evaluated through the Special Use Permit and Site Plan Review process. Accordingly, staff recommends adoption of the proposed amendment as presented.

'PLANNING BOARD RECOMMENDATION

At its June 16, 2026 meeting, the Planning Board voted unanimously to recommend approval of the proposed text amendment as presented, finding that any concerns related to parking, circulation, equipment storage, fueling operations, and compatibility with adjacent tenants are site-specific and can be appropriately addressed through future Special Use Permit and Site Plan Review.

'Schedule the Public Hearing for the proposed amendment for the Board of Commissioners' August 5, 2026 meeting."

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

Update from Planning Director

Planning Director Kelly Wyatt summarized her report which read in part as follows:  
"This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on Wednesday, July 1st, 2026.

'Monthly Activity Report

In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, staff were involved in the following meetings or activities of note during the month of June:

- Tuesday, June 2nd — Technical Review Committee Meeting
- Tuesday, June 2nd — Staff meeting with NEST re: lighting
- Wednesday, June 3rd — Board of Commissioners Meeting
- Wednesday, June 10th — Committee for Arts and Culture Meeting (no meeting)
- Thursday, June 11th — Board of Adjustment Meeting (no hearings)
- Tuesday, June 16th — Planning Board Meeting
- Wednesday, June 17th — Board of Commissioners Mid-Month Meeting (no meeting)

'Planning Board — Pending Applications and Discussions

The Planning Board most recently met on Tuesday, June 16, 2026. At that meeting, the Board took the following actions:

Consideration of a text amendment application submitted by Ms. Suzanne Baer on behalf of BIPA, LLC to amend Section 7.32 of the Unified Development Ordinance to allow Water Dependent Recreational Uses within Commercial Mixed-Use Developments, including Shopping Centers. The Planning Board voted unanimously to recommend approval of the proposed text amendment as presented, finding that any concerns related to parking, circulation, equipment storage, fueling operations, and compatibility with adjacent tenants are site-specific and can be appropriately addressed through future Special Use Permit and Site Plan Review.

'Town Manager Andy Garman provided the Planning Board with a brief update on recent legislative proposals and actions at the state level, including those related to parking requirements, accessory dwelling units, allowable building heights, and down-zoning. Board members expressed their appreciation for the ongoing efforts of the Town Manager, Board of Commissioners, and the Town's legislative representatives to remain informed, engaged, and proactive as these evolving legislative initiatives continue to develop.

'The next Planning Board meeting is scheduled for Tuesday, July 21, 2026. At this time, the agenda is anticipated to include consideration of a text amendment request submitted by Eddie Goodrich that would provide additional flexibility in the development of cottage courts by modifying the current graduated size and design requirements for individual dwelling units.

'Board of Adjustment – Recent and Pending Applications — There were no items for the Board of Adjustment's consideration in June. However, the Board of Adjustment is scheduled to hear an Appeal of an Administrative Decision submitted by Sebastian Ojanguren regarding the Planning Director's interpretation and application of Section 8.6.3.7.1 of the Unified Development Ordinance, which governs front yard setback reductions. The appeal pertains to property located at 10023 E. Pelican Street, Nags Head, North Carolina.

'Additional Updates

- DWMP/Septic Health Advisory Committee — The next meeting of the Septic Health Advisory Committee is scheduled for Monday, July 27, 2026. Staff continue to advance implementation of the Town's septic health initiatives, with an ongoing emphasis on public outreach, education, and program participation. Recent efforts include updating and distributing the program informational flyer, redesigning an educational septic health magnet, and purchasing promotional materials for use at community outreach events. Staff have also prepared targeted outreach letters for property owners within higher-risk and environmentally sensitive areas in anticipation of the upcoming rollout of the Division of Water Infrastructure (DWI) zero-interest loan program and are awaiting the official Funding Offer from DWI prior to mailing. Outreach efforts at the Dowdy Park Farmers Market have been well received, and staff will continue participating in additional market events throughout the summer to promote the program and answer questions from residents.
- Estuarine Shoreline Management Plan — Deputy Planning Director Joe Costello will provide an update on the Town's ongoing implementation of the Estuarine Shoreline Management Plan during Agenda Item F-2.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture — Summer programming at Dowdy Park is now in full swing, with strong participation and attendance across all events and activities. The Tuesday, Wednesday, and Friday fitness classes have far exceeded expectations, with attendance levels reminiscent of our typical Fourth of July crowds, attracting both local residents and visitors. The Tuesday and Friday Family Fun Time programs have also been well attended throughout the season.

'The Dowdy Park Farmers Market continues to experience strong attendance, providing another successful opportunity for community engagement and educational outreach, including promotion of the Town's Todd D. Krafft Septic Health Initiative. The 2026 Summer Concert Series has also gotten off to an excellent start, with large crowds attending performances through word-of-mouth and the Town's social media outreach. The next concert is scheduled for Wednesday, July 1, and will feature Soul One. Waggin' Wednesdays are also beginning to gain momentum, with participation continuing to increase among both residents and their four-legged companions.

'The Committee for Arts & Culture continues to advance several public art initiatives. Local artist Chris Wheeler is nearing completion of the second side of the Dowdy Park Art Wall, and work continues with artist Julie Moyer on concepts for the proposed Dowdy Park walkway art project, with preliminary design concepts anticipated later this summer.

'Upcoming Meetings and Other Dates

- Wednesday, July 1st — Board of Commissioners Meeting
- Tuesday, July 7th — Technical Review Committee Meeting
- Wednesday, July 8th — Committee for Arts and Culture Meeting



- Thursday, July 9th — Board of Adjustment Meeting (Appeal of Administrative Decision, Pelican Street)
- Wednesday, July 15th — Board of Commissioners Mid-Month Meeting (if needed)
- Tuesday, July 21st — Planning Board Meeting

'Please find attached a monthly update from Planning Director Kelly Wyatt that includes permitting and code enforcement data through May 2026.'



Director Wyatt recognized community members, Kate Jones and Rachel Veal with the NC Aquarium, for their contributions to securing a \$2,000 SAFE Monarch grant to support native pollinator plantings in the town. Native plants are currently being grown and will be planted during a community event this fall at Dowdy Park, with the goal of establishing a thriving pollinator garden by next year.

Mayor Cahoon and the board thanked Director Wyatt for her efforts.

Estuarine Shoreline Management Plan Projects Update

Deputy Planning Director Joe Costello introduced this item. The summary read in part as follows:

"Harvey/Soundside Event Site Living Shoreline Project

The major permit package was submitted to the Division of Coastal Management on January 14<sup>th</sup>. The town and our consultants received comments that a new wetland survey was needed. The survey was complete and 30 feet of proposed sandy beach was removed from the design plans due to impacts to wetlands, leaving approximately 250 linear ft. of proposed sandy beach remaining.

'CAMA has requested some minor changes to the resubmitted permit application package (submitted on June 3<sup>rd</sup>, 2026). Moffatt and Nichol are currently in the process of finalizing these changes and resubmitting. The Tourism Board is working directly with NCLWF on the appropriate conservation easement language that captures both parties interests. Given the delays in permit review, permits are expected to be received for the project in



September with bid packages to follow and construction anticipated to take place in January of 2027. The applicable granting agencies have been asked for extensions.

#### 'Villa Dunes Drive Project Area

The town has contracted with Environmental Professionals, Inc. to engage with Villa Dunes Drive property owners to better understand site-specific concerns and identify alternative, implementable solutions. The first stakeholder meeting is taking place on Monday, June 29<sup>th</sup>. A detailed summary report and subgroup meetings are to follow.

#### 'Soundside Road Project Area

Staff has asked the RCCP grant team for a scope change to exclude the offshore breakwaters and to instead allow the town to focus funds on the resiliency berm section along Soundside Road. As a part of this scope change request, staff has also requested the use of previously awarded RCCP funds for the design of stormwater management components as part of the project. The kickoff meeting for this project took place on 3-26. Draft easement language is being developed and initial stakeholder meeting is to take place on July 7<sup>th</sup> at 6pm. The purpose of the project is to design a nature-based shoreline stabilization project that:

1. Reduces wave overtopping
2. Enhances habitat
3. Protects infrastructure. Public engagement and due diligence will continue through the summer with permit application scheduled for January of 2027 and design development package and permits expected by April 2027.

#### 'Catfish Farm Living Shoreline Project

Staff has asked the RCCP project team for a scope change to fund a living shoreline design at the Catfish Farm/Causeway project area as an alternative to the offshore breakwaters at the Villa Dunes and Soundside Road sites.

- The area was identified in the ESMP as an alternative pilot site location.
- This location includes the Causeway, which is crucial public infrastructure that will likely be 'riprapped' by NCDOT if the marsh in front continues to erode. Given the huge amount of fetch coming up to this site, this is likely without intervention. People note this area is a hub of speckled trout and a variety of species of birds and fish.
- Potential spat in the area may allow for oyster reefs and/or other innovative natural approaches to erosion control. More groundwork is needed to confirm anecdotal evidence that the area can support oysters, but oyster reefs or other natural shoreline treatments would be preferable to gray infrastructure as they provide water quality and habitat benefits in addition to erosion protection.
- The town owns the 'catfish farm' parcels adjacent to Sugar Creek to the east. These are wetlands that provide crucial habitat and water quality benefits but are eroding and need intervention to protect them in the long term. These parcels are already under a conservation easement. Living shorelines have been confirmed as allowable within the terms of the conservation easement.
- The 4.7425 town-owned tract, pin #080019624199, the .0574 acre tract owned by Virginia Campbell, pin #0800119614808, and the 2.8471 tract owned by Sugar Creek LLC, pins# 080019514133 and 08001196127, are included in this design scope.

'Environmental data collection, including salinity level readings, water quality readings and SAV mapping is currently underway at the site.'

Manager Garman provided an update regarding the conservation easement process associated with the NC Land and Water Fund grant. It was explained that the easement is a requirement of the grant program and is necessary to utilize the awarded funds; it is not an independent action being pursued by the town. Staff noted that the town had previously communicated with Lee Nettles and Diane Bognich of the Tourism Bureau regarding the easement requirement and received a letter of support acknowledging the need for the easement as part of the grant process. He reported that Deputy Planning Director Costello and Deputy Town Manager/Finance Officer Miller have been working with Land and Water Fund staff to advance the easement process and engaged Attorney Robert Hobbs of Hornthal Riley Ellis & Maland, LLP, who has experience drafting easements associated with the program, to prepare a draft easement for review and consideration by the Tourism Board.

Manager Garman explained that any easement recorded on the property would require approval from both property owners, the Tourism Board and the Town of Nags Head. It was noted that there had been some miscommunication regarding the status of the easement process, which led to concerns about the town's actions. He stated that communication has since improved, and the parties are working collaboratively to develop acceptable easement language.

The Tourism Board's attorney, Jay Wheless, is now coordinating with Land and Water Fund staff to help identify language that meets the needs of all parties. Manager Garman noted that the Tourism Board has specific interests and protections they would like addressed in the easement, and there is optimism that an agreement can be reached. He emphasized that the easement, project design, and permit process are moving forward concurrently with the goal of soliciting bids and beginning work during the upcoming offseason. The project was described as a component of Nags Head's Estuarine Shoreline Plan and a pilot site intended to protect a valuable public asset, provide an educational opportunity, and serve as a demonstration project for shoreline protection efforts.

Attorney Leidy provided additional information regarding the conservation easement recording process. He explained that a condition of receiving the grant is placing the affected property under a conservation easement with terms acceptable to the Land and Water Fund. He noted that town staff and Attorney Hobbs have been working on a draft easement document, and that Attorney Hobbs has sought to follow the Land and Water Fund's established template as closely as possible to improve the likelihood of approval.

Attorney Leidy stated that Attorney Hobbs and the Tourism Board's attorney, Jay Wheless, had been working on draft documents concurrently and were not initially aware of each other's efforts. Attorney Hobbs has since compared the drafts and believes the differences are not insurmountable. He emphasized that the final conservation easement must be approved and signed by all property owners before it can become effective. He noted that the process remains ongoing and that he could not provide a specific completion timeline due to the number of parties and moving pieces involved. The goal remains to finalize an easement acceptable to all parties so the grant requirements can be met, and the project can proceed.

Mayor Cahoon asked whether separate easements would be required given that the project involves one project area spanning two parcels of property and that the discussion had primarily focused on the easement to be signed by the Tourism Board. He inquired whether the two properties would require separate easements. Attorney Leidy responded that he would expect the easements to contain the same terms. He noted that it was possible there could be a single easement covering both properties, or alternatively, separate easements with identical provisions for each property.

Comr. Vaughan provided an update from the most recent Tourism Board meeting, noting that progress was being made on easement discussions. Attorney Wheless has been communicating with the Land and Water Fund and is leading discussions regarding the easement. Specific concerns identified include provisions related to perpetuity and additional requested uses not included in the standard easement template. She reported that, although these items remain under discussion, there is optimism that an easement document acceptable to all parties can be developed.

Comr. Harrison asked whether the renourishment of the sand on the south side of the project area was a new component or if it had been previously discussed.

Deputy Planning Director Costello responded that the sand renourishment component has been a consistent part of the project concept, although the project area has been adjusted slightly based on updated wetlands survey information. He noted that the estimated length was revised from approximately 280 linear feet to 250 linear feet. Costello explained that the consultant has some concerns regarding the CAMA permitting process, but the project appears to meet the initial criteria based on historical imagery showing that a sandy beach previously existed in the area.

Manager Garman reported that the town had recently received concerns from several site users regarding the project design and potential impacts on recreational use. He noted that staff had previously engaged with these users and incorporated feedback into design revisions presented earlier in the meeting. A follow-up meeting is scheduled with interested users to review the updated design and gather additional input. He expressed hope that reviewing the final design changes would address concerns, while emphasizing that the goal is to protect the shoreline without limiting recreational use of the site. He will provide a follow-up update after the meeting.

Comr. Sanders expressed appreciation for the efforts of staff and the public engagement process throughout the project. He acknowledged the significant work by all parties to move the project forward and commented that the revised design appears to be more compatible with recreational use. He thanked staff for their continued efforts and expressed optimism that the project would achieve a successful outcome for all involved.

Mayor Pro Tem Lambert echoed Comr. Sanders' comments and expressed appreciation for staff's efforts and the significant work completed to advance the project. She stated that, based on updates from the Manager Garman, Comr. Vaughan, and Attorney Leidy, it appears the project is moving toward completion. She thanked everyone involved for their continued work.

#### **OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS**

From June 3, 2026 - Discussion of Town Code Chapter 4: Crowd Gathering Activities and Group Demonstrations  
Town Manager Garman thanked the public for their valuable input during this process and then reviewed the summary sheet which read in part as follows:

"As the board is aware, the town adopted a revised crowd gathering and group demonstrations ordinance in December of 2025. Subsequent to the adoption of the ordinance, the town continued to receive comments from the public regarding specific requirements, including the permitting threshold which is based on the number of anticipated attendees as well as how the ordinance addresses spontaneous demonstrations.

'Staff has received specific suggestions from members of the community, and has prepared a draft ordinance to address these concerns. The revised ordinance changes the requirement for a permit to 100 or more expected attendees. Demonstrations expected to have fewer than 30 persons are still exempt from any permit or notification requirements. Demonstrations expected to have between 30 and 99 attendees now only require a 48-hour notification (not a permit). This would mean that the person holding the event no longer needs to wait for the town

to issue something. Once the notification is provided, the demonstration can occur.

'The revision also attempts to define and acknowledge spontaneous demonstrations. It includes a definition of a spontaneous demonstration, and states the town shall work to accommodate these events, even without notice. However, a spontaneous demonstration would not include events that are planned, organized, and/or advertised in advance by groups or individuals.

'While our revised ordinance is still based on numbers, for smaller demonstrations, the process is greatly simplified with the basic purpose to give the town some form of notice. Staff believes having triggers based on expected attendance gives organizers better guidance on when they need to consider obtaining a permit. It also acknowledges the impacts we have seen when larger groups hold events, which largely involve parking issues on public and private property. Some other changes included in the draft ordinance:

- The minimum distances demonstrators must stand from the roadway have been modified.
- The minimum distance demonstrators must be from commercial and financial establishments has been modified. The ordinance also clarifies that demonstrators are allowed to be on a public sidewalk, even if the distance is not met.
- Permits for larger events will continue to be issued by the Police Chief as a separate group demonstration permit. Group demonstrations are no longer required to receive a separate crowd gathering permit.
- Language has been updated clarifying when a permit may be revoked.

'In addition to the modifications to the Group Demonstrations ordinance, staff with the Outer Banks Visitors Bureau have requested that the town consider changes to the Crowd Gathering section of the ordinance for events held at Designated Public Events Sites. In order to better market events earlier in the process, they have requested the town consider adding a conditional permit approval, which an applicant could receive without having the detailed information necessary for the full crowd permit application. Staff understands the purpose of this request, and has added language clarifying that the conditional approval is not the final permit, the conditional approval doesn't create a vested right for the applicant, and does not absolve the applicant of any responsibilities or requirements of the full crowd gathering permit process.

'Manager Garman: Staff recommends discussion/consideration of the attached ordinance to address public input regarding the group demonstrations ordinance and comments from the Outer Banks Visitors Bureau related to the Crowd Gathering Permit Process.

'Town Attorney Leidy: The proposed revisions to this ordinance would be permissible and lawful. I will discuss the proposed revision during the Board's consideration of this item. In brief summary, the changes, particularly those requested by members of the public, are designed to relax or eliminate many of the controls and protections that we developed for and included into the version of the ordinance that was previously adopted. For example, the current ordinance allows for spontaneous demonstrations of a small number of people through the "small group exception". The proposed revision does more than just specifically reference spontaneous gatherings: it also greatly restricts the authority of Town staff to deal with such gatherings when they occur. While the Board has provided for various means of expression and assembly with limited controls and restrictions, we recommend that the Board be mindful of the benefit of such provisions for the protection of public safety."

Town Attorney Leidy provided a detailed explanation regarding the legal underpinning of the ordinance related to group demonstrations. He pointed out that it was not obligatory for the town to establish such an ordinance; however, its presence offers the town a mechanism to exert control before demonstrations commence, rather than only reacting once activities have started. The creation of the ordinance was based on a mindset oriented towards the "worst-case scenario," indicating an understanding that some individuals might resist collaboration with the town and law enforcement. Moreover, Attorney Leidy highlighted that the current ordinance imposes fewer restrictions than are allowed under First Amendment legal interpretations. To support this, he mentioned a notable case leveraged by the Fourth Circuit Court of Appeals focused on the City of Charleston, where an exception for small groups of 75 people was maintained. Despite this, he warned that Nags Head differs significantly from Charleston, particularly noting its more modest law enforcement resources, smaller permanent resident population, and unique difficulties in handling demonstrations adjacent to Hwy-158 Bypass, which is characterized by high traffic speeds.

Attorney Leidy explained that the proposed revision to Section 4-55, paragraph C, clarifies that applicants must provide attendance estimates in good faith. He noted that while exact figures may not always be possible, organizers are expected to make a genuine good-faith effort and that the ordinance should not presume every estimate is made in good faith. He stated that the revision is intended to address potential future situations rather than reflect concerns about current organizers or events. He then discussed the ordinance's provisions for spontaneous demonstrations, stating that while such a provision is not legally required if the ordinance otherwise accommodates small groups and unplanned assemblies, including it in the ordinance is appropriate. He explained that the proposed revision clarifies the definition of a spontaneous demonstration to apply only to assemblies that arise without advance planning or coordination, preserving protections for genuinely spontaneous events while preventing planned gatherings from avoiding applicable notice requirements.

Attorney Leidy reviewed proposed revisions to the ordinance's appeal process, stating that applicants denied a permit for group demonstrations should have access to an internal appeal. He recommended clarifying that an

event may not proceed while an appeal is pending, as allowing it to do so would render the appeal moot. He also explained a proposed revision concerning permit revocations during ongoing demonstrations, stating that law enforcement should be authorized to take necessary actions to protect public safety and welfare, which may or may not allow expressive activity to continue.

Manager Garman clarified that the appeal process applies only to permits for assemblies of 100 or more participants and would be handled administratively by staff rather than by the Board of Commissioners. Because permit applications require 15 days' advance notice, he stated that staff would make every effort to hear and decide any appeal before the scheduled date of the event, addressing concerns about the timing of the appeal process.

Comr. Vaughan questioned the proposed definition of a spontaneous demonstration, distinguishing between the ordinance's procedural provisions and the definition itself. She observed that the gray area lay in how much promotion had occurred and over what period of time, noting the practical reality that even spontaneous events are typically communicated via social media or group messages. She asked whether a single Facebook post saying "I'm out here" could render a demonstration no longer spontaneous.

Manager Garman clarified that the proposed revision to the definition of a spontaneous demonstration is separate from the procedural changes discussed earlier. He noted Ms. Walters' suggestion to remove the final sentence addressing prior promotion or public advertisement and stated that the remaining question is how to distinguish a truly spontaneous demonstration from one that has been planned. Comr. Vaughan agreed that the issue warranted further discussion and asked how the ordinance should distinguish between extended advance promotion and more immediate communications, such as group text messages or social media posts.

Comr. Sanders noted that some level of communication is often necessary to inform participants of a demonstration, while Comr. Vaughan observed that the current definition could be interpreted to exclude any event that has been publicly advertised, even on short notice.

Mayor Pro Tem Lambert noted that demonstration participants may not all have direct contact information for one another and may rely on communication methods such as Facebook or other social media to inform others about an event.

Comr. Vaughan acknowledged that an event promoted or organized over a period of days or weeks would likely no longer qualify as a spontaneous demonstration but noted the difficulty in establishing a clear distinction.

Mayor Cahoon stated that, in his view, a spontaneous demonstration is one that arises as an immediate response to a recent or unforeseen event, generally occurring the same day rather than after a period of time that would allow for planning. He explained that immediate communications among participants during or in response to an event would not necessarily constitute public advertising, promotion, or advance planning. He suggested clarifying the definition by linking an immediate response to the requirements that the event was not planned, promoted, advertised, or organized in advance.

Mayor Pro Tem Lambert raised a practical counterpoint, suggesting that it was unlikely any of the recent community demonstrations had occurred the same day as the triggering event, and questioning whether a strict same-day standard might effectively mean no demonstration could ever qualify as spontaneous. She noted, however, that a short delay could allow time for the town to be notified.

Comr. Sanders agreed that some amount of time may be necessary to gather participants for a demonstration, noting that an immediate response with only a few individuals present may not constitute a demonstration.

Attorney Leidy responded to the discussion by explaining that the definition of a spontaneous demonstration contains several criteria: it must arise in immediate response to a recent or unforeseen event, must not have been planned or organized in advance, and must not have been promoted or publicly advertised prior to the demonstration. He clarified that the provision creates an exception to the notice requirement, not the permitting requirement for assemblies of more than 100 people. He provided examples of circumstances that could qualify as spontaneous, including individuals or small groups responding organically to an event or information they recently encountered, including through social media or news reports. He stated that he believed the definition was not overly restrictive but instead provided clarity regarding what circumstances would be exempt from advance notice requirements.

Comr. Harrison questioned whether the term "immediate" in the definition of a spontaneous demonstration should be further defined. The distinction between a notice requirement and a permit requirement was discussed, emphasizing that the provision requires only advance notification when applicable. Comr. Vaughan stated that providing notice is intended as a simple process to help the town be aware of planned gatherings and support public safety. Mayor Pro Tem Lambert noted that notification could be provided through a simple form, email, or similar process identifying basic information such as location and expected attendance. Comr. Harrison noted that the notice requirement would not apply to smaller spontaneous gatherings of 30 or fewer participants, which may occur without notice or a permit, and Attorney Leidy confirmed this interpretation.

Manager Garman stated that while certain circumstances may be uncommon, they are conceivable. He explained

that demonstrations involving more than 30, but fewer than 100 participants would require 48-hour advance notice with basic information such as the time, place, location, and organizer information. He noted that if circumstances do not allow for 48 hours' notice, providing the same information as soon as possible would be best practice. He explained that the purpose of the provision is to prevent organizers of large events requiring significant resources from avoiding permit requirements by claiming a planned event is spontaneous.

Comr. Harrison asked whether the proposed language would prevent individuals from using the spontaneous demonstration provision to avoid required permitting or notification.

Mayor Cahoon responded that he believed the provision addressed the concern to the best extent possible. He noted that many organizers would act responsibly and prioritize safety but stated that ordinances must also account for situations involving individuals who may not exercise similar judgment. He emphasized that individuals retain free speech rights but that the town must have the ability to promote safety and manage public events appropriately.

Comr. Vaughan stated that the reference to a response to a recent or unforeseen event provides an important limitation and helps prevent planned events from being characterized as spontaneous. She expressed that the provision allows for reasonable judgment in determining whether an event qualifies, noting that a demonstration in response to an event that occurred the prior day could reasonably be considered immediate, while a rigid timeframe such as 24 hours may be difficult to apply.

Mayor Cahoon added that it would be difficult to anticipate every circumstance, noting that individuals could potentially attempt to characterize a later demonstration as spontaneous by citing a more recent related comment or development rather than the original event. He stated that the ordinance must account for varying circumstances while maintaining appropriate standards.

Manager Garman reviewed proposed changes to the section addressing procedures for spontaneous demonstrations, noting that the discussion followed the earlier review of the definition of a spontaneous demonstration. He explained that one proposed revision adds language regarding demonstrations occurring "without advance coordination or notice of potential participants" to align the procedures with the definition. He also discussed the removal of the final sentence, stating that the preceding language requiring a good-faith effort to provide notice as soon as practicable already indicates that the town will be accommodating. He explained that retaining additional language could unnecessarily limit the town's authority to address circumstances where further action may be needed.

Attorney Leidy stated that the town has a legal obligation to respect the rights of individuals participating in spontaneous demonstrations under the ordinance. He explained that law enforcement may take action if public safety concerns arise, but otherwise the town has limited authority to restrict such activity. He noted that the removed language could create a duty beyond the town's legal obligations, while the ordinance already requires accommodation consistent with necessary public safety measures.

Manager Garman provided additional context regarding the broader revisions to the ordinance, explaining that the previous ordinance required permits for gatherings of any size with 72 hours' notice, while the proposed ordinance distinguishes between gatherings of 30 or fewer participants, which require no permit; gatherings of more than 30 and up to 100 participants, which require notification; and gatherings of more than 100 participants, which require a permit. He stated that the revisions reflect an effort to balance public safety, administrative needs, and constitutional considerations, and noted that the spontaneous demonstration provision is a new addition intended to address those circumstances.

Mayor Cahoon stated that the overall process reflected reasonableness and expressed concern that adding a specific "reasonable effort" standard could create an additional basis for dispute or challenge by individuals seeking to argue that the town's determination was not reasonable. He noted that removing the additional language would allow the town to continue applying a reasonableness standard without creating a separate measure for review.

Mayor Cahoon asked for the board's direction regarding the proposed revisions and noted that the discussion appeared to support proceeding with the language as marked. Comr. Harrison raised a question regarding the provision stating that organizers would not be considered in violation solely because actual attendance exceeds estimated attendance. She referenced a prior public comment and asked for clarification regarding what conduct would constitute a violation and what consequences would apply if attendance exceeded an organizer's estimate.

Attorney Leidy clarified that a violation would occur only if an attendance estimate was not provided in good faith. He explained that an applicant would not be in violation if the estimate was based on information reasonably available at the time of the notice or application, even if actual attendance later exceeded the estimate. He stated that, if the town pursued enforcement, it would need to demonstrate that the estimate was not provided in good faith. He expressed concern that the existing language could impose an unnecessary restriction by creating a presumption that any estimate provided by an organizer was automatically made in good faith.

Manager Garman provided an example of the type of situation that could raise concern, such as an organizer estimating attendance at 50 people while subsequently promoting the event in a manner that results in 500

attendees, as opposed to an event where attendance modestly exceeds the original estimate due to normal variations.

Comr. Harrison asked whether a violation based on an inaccurate attendance estimate would result in the event being shut down.

Attorney Leidy clarified that exceeding an estimate alone would not necessarily result in enforcement action or termination of an event. He explained that the response would depend on the circumstances, including whether the attendance level created management or public safety concerns, and noted that law enforcement would likely first assess whether intervention was needed. He requested clarification from the police chief regarding the process for addressing demonstrations where actual attendance differs significantly from expectations or where an unanticipated event occurs.

Police Chief Hale stated that public safety is his primary concern and explained that law enforcement evaluates each demonstration based on the specific circumstances rather than taking automatic action when attendance exceeds an estimate. He noted that an event exceeding an estimated attendance number would not necessarily result in immediate shutdown, as attendance may increase naturally; however, significant discrepancies between reported estimates and actual promotion or expected attendance could warrant further review. He explained that officers would consider available resources, public safety concerns, and whether immediate action would create greater disruption before determining an appropriate response.

Chief Hale emphasized the importance of protecting First Amendment rights and stated that individuals have the right to participate in lawful demonstrations, including when expressing differing viewpoints, provided activities do not involve unlawful conduct or create safety concerns. He noted that enforcement actions, including citations, may be addressed after an event if violations occur rather than escalating a situation unnecessarily.

Chief Hale also described the department's approach of working collaboratively with demonstration organizers, including advanced coordination, discussions, and after-action conversations to address safety concerns and improve future events. He stated that the department's goal is to keep demonstrators, the public, and surrounding areas safe while avoiding unnecessary conflict or confrontation.

Attorney Leidy confirmed that Chief Hale's response had addressed Comr. Harrison's question, and Comr. Harrison indicated that it had.

Mayor Cahoon expressed appreciation for Chief Hale's approach, noting that it appropriately balances two fundamental responsibilities of the position: protecting the constitutional rights of the public and ensuring public safety. He emphasized that these obligations are inherent to the role of the Chief of Police, regardless of who serves in the position.

Comr. Vaughan asked whether the Chief would ever be required to make an immediate determination during an event as to whether the organizer had provided a good-faith estimate of attendance. She stated her understanding that such determinations could instead be addressed after the event.

Police Chief Hale responded that his intent would be to avoid making immediate determinations regarding an organizer's good-faith attendance estimate during an event. He explained that individuals with opposing viewpoints have the same rights to use public spaces and that law enforcement intervention would be based on observed violations of law, such as disorderly conduct or other conduct likely to incite violence, rather than the expression of differing viewpoints. He stated that, if necessary, officers would seek to separate opposing groups to maintain public safety while respecting First Amendment rights. Chief Hale also noted that the proposed ordinance authorizes the chief of police to regulate the time and place of simultaneous permitted events in an equitable manner, if needed.

Attorney Leidy stated that the town has experienced situations in which groups have attempted to provoke unlawful conduct. He expressed support for the proposed ordinance, stating that it provides a framework to address such situations through reasonable regulation, sound judgment, and appropriate enforcement.

Mayor Cahoon asked whether the board was agreeable to allowing a member of the audience to provide comments despite the matter not being a public hearing. The board expressed its consent, and Mr. Randy Cartwright was recognized to speak.

Mr. Cartwright thanked the board for allowing him to comment on the proposed demonstration ordinance. He stated that he viewed the spontaneous demonstration provisions as an important safety valve, particularly for smaller demonstrations that arise in response to unforeseen events. He expressed support for the notification process for demonstrations of certain sizes but raised concerns that additional restrictions on good-faith attendance estimates and the definition of spontaneous demonstrations could unintentionally limit protected activities. Mr. Cartwright stated that, in his view, a spontaneous demonstration does not necessarily occur on the same day as the triggering event, noting that time may be needed for individuals to organize and communicate with others. He suggested revising the definition of a spontaneous demonstration by ending the definition after language describing a demonstration arising in immediate response to a recent or unforeseen event that was not planned or

organized in advance and addressing additional requirements separately. He also expressed concern that penalties or restrictions associated with inaccurate attendance estimates could discourage participation. He stated that individuals acting in good faith should not be concerned about exceeding an estimate and emphasized the importance of preserving the ability to communicate and assemble in response to current events.

Comr. Harrison asked Mr. Cartwright whether, if individuals had sufficient time to notify others and organize a spontaneous demonstration, they would also have sufficient time to provide notification to law enforcement regarding the planned activity. She questioned whether such notification would still be consistent with the intent of the spontaneous demonstration provisions.

Mr. Cartwright stated that the ordinance's requirement for a spontaneous demonstration organizer to make a good-faith effort to notify the police chief or their designee as soon as possible. He noted that this provision allows spontaneous demonstrations to proceed without the standard 48-hour notification requirement for smaller groups or the 15-day application process for larger demonstrations.

Comr. Harrison asked whether Mr. Cartwright's concern was limited to the attendance thresholds, specifically whether he was seeking an exception that would allow spontaneous demonstrations of more than 100 participants. Mr. Cartwright explained that, under the proposed ordinance, demonstrations involving 30 to 100 participants would generally require 48-hour notice, while a spontaneous demonstration would require only a good-faith effort to notify the police chief or designee as soon as possible. He stated that a spontaneous event could arise where organizers wish to demonstrate the following day or where an event draws more than 30 or even more than 100 participants.

Mayor Pro Tem Lambert questioned whether a demonstration occurring several days after an event could still be considered spontaneous. Mr. Cartwright reiterated his concern with language restricting promotion of a spontaneous demonstration between the occurrence of the triggering event and the demonstration itself. He stated that such language could limit the ability of individuals to communicate and assemble, which he viewed as inconsistent with the purpose of a spontaneous demonstration provision. He distinguished a pre-planned event from a demonstration organized in response to an unforeseen event and stated that the ordinance should preserve a safety valve for truly spontaneous activities.

Comr. Sanders noted that organizers would need to provide some notice to participants regarding the location and time of a demonstration. Mr. Cartwright responded that the concern was that the language could be interpreted broadly enough that communicating about the demonstration through methods such as social media could cause it to no longer qualify as spontaneous.

Mayor Pro Tem Lambert suggested whether defining a spontaneous demonstration as occurring within a shorter timeframe, such as less than seven days, would address the concern. Comr. Harrison noted that if sufficient time existed to organize an event within that timeframe, there may also be sufficient time to satisfy the 48-hour notification requirement. Mayor Cahoon commented that the discussion raised the question of whether events described as spontaneous would, in practice, involve some level of planning and therefore provide an opportunity for notification.

Mayor Pro Tem Lambert asked Mr. Cartwright to clarify whether his concern was that a demonstration taking several days to organize, potentially exceeding 100 participants, would still be allowed to proceed through notification rather than requiring a permit. Mr. Cartwright stated that he believed the spontaneous demonstration exception addressed two situations: demonstrations involving more than 30 but fewer than 100 participants where 48-hour notice was not possible, and larger demonstrations exceeding 100 participants where the standard 15-day advance permit process could not be met.

Mayor Pro Tem Lambert summarized the concern as twofold: allowing for demonstrations that may be organized with limited notice and may exceed 100 participants, and addressing the limitations created by the 15-day permit requirement for larger events. Mr. Cartwright agreed.

Comr. Vaughan stated that the board's concern must include the ability to prepare an appropriate public safety response. She noted that, particularly for a town of this size, responding to a large demonstration without adequate information would be challenging. She asked for Chief Hale's perspective and stated that she viewed spontaneity as involving an immediate response or impulse.

Chief Hale provided examples of what he considered to be spontaneous demonstrations, explaining that such events arise immediately in response to an occurrence rather than being organized in advance. He stated that an immediate public reaction to an unexpected event, such as a widespread power outage or a community celebration following a major achievement, could qualify as spontaneous even if individuals communicate with others in the moment through methods such as social media. However, he stated that planning a gathering several days in advance would not be considered spontaneous.

Comr. Harrison expressed concern that allowing several days for organization could undermine the purpose of the ordinance by allowing planned events to be characterized as spontaneous. She stated that she wanted to preserve the ability to conduct truly spontaneous demonstrations.

Chief Hale stated that the town has not sought to restrict spontaneous demonstrations or protests but emphasized that he views spontaneity as an immediate impulse to act. He explained that if individuals have time to organize a group and communicate plans in advance, they also have time to notify law enforcement. He stated that public safety is his primary concern and that advance notice allows his department to appropriately allocate resources.

Chief Hale explained that for larger events, advance notification allows time to plan staffing, coordinate with organizers, and provide an appropriate safety presence without significantly impacting routine public safety responsibilities. He provided an example of a permitted demonstration where the expected attendance was higher than the actual turnout, but advanced coordination allowed officers to be assigned to monitor the event and address potential safety concerns.

Chief Hale stated that unplanned large gatherings could create challenges by requiring on-duty officers to be diverted from other calls for service. He noted that smaller gatherings could typically be addressed through routine patrol operations, but larger crowds require additional planning due to potential impacts on public safety, traffic, and community response. He emphasized the importance of balancing First Amendment rights with his responsibility to maintain public safety and be prepared for potential issues.

Comr. Harrison thanked Chief Hale for his comments. Mayor Cahoon then asked whether any board members had additional questions for the chief or others present before continuing the discussion. He then called for a recess.

**RECESS/RECONVENE** – The board took a brief recess at 10:53 a.m. and reconvened at 11:03 a.m.

Manager Garman reviewed the proposed amendments to the crowd gathering permit ordinance that had been submitted by representatives of the Tourism Board following discussions with town staff.

He explained that the proposed revisions included removing language prohibiting advertising an event before a permit is issued, noting that the provision has not been enforced in practice because large events are often promoted well before permits are issued. He also reviewed a proposed amendment changing the town manager's authority to revoke a permit from mandatory ("shall") to discretionary ("may") and removing language allowing revocation "at any time," stating that staff had no objection to those changes.

Manager Garman then discussed the Tourism Board's proposal to establish a conditional approval process for event site permits. He explained that organizers of large events often begin planning up to a year in advance but may not yet have all the information necessary for a complete permit application. The proposed conditional approval would provide organizers with an early indication that an event is generally acceptable while making clear that it is not a permit, does not guarantee final approval, and does not create any vested rights. He noted that staff added language requiring organizers to acknowledge those limitations but also expressed concern that conditional approval could create unrealistic expectations regarding ultimate permit issuance.

Mayor Cahoon questioned whether creating a separate conditional approval process was necessary, suggesting instead that event organizers submit a permit application with any incomplete information identified and provided by a specified deadline.

Manager Garman agreed that this approach could address the Tourism Board's concerns. He explained that certain application materials, such as detailed site plans, parking arrangements, and transportation plans, may not be available a year in advance and could potentially be submitted later in the review process. He suggested that staff work with the Tourism Board to identify opportunities to streamline the application process by allowing certain supporting information to be provided after the initial application.

Manager Garman also noted that recent discussions highlighted the potential value of providing clearer authority and standards for imposing conditions on permits. He explained that additional ordinance language authorizing reasonable permit conditions could provide staff with greater flexibility to address event-specific concerns and potentially avoid permit denials where appropriate, while ensuring that any conditions imposed are guided by defined standards rather than arbitrary decisions.

Comr. Harrison clarified that any standards for imposing permit conditions should address public safety and other appropriate considerations.

Manager Garman provided an example of how clearer authority to impose permit conditions could be used administratively, such as requiring additional law enforcement presence for events where warranted. He noted that codifying such authority in the ordinance could enable staff to address event-specific public safety concerns through permit conditions without requiring board involvement in each instance.

Attorney Leidy stated that expressly authorizing staff to approve permits with appropriate conditions, rather than denying an application outright, could streamline the administrative process. He noted that this approach could reduce the need for board appeals to impose conditions and help avoid unnecessary delays and frustration for applicants.

Comr. Vaughan, who serves as the Town of Nags Head representative on the Tourism Board, shared her support



for authorizing staff to impose permit conditions administratively. She stated that any such process should include clear timelines and defined standards to ensure consistency and avoid last-minute changes. She observed that the current ordinance provides no mechanism for adding conditions administratively, leaving denial and the current appeal process as the primary means of addressing event-specific concerns. She indicated that establishing such a mechanism would be beneficial.

Mayor Pro Tem Lambert emphasized that public safety should remain the board's primary consideration when reviewing public events. While acknowledging the significant economic benefits that events provide to Nags Head and the surrounding area, she stated that the board's responsibility is to protect the health, safety, and welfare of residents and visitors. She expressed the view that public safety standards should not vary based on an event's economic impact and noted that event-related public safety costs should be considered to avoid placing an undue burden on taxpayers. Mayor Pro Tem Lambert stated that effective public safety planning should be viewed as a means of supporting the continued success of community events while fulfilling the town's responsibility to protect the public.

Comr. Harrison stated that perhaps this portion of the proposed ordinance amendments should be tabled. She expressed agreement with Mayor Pro Tem Lambert's comments and stated that, based on Manager Garman's recommendations, additional work could be done to improve the process for both applicants and the town.

Manager Garman clarified that the discussion regarding additional revisions was limited to the proposed amendments in Section 4-13. Mayor Cahoon noted that the board had options, including tabling the entire ordinance or approving the ordinance without the proposed Section 4-13 amendments and directing staff to continue refining the conditional approval process for future consideration.

Mayor Pro Tem Lambert requested that staff research how other municipalities with large event venues handle the cost of additional police staffing for events, and whether that cost is borne by the event organizer, the town, or shared.

Comr. Vaughan stated that it is her understanding that there is a desire to continue hosting as many events as possible, which she acknowledged as positive. She emphasized the importance of planning for the future and considering the overall impact of those events on the town and its residents.

Mayor Cahoon noted that the board's primary criteria are health, safety, and welfare. He then returned the discussion to the proposed ordinance, specifically the possibility of adopting it without Section 4-13, and asked the board whether it wished to proceed with the current draft or make additional language revisions before moving forward.

Comr. Harrison stated that she supported retaining the current definition of "spontaneous," expressing her view that it allows individuals to communicate privately and gather spontaneously while distinguishing such gatherings from publicly promoted or advertised events. She also supported removing language regarding accountability for good-faith attendance estimates, noting that doing so would not impose new penalties and expressing confidence that organizers would be treated reasonably.

Mayor Pro Tem Lambert agreed with Comr. Harrison's comments, acknowledging the difficulty of balancing free speech considerations while crafting the ordinance. She stated that, although the language may not be perfect, she supported the proposed revisions and favored adopting the ordinance without Section 4-13.

Comr. Sanders stated that he generally supported the proposed ordinance but expressed reservations about the language concerning good-faith attendance estimates and the definition of "spontaneous." He suggested that some form of promotion should be recognized, while distinguishing it from public advertising, and noted that the 48-hour notice requirement and anticipated enforcement approach provide some flexibility. Comr. Harrison responded that, in her view, the proposed definition allows for interpersonal communication without constituting promotion.

Comr. Vaughan stated that, with the removal of Section 4-13, she believed the proposed ordinance struck an appropriate balance between protecting free speech and enabling the town to prepare for public events. She expressed support for retaining the proposed revisions, noting that while some communication is expected for spontaneous demonstrations, events organized over several days provide sufficient opportunity for notification. She also thanked staff for their work in developing the ordinance and stated her support for the proposed markups.

**MOTION:** Comr. Harrison moved to adopt the ordinance amendments to Town Code Chapter 4 as presented including suggestions made by Attorney Leidy minus Section 4-13. Comr. Mayor Pro Tem Lambert seconded the motion.

Mayor Cahoon acknowledged that additional discussion of the ordinance may occur in the future and commended the members of the public who participated in the process. He expressed appreciation for the collaborative approach taken by the town in developing the ordinance and other initiatives, noting his pride in the town's deliberate and orderly decision-making process.

MOTION CONT.: The motion passed unanimously.

## **NEW BUSINESS**

### Committee Reports

Comr. Harrison – noted that GEACC will be meeting later this month and a beach renourishment recap video will be coming out soon.

Mayor Pro Tem Lambert – acknowledged Planning Director Wyatt's update on the Septic Health Advisory Committee and expressed enthusiasm for the zero-interest residential septic repair loan program.

Mayor Cahoon – stated that the Jennette's Pier Advisory Committee met, toured the recent improvements at the pier, and discussed educational and networking opportunities. He also noted that Comr. Harrison and Mayor Pro Tem Lambert were in attendance.

Comr. Sanders – added to Mayor Cahoon's report noting that the amber lighting at the pier is amazing. He then shared that the Dare Housing Foundation is seeking opportunities for year-round workforce housing. They are doing community outreach and fundraising events such as Castles for a Cause, a weekly sand castle building contest. More information can be found at [darehousingfoundation.org](http://darehousingfoundation.org).

Comr. Vaughan – indicated that the earlier discussion of the Dare County Tourism Board easement progress for the Harvey/Soundside Event Site living shoreline project addressed the matters included in her report.

## **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY**

Attorney Leidy noted that he had nothing to present today.

## **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER**

### 2026 Beach Nourishment Project Update

The summary sheet for this item read in part as follows:

"At the July 1, 2026 Board of Commissioners meeting, Town Engineer Ryan will provide an update on the 2026 Beach Nourishment Project."

Mayor Cahoon noted that several board members toured the cutterhead dredge during the previous week. The tour provided an opportunity to observe the dredging operation firsthand and gain a better understanding of the scale of the equipment, staffing, logistics, and overall operation.

Town Engineer Ryan reported that the beach nourishment project continues to be a collaborative effort among the consulting engineer, contractor, and town staff. He noted that frequent communication has been essential in recent weeks as work progressed through critical areas, including completion of the South Nags Head section and ongoing work in the main part of town. Despite the challenges associated with project impacts and the busy time of year, he stated that the collaborative approach has been effective in addressing issues as they arise.

Beach nourishment activities in the northern section of town have been completed from the Bonnett Street Bath House south to approximately Forbes Street. The hopper dredge was nearing completion of that section, with approximately 1,000 feet of work remaining, after which operations would shift to the next pipeline connection near Hargrove Street.

The cutterhead dredge experienced a power loss while working just south of the Outer Banks Pier, resulting in an operational delay. Power was restored within approximately 18 to 24 hours; however, sand remaining in the pipeline had to be purged. Following the incident, the contractor decided to demobilize the cutterhead dredge and remove that portion of the operation from the project.

Following the demobilization of the cutterhead dredge, the hopper dredge will continue southward and complete the remainder of the beach nourishment project. Despite the equipment change, the project remains on schedule, with anticipated completion on or around July 19th, subject to weather, mechanical issues, and operational needs such as refueling. He noted that the hopper dredge has been making strong progress, nourishing approximately 700 to 1,000 feet of beach per day.

Once operations shift to the Hargrove Street pipeline connection, the contractor will first work south to tie into the area where the cutterhead dredge ended near the E. Islington Street beach access before reversing direction and proceeding northward. He stated that this sequencing was developed in coordination with the contractor to minimize impacts around Jennette's Pier during the Fourth of July holiday and address challenges previously experienced while working near the piers.

Comr. Harrison clarified whether the loss of the cutterhead dredge would delay the project. Engineer Ryan confirmed that the loss of the cutterhead dredge was not expected to delay the project. He explained that the hopper dredge had always been scheduled to complete the section near the Outer Banks Pier and would now complete only a slightly longer stretch to connect the remaining work.

Multi-Use Path Project Update - Carolista Drive to Soundside Road

The summary sheet for this item read in part as follows:

"At the July 1, 2026 Board of Commissioners meeting, Town Manager Garman and Town Engineer David Ryan will provide an update on the Multi-Use Path Project running from Carolista Drive to Soundside Road."

This item was moved to the August 5th meeting.

Acceptance of Funding Offer from NC Department of Environmental Quality — Malfunctioning Residential Septic Repair

Town Manager Garman and Deputy Town Manager Miller introduced this item. No summary sheet was provided because the item was received from the agency after the initial agenda was published.

Deputy Town Manager/Finance Officer Miller presented a resolution to formally accept the \$500,000 loan awarded through NC Department of Environmental Quality for the 0% Septic Health Residential Loan Program. She explained that NC DEQ requires board approval of the resolution to finalize acceptance of the loan and authorize the town manager and finance officer to execute the necessary contractual documents on behalf of the town. Staff requested consideration at this meeting to avoid delaying implementation of the program.

MOTION: Mayor Pro Tem Lambert moved to adopt the resolution accepting the North Carolina Department of Environmental Quality Wastewater State Revolving Fund-Payable Loan. Comr. Vaughan seconded the motion, which passed unanimously.

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

"WHEREAS, The North Carolina Clean Water Revolving Loan and Grant Act of 1987 authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, water supply systems, and water conservation projects; and

'WHEREAS, The North Carolina Department of Environmental Quality has offered a State Revolving Fund-Payable Loan in the amount of \$500,000 for malfunctioning residential septic repairs; and

'WHEREAS, The Town of Nags Head intends to perform said project in accordance with the approved scope of work.

'NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Nags Head, North Carolina as follows:

Section 1. That the Town of Nags Head does hereby accept the State Revolving Fund-Payable Loan offer of \$500,000.

Section 2. That the Town of Nags Head does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II – Assurances will be adhered to.

Section 3. That Andy Garman, Town Manager, and Amy Miller, Deputy Town Manager/Finance Officer, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application of the project, to make the assurances as contained above, and to execute such other documents as may be required in conjunction with the application.

Section 4. That the Town of Nags Head has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Section 5. This Resolution shall become effective immediately upon the date of its adoption."

**BOARD OF COMMISSIONERS AGENDA**

Comr. Harrison - Latest Video about Nags Head from CurrentTV

- Nags Head - Mystery Shipwreck

The summary sheet for this item read in part as follows:

"At the June 3, 2026 Nags Head Board of Commissioners meeting, Comr. Harrison suggested showing CurrentTV videos referencing Nags Head at future meetings, to which the board agreed. The latest video is about the shipwreck located at Town Hall."

The video about the shipwreck located at Town Hall was played and Comr. Harrison encouraged board members to share ideas for future Current TV segments featuring topics of community interest.

Mayor Pro Tem Lambert – Wished everyone a happy 4th of July and expressed appreciation to police, fire, and public works personnel for their service during the holiday.

**MAYOR'S AGENDA**

Mayor Cahoon - Wished everyone a safe and happy 4th of July and then provided an update on recent legislative progress. He reported that the proposed state budget, which is pending final approval, includes a \$400,000

appropriation for a Nags Head Public Safety Command Center. Additional funding opportunities, including for waterline replacement, may be considered through future budget amendments. He also noted some policy wins, including the amendment of HB162 to exempt the CAMA counties, including Dare County, from provisions that would have limited their authority to establish parking standards. He discussed the Regulatory Reform Bill, which includes provisions related to accessory dwelling units and other development standards. A proposed amendment would exempt municipalities with population below a specified threshold, including Nags Head. The mayor shared that the town's legislative consultant commended the board and staff for their active engagement in the legislative process, noting that the town's collaborative and proactive approach contributed to these positive outcomes and serves as a model for effective advocacy.

**CLOSED SESSIONS**

Request for Closed Session to Consider Jan 2026 – Jun 2026 Closed Session Minutes and Their Disposition Pursuant to GS 143-318.11(a)(1)

MOTION: Mayor Cahoon moved to enter closed session to consider Jan 2026 – Jun 2026 Closed Session minutes and their disposition pursuant to GS 143-318.11(a)(1) and to discuss the potential acquisition of property located at 5612 South Virginia Dare Trail, Nags Head pursuant to GS 143-318.11(a)(5). Mayor Pro Tem Lambert seconded the motion, which passed unanimously. The time was 11:51 a.m.

**OPEN SESSION**

The board re-entered Open Session at 11:58 a.m. Attorney Leidy reported that the board approved the Jan 2026 – Jun 2026 Closed Session minutes and their disposition as presented and that no other action was taken.

**ADJOURNMENT**

MOTION: Comr. Sanders moved to adjourn. The motion was seconded by Comr. Harrison, which passed unanimously. The time was 11:59 a.m.

\_\_\_\_\_  
Brittany A. Phillips, Town Clerk

Date Approved: \_\_\_\_\_

Mayor: \_\_\_\_\_  
Benjamin Cahoon



# AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: August 5, 2026

## AGENDA ITEM E.4.

Consideration of Multi-Year Banking Contract Renewal with Southern Bank

### Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

### Reviewed by

Amy Miller  
Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

I concur with staff's recommendation.

### Specific Action Requested

Request approval of attached contract with Southern Bank to extend banking service for an additional five years.

### Summary

Attached please find a contract to extend banking services with Southern Bank through August 31, 2031 (extension of five years) for board consideration at the August 5th Board of Commissioners meeting. New/updated terms are also included with this contract and are as follows:

- 5-year term
- Earnings credit rate of .65%
- Required offsetting balances of \$2,000,000.00
- Southern Bank will incorporate their Earnings Credit Carryover Feature
- All Treasury Services will remain in effect unless the town chooses to discontinue any particular service
- The town will add an additional X937 File service to accommodate software changes made by the town
- Southern Bank will continue to offer @Work checking account package to employees of the town
- Bonus rate of .30% on all balances over \$1,000,000 in the money market savings account

### Attachments

1. 8 E4 Proposed contract

July 1, 2026

Amy Miller  
Finance Officer  
Town of Nags Head  
P.O. Box 99  
Nags Head, NC 27959

Dear Amy:

Thank you so much for the opportunity to continue our banking partnership with Town of Nags Head. Southern Bank has been very appreciative of the Town's relationship since 2012, and we are excited to extend it for another five years. Please know that you will continue to receive the same exceptional service from our employees and the services that we provide. You can also feel comfortable knowing that we are still one of the safest banks in the Country for you to have your deposits with.

**Town of Nags Head Banking Requirements**

Our Banking Contract is for the period of September 1, 2026, through August 31, 2031. Please know that should rates change during the contract period we will be glad to complete an annual review of the pricing and adjust accordingly. We understand Town of Nags Head retains the right to cancel the contract at any time with a 90-day notice for any cause, and we request that the right be reciprocal. Southern Bank has never exercised this right with any municipality.

**Please see updated terms of the Banking Contract:**

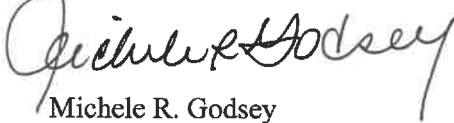
- 5 year term
- Earnings Credit Rate of .65%.
- Required offsetting balances of \$2,000,000.00
- We will continue our Earnings Credit Carryover Feature.
- All Treasury Services will remain in effect unless the Town chooses to discontinue any particular service.
- Town of Nags Head will add an additional X937 File service to accommodate software changes the Town has made.
- We will continue to offer our special @Work checking account package to the employees of the Town. This account will continue to offer many benefits and features for your employees.

**Please see updated terms Money Market Savings:**

- Bonus rate of .30% on all balances over \$1,000,000
- This rate is variable and subject to change with the market

Thank you for your consideration in extending the banking relationship for Town of Nags Head. If you have any questions regarding the contract extension, please do not hesitate to call me at 252-261-1326.

Sincerely,



Michele R. Godsey  
Vice President  
Branch Manager III

To accept the new terms of the banking agreement, please sign an original copy. Thank you.

Accepted:

**Town Of Nags Head**

---

Amy Miller  
Finance Officer

**Southern Bank & Trust Company**

---

Michele Godsey  
Vice President/Branch Manager III



# AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: August 5, 2026

## AGENDA ITEM E.5.

Consideration of Beach Nourishment Capital Project Ordinance Amendment #20

### Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

### Reviewed by

Amy Miller  
Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

Amendment to the 2022 project — The Town is going into its second year of the sand relocation and dune management cost share program. Additional funds are needed to fund the program. The amount needed to fund this year is approximately \$350,000 based on historical usage. This is being accomplished by using remaining funds in the line items for this project, totaling \$158,389, budgeting for interest income received of \$161,923, and adding it to the remaining budgeted funds of \$31,047 in the Capital Outlay Other line item.

Amendment to the 2026 project — The Town Manager has executed this change order as permitted in the ordinance. The change order of \$43,300 is less than the \$50,000 allowance to be appropriated from the contingency. The funds from this change order were appropriated from contingency as there were sufficient funds to do so, and this amendment reflects that \$43,000 reduction in contingency.

There is no budgetary impact for this ordinance amendment.

### Specific Action Requested

Adoption of ordinance as presented.

### Summary

Amendment to the 2022 project — Please refer to the item on this consent agenda, Consideration of the Second Year of the Sand Relocation and Dune Management Cost Share Program. The 2022 project ordinance amendment aligns with, and is necessary for, that request.

Amendment to the 2026 project — The contractor is to place an additional dune that was taken out of the original plan utilizing existing material. Additional dune planting and sand fencing are included in this change order. This change order authorizes dune construction of up to 3,500 cubic yards at a unit price of \$9.50/cy for a total cost not to exceed \$33,250. Additional dune planting of 2,300 SY will be included at the base bid rate of \$3.50/SY for a total of \$8,050.00 and sand fence installation of 200 LF at a rate of \$10.00/LF for a total cost of \$2,000.00 Maximum Total Fee for additional work: \$33,250.00 + \$8,050.00 + \$2,000.00 = \$43,300.00.

### Attachments

1. 8 E5 BN Cap Proj amend 20 ord





**BEACH NOURISHMENT MAINTENANCE CAPITAL PROJECT ORDINANCE  
AMENDMENT #20**

BE IT ORDAINED by the Governing Board of the Town of Nags Head, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance as adopted December 16, 2020, amended February 3, 2021, amended September 1, 2021, amended January 5, 2022, amended August 3, 2022, amended October 5, 2022, amended December 7, 2022, amended December 21, 2022, amended March 1, 2023, amended August 2, 2023, amended February 7, 2024, amended August 7, 2024, amended October 2, 2024, amended November 6, 2024, amended January 22, 2025, amended April 2, 2025, amended May 7, 2025, amended November 5, 2025, amended February 4, 2025, amended May 6, 2026, is hereby further amended as follows:

Section 1. The project authorized is a locally funded beach nourishment project to be financed by appropriation of Beach Nourishment Capital Reserve Fund Balance, Dare County interlocal contributions, Special Obligation Bond financing, interest income, and grants committed by the Federal Emergency Management Agency (FEMA), the N.C. Department of Public Safety (NCDPS), and the N.C. Department of Environmental Quality (NCDEQ).

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:  
Beach Nourishment Restoration-2022 Project

|                                        |                      |
|----------------------------------------|----------------------|
| Engineering and construction oversight | \$ <u>983,214</u>    |
| Pumping Costs                          | 6,175,419            |
| Mobilization/Demobilization            | 5,023,000            |
| Professional fees                      | <u>769,120</u>       |
| Surveying and monitoring               | <u>634,194</u>       |
| Sand fencing                           | <u>63,639</u>        |
| Capital outlay-other                   | <u>1,390,812</u>     |
| Sprigging                              | <u>575,389</u>       |
| Contingency                            | <u>-</u>             |
|                                        | <u>\$ 15,614,787</u> |

The following amounts are appropriated for the project:  
Beach Nourishment Restoration-2026 project

|                                        |                      |
|----------------------------------------|----------------------|
| Engineering and construction oversight | \$ 888,050           |
| Mobilization/Demobilization            | 8,500,000            |
| Pumping Costs                          | <u>27,753,650</u>    |
| Sand fencing                           | <u>149,400</u>       |
| Sprigging                              | <u>52,850</u>        |
| Surveying and monitoring               | 230,991              |
| Professional fees                      | 375,000              |
| Contingency                            | <u>1,456,700</u>     |
|                                        | <u>\$ 39,406,641</u> |

Section 4. The following revenues are anticipated to be available to complete this project:

|                                        |                      |
|----------------------------------------|----------------------|
| Intergovernmental Grants               | \$14,431,973         |
| Contribution from Dare County          | 13,067,426           |
| Proceeds from loan                     | 13,000 000           |
| <u>Interest income</u>                 | <u>161,923</u>       |
| Contribution from Capital Reserve Fund | <u>14,360,106</u>    |
|                                        | <u>\$ 55,021,428</u> |

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy federal, state, and local regulations.

- Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.
- Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues in this capital project in every budget submission made to this Board.
- Section 8. Copies of this project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and Finance Director for direction in carrying out this project.
- Section 9. The Town Manager, or in his absence his designee, is hereby authorized to execute change orders or amendments to contracts in amounts up to \$50,000 appropriated from contingency when it contains sufficient funds. The Budget Officer is authorized to reallocate appropriations between contingency and the various objects of expenditures as a result. Such changes shall be reported to the Governing Body at the next regular meeting.
- Section 10. In case of emergency which threatens lives, health, and safety of public, the Town Manager may execute contractual documents and authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in the contingency account not to exceed \$125,000 and the expenditure is reported to the Board of Commissioners as soon as possible, and the appropriate budget amendments are submitted at the next regular meeting.

Amended this 5th day of August 2026.

\_\_\_\_\_  
Benjamin Cahoon, Mayor

ATTEST:

\_\_\_\_\_  
Brittany A. Phillips, Town Clerk



# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## AGENDA ITEM E.6.

Consideration of the Second Year of the Sand Relocation and Dune Management Cost Share Program (Cycle Approved August 6, 2025)

### Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

### Reviewed by

Amy Miller  
Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

Staff recommends approving this program for FY 2026/27. As the board is aware, eligible property owners can receive these grant funds once every three years.

### Specific Action Requested

Approval of the Capital Project Ordinance Amendment #20 for year 2 of 3 of the Sand Relocation and Dune Management Cost Share Program for FY 26/27 is included in this consent agenda titled Consideration of Beach Nourishment Capital Project Ordinance Amendment #20.

### Summary

At the August 5, 2026, Board of Commissioners meeting, staff requests board consideration of the Sand Relocation and Dune Management Cost Share Program for FY 26/27.

Attached please find a memo from Planning Director Wyatt pertaining to the Dune Management Cost Share Program with a staff recommendation to include program funding for the upcoming season for dune vegetation, sand fence installation, and ocean sand relocation activities. FY 26/27 is the second year of a new three-year cycle for the Sand Relocation Reimbursement Program. The corresponding Beach Nourishment Capital Project Ordinance Amendment #20 is included in this consent agenda as a funding request. This is inclusive of purchasing dune plantings for Better Beaches not to exceed \$15,000.

### Attachments

1. 8 E6 Dune Management Cost Share Staff Report

**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](http://www.nagsheadnc.gov)

**Bob Sanders**  
Commissioner

**Megan Vaughan**  
Commissioner

**Molly Harrison**  
Commissioner

To: Board of Commissioners

From: Kelly Wyatt, Planning Director  
Amy Miller, Deputy Town Manager and Finance Director

Date: July 22, 2026

Re: Dune Management Cost Share Program

To better assist oceanfront property owners with overall dune management, staff recommend funding the cost share program to include dune vegetation, sand fence installation, and ocean sand relocation activities in the upcoming season.

For reference, the Town has processed the following number of sand relocation authorizations over the past five years:

- FY 21-22, 190 sand relocation authorizations
- FY 22-23, 266 sand relocation authorizations
- FY 23-24, 280 sand relocation authorizations
- FY 24-25, 200 sand relocation authorizations
- FY 25-26, 280 sand relocation authorizations

Dune vegetation stabilization is required for sand relocation reimbursement, with a cap of \$3,500. If sand is not being moved, \$1,000 is the cap for plants and fencing, which does include labor and materials. Currently the application interval for planting and sand fence installation is every year, and the application interval for the sand relocation is once every three years. FY 25-26 marked the first year of the current three-year cycle.

As anticipated, the first year of the current three-year sand relocation cycle experienced a higher number of participation requests. As the program moves into the second year of the cycle, staff expects demand to remain strong and therefore recommends allocating \$400,000 to support anticipated participation in the upcoming season. Funding has not exceeded \$350,000 per year since the program was initiated. Therefore, \$350,000 of funding will be allocated. If we reach \$400,000 a budget amendment will be brought forward to the Board at that time for an additional \$50,000. This figure is based on annual historical usage since program inception.

| <i>Activity</i>                | <i>FY 23-24</i>  | <i>FY 24-25</i>  | <i>FY 25-26</i>  | <i>FY 26-27</i>  | Application Interval   | Application Dates  |
|--------------------------------|------------------|------------------|------------------|------------------|------------------------|--------------------|
| Planting                       | <i>Yes</i>       | <i>Yes</i>       | <i>Yes</i>       | <i>Yes</i>       | Every Year             | Oct. 1 - June 30   |
| Sand Fence Installation        | <i>Yes</i>       | <i>Yes</i>       | <i>Yes</i>       | <i>Yes</i>       | Every Year             | Oct. 1 - June 30   |
| Sand Relocation                | <i>Yes</i>       | <i>Yes</i>       | <i>Yes</i>       | <i>Yes</i>       | Once Every Three Years | Nov. 15 – April 15 |
| Max. Funding Amount per Parcel | <i>\$3,500</i>   | <i>\$3,500</i>   | <i>\$3,500</i>   | <i>\$3,500</i>   |                        |                    |
| Total Program Funding          | <i>\$400,000</i> | <i>\$400,000</i> | <i>\$400,000</i> | <i>\$400,000</i> |                        |                    |
| Total Amount Allocated         | <i>\$419,000</i> | <i>\$210,500</i> | <i>\$403,000</i> | <i>N/A</i>       |                        |                    |
| Total Amount Disbursed         | <i>\$319,876</i> | <i>\$186,500</i> | <i>\$330,099</i> | <i>N/A</i>       |                        |                    |

#### OBX Better Beaches

In prior years, staff has recommended allocating up to \$15,000 annually to OBX Better Beaches to support dune vegetation installation efforts. However, in the past two years, OBX Better Beaches did not request or utilize any portion of the allocated funds. For FY 2026–2027, staff recommended that the requested program funding be inclusive of both reimbursement requests and any potential funding requests from OBX Better Beaches, not to exceed \$15,000.



# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## AGENDA ITEM E.7.

Consideration of Recommended Standard Details Update

### Prepared by

David Ryan, Town Engineer

### Reviewed by

David Ryan  
Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

I concur with staff's suggested revisions.

### Specific Action Requested

Staff requests approval and adoption of the updated Recommended Standard Details Manual.

### Summary

The purpose of this agenda item is to present updates to the Town's Recommended Standard Details Manual for Board review and adoption. The manual serves as a technical reference document for engineers, architects, contractors, developers, and Town staff, providing standardized design and construction details to ensure consistency with the Town Code of Ordinances, adopted policies, and current engineering practices.

The proposed revisions incorporate procedural updates, improve consistency with the Unified Development Ordinance (UDO), reflect current state and federal requirements, and add or revise design details based on lessons learned from recent projects and permitting activities. The updates are intended to provide clearer guidance to the development community, streamline project review, support consistent construction practices, and reduce ambiguities during design and permitting. This effort continues the Town's practice of periodically updating the manual to reflect changes in materials, methods, standards, and regulatory requirements.

Key Updates include:

- Addition of 300-gallon cart detail
- Addition of residential construction entrance detail
- Revision of silt fence detail to align with NCDEQ DEMLR requirements
- Updates to commercial driveway connection details to ensure consistency with UDO language
- Update to Section 100 to reflect procedural changes in the residential review process

### Attachments

1. 2026-5-8 Recommended Standard Details-update

# Recommended Standard Details Manual



**TOWN OF NAGS HEAD**  
**DEPARTMENT OF PUBLIC SERVICES**  
P.O. BOX 99  
NAGS HEAD, NC 27959  
252-441-6221  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

**Effective Date: August 5, 2015**  
**Revised Date: August 5, 2026**

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## Introduction

This manual was created and organized to assist planning, design, engineering, contractor and construction professionals for development activities in the Town of Nags Head. The Town of Nags Head “Recommended Standard Details Manual”, latest revision, is established to serve as a reference manual and guide to design professionals and contractors to ensure compliance with the Town Code of Ordinances. The information contained herein are minimum requirements for design and construction within the Town and referenced from adopted policies, standards, details and established practices.

This document will be amended periodically to include supplemental development details and/or changes in materials, methods and procedures.

Copies of this manual may be downloaded from the Town of Nags Head web site, ([www.nagsheadnc.gov](http://www.nagsheadnc.gov)). Hard copies of the information can be supplied upon request.

## Manual Provision

The authors of this manual, to the best of their ability, have insured that the information presented here is correct and reliable. The execution of design and construction, however, involves professional judgment and only the design professional/contractor can ascertain whether a technique, method or material can be applied to a given situation. It is the sole responsibility of the design professional/contractor to ensure the standards, methods and practices utilized are accurate and correct.

## Variance or Modification

Any variances, alternate design, construction methods and materials, not specifically prescribed herein, shall be subject to the approval of the Public Services Director, Town Engineer, or their designee.

## Applicability

On or after August 5, 2015 this “Recommended Standard Detail Manual,” latest revision, shall be applicable to all new improvements, alterations and additions located within the jurisdiction of the Town of Nags Head.

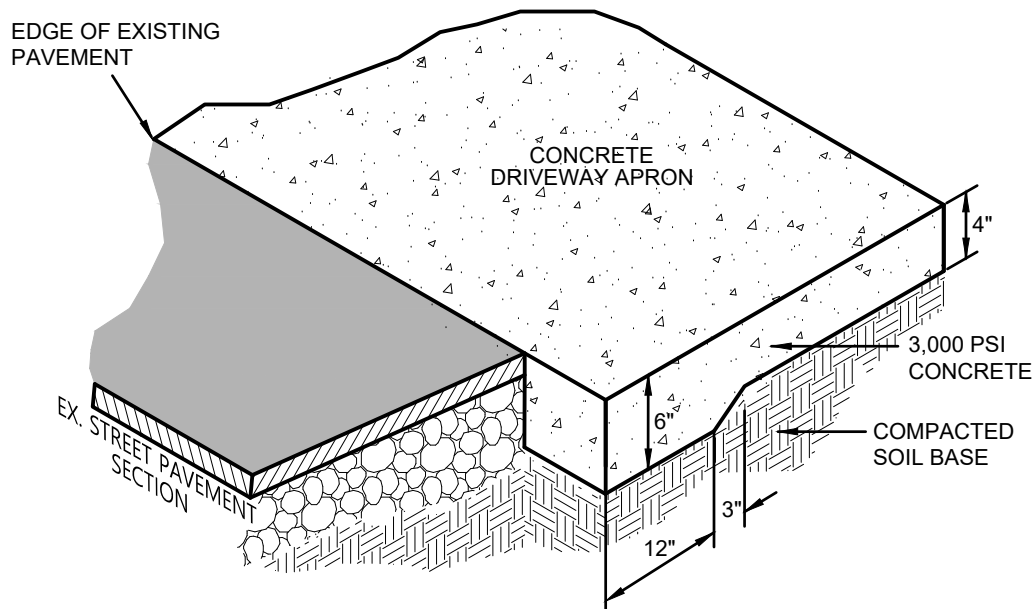
## Engineers Seal



August 2, 2026

A handwritten signature in black ink, appearing to read "David M. Ryan", written over a horizontal line.





## NOTES:

1. Contractor shall sawcut existing pavement straight and true prior to concrete apron installation.
2. Contractor shall contact the Department of Public Services prior to concrete installation to confirm compliance.
3. Special conditions may warrant exceptions to this detail. Subject to approval by Public Services Director or their designee.
4. If the street pavement section is damaged during construction activity, the contractor shall patch the pavement section to the same pavement cross section that existed prior to the commencement of construction.
5. Driveway aprons shall be constructed of a min. 4" thick, 3000 psi concrete or 6" ABC base course with a 2" asphalt surface course.



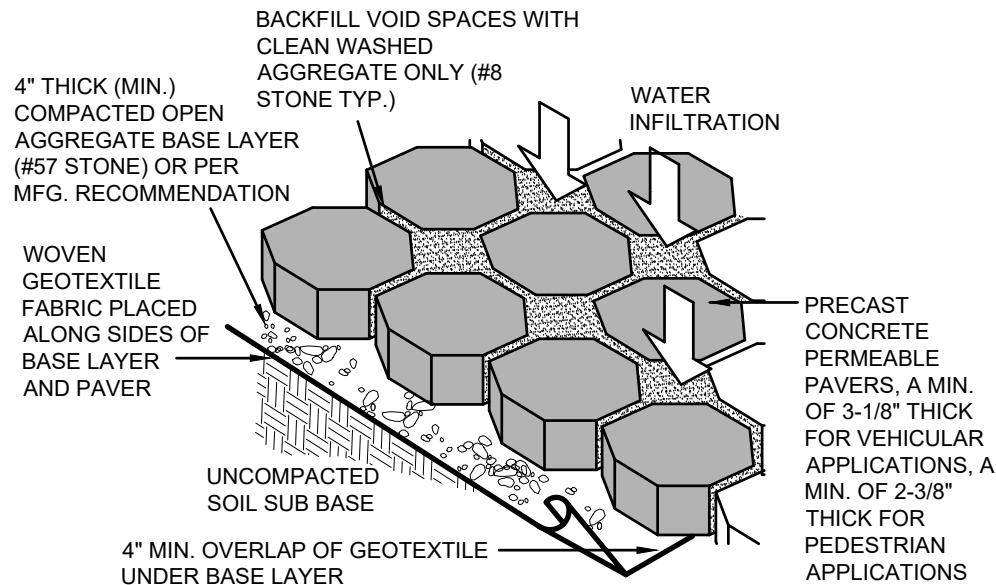
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## TYPICAL RESIDENTIAL DRIVEWAY CONCRETE THICKENED EDGE DETAIL

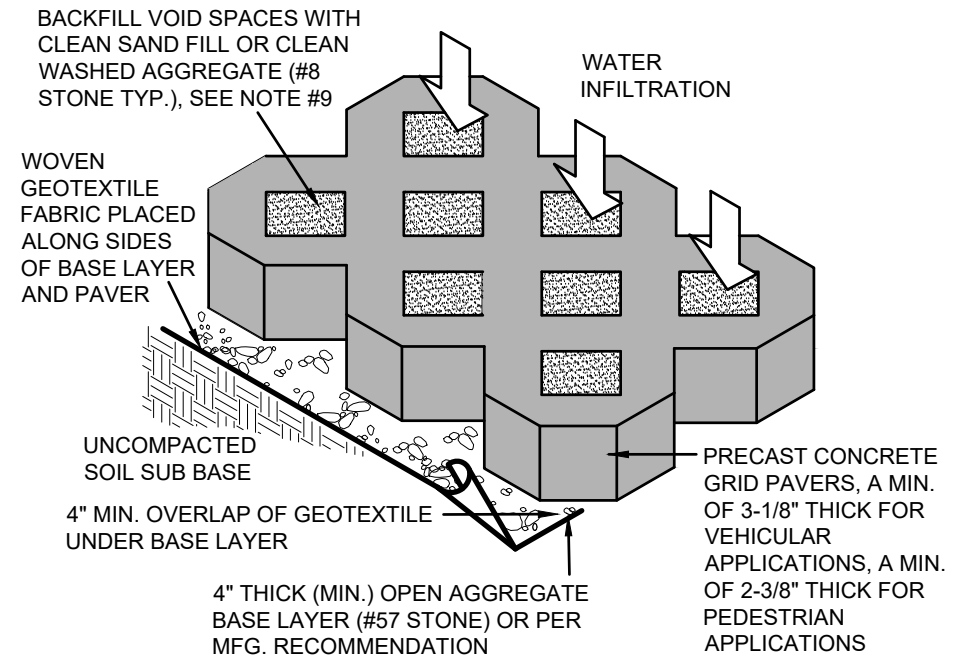
(THIS SECTION APPLIES TO RESIDENTIAL CONCRETE DRIVEWAY INSTALLATIONS ONLY)

SCALE: NONE  
ISSUE DATE: 7-9-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
101



## PRECAST CONCRETE PERMEABLE PAVER



## PRECAST CONCRETE GRID PAVER

### NOTES:

1. Contractor shall submit specific product technical specifications to the Town for review and approval prior to installation.
2. Other permeable pavement systems may be considered, other than those noted hereon, as approved by Planning Dept. OR Town Engineering
3. Pavement section substitutions may be considered in accordance with manufacturers recommended specifications OR as designed by a North Carolina Licensed Professional Engineer.
4. The pavement surface course installation shall be continuous and level.
5. Planning Department shall be contacted for review and approval of the base layer and nonwoven geotextile fabric layer in advance of the paver installation.
6. A final inspection shall be conducted by the Planning Department.
7. Edge restraints shall be constructed along the perimeter of the paver installation, (see detail 104) and between paver and asphalt pavement sections.
8. Aggregate fill material shall be installed flush with the finished pavement surface.
9. For paver installations that utilize clean sand fill as the media type to backfill paver void spaces, a nonwoven geotextile layer shall be installed above the aggregate base layer or leveling course.
10. A min. 1" bedding or leveling course may be used to establish a level base above the top of aggregate layer. A nonwoven geotextile fabric shall be placed on top of the aggregate course when a bedding course is incorporated into the installation.



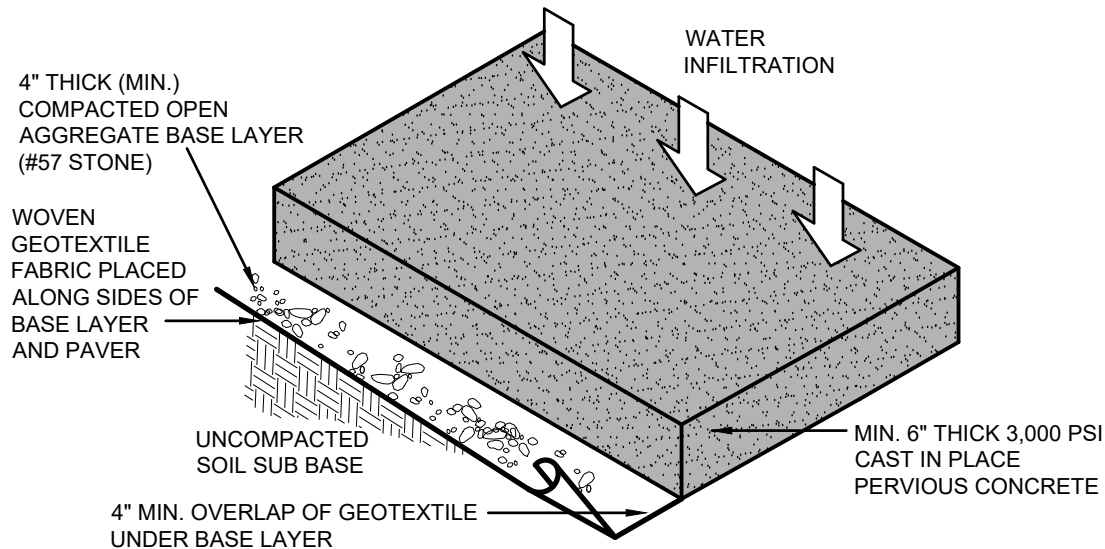
TOWN OF NAGS HEAD  
DEPARTMENT OF PUBLIC SERVICES  
P.O. BOX 99  
NAGS HEAD, NC 27959  
252.441.6221 • www.nagsheadnc.gov

## TYPICAL RESIDENTIAL PERMEABLE PAVER INSTALLATION DETAIL

(REFER TO DETAIL 104 FOR EDGE RESTRAINT OPTIONS)

SCALE: NONE  
ISSUE DATE: 7-9-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
102



## PERVIOUS CONCRETE PAVEMENT SECTION

### NOTES:

1. Contractor shall submit an appropriate certification indicating adequate training and experience for pervious concrete installations.
2. The pavement system shall be designed and installed in accordance with ACI specifications, or equivalent standard.
3. Operation and Maintenance requirements shall be a condition of approval.
4. NO porous concrete installation are permitted east of S. Virginia Dare Trail (NC 12) and east of S. Old Oregon Inlet Rd. (SR 1243).
5. The pavement section may be substituted when designed by a North Carolina Licensed Professional Engineer.
6. The pavement surface course installation shall be continuous and level .
7. Planning Department shall be contacted for review and approval of the base layer and nonwoven geotextile fabric layer in advance of the surface course installation.
8. A final inspection shall be conducted by the Planning Department to review for compliance post-installation.
9. Edge restraints shall be constructed along the perimeter of the pavement installation, (see detail 104)



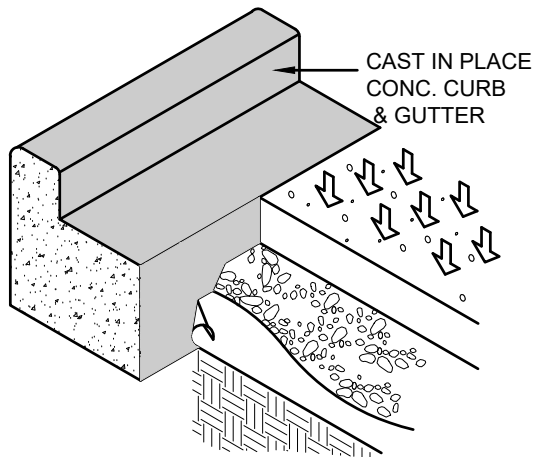
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## TYPICAL RESIDENTIAL POROUS CONCRETE INSTALLATION DETAIL

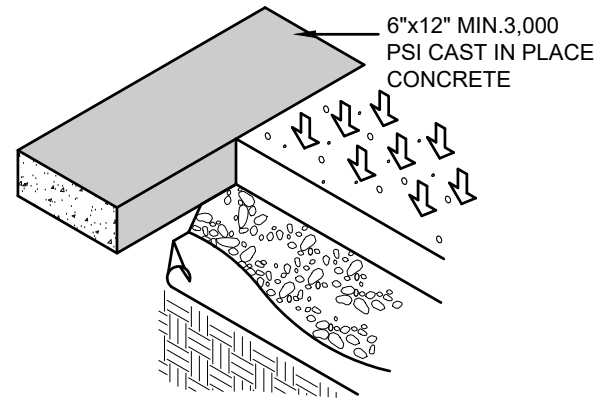
(REFER TO DETAIL 104 FOR EDGE RESTRAINT OPTIONS)

SCALE: NONE  
ISSUE DATE: 7-9-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

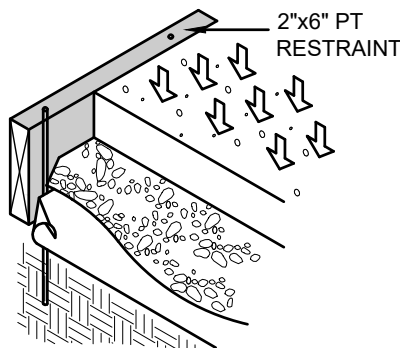
DETAIL NO.:  
**103**



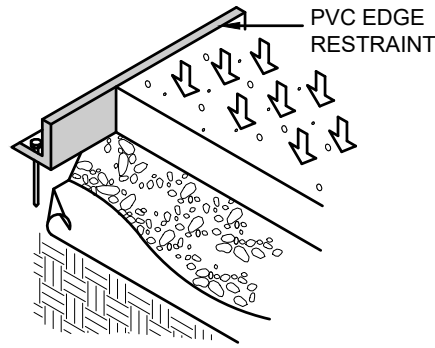
**CONCRETE CURB & GUTTER**



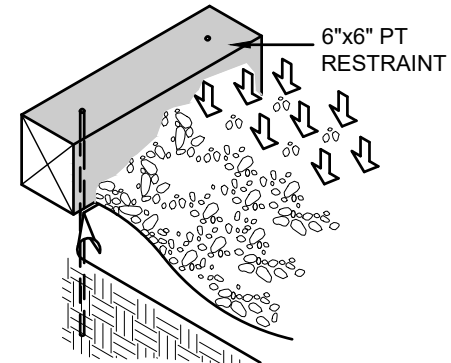
**CONCRETE CURB & GUTTER**



**WOOD EDGE RESTRAINT**



**PVC EDGE RESTRAINT**



**TIMBER EDGE RESTRAINT**

(THIS APPLIES TO GRAVEL INSTALLATIONS ONLY)

### NOTES:

1. PVC Edge restraint and attachments shall be installed in accordance with manufacturer recommendations. PVC Edge restraints shall be used on paver installations ONLY.
2. Cast in place concrete compressive strength shall be a minimum of 3,000 psi. Wood edge restraint shall be pressure treated and drilled with 3/8 dia holes spaced at 3'-0" on center. 48" lengths of #3 rebar stakes shall be placed through the drilled holes and embedded in the soil below and cut flush to the top of restraint.
3. The edge restraint shall be continuous along the pavement length.
4. Refer to Detail 103 and Detail 105 for pavement section material type and thickness.



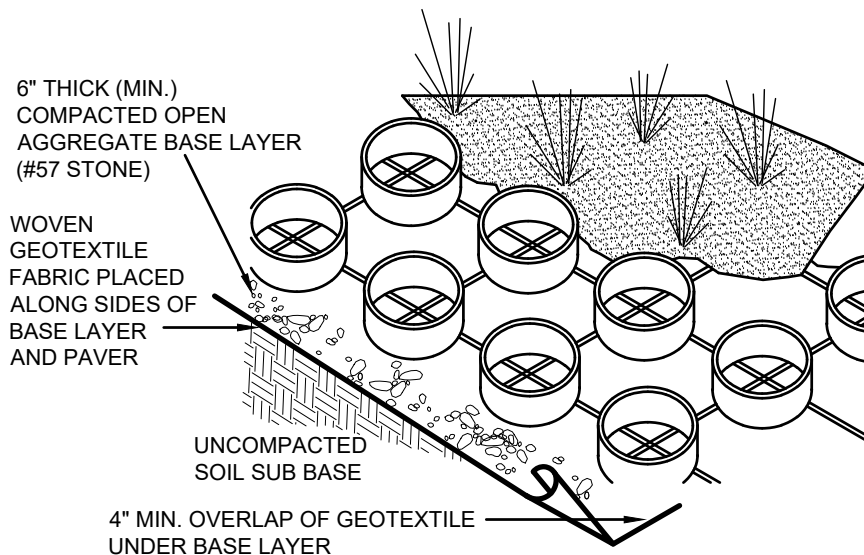
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## TYPICAL RESIDENTIAL PERMEABLE PAVER EDGE RESTRAINT DETAILS

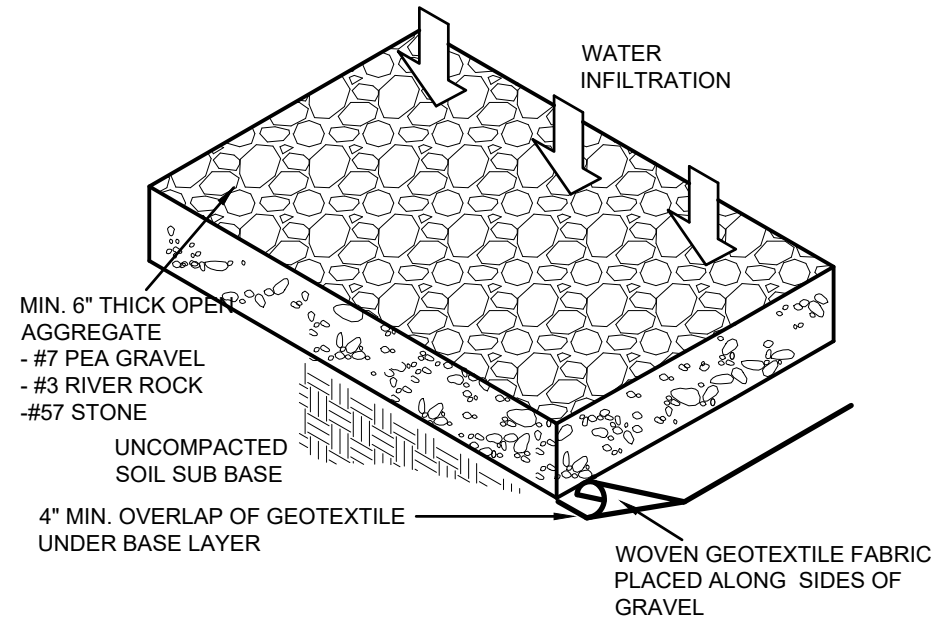
SCALE: NONE  
ISSUE DATE: 7-9-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**104**





## TURF REINFORCEMENT SECTION



## GRAVEL PAVEMENT SECTION

### NOTES:

1. Contractor shall submit specific product technical specifications for turf reinforcement products to the Town for review and approval prior to installation.
2. Pavement section substitutions may be considered in accordance with manufacturers recommended specifications OR as design by a North Carolina Licensed Professional Engineer.
3. The pavement surface course installation shall be continuous and level.
4. Planning Department shall be contacted for review and approval of the base layer and nonwoven geotextile fabric layer in advance of the grid installation.
5. A final inspection shall be conducted by the Planning Department to review for compliance post-installation.
6. Edge restraints shall be constructed along the perimeter of the installation, (see detail 104).
7. Turf reinforcement shall ONLY be utilized on up to 20% of the required parking spaces and is required to be delineated with curb stops.
8. A #3 stone can be used in combination with a #57 stone and #7 pea gravel to provide a structural base material with a limit of 3" depth.



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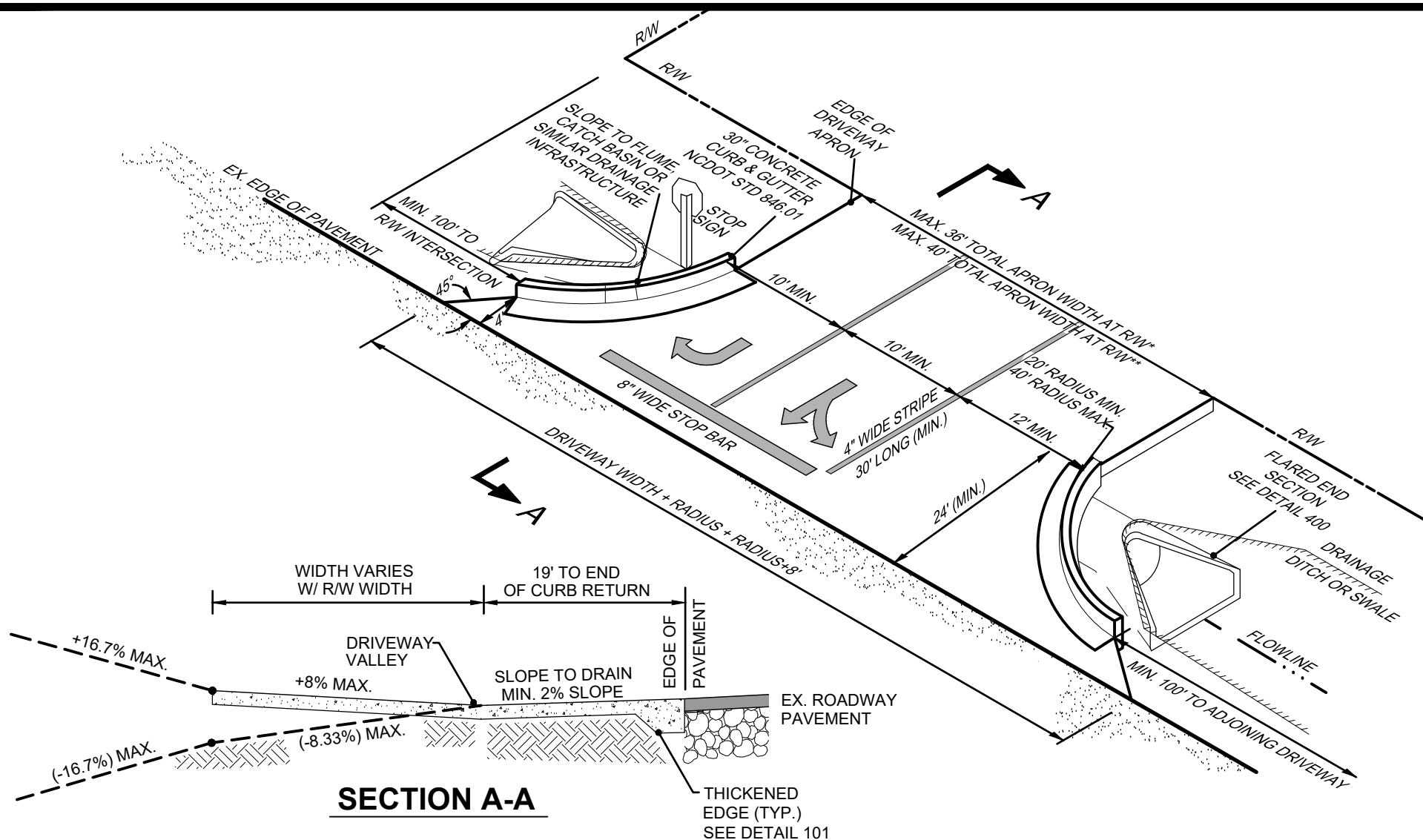
## TYPICAL RESIDENTIAL ALTERNATIVE PAVEMENT SURFACE DETAILS

SCALE: NONE  
ISSUE DATE: 7-9-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**105**







## NOTES:

1. All driveways must meet the current Town driveway requirements, in accordance with Section 10.92 of the Unified Development Ordinance and NCDOT requirements for spacing, sight distance, and offsets from property lines and intersections.
2. Special conditions may warrant exceptions to this detail. Subject to approval by Town Engineering or Public Services Director.
3. Driveway width shall not exceed 36' when not served by tractor/trailer traffic (AASHTO WB-40)\*.
4. Driveway width shall not exceed 40' when served by tractor/trailer traffic (AASHTO WB-40)\*\*.
5. Driveway aprons shall be constructed of a min. 4" thick, 3000 psi concrete or 6" ABC base course with a 2" asphalt surface course.



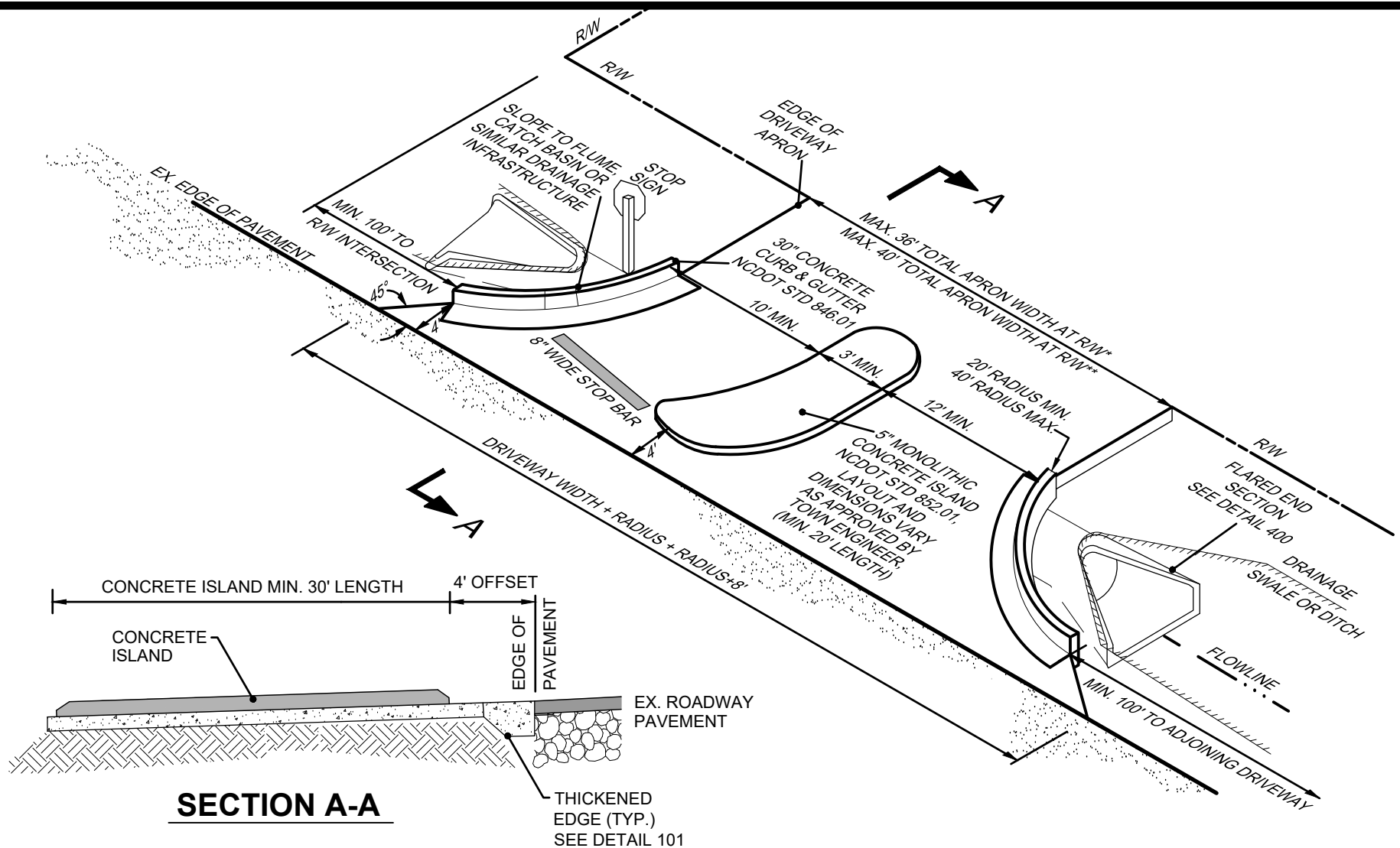
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## TYPICAL COMMERCIAL DRIVEWAY DETAIL LARGE PARKING LOT LAYOUT

(FOR LARGE PARKING LOTS WITH GREATER THAN 36 PARKING STALLS)

SCALE: NONE  
ISSUE DATE: 7-9-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**201**



## NOTES:

1. All driveways must meet the current Town driveway requirements, Section 10.92 of the Unified Development Ordinance and NCDOT requirements for spacing, sight distance, and offsets from property lines and intersections.
2. Special conditions may warrant exceptions to this detail. Subject to approval by Town Engineering, Public Services Director or NCDOT.
3. Concrete mountable island shall be installed in accordance with NCDOT Standard Detail 852.01.
4. Driveway aprons shall be constructed of a min. 4" thick, 3000 psi concrete or 6" ABC base course with a 2" asphalt surface course.



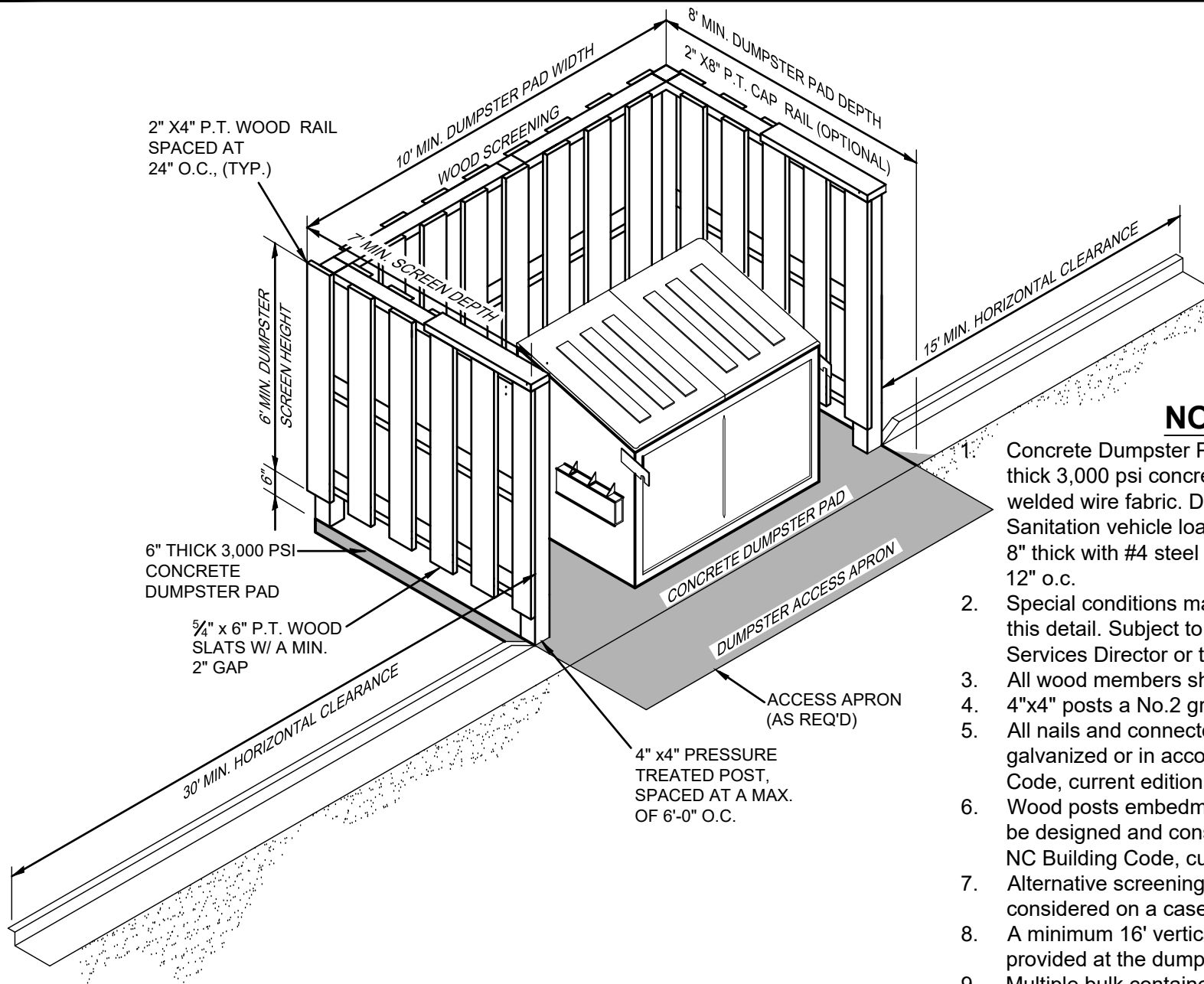
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## TYPICAL COMMERCIAL DRIVEWAY DETAIL WITH MOUNTABLE ISLAND DETAIL

(FOR DRIVEWAY CONNECTIONS TO S. CROATAN HWY.)

SCALE: NONE  
ISSUE DATE: 7-9-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**202**



## NOTES:

1. Concrete Dumpster Pad shall be a minimum 6" thick 3,000 psi concrete with a min. W1.4xW1.4 welded wire fabric. Dumpster aprons subject to Sanitation vehicle loads shall be a minimum of 8" thick with #4 steel reinforcement spaced @ 12" o.c.
2. Special conditions may warrant exceptions to this detail. Subject to approval by Public Services Director or their designee.
3. All wood members shall be pressure treated.
4. 4"x4" posts a No.2 grade or better.
5. All nails and connectors shall be hot dipped galvanized or in accordance with NC Building Code, current edition.
6. Wood posts embedment depth and footing shall be designed and constructed in accordance with NC Building Code, current edition.
7. Alternative screening material may be considered on a case by case basis.
8. A minimum 16' vertical clearance shall be provided at the dumpster pad.
9. Multiple bulk container layouts shall be reviewed & approved by the Public Services Director or their designee.



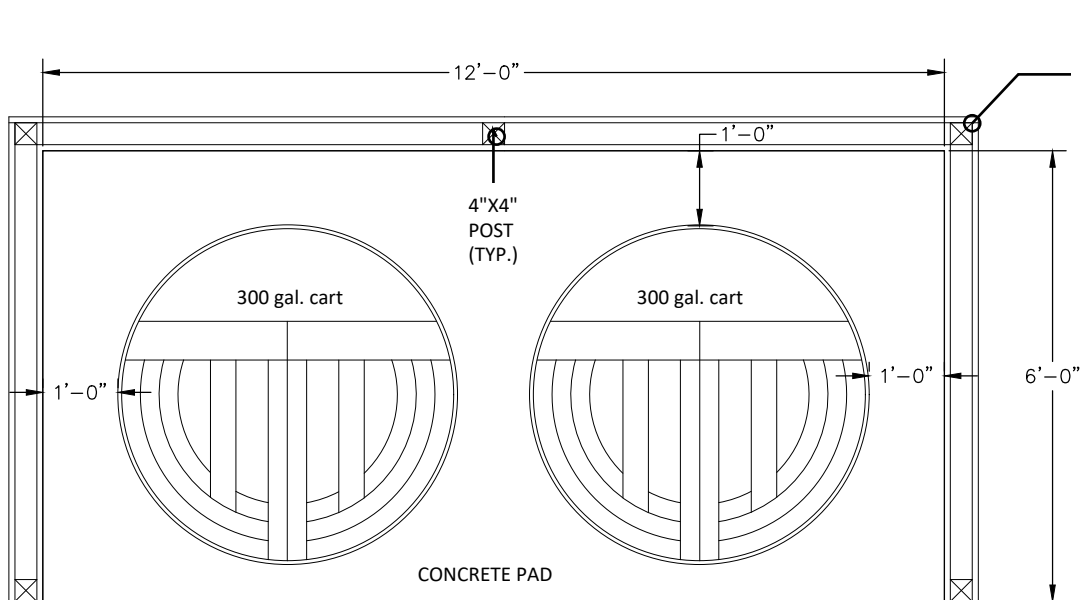
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## TYPICAL COMMERCIAL DUMPSTER PAD WITH WOOD SCREEN DETAIL

(FOR FRONT LOADING DUMPSTER CONFIGURATIONS)

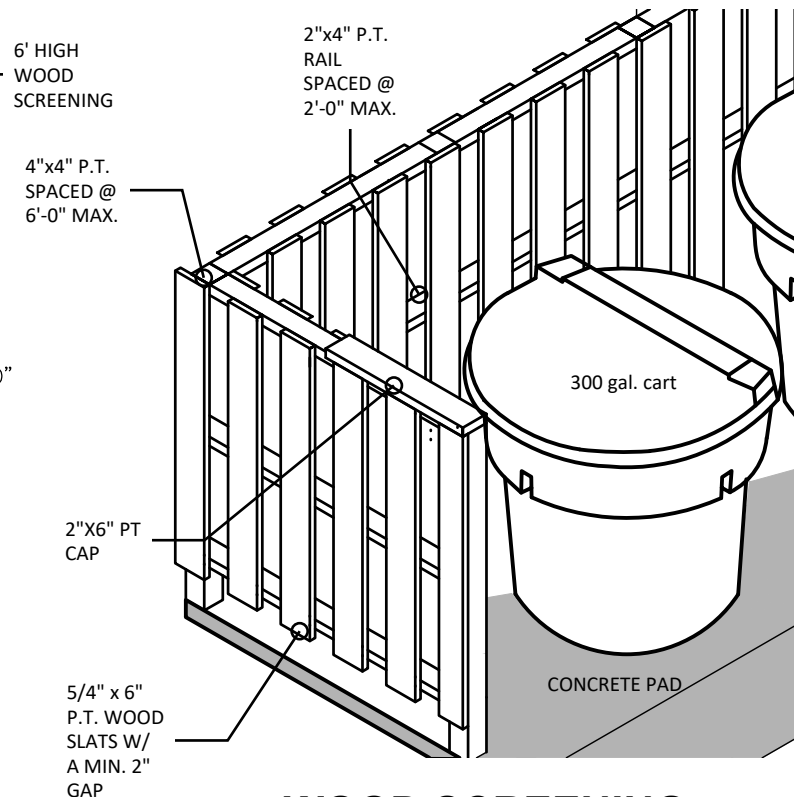
SCALE: NONE  
ISSUE DATE: 7-9-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**203**



### 300 GAL. CART PAD (PLAN VIEW)

SCALE: NONE



### WOOD SCREENING

SCALE: NONE

### NOTES:

1. Concrete Dumpster Pad shall be a minimum 4" thick 4,000 psi fibermesh concrete mix. Special conditions may warrant exceptions to this detail. Subject to approval by Town Engineer or Public Services Director.
2. All wood members shall be pressure treated.
3. 4"x4" posts a No.2 grade or better.
4. All nails and connectors shall be hot dipped galvanized or in accordance with NC Building Code, current edition.
5. Wood posts embedment depth and footing shall be designed and constructed in accordance with NC Building Code, current edition.
6. Alternative screening material may be considered on a case by case basis.
7. A minimum 16' vertical clearance shall be provided at the dumpster pad.
8. Multiple bulk container layouts shall be reviewed & approved by the Public Services Director.



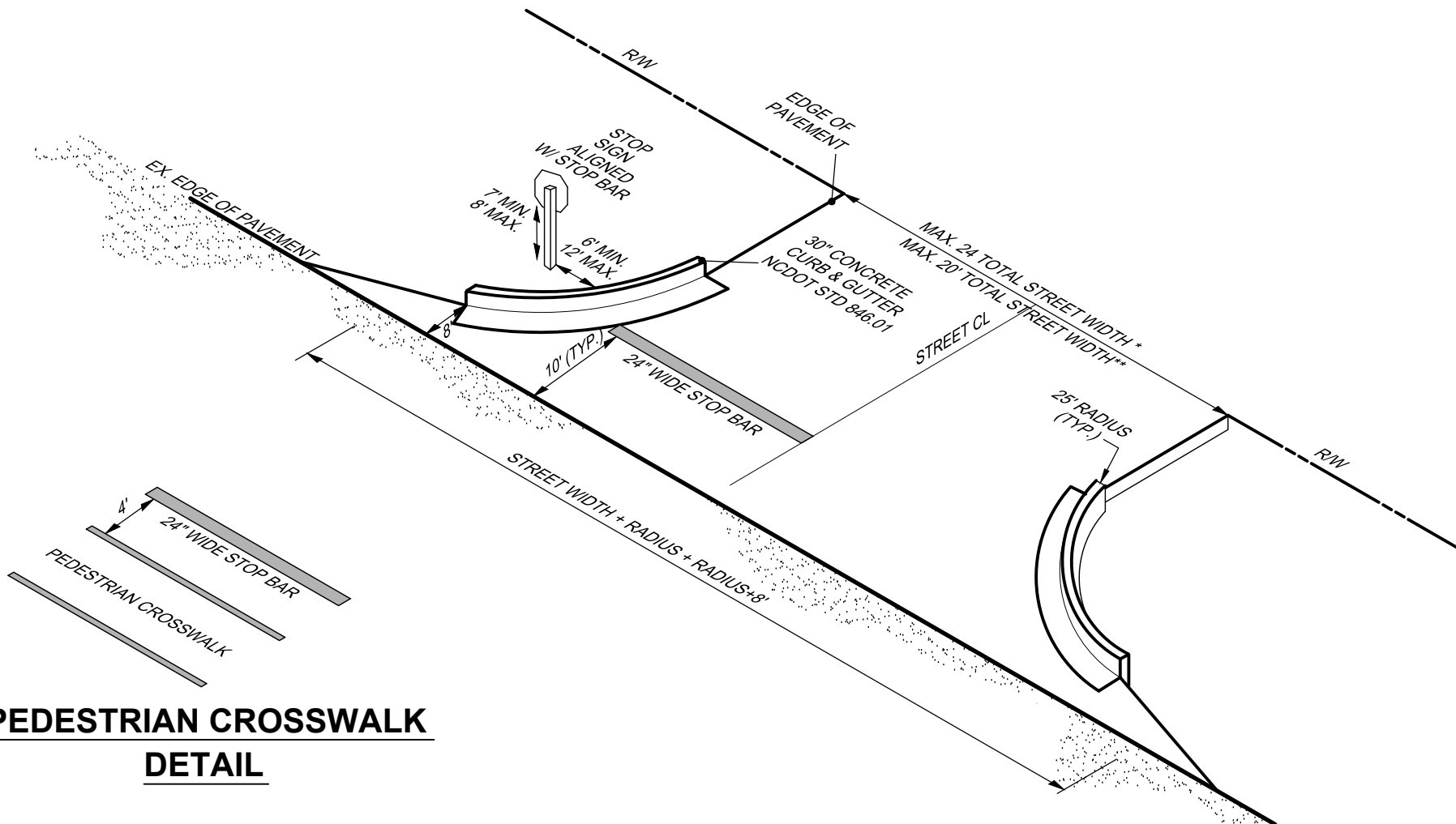
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### TYPICAL 300 GALLON CART PAD WITH WOOD SCREEN DETAIL

(FOR MULTIPLE CART CONFIGURATION)

SCALE: NONE  
ISSUE DATE: 3-6-2026  
REVISION DATE:  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**204**



## PEDESTRIAN CROSSWALK DETAIL

### NOTES:

1. Stop Bar shall span across the approach lane and shall installed parallel to the intersecting roadway.
2. Special conditions may warrant exceptions to this detail. The stop bar shall not be placed less than 4 ft. or greater than 30' from the nearest edge of the intersecting roadway.
3. The placement of the stop bar shall be placed so that vehicles have the optimum sight distance along intersecting roadways.
4. The stop sign shall not be blocked by other signs or vegetation and shall be positioned so to face approaching vehicular traffic.
5. The stop bar shall be installed a minimum of 4' offset from a pedestrian crosswalk if one exists.



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## TYPICAL STREET STOP SIGN AND AND STOP BAR PLACEMENT

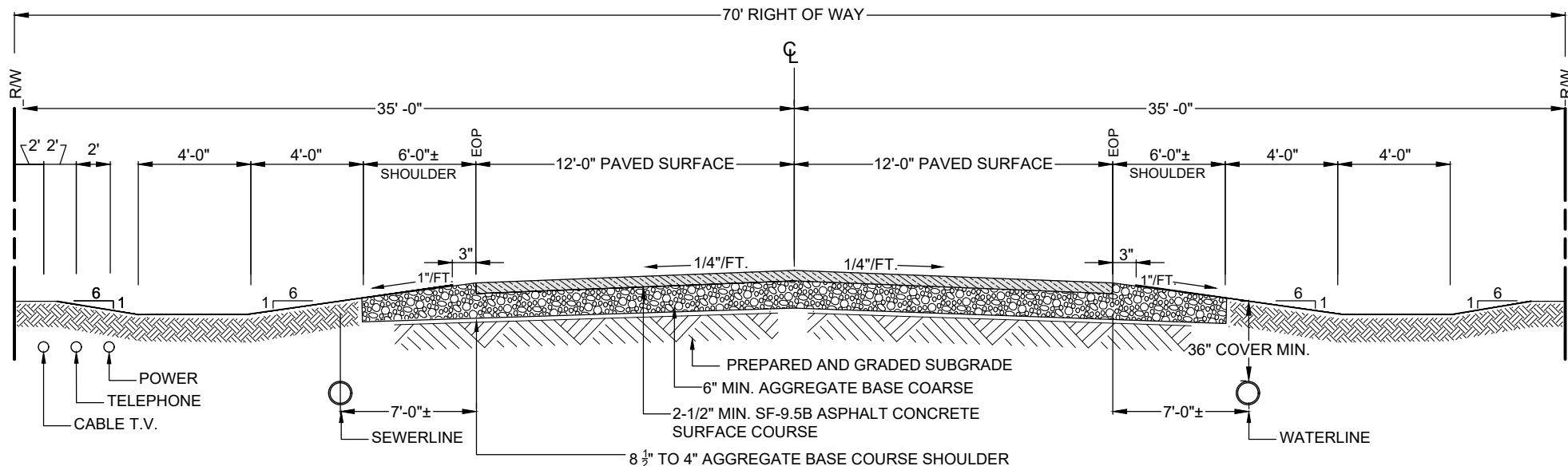
\* WIDTH FOR COLLECTOR AND LOCAL ACCESS STREETS  
\*\* WIDTH FOR SUBCOLLECTOR AND ENVIRONMENTAL STREETS

SCALE: NONE  
ISSUE DATE: 8-13-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**300**







**NOTE:**

A 0.18 TO 0.45 GAL/SYD PRIME COAT IS REQUIRED ON AGGREGATE BASE COURSE. THE PAVEMENT DESIGN SHOWN ARE MINIMUM THICKNESSES AND SHOULD BE DESIGNED BASED UPON SUBGRADE SOIL CONDITIONS AND PLANNED TRAFFIC LOADING IMPACTS. NO BASE COURSE SHALL BE PLACED ON MUCK, CLAY, ORGANIC MATTER OR OTHER UNSUITABLE MATERIAL. OTHER BASE COURSES MAY BE USED IN LIEU OF THOSE SHOWN ABOVE. ALTERNATE MATERIALS SHALL BE OF SUFFICIENT THICKNESS TO PROVIDE EQUIVALENT STRENGTH AND SHALL BE APPROVED BY THE TOWN ENGINEER.

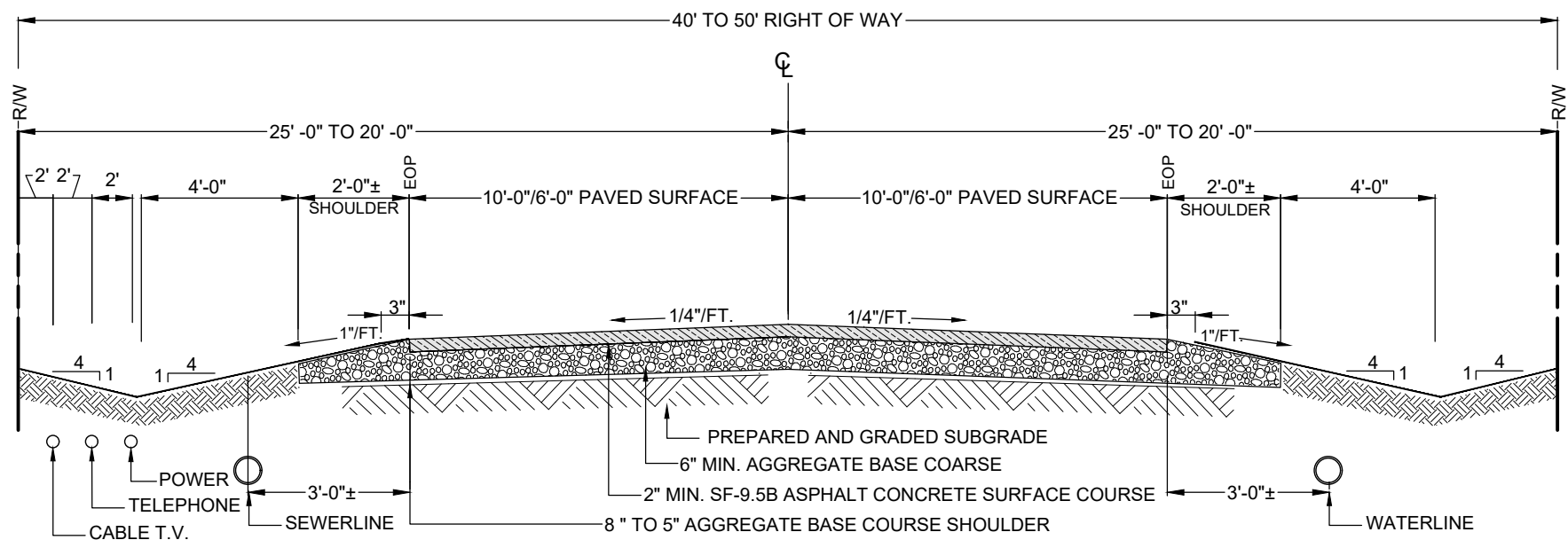


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## COLLECTOR STREET TYPICAL CROSS SECTION

SCALE: NONE  
ISSUE DATE: 1-29-2019  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**302**



**NOTE:**

A 0.18 TO 0.45 GAL/SYD PRIME COAT IS REQUIRED ON AGGREGATE BASE COURSE. THE PAVEMENT DESIGN SHOWN ARE MINIMUM THICKNESSES AND SHOULD BE DESIGNED BASED UPON SUBGRADE SOIL CONDITIONS AND PLANNED TRAFFIC LOADING IMPACTS. NO BASE COURSE SHALL BE PLACED ON MUCK, CLAY, ORGANIC MATTER OR OTHER UNSUITABLE MATERIAL. OTHER BASE COURSES MAY BE USED IN LIEU OF THOSE SHOWN ABOVE. ALTERNATE MATERIALS SHALL BE OF SUFFICIENT THICKNESS TO PROVIDE EQUIVALENT STRENGTH AND SHALL BE APPROVED BY THE TOWN ENGINEER.



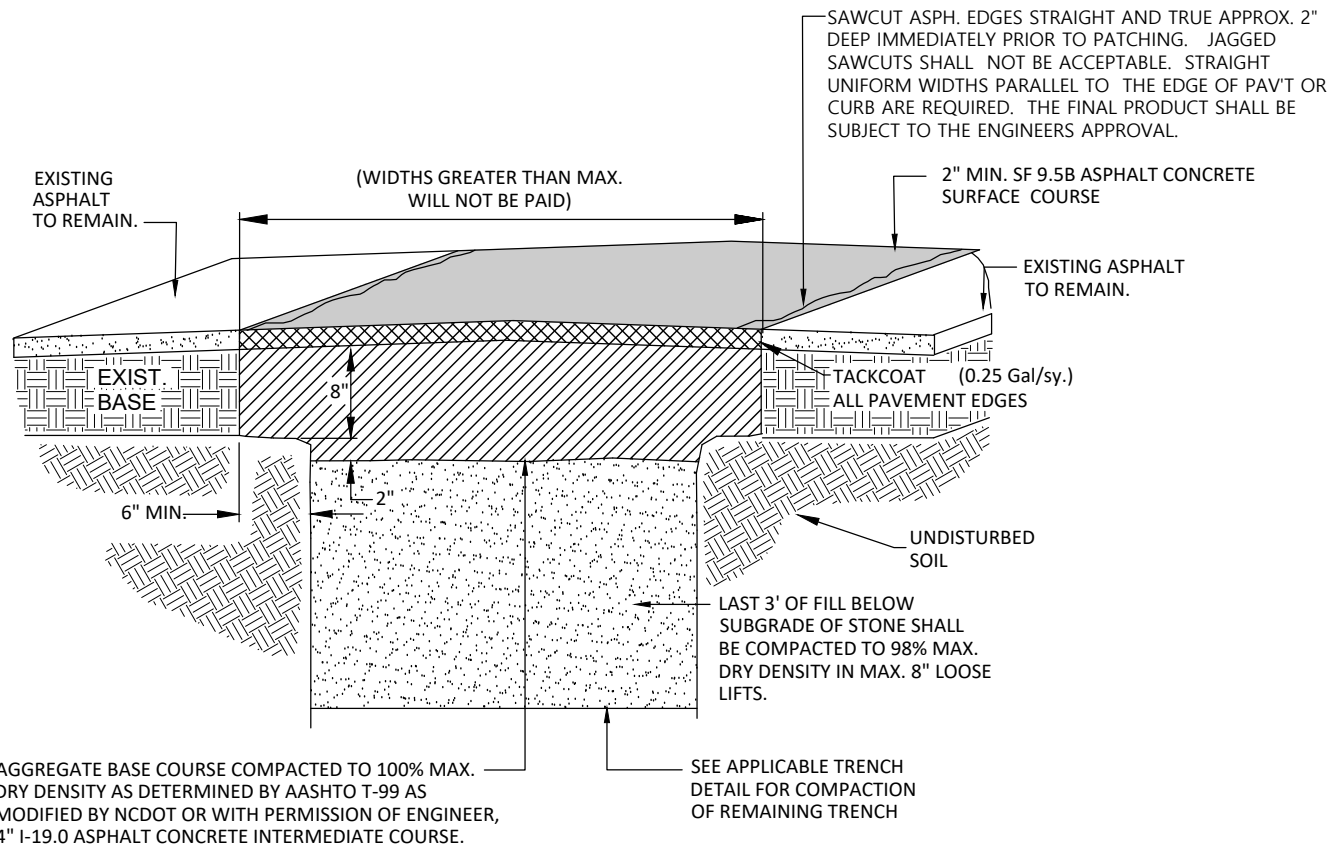
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## ENVORONMENTAL & SUBCOLLECTOR STREETS TYPICAL CROSS SECTION

SCALE: NONE  
ISSUE DATE: 1-29-2019  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**303**



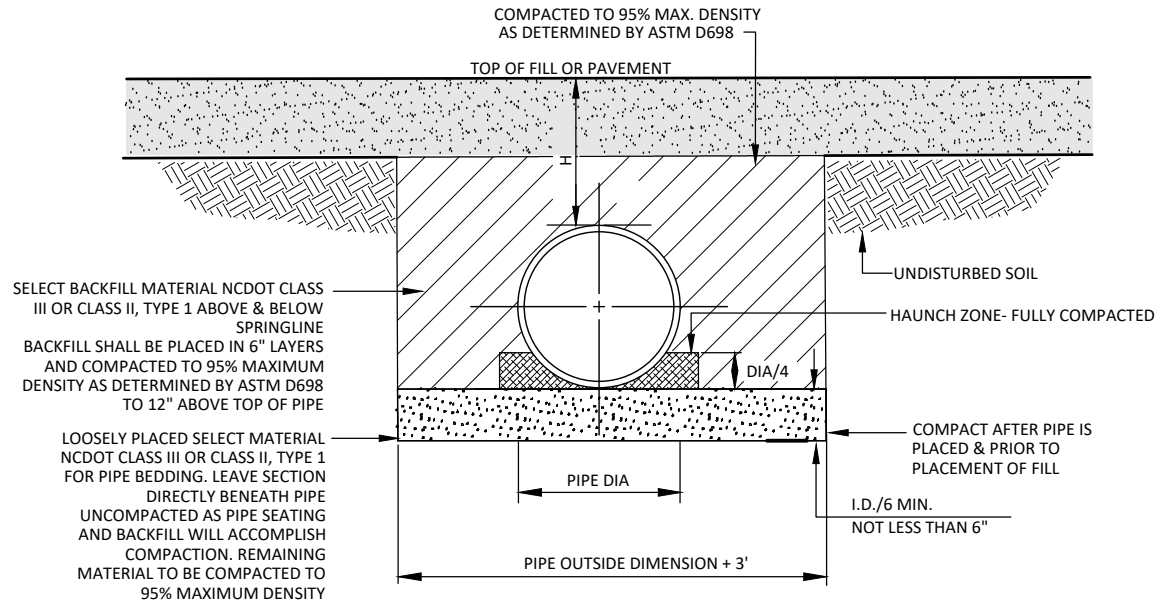


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## PERMANENT ASPHALT PAVEMENT PATCH DETAIL

SCALE: NONE  
ISSUE DATE: 1-29-2019  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**304**



#### NOTES:

1. ALL EXCAVATIONS SHALL COMPLY WITH THE TERMS AND CONDITIONS OF THE CONSTRUCTION STANDARDS FOR EXCAVATIONS IN OSHA "SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION", CHAPTER XV11 OF TITLE 29, CFR, PART 1926. THE CONTRACTOR SHALL HAVE A COMPETENT PERSON ON THE JOB AT ALL TIMES AND SHALL EMPLOY A PROFESSIONAL ENGINEER TO ACT UPON ALL PERTINENT MATTERS OF THE WORK.

DO NOT OPERATE HEAVY EQUIPMENT OVER ANY PIPE CULVERT UNTIL THE PIPE CULVERT HAS BEEN PROPERLY BACKFILLED AND COVERED WITH AT LEAST 3 FEET OF APPROVED MATERIAL.

THE PIPE CULVERT INSTALLATION SHALL BE INSTALLED IN ACCORDANCE WITH NCDOT TYPICAL STANDARD DETAIL 300.01, METHOD OF PIPE INSTALLATION.

I.D. = THE MAXIMUM HORIZONTAL INSIDE DIAMETER DIMENSION.

O.D. = THE MAXIMUM HORIZONTAL OUTSIDE DIAMETER DIMENSION.

H = THE FILL HEIGHT MEASURED VERTICALLY AT ANY POINT ALONG THE PIPE FROM THE TOP OF THE PIPE TO THE BOTTOM OF THE FLEXIBLE PAVEMENT STRUCTURE

#### RCP PIPE - AASHTO M170

MINIMUM FILL HEIGHT 1' FOR NCDOT CLASS IV & NCDOT CLASS V OR 2' HEIGHT FOR NCDOT CLASS II AND NCDOT CLASS III

MAXIMUM FILL HEIGHT NCDOT CLASS II PIPE IS 10 FT., NCDOT CLASS III IS 20 FT., NCDOT CLASS IV IS 30', NCDOT CLASS V IS 40 FT.

A FLEXIBLE JOINT SEAL SHALL BE USED AT ALL PIPE JOINTS

12" - 18" DIA PIPE MIN. 1" WIDE JOINT SEALS

24" - 60" DIA. PIPE MIN. 1-1/4" WIDE JOINT SEAL

THE RCP STANDARDS NOTED HEREON ACCOUNT FOR NORMAL EARTH FOUNDATION CONDITIONS. CONSULT WITH ENGINEER SHOULD CONDITIONS VARY.

FOR ADDITIONAL REFERENCE: WWW.NCDOT.GOV OR WWW.CONCRETEPIPE.ORG

#### DOUBLE WALL POLYPROPYLENE PIPE - AASHTO M330

MINIMUM FILL HEIGHT FOR PIPE  $\phi > 12"$  AND  $\leq 48"$  IS 1 FT. AND FOR  $\phi \geq 60"$  IS 2 FT.

MAXIMUM FILL HEIGHT FOR PIPE  $\phi \leq 18"$  IS 20 FT.

MAXIMUM FILL HEIGHT FOR PIPE  $\phi \geq 24"$  AND  $\leq 60"$  IS 20 FT. FOR CLASS 2 BACKFILL 95%SPD

MAXIMUM FILL HEIGHT FOR PIPE  $\phi \geq 24"$  AND  $\leq 60"$  IS 14 FT. FOR CLASS 3 BACKFILL 95%SPD

1. ALL POLYPROPYLENE PIPE SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321, "STANDARD PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS", LATEST EDITION, WITH THE EXCEPTION THAT THE INITIAL BACKFILL MAY EXTEND BEYOND THE CROWN OF THE PIPE. SOIL CLASSIFICATIONS AS PER THE LATEST VERSION OF ASTM D2321.
2. DO NOT LAY OR EMBED PIPE OR DRAINAGE STRUCTURES IN STANDING OR RUNNING WATER. PREVENT SURFACE WATER FROM ENTERING THE TRENCH AT ALL TIMES.
3. MEASURES SHOULD BE TAKEN TO PREVENT MIGRATION OF NATIVE FINES INTO BACKFILL MATERIAL.
4. THE TRENCH BOTTOM SHALL BE STABLE AND OF A SUITABLE MATERIAL AS SPECIFIED BY THE ENGINEER.
5. ALL PIPE SUPPLIED SHALL BE DOUBLE GASKETED WATERTIGHT JOINTS, BELL AND SPIGOT MEETING THE REQUIREMENTS OF ASTM F2881. MARMAC REPAIR COUPLERS SHALL BE UTILIZED TO CONNECT FIELD CUT PIPE.
6. DOUBLE GASKETED WATERTIGHT JOINTS SHALL BE BELL AND SPIGOT MEETING THE WATERTIGHT REQUIREMENTS OF ASTM F2881.
7. THE STANDARDS NOTED HEREON ACCOUNT FOR NORMAL EARTH FOUNDATION CONDITIONS. CONSULT WITH ENGINEER SHOULD CONDITIONS VARY.
8. MANUFACTURER SPECIFICATIONS AND RECOMMENDATIONS SHALL APPLY.

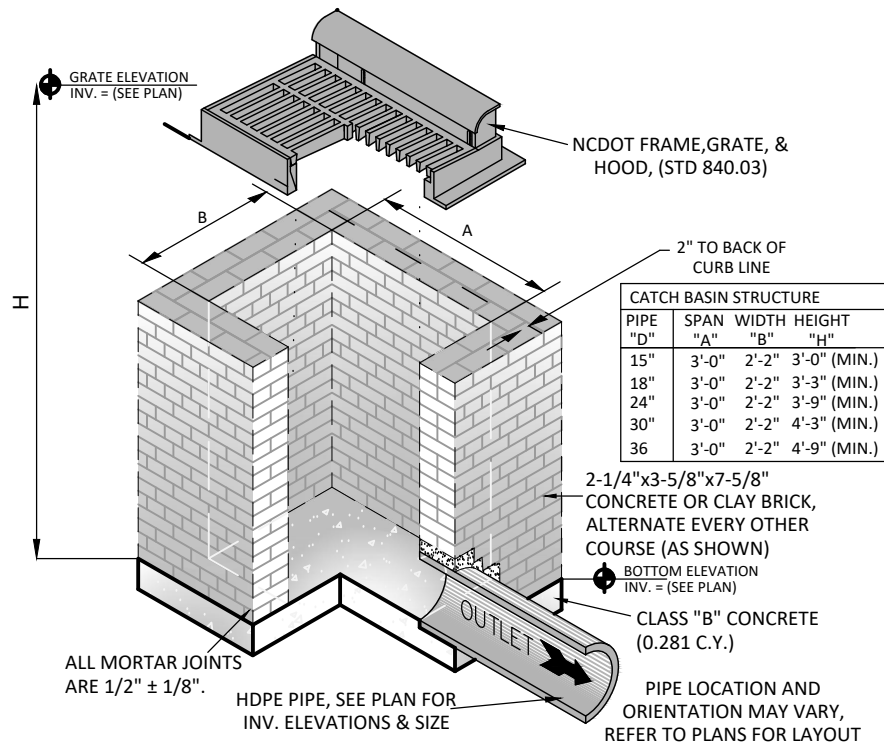


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## STANDARD CROSS-STREET DRAINAGE PIPE INSTALLATION DETAIL

SCALE: NONE  
ISSUE DATE: 1-29-2019  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**305**



#### CATCH BASIN NOTES

1. SPECIFICATIONS ATTACHED HEREON REFLECT THOSE AS OUTLINE IN NCDOT STANDARD 840.01, BRICK CATCH BASIN. AN ALTERNATE PRECAST CATCH BASIN MAY BE UTILIZED BASED UPON PRIOR APPROVAL BY THE ENGINEER.
2. CATCH BASIN SPECIFICATIONS SHALL CONFORM TO LATEST ASTM C913 SPECIFICATIONS FOR "PRECAST CONCRETE WATER & WASTEWATER STRUCTURES.
3. CONCRETE COMPRESSIVE STRENGTH SHALL BE A MINIMUM OF 4,000PSI.
4. STEEL REINFORCING DESIGN TO CONFORM TO THE REQUIREMENTS OF ASTM C890 SPECIFICATIONS FOR "STRUCTURAL DESIGN LOADING FOR WATER & WASTEWATER STRUCTURES" AND SHALL UTILIZE GRADE 60 RE-BARS CONFORMING TO THE REQUIREMENTS OF ASTM A615 OR WWF CONFORMING TO THE REQUIREMENTS OF ASTM A185 OR BOTH.
5. PROVIDE ADDITIONAL REINFORCING AT OPENINGS AS REQUIRED PER NCDOT REQUIREMENTS.
6. MINIMUM DESIGN SHALL BE H-20-44 LOADING.
7. STEPS SHALL BE REQUIRED ON DROP INLETS OVER 3'-6" IN DEPTH. STEPS SHALL BE STEEL REINFORCED COPOLYMER POLYPROPYLENE PLASTIC AND MEET THE REQUIREMENTS OF ASTM C478. (OR APPROVED EQUAL).
8. TOTAL HEIGHT OF STRUCTURE AS SPECIFIED HEREIN.
9. PIPE PENETRATION TO BE AS SPECIFIED. PIPE TO BE INSTALLED AS PER NCDOT STANDARDS FOR MORTAR JOINT CONNECTIONS.
10. JOINTS TO BE SEALED WITH BUTYL RUBBER JOINT SEALANT CONFORMING TO THE REQUIREMENTS OF ASTM C990, OR MORTAR AS PER NCDOT REQUIREMENTS OR BOTH.
11. IF REINFORCED CONCRETE PIPE IS SET IN BASE SLAB OF BOX, ADD BASE THICKNESS AS PRESCRIBED IN NCDOT STANDARD 840.00
12. ANY DEVIATIONS FROM THE APPROVED PLAN & SPECIFICATIONS SHALL BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.

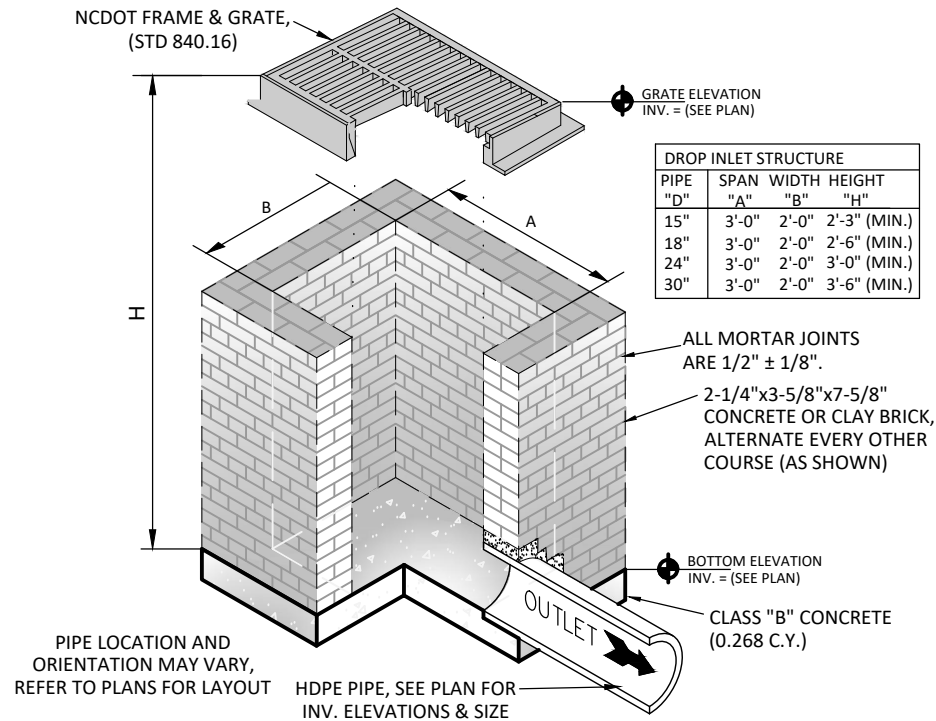


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## STANDARD CATCH BASIN STRUCTURE DETAIL

SCALE: NONE  
ISSUE DATE: 1-29-2019  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**306**



#### DROP INLET NOTES

1. SPECIFICATIONS ATTACHED HEREON REFLECT THOSE AS OUTLINE IN NCDOT STANDARD 840.15, BRICK DROP INLET. AN ALTERNATE PRECAST DROP INLET MAY BE UTILIZED BASED UPON PRIOR APPROVAL BY THE ENGINEER.
2. DROP INLET DESIGN SPECIFICATIONS SHALL CONFORM TO LATEST ASTM C913 SPECIFICATIONS FOR "PRECAST CONCRETE WATER & WASTEWATER STRUCTURES.
3. CONCRETE COMPRESSIVE STRENGTH SHALL BE A MINIMUM OF 4,000PSI.
4. STEEL REINFORCING DESIGN TO CONFORM TO THE REQUIREMENTS OF ASTM C890 SPECIFICATIONS FOR "STRUCTURAL DESIGN LOADING FOR WATER & WASTEWATER STRUCTURES" AND SHALL UTILIZE GRADE 60 RE-BARS CONFORMING TO THE REQUIREMENTS OF ASTM A615 OR WWF CONFORMING TO THE REQUIREMENTS OF ASTM A185 OR BOTH.
5. PROVIDE ADDITIONAL REINFORCING AT OPENINGS AS REQUIRED PER NCDOT REQUIREMENTS.
6. MINIMUM DESIGN SHALL BE H-20-44 LOADING.
7. STEPS SHALL BE REQUIRED ON DROP INLETS OVER 3'-6" IN DEPTH. STEPS SHALL BE STEEL REINFORCED COPOLYMER POLYPROPYLENE PLASTIC AND MEET THE REQUIREMENTS OF ASTM C478. (OR APPROVED EQUAL).
8. TOTAL HEIGHT OF STRUCTURE AS SPECIFIED HEREIN.
9. PIPE PENETRATION TO BE AS SPECIFIED. PIPE TO BE INSTALLED AS PER NCDOT STANDARDS FOR MORTAR JOINT CONNECTIONS.
10. JOINTS TO BE SEALED WITH BUTYL RUBBER JOINT SEALANT CONFORMING TO THE REQUIREMENTS OF ASTM C990, OR MORTAR AS PER NCDOT REQUIREMENTS OR BOTH.
11. IF REINFORCED CONCRETE PIPE IS SET IN BASE SLAB OF BOX, ADD BASE THICKNESS AS PRESCRIBED IN NCDOT STANDARD 840.00
12. ANY DEVIATIONS FROM THE APPROVED PLAN & SPECIFICATIONS SHALL BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.

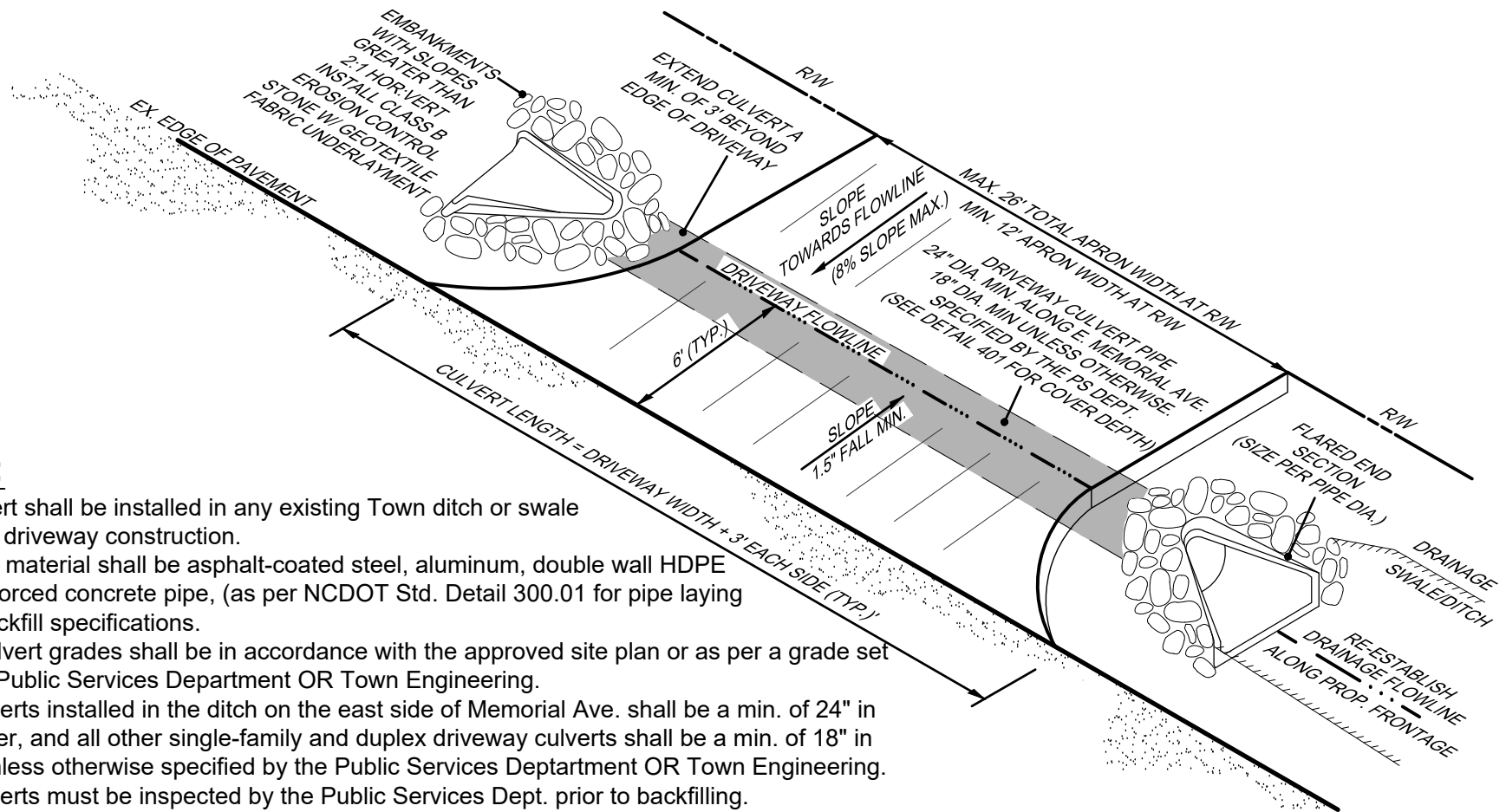


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## STANDARD DROP INLET STRUCTURE DETAIL

SCALE: NONE  
ISSUE DATE: 1-29-2019  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**307**



## NOTES:

1. A culvert shall be installed in any existing Town ditch or swale prior to driveway construction.
2. Culvert material shall be asphalt-coated steel, aluminum, double wall HDPE or reinforced concrete pipe, (as per NCDOT Std. Detail 300.01 for pipe laying and backfill specifications).
3. The culvert grades shall be in accordance with the approved site plan or as per a grade set by the Public Services Department OR Town Engineering.
4. All culverts installed in the ditch on the east side of Memorial Ave. shall be a min. of 24" in diameter, and all other single-family and duplex driveway culverts shall be a min. of 18" in dia., unless otherwise specified by the Public Services Department OR Town Engineering.
5. All culverts must be inspected by the Public Services Dept. prior to backfilling.
6. Endwalls are required on each end of all culverts installed in the ditch on the east side of Memorial Ave. and at the ends of other culverts as determined by the Public Works Director or their designee. Endwalls shall be constructed in accordance with NCDOT Std Detail 838.01.
7. Special conditions may warrant exceptions to this detail. Subject to approval by or Public Services Director or their designee.
8. The flared end material type shall match the pipe material type.
9. Culvert pipe inlet/outlet embankments resulting in a slope greater than 3:1 hor./vert. shall provide Class B erosion control stone, or approved equivalent, with a woven geotextile fabric underlayment installed on compacted a compacted soil base.



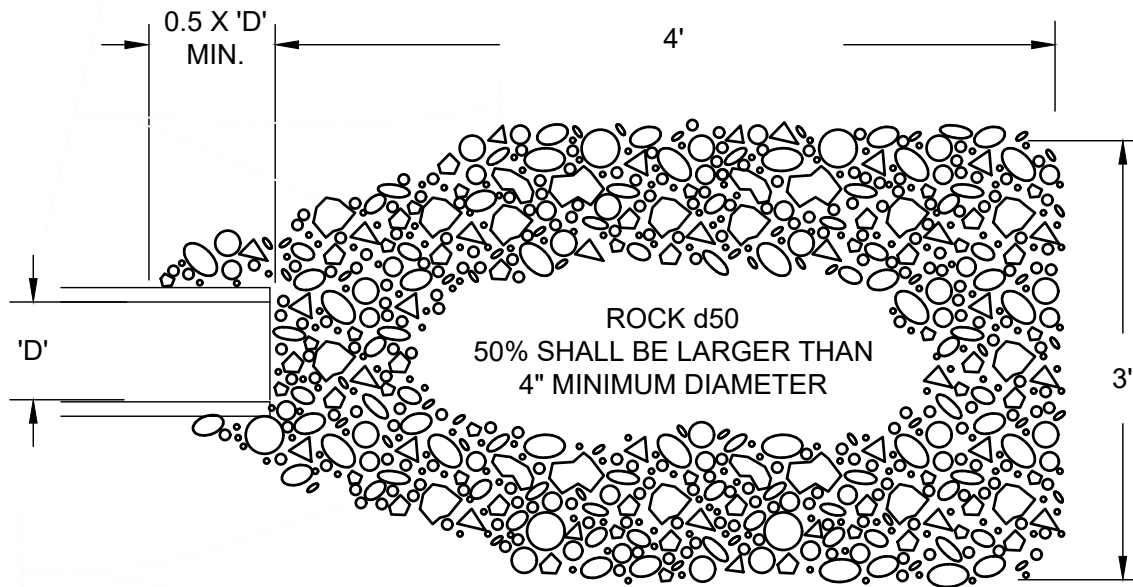
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## TYPICAL RESIDENTIAL DRIVEWAY CULVERT PIPE DETAIL

SCALE: NONE  
ISSUE DATE: 7-9-2015  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

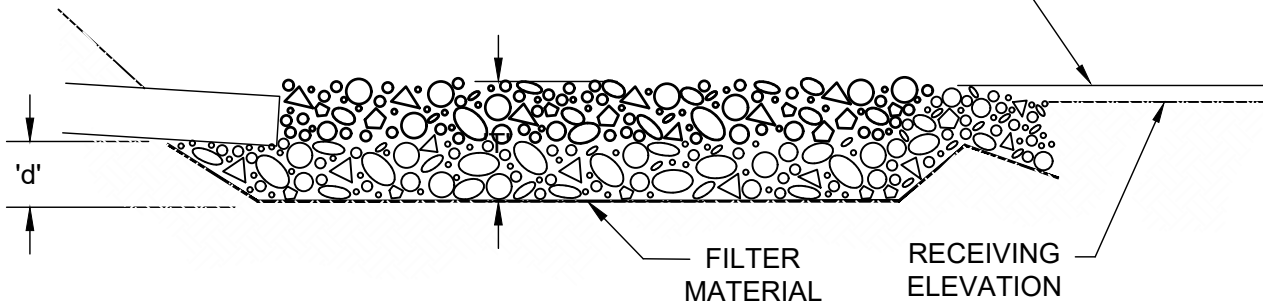
DETAIL NO.:  
400





PLAN

OVERFALL  
ELEVATION



SECTION

## NOTES:

1. 'La' = length of apron. Distance 'La' shall be sufficient length to dissipate velocity
2. Filter material shall be a woven geotextile filter fabric underlayment or 6" thick minimum washed aggregate layers, installed on a compacted soil base, per a grade set by the Public Services Department or their designee.
3. Special conditions may warrant exceptions to this detail. Subject to approval by Public Services Director or their designee.
4. Average apron thickness shall be 12 inches.
5. The typical apron geometry shall be 3' wide by 4' long.

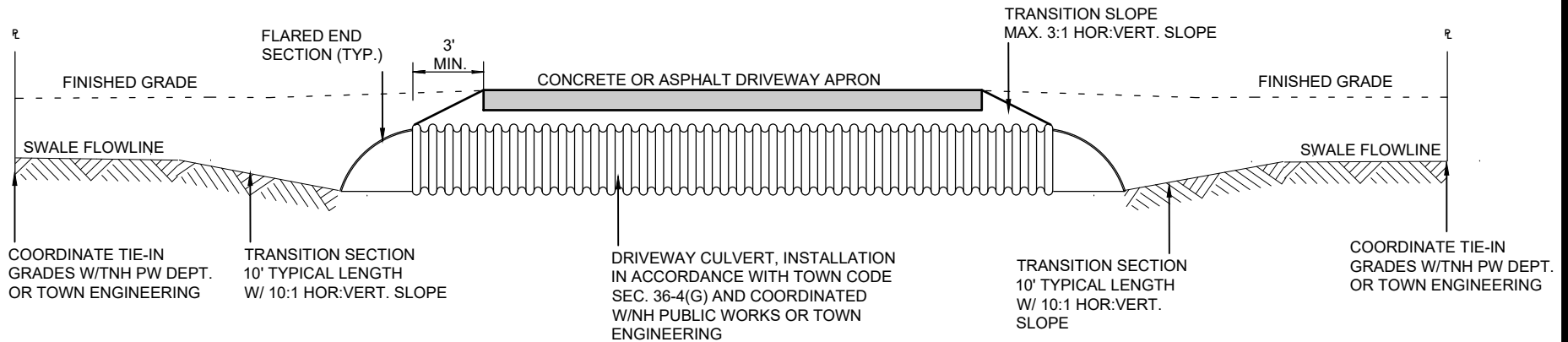


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## TYPICAL OUTLET PROTECTION/ ENERGY DISSIPATION DETAIL

SCALE: NONE  
ISSUE DATE: 3-9-2016  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

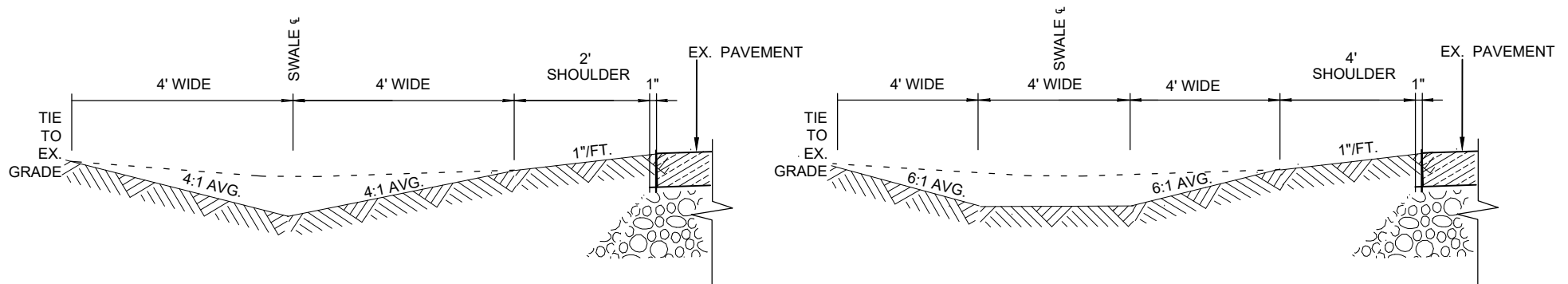
DETAIL NO.:  
**401**



## DRIVEWAY APRON W/CULVERT AND SWALE RESTORATION DETAIL

NOT TO SCALE (PROFILE VIEW)

SWALE SECTION SHALL BE INSTALLED PER THE APPLICABLE RIGHT-OF-WAY DRAINAGE SWALE DETAIL SHOWN HEREON  
DRIVEWAY CULVERT AND SWALE RESTORATION ARE IN ACCORDANCE WITH TOWN CODE SEC. 36-4



## 40'-50' RIGHT-OF-WAY DRAINAGE SWALE

NOT TO SCALE (SECTION VIEW)

SWALE SECTION IS IN ACCORDANCE WITH STREET SPECIFICATIONS IN TOWN CODE SEC. 36-4

## 60' AND 70' RIGHT-OF-WAY DRAINAGE SWALE

NOT TO SCALE (SECTION VIEW)

SWALE SECTION IS IN ACCORDANCE WITH STREET SPECIFICATIONS IN TOWN CODE SEC. 36-4

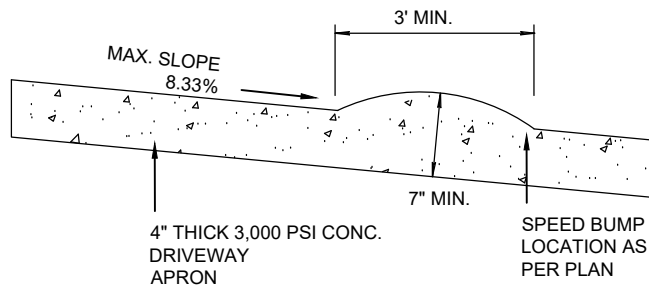


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## TYPICAL DRIVEWAY CULVERT PIPE INSTALLATION AND SWALE RESTORATION DETAILS

SCALE: NONE  
ISSUE DATE: 3-9-2016  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:  
**402**

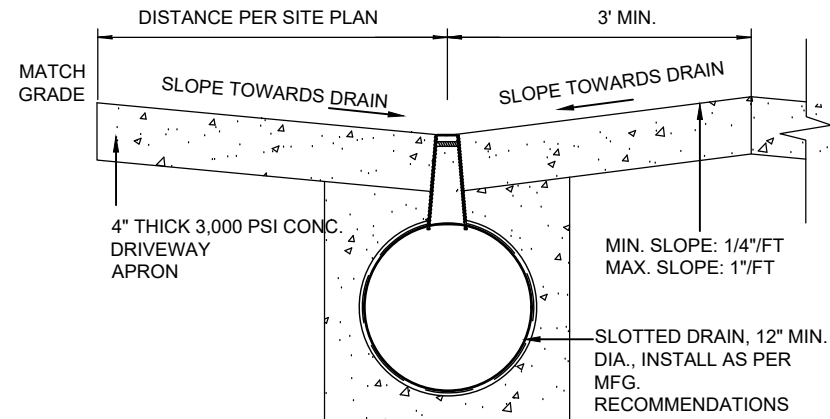


## "SPEED BUMP" INSTALLATION DETAIL

NOT TO SCALE PERMANENT MEASURE (AS DENOTED ON PLANS)  
 DETAIL IS IN ACCORDANCE WITH PROVISIONS OF TOWN CODE SEC. 36-4, 34-5 & 34-6  
 THIS DETAIL IS INTENDED TO PROVIDE MIN. DIMENSIONS FOR THE INSTALLATION OF  
 A "SPEED BUMP" TO MEET THE CODE REQUIREMENTS AS NOTED ABOVE

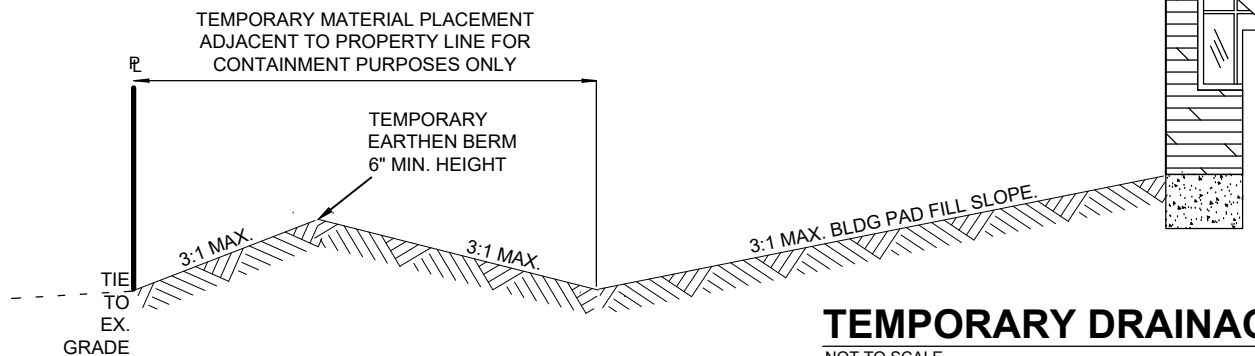
### PERMANANET DRAINAGE MEASURES NOTES:

SHALL BE REQUIRED FOR DRIVEWAY APPLICATIONS SLOPED TOWARDS OR ARE ELEVATED ABOVE  
 THE NEAREST EDGE OF STREET PAVEMENT. THIS REQUIREMENT SHALL NOT BE APPLIED FOR  
 LEVEL DRIVEWAYS OR DRIVEWAYS SLOPED AWAY FROM OR ARE BELOW THE EDGE OF STREET  
 PAVEMENT ELEVATION. ALTERNATIVE MEASURES THAT DEVIATE FROM THE PERMANENT DETAILS  
 NOTED ABOVE SHALL BE CONSIDERED ON A CASE BY CASE BASIS.



## SLOTTED DRAIN INSTALLATION DETAIL

NOT TO SCALE PERMANENT MEASURE (AS DENOTED ON PLANS)



## TEMPORARY DRAINAGE MEASURES DETAIL

NOT TO SCALE  
 DETAIL IS IN ACCORDANCE WITH PROVISIONS OF TOWN CODE SEC. 34-5 & 34-6  
 TEMPORARY BERM CONSTRUCTION SHALL OCCUR IN CONJUNCTION WITH BUILDING PAD FILL PLACEMENT  
 AN ALTERNATE TO THIS INSTALLATION IS TO CONSTRUCT PERMANENT STORMWATER MEASURES IN  
 CONJUNCTION WITH BUILDING PAD FILL PLACEMENT



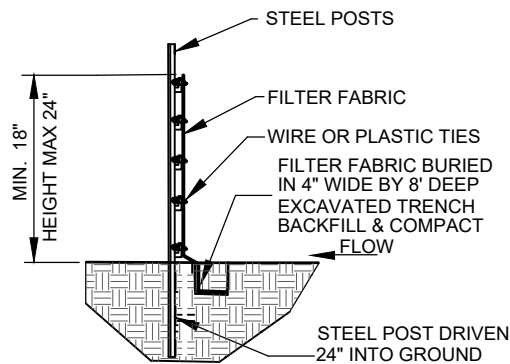
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## TYPICAL PERMANENT AND TEMPORARY STORMWATER CONTROL MEASURE DETAILS

SCALE: NONE  
 ISSUE DATE: 12-12-2017  
 REVISION DATE: 7-22-2026  
 SHEET NO: 1 OF 1  
 DRAWN BY: DMR

DETAIL NO.:  
**403**





CROSS SECTION VIEW

MAXIMUM STAKE SPACING 6 FT. ON CENTER FOR EXTRA STRENGTH FABRIC WITHOUT WIRE FENCE & 8' MAXIMUM SPACING FOR STANDARD STRENGTH FABRIC W/WIRE FENCE

DIRECTION OF FLOW

18"-24"

8" MIN

GEOTEXTILE FILTER FABRIC EMBEDDED MINIMUM OF 8" INTO GROUND AND 4" FORWARD ALONG TRENCH

#### MAINTENANCE:

1. INSPECT ALL MEASURES AT LEAST WEEKLY AND AFTER EACH RAINFALL OF 1.0 INCH OR GREATER. MAKE REPAIRS IMMEDIATELY.
2. SHOULD THE FENCE COLLAPSE, TEAR OR BECOME INEFFECTIVE, REPLACE PROMPTLY.
3. REMOVE SEDIMENT DEPOSITS AS NECESSARY TO PROVIDE ADEQUATE STORAGE VOLUME.
4. REMOVE ALL FENCING MATERIALS, AND SEDIMENT DEPOSITS, BRING TO GRADE AND STABILIZE THE SURROUNDING AREA.

SECURE FABRIC TO POSTS W/ PLASTIC OR WIRE TIES

STEEL POST W/ 24" MINIMUM EMBEDMENT (TYP.)

FINISHED GRADE

#### NOTES:

1. CONSTRUCT THE FENCE OF STANDARD STRENGTH OR EXTRA STRENGTH SYNTHETIC FILTER FABRICS.
2. ENSURE THE HEIGHT OF THE FENCE DOES NOT EXCEED 24 INCHES.
3. WHERE POSSIBLE, SILT FENCE SHALL BE PLACED ON THE FLATTEST AREA AVAILABLE.
4. CONSTRUCT THE FILTER FABRIC FROM A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID JOINTS. WHEN JOINTS ARE NECESSARY, SECURELY FASTEN THE FILTER CLOTH ONLY AT A SUPPORT POST WITH 4 FEET MINIMUM OVERLAP TO THE NEXT POST.
5. SUPPORT STANDARD STRENGTH FILTER FABRIC BY WIRE MESH FASTENED SECURELY TO THE UPSLOPE SIDE OF THE POSTS. EXTEND THE WIRE MESH SUPPORT TO THE BOTTOM OF THE TRENCH. FASTEN THE WIRE REINFORCEMENT, THEN FABRIC ON THE UPSLOPE SIDE OF THE FENCE POST. WIRE OR PLASTIC ZIP TIES SHOULD HAVE A MINIMUM 50 POUND TENSILE STRENGTH.
6. WHEN A WIRE MESH SUPPORT FENCE IS USED, SPACE POSTS A MAXIMUM OF 8 FEET APART. SUPPORTS SHOULD BE DRIVEN SECURELY INTO THE GROUND A MINIMUM OF 24 INCHES. WIRE MESH SHOULD BE A MINIMUM 14-GAUGE WITH 6-INCH MESH SPACING.
7. EXTRA STRENGTH FILTER FABRIC WITH 6 FOOT POST SPACING DOES NOT REQUIRE A WIRE MESH SUPPORT. SECURELY FASTEN THE FILTER FABRIC DIRECTLY TO THE POSTS. WIRE OR PLASTIC ZIP TIES SHOULD HAVE A MINIMUM OF 50 POUNDS TENSILE STRENGTH.
8. EXCAVATE THE TRENCH APPROXIMATELY 4 INCHES WIDE BY 8 INCHES DEEP ALONG THE PROPOSED LINE OF THE POSTS AND UPSLOPE FROM THE FENCE.
9. PLACE 12 INCHES OF FABRIC ALONG THE BOTTOM AND SIDE OF THE TRENCH.
10. BACKFILL THE TRENCH WITH SOIL PLACED OVER THE FILTER FABRIC AND COMPACT. THOROUGH COMPACTION OF THE BACKFILL IS CRITICAL FOR PERFORMANCE.
11. DO NOT ATTACH THE FENCE TO EXISTING TREES.
12. DO NOT PLACE ACROSS DITCHES, STREAMS, OR ANY OTHER AREAS OF CONCENTRATED FLOWS.
13. THE MANUFACTURER SPECIFICATION REQUIREMENTS: MINIMUM TENSILE STRENGTH - 120 LBS.; MAXIMUM ELONGATION AT 60 LBS - 50%; MINIMUM PUNCTURE STRENGTH - 50 LBS.; MINIMUM TEAR STRENGTH - 40 LBS.; MINIMUM BURST STRENGTH - 200 PSI., APPARENT OPENING SIZE  $\leq$  .84MM.; MINIMUM PERMITTIVITY 1X10-2SEC-1; ULTRAVIOLET EXPOSURE STRENGTH RETENTION - 70%.



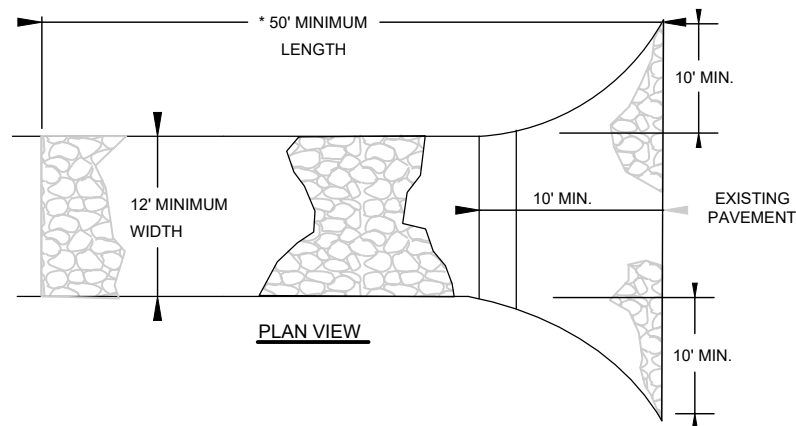
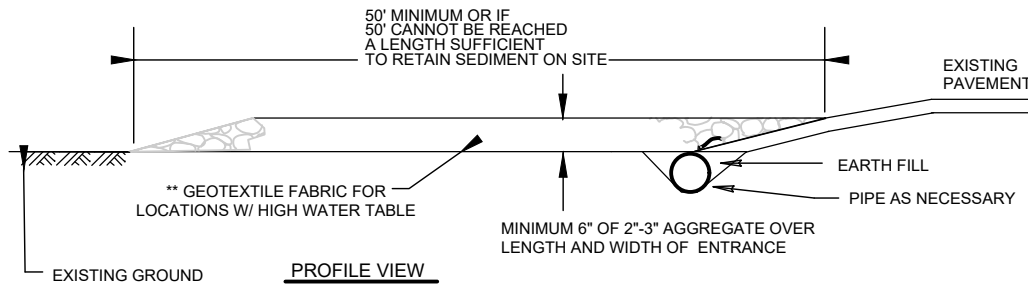
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## TYPICAL RESIDENTIAL SILT FENCE INSTALLATION DETAIL

SCALE: NONE  
ISSUE DATE: 3-18-2018  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:

404



#### NOTES:

1. CLEAR THE ENTRANCE AND EXIT AREA OF ALL VEGETATION, ROOTS, AND OTHER OBJECTIONABLE MATERIAL AND PROPERLY GRADE IT.
2. PLACE THE STONE OR OTHER STABILIZING MATERIAL TO THE SPECIFIC GRADE AND DIMENSIONS SHOWN ON THE PLANS AND SMOOTH IT.
3. PROVIDE DRAINAGE DRAINAGE FROM CONSTRUCTION AREA TO CARRY RUNOFF TO A SEDIMENT TRAP OR OTHER SUITABLE COLLECTION AREA.
4. DIVERT CONSTRUCTION SITE RUNOFF AWAY FROM THE CONSTRUCTION ENTRANCE AREA TO NEARBY EROSION AND SEDIMENT CONTROL MEASURES. DO NOT ALLOW CONSTRUCTION SITES TO OUTLET RUNOFF THROUGH ENTRANCES/EXITS.
5. WHEN APPROPRIATE TO DO SO, USE GEOTEXTILE FABRICS UNDERNEATH CONSTRUCTION ENTRANCE MATERIAL TO IMPROVE STABILITY OF THE FOUNDATION, EXPECIALLY IN LOCATIONS SUBJECT TO SEEPAGE OR HIGH WATER TABLE.

#### MAINTENANCE:

1. INSPECT ALL MEASURES AT LEAST WEEKLY AND AFTER EACH RAINFALL OF 1.0 INCH OR GREATER. MAKE REPAIRS IMMEDIATELY.
2. MAINTAIN THE STONE PAD IN A CONDITION TO PREVENT MUD OR SEDIMENT FROM LEAVING THE CONSTRUCTION SITE. THIS MAY REQUIRE PERIODIC TOPDRESSING WITH 2-INCH STONE.
3. SEDIMENT ON ROADWAYS IS TO BE REMOVED IMMEDIATELY BY BROOM AND SHOVEL, EITHER BY MANUAL OR MECHANICAL MEANS, AND NOT WASHED OFF WHERE IT HAS THE POTENTIAL TO ENTER A STREAM, DRAINAGE WAY OR STORM SYSTEM.



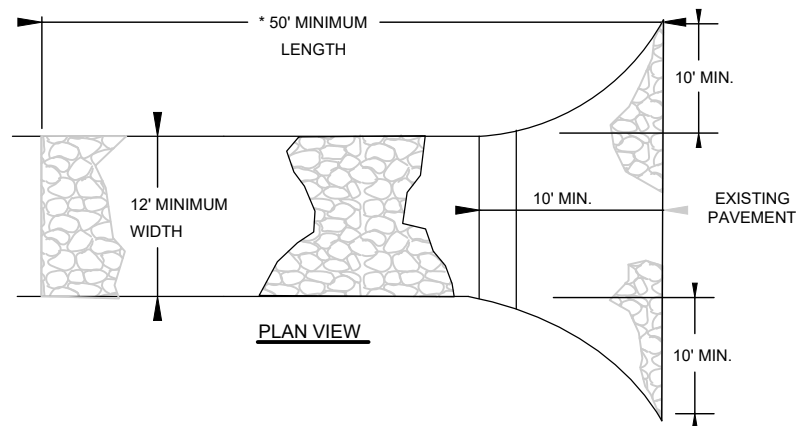
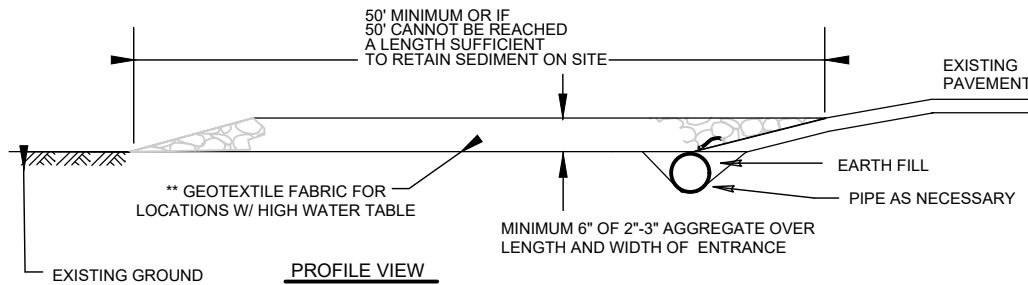
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## TYPICAL RESIDENTIAL CONSTRUCTION ENTRANCE/EXIT DETAIL

SCALE: NONE  
ISSUE DATE: 3-18-2018  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:

405



#### NOTES:

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2. PLACE THE STONE OR OTHER STABILIZING MATERIAL TO THE SPECIFIC GRADE AND DIMENSIONS SHOWN ON THE PLANS AND SMOOTH IT.
3. PROVIDE DRAINAGE DRAINAGE FROM CONSTRUCTION AREA TO CARRY RUNOFF TO A SEDIMENT TRAP OR OTHER SUITABLE COLLECTION AREA.
4. DIVERT CONSTRUCTION SITE RUNOFF AWAY FROM THE CONSTRUCTION ENTRANCE AREA TO NEARBY EROSION AND SEDIMENT CONTROL MEASURES. DO NOT ALLOW CONSTRUCTION SITES TO OUTLET RUNOFF THROUGH ENTRANCES/EXITS.
5. WHEN APPROPRIATE TO DO SO, USE GEOTEXTILE FABRICS UNDERNEATH CONSTRUCTION ENTRANCE MATERIAL TO IMPROVE STABILITY OF THE FOUNDATION, EXPECIALLY IN LOCATIONS SUBJECT TO SEEPAGE OR HIGH WATER TABLE.

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3. SEDIMENT ON ROADWAYS IS TO BE REMOVED IMMEDIATELY BY BROOM AND SHOVEL, EITHER BY MANUAL OR MECHANICAL MEANS, AND NOT WASHED OFF WHERE IT HAS THE POTENTIAL TO ENTER A STREAM, DRAINAGE WAY OR STORM SYSTEM.



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## TYPICAL RESIDENTIAL CONSTRUCTION ENTRANCE/EXIT DETAIL

SCALE: NONE  
ISSUE DATE: 3-18-2018  
REVISION DATE: 7-22-2026  
SHEET NO: 1 OF 1  
DRAWN BY: DMR

DETAIL NO.:

405



# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## AGENDA ITEM F.1.

Public Hearing to Consider a Text Amendment Application Submitted by Ms. Suzanne Baer on behalf of BIPA, LLC to Amend Section 7.32 of the Unified Development Ordinance to Allow Water Dependent Recreational Uses as a Permissible Use within Commercial Mixed-Use Developments, including Shopping Centers, Located within the Commercial Outdoor Recreation Overlay District

### Prepared by

Kelly Wyatt, Planning Director

### Reviewed by

Kelly Wyatt  
Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

#### **STAFF RECOMMENDATION**

While staff recognizes concerns related to parking availability, circulation, equipment storage, fueling operations, compatibility with adjacent tenants, and overall site functionality, these concerns are largely site-specific and are more appropriately evaluated through the Special Use Permit and Site Plan Review process. Accordingly, staff recommends adoption of the proposed amendment as presented.

Staff further notes that approval of the text amendment should not be interpreted as support for any specific site or future Special Use Permit application. Any future proposal must independently demonstrate compliance with all applicable ordinance requirements and review standards and must establish that the use can be accommodated without adversely affecting parking, circulation, adjacent tenants, or the overall functionality of the development in which it is proposed.

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 its June 16, 2026 meeting, the Planning Board voted unanimously to recommend approval of the proposed text amendment as presented, finding that any concerns related to parking, circulation, equipment storage, fueling operations, and compatibility with adjacent tenants are site-specific and can be appropriately addressed through future Special Use Permit and Site Plan Review.

### Specific Action Requested

Conduct the Public Hearing and consider adoption of the proposed text amendment to Section 7.32 of the UDO.

### Summary

Suzanne Baer, on behalf of BIPA, LLC, has submitted the attached request to amend Section 7.32 of the Unified Development Ordinance (UDO) to allow Water-Dependent Recreational Uses as a permissible use within Commercial Mixed-Use Developments, including Shopping Centers, located within the Commercial Outdoor Recreational Overlay District (CORD).

The request originated from discussions regarding the property located at 7531 S. Virginia Dare Trail (Caribbean Corners). While text amendments are legislative in nature and are not site-specific, staff notes that the request is being made on behalf of a soundfront commercial property located within the C-2 General Commercial District and Commercial Outdoor Recreational Overlay District. The property is developed as a Shopping Center, which is classified by the UDO as a Commercial Mixed-Use Development.

Section 6.6, Table of Uses and Activities, allows Water-Dependent Recreational Uses within the Commercial Outdoor Recreational Overlay District through the Special Use Permit process. However, Water-Dependent Recreational Uses are not currently listed as a permitted use within Commercial Mixed-Use Developments under Section 7.32 (attached).

The proposed amendment would not:

- Increase the number of permitted commercial water recreation vendors within the Town, which is seven;
- Increase the number of personal watercraft permitted per vendor, which is eight;
- Expand the geographic extent of the Commercial Outdoor Recreational Overlay District; or
- Otherwise alter the carrying-capacity limitations established through prior Town studies and ordinance amendments.

Rather, the amendment would allow the water-dependent recreational use to be considered within an additional development type, specifically Commercial Mixed-Use Developments and Shopping Centers.

The Town has a long history of studying commercial water recreation activities and carefully evaluating their impacts on Roanoke Sound and its users. In 1998, the Town began experiencing increasing concerns regarding Personal Watercraft (PWC) rental operations, including user conflicts, safety concerns, congestion, potential environmental impacts, and the overall recreational experience on Roanoke Sound. In response, the Board of Commissioners adopted a moratorium on the expansion of PWC (jet ski) rental operations while a comprehensive carrying capacity study was completed. The study, as well as excerpts of pertinent minutes of the Board of Commissioners are included for the Board of Commissioners's review and consideration. A take away, is that the Town was not looking to prohibit the use of personal watercraft, but to determine how much recreational activity the sound could reasonably accommodate before user conflicts, safety concerns, and overall recreational quality began to decline.

The Town retained PMA-Planners, led by consultant Jack Stodghill, who developed and administered a detailed survey to multiple user groups of Town recreational facilities, including personal watercraft users, power boat users, non-powered watercraft users, and shoreline users such as swimmers, anglers, and crabbers.

During the summer of 1998, consultants conducted 317 interviews at twelve locations along the Nags Head shoreline of Roanoke Sound, generally extending from Jockey's Ridge State Park south to approximately one mile south of the Causeway. The goal was to better understand how people were using the sound, whether conflicts existed between user groups, and whether the resource was approaching a point where additional recreational activity could create concerns and cause measurable impacts to the natural resource itself.

The study concluded that users were generally satisfied with their recreational experiences, that the sound was not experiencing widespread degradation or unacceptable congestion, and that existing management measures appeared to be functioning effectively.

At the time, seven commercial rental operations were already in existence. Since the study found that users were generally satisfied and the sound did not appear to be experiencing significant congestion or conflict, the consultant recommended maintaining the existing number of sites rather than allowing additional operators. The study also found that eight personal watercraft per site appeared acceptable north of the Causeway. The report noted that the available water area south of the Causeway was more limited and that user conflicts could be greater in that area. Although the report discussed possible additional restrictions south of the Causeway, no formal recommendation

was made and the Board of Commissioners did not adopt regulations specific to that portion of the sound. Section 7.63 of the UDO, Watercraft Rental, is attached for review.

One of the study's principal findings was that the primary concern was not environmental degradation of the sound itself, but the increasing potential for conflicts among users sharing a limited recreational resource. Many of the consultant's recommendations therefore focused on managing activity to maintain safety and recreational quality. The resulting ordinance amendments were the product of a year-long planning effort that included public input, user surveys, consultant analysis, and extensive discussion regarding how best to balance recreational opportunities, user safety, and long-term management of a finite public resource.

Existing commercial water recreation operators currently located within Nags Head include:

- 7665 S. Virginia Dare Trail - Fishing Unlimited
- 7649 S. Virginia Dare Trail - Causeway Watersports
- 7612 S. Virginia Dare Trail - Nags Head Watersports
- 7517 S. Virginia Dare Trail - Kitty Hawk Kites (Whalebone)
- 6920 S. Croatan Highway - Outer Banks Adventures and Watersports
- 6714 S. Croatan Highway - First Flight Adventure Park and PWC Rentals (status uncertain)

Staff notes that recreational activity on Roanoke Sound differs today from what existed when the study was completed in 1999. Additional activities now include delivery-based rental services, privately owned watercraft utilized by visitors, and transient docking facilities approved since completion of the study. In 2019, Miller's Waterfront Restaurant was approved to construct four transient boat slips, and Tale of the Whale Restaurant was also approved to construct four transient boat slips. While not commercial water recreation operators, these facilities contribute to additional recreational activity within the sound.

Commercial water recreation businesses today also frequently offer a broader range of services than those evaluated during the original study, including pontoon rentals, kayak rentals, stand-up paddle board rentals, parasailing operations, kiteboarding, dolphin tours, and other recreational activities. As a result, while the number of operators has remained relatively consistent, the variety and intensity of recreational activities occurring on Roanoke Sound has arguably increased.

While the 1999 Recreational Water Use Carrying Capacity Study is relevant, the requested amendment would not increase the number of water recreation operators, increase the number of personal watercraft allowed, or expand the Commercial Outdoor Recreational Overlay District. This request asks whether an existing permitted use should also be allowed within Commercial Mixed-Use Developments, including Shopping Centers. As a result, the discussion shifts somewhat from questions about carrying capacity and the overall amount of activity occurring on the sound to how the use would function within a mixed-use development and whether parking, circulation, equipment storage, fueling, and compatibility with adjacent tenants can be adequately addressed.

The principal site-design and land-use compatibility considerations include:

- Equipment storage and staging areas;
- Docking facilities and associated infrastructure;
- Parking demand and availability;
- Internal traffic circulation and pedestrian safety;
- Fueling operations and spill prevention;
- Stormwater management;
- Compatibility with adjacent tenants; and
- Overall functionality of the development.

Unlike stand-alone waterfront recreational facilities, Commercial Mixed-Use Developments are generally designed around retail storefronts, restaurants, offices, personal services, and shared customer parking. Questions regarding where equipment would be stored, where customers would assemble, how parking would be accommodated, and how operational activities would function within a mixed-use environment are legitimate planning considerations.



At the same time, staff recognizes potential benefits associated with the amendment, including greater flexibility in land-use arrangements, utilization of shared infrastructure, concentration of commercial activity within existing commercial developments, and customer convenience.

Many of the concerns identified by staff are inherently site-specific and cannot be fully evaluated through a legislative text amendment. If the amendment is approved, future proposals would remain subject to the Special Use Permit and Site Plan Review processes, where detailed information regarding parking, circulation, operational characteristics, equipment storage, fueling operations, and site functionality would be available for review.

### **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 includes commercial development that serves residents and visitors while respecting community goals related to design and appearance, and land uses that are compatible with the community and adjacent properties and do not create excessive noise, light, unsafe conditions, or other nuisances.

LU-7 - Review regulations in the Ocean and Sound Waters Overlay District and the Commercial Outdoor Recreation Overlay District to ensure proper use of ocean and sound waters, including islands adjoining the Town, and the continued scenic, conservation, and recreational value these waters provide.

LU-7a - Review regulations for commercial boating and personal watercraft to maintain compatibility with adjacent uses and the estuarine environment.

LU-8 — Ensure proposals for future commercial uses in the sound are not detrimental to the marsh, sound bottom, and submerged aquatic vegetation. Compatible sound uses will not increase turbidity and will maintain overall water quality.

### **Attachments**

---

1. 8 F1 PH Water Dependent Rec Uses ord
2. 8 F1 PH Water Dependent Rec Uses soc
3. 8 F1 PH Water Dependent Rec Uses references



**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF  
THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO  
ALLOWING WATER DEPENDENT RECREATIONAL USES WITHIN COMMERCIAL MIXED-  
USE DEVELOPMENTS, INCLUDING SHOPPING CENTERS.**

**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**, Suzanne Baer, on behalf of BIPA, LLC has requested that Section 7.32 of the Unified Development Ordinance be amended to include "Water Dependent Recreational Uses" as a permissible use within Commercial Mixed-Use Developments located within the Commercial Outdoor Recreation Overlay District.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis ("...") shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of the Unified Development Ordinance.**

PART I. That **Section 7.32, Commercial Mixed Use, General Provisions**, shall be amended as follows:

**Section 7.32 - General Provisions.**

The following provisions related to Commercial Mixed-Use apply to any of the following uses from the table in [Section 6.6](#): Commercial with Accessory Residential, Group Development, Mixed-Use Development, Multiple Principal Uses, and Shopping Centers. In any Commercial Mixed-Use development, uses are limited to the categories and uses listed below. Please note that if a use is listed below however it is not permitted within the zoning district in the table in Section 6.6, it shall not be permitted as part of a Commercial Mixed-Use development within that zoning district.

**7.32.8. Recreation**

- **Water Dependent Recreational Uses, including Watercraft Rental, Non-Powered/Powered.**

PART II. All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town



Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

PART III. 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 5th day of August 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.

UNIFIED DEVELOPMENT ORDINANCE TEXT/  
ZONING MAP AMENDMENT APPLICATION  
TOWN OF NAGS HEAD, NORTH CAROLINA

Applicant BIPA, LLC

Mailing address 200 Golden Oak Ct, Virginia Beach, VA 23452

Explanation of request

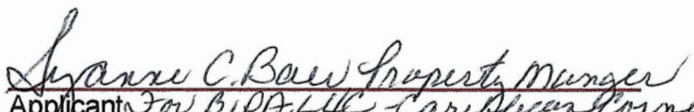
- ☒ Unified Development Ordinance (UDO) - Section(s) 7.32  
Attach amendment in ordinance form.
- ☒ Zoning Map  
Attach copy of current Zoning Map with affected property outlined in red.  
Attach names and mailing addresses of the property owners of all parcels of land  
abutting the parcel in question.

Nature of request

The Caribbean Corners is currently developed and operated as a multi-tenant Shopping Center with a mix of restaurants retail, and service-oriented uses. While historically categorized under a "Shopping Center" use, the property functions in practice as a destination-oriented, mixed use waterfront environment, with pedestrian activity and a diverse tenant base. Due to its sound front location and existing boardwalk and dock access, the property possesses unique waterfront characteristics that support both the existing Shopping Center classification and the addition of Water Dependent Recreational Uses as a compatible permitted use. The proposed use is consistent with the surrounding coastal and recreational commercial activity found along the Nags Head Causeway and is an appropriate adaptive use of the site's existing waterfront features. Contingent upon approval of the text amendment, the applicant intends to operate limited water-dependent recreational uses as an accessory component to the existing commercial center. All operations subject to local, state, and federal regulations, and applicant prepared to work with the Town staff to ensure compliance with parking, environmental and Operational standards. Subject to a Special Use Permit approval.

Reason for request

The approval of the text amendment would allow the use of independent watercraft activities and may include, but are not limited to: Jet ski rentals, Boat Rental, Dolphin Tour Boat, (6 passenger), Kayak and paddleboard rental, Parasailing operations, Charter and excursion services, Ticket sales and reservation services, Associated retail sales of watersports-related merchandise and equipment. The text amendment is intended to Support tourism-based economic activity. Encourage adaptive reuse and occupancy of existing commercial spaces. Clarify permitted commercial recreational uses and recognize watersports-related businesses as long-standing visitor-serving commercial activities consistent with the Town's coastal economy and land use objectives. The requested text amendment is reasonable and in the public interest and is consistent with the Town's adopted land use policies supporting tourism, recreation, and coastal commercial activity. We respectfully submit this UDO Text Zoning Map Amendment Application.

  
Applicant Suzanne C. Baer Property Manager  
5/13/2020  
Date

---

## **Section 7.32 General Provisions.**

The following provisions related to Commercial Mixed-Use apply to any of the following uses from the table in Section 6.6: Commercial with Accessory Residential, Group Development, Mixed-Use Development, Multiple Principal Uses, and Shopping Centers. In any Commercial Mixed-Use development, uses are limited to the categories and uses listed below. Please note that if a use is listed below however it is not permitted within the zoning district in the table in Section 6.6, it shall not be permitted as part of a Commercial Mixed-Use development within that zoning district.

### **7.32.1. Residential.**

- Cottage Courts.
- Dwelling, Single-Family.
- Dwelling, Two Family.
- Dwelling, Multi-Family.
- Home Occupations.

### **7.32.2. Retail.**

- Art Gallery.
- Art Gallery - Owner Occupied.
- Beach Recreation Equipment Rental/Sales.
- Bicycle Shop (repair, retail, rental).
- Convenience Store.
- Food/Grocery Store.
- Furniture Store.
- General Retail, including clothing, gifts, candy, toys, shoes, jewelry, notions, beach equipment, bakery, antiques, hobby goods, magazines/comics, crafts, dry goods, gifts, musical instruments, bookstores, sporting goods (and the incidental manufacturing, repair, or service of goods on the premises).
- Hardware Store.
- Pet Shop/Dog Grooming.
- Pharmacy.

### **7.32.3. Service.**

- Personal Service.
  - Group Fitness - Aerobics/Dance/Karate/Yoga.
  - Hair Salon.
  - Indoor Fitness/Gymnasium.
  - Massage Therapy Center.
  - Metaphysical Wellness Services.
  - Spa.
- Food Service

- 
- ☐ Coffee Shop/Juice Bar.
  - ☐ Ice Cream Shop
  - ☐ Microbreweries
  - ☐ Restaurant, Neighborhood
  - ☐ Restaurant, Sit Down
  - ☐ Restaurant, Take Out

**7.32.4. Office.**

- Building Contractor's Office
- Professional Office, including General Business, Financial, Real Estate Sales, Insurance, Attorney, Accountant, Mortgage

**7.32.5. Institutional.**

- Governmental Administrative Office.
- Libraries.
- Religious Complexes

**7.32.6. Medical.**

- Medical Offices.

**7.32.7. Accessory Uses.**

- Outdoor Stands - Accessory to Shopping Centers and Group Development.

(Ord. No. 20-09-015, Art. III, Pt. I, 9-2-2020; Ord. No. 21-04-005, Art. III, Pt. I, 4-7-2021; Ord. No. 21-06-012, Art. III, Pt. VIII(Att. H), 6-2-2021; Ord. No. 23-03-009, Art. III, Pt. VIII, 3-15-2023)

---

## **Section 7.63 Watercraft Rental, Non-Powered/Powered.**

Watercraft rental, non-powered/powered, are permitted in accordance with Section 6.6, Table of Uses and Activities, subject to the following regulations:

### ***7.63.1. Non-powered and Wind Driven Boat Rental.***

Non-powered and wind-driven boat rentals including: canoes, kayaks, sailboats, windsurfer boards, kite boards, paddle boards, and other nonpowered and/or wind-driven watercraft, are permitted in accordance with Section 6.6, Table of Use and Activities, subject to other requirements of this UDO and provided that the following conditions are met: the use shall be entirely within the commercial-outdoor recreational uses overlay district.

### ***7.63.2. Small Fishing Skiff Rental Establishments.***

Small fishing skiff rental establishments, are permitted in accordance with Section 6.6, Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

**7.63.2.1.** The use shall be entirely within the commercial-outdoor recreational uses overlay district.

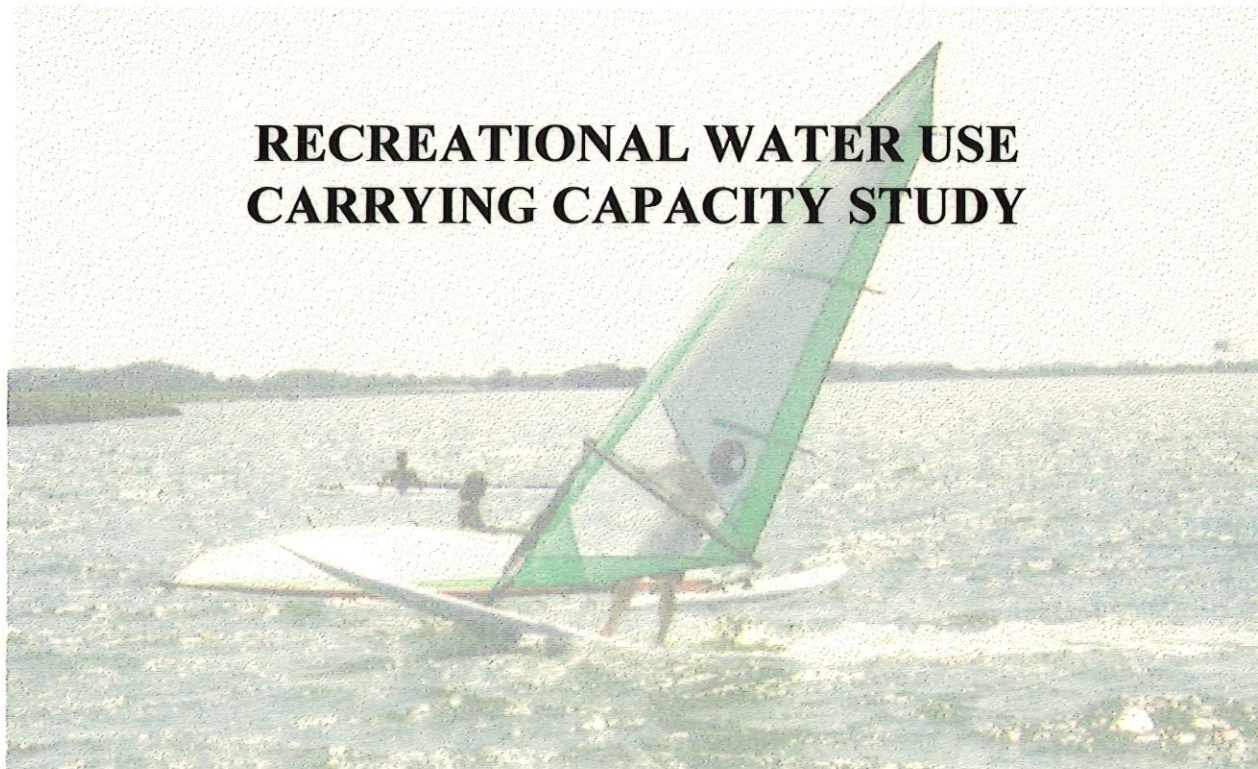
**7.63.2.2.** Small fishing skiff shall utilize either electric or four-cycle engines only, with a maximum horsepower of twenty-five (25) horsepower.

### ***7.63.3. Boat Rental Establishments.***

Each site shall be limited to a maximum of eight (8) authorized personal watercraft rental units per site with a maximum of seven (7) authorized personal watercraft rental sites within Town. No personal watercraft shall be located waterward of the nearest principal or accessory building other than authorized personal watercraft identified for rental use and two personal watercraft that may be available for control, supervision, or rescue purposes per site.



# **RECREATIONAL WATER USE CARRYING CAPACITY STUDY**



**Prepared for the  
TOWN OF NAGS HEAD, NORTH CAROLINA**

**Presented to Board of Commissioners  
April 7, 1999**

**By  
PMA-Planners and Architects,  
Newport News, Virginia**



RECREATIONAL WATER USE  
CARRYING CAPACITY STUDY

Prepared for the  
TOWN OF NAGS HEAD, NORTH CAROLINA

Town Commissioners

|                                 |                     |                    |
|---------------------------------|---------------------|--------------------|
| Robert W. Muller, Mayor Pro Tem | Renée Cahoon, Mayor | R. Brantley Murray |
| George Farah, III               |                     | Douglas A. Remaley |

Town Staff

J. Webb Fuller, Town Manager  
Gary Ferguson, Planning and Development Director  
Bruce Bortz, Planner

Presented to Board of Commissioners

April 7, 1999

Project Consultants

PMA-Planners and Architects,, Newport News, Virginia  
A. Jack Stodghill, AICP, Project Manager

The preparation of this report was financed in part through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resources Management, National Oceanic and Atmospheric Administration.



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## SECTION A. EXECUTIVE SUMMARY

### 1. Introduction

The purpose of this study is to prepare a Recreational Water Use Carrying Capacity Study for the Town of Nags Head, North Carolina. The study was launched after receipt by the Town of a planning grant from the North Carolina Division of Coastal Management during the summer of 1998. Subsequently the Town entered into contract with PMA, Inc., to prepare the study. This report presents the findings of that study.

The project began in August, 1998, with a user survey that focused on water users on the Nags Head side of Roanoke Sound from Jockey's Ridge State Park to about one mile south of the Nags Head-Manteo Causeway. This survey was designed to learn among other things how visitors used the water and how they felt about issues of possible overuse of the water, conflict with other users and water safety. A major part of this survey focused on users of (rented) Personal Watercraft (PWC) which was one of the major concerns of the Board of Commissioners. After completing the user survey the study turned to an analysis of water carrying capacity issues which, for study purposes, were divided into "social capacity" and "resource capacity." The findings of that part of the study led to the identification of issues concerning carrying capacity and to the formulation of optional management strategies for addressing those issues.

In preparing this work PMA used a number of sources of information. The major source for dealing with the social capacity issue came from a field survey of 317 water users which was designed by PMA in coordination with the Town's staff and implemented through one-on-one interviews at 12 different water access points on Roanoke Sound. The full results of that survey are included in the report's Appendix. PMA also received information from a variety of sources during the preparation of this document. Guiding sources included recent studies by the National Transportation Safety Board<sup>1</sup> and the National Water Safety Congress.<sup>2</sup> PMA also received information from interviews with various state and local public agencies. Among these were discussions with officials in Monroe County (Key West), Florida, who recently imposed a ban on PWC within 1,200 feet of the shorelines in certain areas of that County. In addition we downloaded information on personal watercraft from

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<sup>1</sup>NTSB, Safety Study, Personal Watercraft Safety PB98-917002, 1988.

<sup>2</sup>National Water Safety Congress, Inc., A Guide for Multiple Use Waterway Management, 1996.



several Internet sites, including the web site of the Environmental Protection Agency (EPA). Footnotes provide references to specific informational sources at the point where they are used in this report. While this report including the surveys and investigations upon which it is based serves to raise important issues related to the use of Roanoke Sound by watercraft, it is by no means offered as a scientific evaluation of environmental issues that are discussed herein.

## 2. Organization and contents of the report

The material in this report is organized as six sections starting with this Executive Summary (Section A) and concluded with an Appendix. The sections in between cover the following topics. Section B provides a summary of the laws, both state and local, that establish the authority for and operational standards of personal watercraft within the Town of Nags Head. North Carolina General Statute 160A-176.2 enables *"a city to adopt ordinances to regulate and control swimming, personal watercraft, surfing and littering in the Atlantic Ocean and other adjacent waterways."* Subsection "b" of that statute extends this authority to the Town of Nags Head. Details of these statutes, as well as applicable sections of the Nags Head Code adopted pursuant thereto, are given in Section B.

Section C gives an overview of the findings of a recreational water users' survey that was conducted during late August, 1988 with some interviews extending into early September. This section summarizes major observations drawn from that survey during which 317 water users were interviewed at 12 access points to Roanoke Sound within the town limits of Nags Head. The question-by-question results of this survey may be examined in the Appendix.

The primary objective of this overall study was to examine the carrying capacity of the Roanoke Sound waters within the regulatory jurisdiction of Nags Head. This was done through an approach that evaluated the "social capacity" and "resource capacity" of the Sound waters. According to the National Water Safety Congress (NWSC), social capacity is *"that level of use of a resource or area beyond which users' expectations of the experience are not realized and they do not receive satisfaction"* Social Capacity is evaluated in Section D. The evaluation was anchored in the user survey and focuses on three issues, those concerning: (a) overuse, (b) conflict of use among various water users and/or shore users, and (c) safety.

Following the examination of social capacity issues, section E addresses "resource capacity," which according to the NWSC is the *"level of recreational use beyond which there is irreversible physical or biological degradation of the resource."* Resources are evaluated in three categories. First, it

summarizes some of the salient physical characteristics of the waterway by focusing on territories used by PWC, water depths, marshes and habitats. Second, it reports on the potential impact of volume of personal watercraft on Nags Head's water resources including hydrocarbons discharged from PWC. Third, it examines several management and operationally-related issues to watercraft rental agencies.

### 3. Summary of observations and recommendations

Section F concludes the study with a summary of "Water Management Plan Issues and Options" and proposes, in appropriate cases, actions that might be considered by the Board of Commissioners to address these issues. The significant observations and/or recommendations resulting from this effort include the following:

1. In general, the present number of PWC rental sites (seven) appears to be a reasonable number for the water area available for their use. The voluntary program whereby the vendors allocate the limited water space for each others use also seems to be working.  
  
In the area north of the Causeway, the present number of eight PWC per vendor also seems to be appropriate based on acceptance by vendors and absence of perceived dissatisfaction by PWC users. With respect to the south side of the Causeway, the Board of Commissioners might consider reducing the number of PWC each vendor may operate from eight to five. This would help compensate for the considerably smaller water area available in that area and potential conflict between PWC traffic, shoreline fishing sites and tour boats.
2. When technology becomes available, PWC vendors should replace present style two-cycle engines with equipment that is consistent with EPA's requirement of a "75 percent reduction in hydrocarbon emissions." If it appears that voluntary replacement does not take place within a reasonable time, the Board of Commissioners may wish to consider imposing mandatory requirements to assure the use of cleaner-burning engines on Roanoke Sound.
3. Consider establishing a "safe zone" for non-powered watercraft by (a) extending the 600-foot "no-wake" zone into the Commercial Outdoor Recreational Uses Overlay Zoning District and (b) requiring vendors to mark access routes for ingress and egress of rental powered watercraft through the safe zone.
4. Modify municipal ordinances [Sections 3-150-(7) and 5-5 (e)] to resolve the difference in depth of the no-wake zone. These sections specify 500 and 600 feet respectively as the no-wake zone depth.
5. Increase enforcement efforts of PWC regulations to reduce interference between PWC and shoreline activities. Specific actions should focus on enforcement of a 600-foot "PWC-free" zone around fishing piers and other shoreline recreational activities.
6. Consider implementation of an accident reduction and management safety program that includes the following types of activities for vendors at rental PWC sites:



- a. Strengthen the orientation of PWC drivers prior to use of the equipment on matters of safety, boat operating procedures and rules of the road for waterways.
- b. Provide a licensed captain (on-site or on an advisory basis) to advise in orientations prior to use and during the operation of PWC (Only one site had a licensed captain at the time of the 1998 survey.).
- c. Improve enforcement of existing laws and regulations regarding the operation of PWC within waters under the jurisdiction of Nags Head by such activities as more frequent site visits by enforcement officials.
- d. Improve oversight and enforcement of fuel-handling facilities including periodic site inspections during the PWC season..
- e. Evaluate the feasibility of requiring liability insurance by vendors.
- f. When (and if) warranted, consider the use of safety helmets by PWC riders (According to the NTSB, research does not support the use of helmets for normal recreational use but the International Jet Sport Boating Association requires PWC riders in competitive races to wear helmets).

These observations are expressed in greater detail in Section F with a synopsis in Table 4. In summary, PMA found that visitors to Nags Head seemed to be very pleased with their recreational experiences and that PWC rental agencies also appeared to be satisfied that the current limit of eight PWC per vendor was a reasonable number.

## SECTION B. LEGAL FRAMEWORK GOVERNING PERSONAL WATERCRAFT<sup>3</sup>

This section summarizes the legal framework for regulating the use of personal watercraft in Nags Head. Text in this section that is included in quote marks and italicized is direct quotes from the specific law that is referenced. Citations are given to enable the full text of these laws to be examined.

### I. North Carolina laws on personal watercraft

The North Carolina General Assembly adopted laws in 1994 (with amendments in 1997) which enable Nags Head to regulate the use and operation of personal watercraft. General Statute 160A-176.2 enables "*a city to adopt ordinances to regulate and control swimming, personal watercraft, surfing and littering in the Atlantic Ocean and other adjacent waterways.*" Subsection "b" of that statute extends the authority to many coastal towns including the **Town of Nags Head**. Enforcement of the laws referred to in this section is done through the joint efforts of the Town of Nags Head, U. S. Coast Guard and the North Carolina Wildlife Resources Commission.

More specific language covering personal watercraft may be found in G.S. 75A-13.2 Personal Watercraft, the essentials of which are to:

- a. Limit the hours that PWC may be operated to one hour before sunrise and one hour after sunset.
- b. Define a PWC as "*a small vessel which uses an outboard motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the Vehicle.*"
- c. Require the use of a personal flotation device by any person riding on or being towed by a PWC.
- d. Require that PWC be operated in a reasonable and prudent manner so as not to endanger life, limb or property. Activities that are regarded as "reckless operation" include: "*(1) Unreasonably or unnecessarily weaving through congested vessel traffic; (2) Jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility*

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<sup>3</sup>For complete text of the laws affecting the use of PWC in North Carolina, refer to the General Statutes cited above. The text presented here is intended only as a summary of the main features of these laws.



*around such other vessel is obstructed; and (3) Intentionally approaching another vessel in order to swerve at the last possible moment to avoid collision."*

2. Nags Head Code Section 5-5, personal watercraft<sup>4</sup>

(a) *Definition.*

(1) *Personal Watercraft* means a personal watercraft as defined in G.S. § 75A-13.3.

(2) *Vessel* means a vessel as defined in G.S. § 76-A-2.

(b) *Launching , landing of jet skis, etc.* The launching and landing of all motorized craft, including personal watercraft, are prohibited at the Danube Street Sound Access.

(c) *Speed.*

(1) Operators of personal watercraft must go straight in and straight out within six-hundred (600) feet from any shoreline (sound or ocean) and must do so at a speed no faster than necessary to maintain control of the vessel, but in no case shall the speed generate or cause a wake or exceed five (5) miles per hour (mph), whichever is less.

(2) Operators of personal watercraft, while within fifty (50) feet of a person or persons in the water, or within fifty (50) feet of a nonmotorized vessel, shall operate at a speed no faster than necessary to maintain control of the vessel, but in no case shall the speed generate or cause a wake or exceed five (5) miles per hour (mph), whichever is less.

(d) *Use of personal watercraft prohibited.*

(1) No personal watercraft may be operated within six hundred (600) feet of the shoreline (sound or ocean), except as provided for in section 5-5(c). The restriction contained in section 5-5(d)(1) shall not apply in the Commercial Outdoor Recreational Use Overlay Zoning District.

(2) No personal watercraft may be operated within six hundred (600) feet of any fishing pier.

(3) No person shall rent, lease, or let for hire a personal watercraft to any person under the age of sixteen (16) years nor shall they knowingly allow a person under the age of sixteen (16) years to use a personal watercraft rented by another person on the waters under the jurisdiction of the Town of Nags Head as specified in G.S. 160A-176.2.

(4) Each boat rental establishment shall be limited to a maximum number of eight (8) authorized personal watercraft rental units and two (2) personal watercraft that may be available for control, supervision, or rescue purposes per site. Further, no personal watercraft shall be located waterward of the nearest principal or accessory building other than authorized personal watercraft identified for rental use and two (2) personal watercraft that may be available for control, supervision, or rescue purposes.

---

<sup>4</sup>This subsection is the complete text of the referenced Town Code provision.

- (e) *Wildlife.* In accordance with G.S. 113-291.1, it shall be unlawful for an operator of a personal watercraft on the waters in this town to chase, harass, molest, worry, or disturb any wildlife except for lawfully angling for, hunting or trapping such fish and/or wildlife.
- (f) *Knowledge.* It is unlawful for a person who owns a personal watercraft, or who has charge over or control of a personal watercraft, to authorize or knowingly to permit the personal watercraft to be operated in violation of this section or state law.
- (g) *Exceptions.* This section does not apply to the operation of personal watercraft by the following persons while in performance of their *official* duties:
  - (1) Federal, state and local public safety officers;
  - (2) The military;
  - (3) State and federal wildlife personnel; or
  - (4) Personnel involved in bona fide biological research programs.
- (h) *Penalty.* Any person who shall violate the provisions of this section shall be guilty of a Class 3 misdemeanor punishable by a fine of no more than \$250.00 or imprisonment for not more than 30 days, as provided by G.S. § 14-4.

3. **Nags Head Code, Section 22-356, commercial-outdoor recreational uses overlay zoning district**

Because the complete text of this Section covers a large number of regulations, only that language that applies directly to rental watercraft operations is included here.

- a. **The commercial outdoor recreational uses overlay zoning district** - is established and within it there is provided a set of comprehensive land use regulations for the operation of commercial-outdoor recreational uses. All permitted and conditional uses of the C-2 zoning district which are on a separate lot and not in combination with the commercial outdoor recreational uses listed in section d. (1) (a) below are permitted.
- b. **The jurisdiction** - of the district is all areas within the town limits designated as the Commercial-Outdoor Recreation Uses Overlay District which extends from South Forbes Street to Little Bridge including both sides of the Causeway. The regulations also apply to the Town's extraterritorial jurisdiction of one mile.
- c. **Exceptions** - Uses that existed at the time the ordinance was enacted are exempted as nonconforming uses.



- d. Subsection (1-a). **Boat rental establishment** - provides the following conditional commercial-outdoor recreational uses that are allowed within the district - boat rental establishment for: (1) **fishing charter boat**, (2) **guide boat**, (3) **parasail operation**, (4) **powered watercraft (runabout, skiff)**, (5) **personal watercraft (jet skis)**, maximum eight authorized rental units per site, and (6) **tour boat for 20 passengers or less**.

Subsection (3-d) - No portion of any fueling area and/or gasoline storage area shall be further than or closer than 50 feet to a fire hydrant.

Subsection (3-h) - All petroleum products shall be stored in accordance with NFPA 30 and the North Carolina Fire Prevention Code standards. All petroleum products subject to the above regulations shall be stored no closer than 50 feet or a distance equal to one-half the lot width whichever is less from any property line, right-of-way, or drainage ditch or estuarine waters unless the above regulations require a greater setback.

4. **Nags Head Code, Section 3-150 (7), commercial-outdoor recreational uses.**

All permitted commercial water activities, including boats, windsurfers, etc., **shall maintain a distance of at least five hundred (500) feet<sup>5</sup> parallel to the estuarine shoreline off any residentially-developed district (R-1, R-2, R-3, CR, SPD-20, SED-80, and SPD-C)**, except when actively hunting or fishing. For the purpose of this article, a residentially-developed district shall be any residential district where ten (10) percent or more of the lots within a subdivision adjacent to the shoreline are developed residentially.

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<sup>5</sup>This provision needs to be reconciled with Section 5-5 (d) which places PWC 600 feet away from shorelines.

## SECTION C. SURVEY OF WATER USERS

### 1. How the survey was conducted

The first activity of the study was to perform a "User Survey." Because the study was not authorized until early August, maximum priority was given this survey of vacationing users of Nags Head's Roanoke Sound Waters. The interview part of the survey was successfully completed between the second week of August and the third week in September although more than 95 percent of the interviews were completed before the end of August. The survey was designed to address four types of water recreation users: personal watercraft; power boats; non-powered boats; and shoreline recreation. In order to address these separate functions while at the same time providing a common body of information for all four types of recreation, PMA designed a questionnaire that had these features:

- A separate questionnaire was developed for each type of use. It had three parts.
- The first two parts provided questions to enable basic information to be reported on persons being interviewed. The questions were identical on all four questionnaires.
- Part three then focused on specific questions concerning each of the four areas of recreation being surveyed.

Interviews were started on August 10 and conducted daily (except Sundays) until August 25. A hurricane stopped activity from the 26th through the 30th of August but after that interviews were resumed and continued until September 2. At that point, all of the interviews were completed except for site 12, the *Nags Head Estuarine Access Site and Interpretive Center* near the entrance to and south of the Nags Head-Manteo Causeway (see list below). Interviews at that site were conducted on September 16, 17 and 18. All interviews were confined to the "Sound" side of Nags Head.

A total of 317 exit interviews was completed at the 12 sites listed below. The interviews were conducted directly with persons either while they were engaged in a water-recreational activity at one of these sites or immediately upon completing the activity. In cases of PWC and other watercraft users, contact was made as people were completing the activity. At fishing sites and beach sites, interviews were conducted while the persons were still engaged in the activity. Interviewers reported that people willingly, even enthusiastically, participated in the interviews.



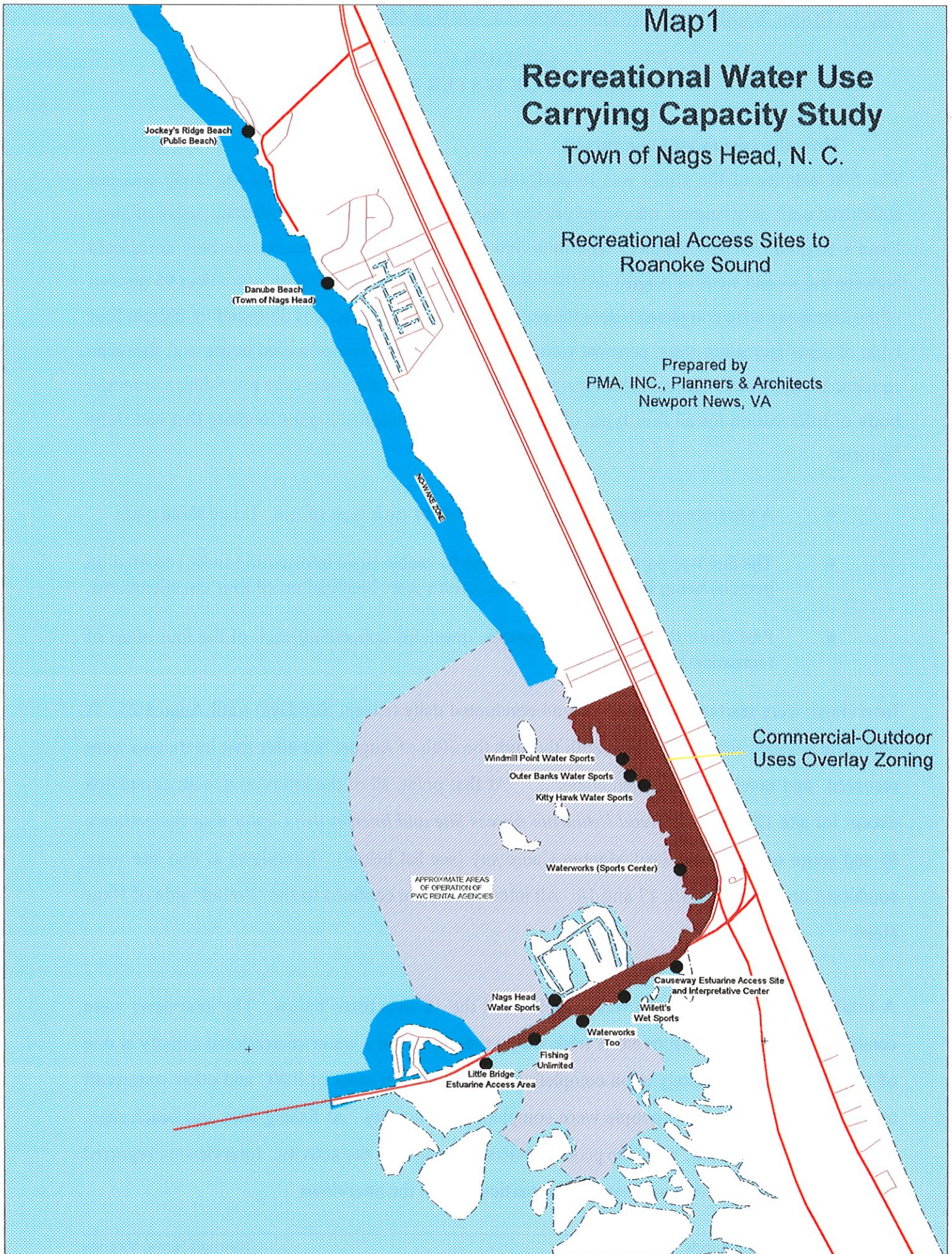
# Map1

## Recreational Water Use Carrying Capacity Study

Town of Nags Head, N. C.

Recreational Access Sites to  
Roanoke Sound

Prepared by  
PMA, INC., Planners & Architects  
Newport News, VA





| Site Number | Number of Interviews | Name or Location of Site                                                    |
|-------------|----------------------|-----------------------------------------------------------------------------|
| 1           | 25                   | Jockey's Ridge State Park (South access)                                    |
| 2           | 27                   | Danube Beach (Town of Nags Head)                                            |
| 3           | 26                   | Outer Banks Water Sports                                                    |
| 4           | 27                   | Kitty Hawk Water Sports                                                     |
| 5           | 25                   | Windmill Point Water Sports                                                 |
| 6           | 26                   | Waterworks Sports Center                                                    |
| 7           | 33                   | Nags Head Water Sports                                                      |
| 8           | 34                   | Willett's Wet Sports                                                        |
| 9           | 25                   | Waterworks Too                                                              |
| 10          | 17                   | Fishing Unlimited                                                           |
| 11          | 41                   | Little Bridge Estuarine Access Site (Town of Nags Head)                     |
| 12          | 11                   | Nags Head Estuarine Access Site and Interpretive Center (Town of Nags Head) |

## 2. Profile of visitors

In the process of the survey, several things were learned about visitors to Nags Head, many of which are obvious to the casual observer. The highlights are summarized:

- Almost all were visitors from other places; only five percent were either residents of Nags Head or lived elsewhere on the Outer Banks. The others were here on "vacation."
- At least 82 percent said they were staying for a week..
- Eighty-six percent came from the Mid-Atlantic States of North Carolina, Virginia, Pennsylvania, New Jersey, Maryland and District of Columbia; the remaining 14 percent come from 13 other states, including one from California.
- The interviewees were 60 percent male and 40 percent female.

## 3. What was learned about PWC users

Although during the survey we interviewed persons participating in a variety of water-recreational activities, the survey of Personal watercraft (PWC) users and shoreline users comprised the majority of interviews.



Launching

- Exactly half of the persons surveyed were PWC users. They rented watercraft from the vendors listed above. Only two persons were interviewed who were using their own PWC. The dominant time in the water was one hour although almost one-fourth of them reported rides of one-half hour.
- All but two of the users indicated that the rental agency defined specific areas within which they could operate the equipment. Most said that the vendors provided them with some level of orientation on the use of the craft. About half reported receiving a lecture, or listening to a cassette, and/or receiving a demonstration of the equipment .



Group watching safety video before operating PWC

At least one vendor played a 10-15 minute video cassette recording to riders before they were allowed to operate the craft. These recordings provided basic instructions on water safety, rules of the road and operation of the PWC. Less than one-fourth of the respondents reported ever taking a boat safety course.

- None of the PWC users thought that the area in use was overcrowded (with PWC) - approximately 80 percent indicated that the number in use was acceptable or could even be increased a little. Eleven percent, however, thought that the area designated was about at capacity.

#### **4. What was learned about shoreline users**

Shoreline users engaged in a mixture of activities but fishing and swimming/wading were the most popular activities. The use was very site specific, such as fishing at Little Bridge and swimming/wading at Jockey's Ridge. Most were visiting for the first time although each site had some "regulars" who indicated they visited the site several times during the summer season. The length of stay was:



|                   |     |
|-------------------|-----|
| One hour or less  | 26% |
| 1.5 to 3 hours    | 64% |
| More than 3 hours | 10% |

No survey respondent said in response to question 33 that a watercraft came too “dangerously close.” In the individual responses to question 36 five persons at Danube Beach and at least one at Little Bridge complained about PWC coming too close. Otherwise, shoreline users’ observations matched those of the PWC users that, to them, the area was not overcrowded with watercraft. A fourth of those interviewed said that no watercraft were observed in the area.

### 5. Nonpowered craft

The term non-powered craft refers to small watercraft used for windsurfing, canoeing, kayaking and the like. This was an area reported by only 7.5 percent of the survey respondents, the primary activity was kayaking and windsurfing. Nine more reported “parasailing,” but since they were at a site that did not offer parasailing, it is assumed that they meant “windsurfing.” In most cases, these boaters shared the same waters and were serviced by the same vendors that rented PWC. All but one of those interviewed were using rented equipment. Their responses to the question of “overcrowding” were nearly the same as that of the PWC riders. Twenty of 23 responses said that there was an acceptable number of craft within the waters they were using.



One Windsurfer in progress; two in the water



## 6. Powered boats

This category includes all boats powered by engines, but excludes personal watercraft. It is mostly comprised of skiffs, fishing boats and tour boats among which is the “dolphin” tour boat. The survey focused on boats that were either rented or chartered, there being only two interviews with persons in privately-owned boats. Most of the users indicated some measure of prior experience with the craft. Lectures were the major source of safety orientation. To the question of whether the waters were overcrowded (with other craft), these users gave about the same answers as did the other groups. Apparently few vacationers see overcrowding as a problem.



Dolphin tour boat docking

## 7. Other responses and comments to the questionnaire

Although this section serves to highlight the major findings of the survey, the reader is encouraged to refer to the Appendix for detailed responses to specific questions. In addition to the questions that are expressed in quantified measures, several of the questions on the survey were open-ended and asked for subjective responses. Responses to the subjective questions may provide additional insights as to how individuals respond to conditions at the various sites. For example, at Jockey's Ridge, an automobile tire in the water was noted to be a concern. Although PWC may not be launched at that site according to the Town Code, there was an occasional comment about a PWC operating near Danube Beach. But even in these areas we observed no significant indication that watercraft presented a major problem. As a whole, it seems that the visitors to Nags Head are very pleased with their experiences here.

## SECTION D. SOCIAL CAPACITY ANALYSIS

### 1. Identifying issues

This section examines “social capacity” of the recreational waters of Roanoke Sound in the central area of the Town of Nags Head. More particularly, the analysis focuses on learning whether social capacity limit has been reached or is being approached as reflected in user satisfaction or dissatisfaction. Much of the research supporting this analysis came from the Water User Survey (see Section C for a summary and Appendix for details) conducted by PMA as part of this study during August and September, 1998. This sample survey which was conducted as one-on-one exit interviews surveyed 317 water users. The survey found that: nearly half had been driving PWC; 20 percent fishing from shore or pier; 14 percent participating in other passive shoreline activities; and the others participating in a variety of boating activities including tour boats, kayaking, parasailing, windsurfing and the like.

In the publication A Guide for Multiple Use Waterway Management (p.61), by the National Water Safety Congress, Inc., 1966, social capacity of a waterway was defined as *“the level of use of a resource or area beyond which users’ expectations of the experience are not realized and they do not receive satisfaction.”* That study acknowledges that social capacity may mean different things to different people in different places. At minimum, social capacity depends in many way on the unique character of a particular community and its tolerance for different types of recreational activities. In examining social capacity of Roanoke Sound within the jurisdiction of Nags Head, that concept helps to establish some parameters which are suggested next.

First, the way the water and its shorelines are used is important to the Town’s economic health. Visitors are attracted to Nags Head by the many and varied recreational opportunities offered by the ocean, its beaches and sound-side waterways. Because these resources provide the engine for Nags Head’s economy, visitor satisfaction is essential. If the waters and shorelines are overcrowded, and the level of enjoyment is replaced by concerns of annoyance, conflict or safety, then visitor satisfaction is likely to be greatly diminished and adverse economic effects would be felt in the community.



From the above, we concluded that intensity of use of the waters is a major indicator of social capacity. Additionally, there is the issue of balance. In this area where passive forms of recreation (fishing, sunning, swimming) must compete with power-driven active activities (PWC and other power boats), it is particularly important to achieve a balance so that each person achieves satisfaction in the specific activity chosen. Finally, PWC becomes the major concerns in the use of the subject waterways, because of their growing numbers, power, popularity, accident potential and the ease with which these craft are made available through rental agencies. PWC, and to a lesser extent other power boats, raise issues in three areas: overuse, conflict with other uses of the water, and safety.

**a. Issues concerning overuse or potential overuse**

The analysis of this issue starts with the question of whether there is a limit to the use of PWC on the Roanoke Sound waters within the Town of Nags Head? The major generalization that may be drawn from the survey is that the overwhelming majority of sound-side water users, including shore users, found the experience extremely satisfactory (70%) or somewhat satisfactory (27%). The survey indicated that no watercraft or shoreline user perceived that the waters were overcrowded as seen in the response to question 35 in Table 1. Most respondents even thought that some increase could be tolerated although shoreline respondents indicated little less tolerance for watercraft users on this point.

Respondents on the north side of the causeway also answered the question of “whether an increase is OK” differently than those on the south side. Eighty-four percent of the north side users versus 70 percent of the south side users indicated that some increase could be accommodated. While no method based on subjective responses can be used to determine exact capacity limits, in terms of the “overcrowding (or overuse)” issue, several observations may be made from these data. Neither powered nor non-powered craft operators appear to have many complaints about the number of vessels on the water. Those comprising the sample reported no accidents or near-misses and in general indicated a high level of enjoyment from their experiences.

**Table 1**  
**RESPONSE TO QUESTION 35 IN THE USER SURVEY\***

| Response                         | PWC | Power Boat | Non-Power Boat | Shoreline User |
|----------------------------------|-----|------------|----------------|----------------|
| 1. Too many watercraft out there | 0   | 0          | 0              | 0              |
| 2. Number not a problem          | 12  | 0          | 4              | 1              |
| 3. Some increase is OK           | 80  | 92         | 87             | 68             |
| 4. No other watercraft observed  | 8   | 8          | 89             | 31             |

\* Question was: "From the standpoint of your enjoyment and safety, would you say that the area designated for or selected for your use today : (1), (2), (3) OR (4).

Although shoreline users did not see any great problem with the number of craft on the water, 68 percent of them indicated that the number of watercraft might be increased without affecting "enjoyment and/or safety." This compares with 80 percent for PWC operators and 87-92 percent of operators of other watercraft. This indicates a level of concern that may suggest that user satisfaction has an upper limit. Another factor to be considered is that not all of the PWC that are authorized for use were in the water at all times during the time when the survey was taken. Interviews were conducted between 10:00 a.m. and 4:00 p.m., the most active period of the day for PWC rentals. It was observed that time is required for refueling and servicing each PWC between rentals and some of the vendors do not have all of the units rented for the full day.

Some of the rental agencies south of the causeway reported that they received mostly "spillover business". Several factors may contribute to this. First, the area used by watercraft south of the causeway is smaller than the area available on the north because of the presence of several salt-marsh islands. Second, the PWC rental concessions on the south side of the causeway are not used as much as those on the north. Also, the area is shared with vendors who operate the dolphin tours and an air boat vendor as well as two fishing piers. As a result, many of the survey participants responded under conditions when less than the maximum use of rental PWC was experienced. What is not known is how the same participants would have responded if all seven vendors had their full quota of eight PWC in the water at the time they were responding to the questions.



From the standpoint of overcrowding, PMA concluded that the present level of usage appears to be reasonable for the Sound waters in terms of user acceptability - at least for the area north of the causeway. Several vendors on both sides of the causeway indicated that the number was acceptable. Acceptance by both the user and provider suggests that the present regulation of limiting the area to 56 PWC (eight per vendor) may be a reasonable water management policy for PWC on the Sound waters within Nags Head's jurisdiction. If any part of the current limitation of eight is worthy of revisiting, it might be in the area south of the causeway. A reduced number of PWC would be reasonable in light of four things: (a) the smaller area; (b) the lower level of use; (c) the origination of air boat rides and dolphin boat tours from one of the access points; and (d) the proximity of fishing/crabbing areas to the PWC use areas.

**b. Issues regarding conflict or potential conflict**

Conflict or potential conflict arises from two sources: between power craft, including personal watercraft, and non-power craft and between shoreline users and watercraft users.

Conflict between Power Craft and Non-power Craft - As previously observed, the survey did not find much objection to PWC operating in the waters prescribed for them. The same pattern of response came from operators of non-powered craft. It is uncertain whether the survey contained an adequate sample of non-powered craft for statistical analysis since only 24 (7.5 percent) of the interviews were with persons who had been operating non-power craft.

Only seven of those were windsurfers although eight more said they were parasailing. It is PMA's opinion that some of the latter group may have said they were parasailing when in fact they had been windsurfing. Even if both are combined, the number of responses is very low for accurate statistical analysis.

It was also observed that most of the rental agencies rented both PWC and non-powered craft and that the two types of vessels frequently shared the same water area. This situation poses additional risks to operators of both types of craft, but the greater risk appears to fall on

operators of non-powered vessels. They do not have the same level of control over the vessel. Added to that, beginner windsurfers take a lot of “spills” and while both the craft and rider are in the water, the sail craft are not as visible, especially to the faster PWC that may be operating in the same waters.



Windsurfers and PWC sharing same waters

The above should be qualified, however, with two observations. The first comes from information provided by law enforcement officials who were unaware of any accidents reported in the last few years involved the collisions of a PWC and non-motorized vehicle. The second comes from the observation that higher winds are preferred for windsurfing but they are less favorable for PWC operation.

Conflict between power boats and shoreline users - This did not appear to present a serious problem among vacationers, although several persons reported in the survey that a PWC came near the fishing areas where they were fishing. Except for this type of occasional event, the survey found little dissatisfaction among shoreline users<sup>6</sup> as a result of watercraft. The shallow depth of water in the Sound along the Nags Head shoreline offers some protection to shore users and non-powered boats against large boats. Larger boats require deeper water, although PWC are capable of operating in fairly shallow waters.

Law enforcement officials report that a number of complaints come during the season from residents of the areas along the Roanoke Sound shoreline. This is primarily from the noise

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<sup>6</sup>This definition of “shoreline users” refers only to persons using the public access points that were surveyed.



produced by the PWC. Because the survey was targeted at summer visitors to the area, no data were collected on the attitude of Nags Head residents toward the operation of Personal Watercraft in the vicinity of their homes. The 600-foot buffer was established to enable a distance to be maintained between PWC and residential areas.

**c. Issues concerning safety**

Overuse of waterways and conflicts among various activities are at the root of most safety issues. Second level issues come from the way the water usage is managed. On the subject of “overuse”, the survey indicates that, at least in the opinions of the users, that “overuse” may not be a problem in Nags Head at the present time. The survey responses of both shoreline users and watercraft users reflected the same view (Question 35, all surveys). Even with the issue of conflict, there were few complaints and nearly all who answered Question 33 said than “no watercraft came too dangerously close to (them).” Whether that situation will hold in the future may depend on how the resources are managed.

When accident records are examined, however, other safety issues emerge. Boating accidents in Dare County, shown in Table 2, reveal a disproportionate share of accidents involving PWC. The number of boating accidents attributed to personal watercraft within the County from 1994 through 1998 outnumbered those of other watercraft by more than two to one. PWC accidents for the entire period comprised 68 percent of the total boating accidents and this percentage has grown in the most recent two years from an average of 57 percent during 1994 and 1995 combined to 78 percent during 1996 and 1997 combined. Whether this increase represents a trend or just a normal fluctuation from season to season is uncertain but the large share of total accidents involving PWC is consistent among the years reported here. According to information provided by the Nags Head Police Department, nine boating accidents reported in 1996 (all PWC accidents) occurred within the waters of Nags Head.

**Table 2**  
**DARE COUNTY BOATING ACCIDENTS, 1994-1997**

| Year         | Total<br>Accidents | Non-PWC<br>Accidents | PWC<br>Accidents | PWC Accidents<br>as % of Total |
|--------------|--------------------|----------------------|------------------|--------------------------------|
| 1994         | 11                 | 5                    | 6                | 55%                            |
| 1995         | 17                 | 7                    | 10               | 59                             |
| 1996         | 11                 | 2                    | 9                | 82                             |
| 1997         | <u>17</u>          | <u>4</u>             | <u>13</u>        | <u>75</u>                      |
| <b>TOTAL</b> | <b>56</b>          | <b>18</b>            | <b>38</b>        | <b>68%</b>                     |

Source: North Carolina Dept. of Wildlife, Division of Enforcement

Nags Head data are consistent with national data according to a study by the National Transportation Safety Board.<sup>7</sup> Some of their findings and observations include the following:

1. Personal watercraft are the fastest growing of recreational boats growing from 126,881 in 1988 to 900,000 in 1996. Manufacturers estimated that about 200,000 PWC are sold each year and that more than one million are in current operation.
2. Injuries in PWC-involved accidents grew during the same period from 254 to 1,831. During the first six months of 1977, 835 injuries were reported. Of these about one in every four were injuries to the head, face or neck.
3. Major factors in (PWC) accidents are inexperience, speed and inattention.
4. PWC accidents are more common among renters and most occur within the first hour of operation.

Although no accidents were reported by persons participating in the sample survey, PWC operators (renters) in Nags Head fit the profile given above in items 3 and 4. Seventy-six percent had taken no boat safety course and 38 percent had little or no prior experience operating the equipment. In addition, all but two PWC operators were renters and the typical time involved in the experience was one hour. In addition to the above, one should be aware that the accident records only report accidents where considerable property is damaged or where there is an injury requiring medical treatment, death or missing person. Less serious accidents may go unreported to law enforcement agencies.

<sup>7</sup>NTSB, Safety Study, Personal Watercraft Safety, PB98-917002; NTSB/SS-98/01



PWC safety could be enhanced by increasing training and orientation of operators. At minimum, a video instructing drivers in basic boat safety and rules of the road should be shown to all persons renting PWC before allowing them to operate the equipment. Continual supervision of PWC operations areas would benefit although some of the vendors are doing both video instruction and providing supervision and assistance. One vendor even had an emergency medical technician available. As the PWC population grows, certification of PWC drivers by the State or Coast Guard may be on the horizon as is already being required in some states.<sup>8</sup>

Also, according to the NTSB, a classic response to protect against head injuries would be the use of helmets. This has been true for motorcycling, bicycling, snowboarding, skateboarding and an array of speed-related sports (p.47). The International Jet Sport Boating Association requires PWC riders in competitive races to wear helmets.<sup>9</sup> The Center for Disease Control found, however, that protection of the face and extremities is warranted, but it is not clear what kind of protection currently available is appropriate for use in water recreation (in NTSB, p.49). Further research is warranted before appropriate head gear protection can be recommended according to the NTSB report (p. 47).

## 2. Determining social capacity

Overuse and user expectations - After evaluating the user survey, PMA came to the conclusion that responses of users alone do not provide sufficient data to determine whether the current level of use of Roanoke Sound waters by PWC and other watercraft rises to the level where users fail to “realize their expectations.” The question is much more complex and requires that in addition to the satisfaction of the user, conflict and safety should be considered. These factors may not be a high priority for vacationers as long as things are going all right. To the extent that the survey responses address this issue of “satisfaction,” it is evident that water users reported very few situations where the current level of usage raised problems of overcrowding, conflict or safety. Questions 34 and 35 in all questionnaires specifically addressed the issue of conflict and overcrowding with respect to watercraft of all types. None of the respondents said in response to question 35 that “there were too

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<sup>8</sup>The NTSB (see previous footnote) reported that only two states, New Jersey and Connecticut, require certification of PWC operators.

<sup>9</sup>1998 Official Competition Rule Book of the International Jet Sport Boating Association, in NTSB, footnote 77, p. 47.



many watercraft out there” and a 80 percent of all respondents indicated that “some increase in the number could be accommodated.”

Conflict - Users of the Roanoke Sound waters may experience potential conflict between powered and non-powered craft as well as from conflict between watercraft and shoreline users. The survey reported that shoreline users answered the question “Would you say that some increase in the number (of watercraft) could be accommodated?” differently than watercraft users. Sixty-eight percent of the shoreline users said “yes” compared to 80, 87 and 92 percent for PWC, non-power craft and power craft respectively. Among shoreline users there was even less support for increasing the number of PWC on the south side of the causeway than on the north side. The latter attitude probably reflects the smaller area for PWC use and the presence of two fishing piers south of the causeway. Potential conflict has also been noted between power and non-power craft particularly in the areas where PWC, windsurfing and kayaking were offered by the same vendor. Since the 600-foot no-wake zone does not apply in the commercial overlay district, the only protection non-powered craft have is the 50-foot distance that PWC must keep between itself and other watercraft or persons in the water. Finally, the relationship between watercraft users and waterfront residents is a factor that came into the picture from complaints to police about PWC noise.

Safety - Accident experience establishes that safety is a major issue in the use of water by personal watercraft. National, state and county records are consistent in that accidents involving PWC represent a disproportionate share of boating accidents. Nationally, from 1988 through 1996 the percentage of total PWC accidents grew from 9.6 percent to 51 percent of all boating accidents (NTSB, p. 3). In Dare County the average share for the last four years reported (Table 2) is even greater - 68 percent. Nationally, as well as locally, inexperience and lack of boat safety training stand out as significant factors in the assessment of boating safety.

### 3. Concluding remarks

From the preceding analysis, PMA concluded that social capacity is an adaptable concept that can be examined only with subjective and circumstantial measures. This is because limits of acceptability are situational - that is they vary among different people, in different places, doing different activities. Complicating this further is the fact that the subject of group measurements (vacationers, visitors,

etc.) is changing weekly in Nags Head. This makes it unlikely that a specific capacity can be established that would be acceptable by all of this ever-changing market group.

Given this limitation, PMA examined an alternate approach for determining social capacity of the Roanoke Sound Waters. It is one used in marketing and it focuses on determining the acceptability of a product or service to the consumer of the product or service. One starts with a product or service and then evaluates the acceptability of that product/service in the market place. Since Nags Head is in the business of "recreational tourism," it seems appropriate to evaluate the acceptability of current standards of operation by this clientele. As a result, it is PMA's opinion that the present regulations of allowing each of seven vendors to operate eight PWC for hire appear to be satisfactory with the users as well as with the operators of the rental agencies. This compatibility of interest is a strong indicator of a workable policy. Against this observation, however, there are a few areas where the Town might consider adjustments of its regulations in order to address some of the issues that are identified by the user survey.

- (a) **Adjust one or more of the following sections of the Town Code - Sections 5-5 (c) (1), 5-5 (d) (1) and 3-150-(7) to reconcile possible inconsistencies.** Section 5-5 (c) (1) establishes a requirement for PWC to go straight in and straight out through a 600-foot no wake zone from any shoreline and within such zone to maintain a no-wake speed. The first sentence in Section 5-5 (d) (1) stipulates that no PWC may be operated within 600 feet of the shoreline except as provided in 5-5 (c) (1). The following sentence exempts this restriction in the Commercial Outdoor Recreation Zone.

In Section 3-150 (7) all boats are required to stay 500 feet from an estuarine shoreline.

The first adjustment should be to clarify which dimension - 500 or 600 feet - shall apply? It is also suggested that in order to minimize the possibility of conflict of PWC and nonpowered craft that the Town consider imposing the no-wake requirement in the areas where both types of vessels are rented.

- (b) **Consider a reduction in the number of PWC that may be operated by vendors south of the causeway.** This would be in recognition of the much smaller area that is available for use in that area and the potential conflict between PWC and shoreline fishing. Such a reduction could be implemented over an extended period of time in order to avoid placing a hardship on the existing vendors.
- (c) **Increase awareness for education of PWC operators concerning boat safety and recognition of prevailing laws and regulations.** This may be included as part of a safety briefing at the time of rental and supplemented with a handout brochure advising of applicable laws, rules of the road while operating a watercraft, and common waterway etiquette.



## SECTION E. RESOURCE CAPACITY ANALYSIS

Resource Capacity is the level of recreational use beyond which there is irreversible physical or biological degradation of the resource. The degradation may be considered unacceptable either because it diminishes recreational opportunities or because it produces undesirable consequences to the natural environment.<sup>10</sup> This section examines existing resources that lie within the jurisdiction of the Town of Nags Head, both on-shore and water areas. The analysis addresses specific physical conditions and seeks to determine whether the use of the waters of Roanoke Sound diminishes the resources and if so, what are the implications of such use for public policy? The analysis is organized around the following subjects: (1) physical characteristics of the waterway ; (2) impact of PWC on water resources; and (3) operation, management and oversight.

The primary focus of this study is twelve sites providing access to Roanoke Sound for public and commercial recreation and the area of water utilized by activities originating at these sites. Seven of the sites are for commercial recreation offering rentals of personal watercraft and/or other watercraft. One of the above sites offers dolphin tours and air boat rides. An additional site, Fishing Unlimited, rents small fishing skiffs. The public access sites provide opportunities for swimming, fishing, and other beach activities. The sites are described in Table 3 on the following page and identified on Map 2 immediately following Table 3.

### 1. Physical characteristics of the waterway

The limits of the waters evaluated extend from the south side of Jockey's Ridge State Park to about one mile south of the Nags Head-Manteo Causeway and extends out into the Sound for one mile, the extent of Nags Head's extraterritorial jurisdiction. Map 2 identifies characteristics of the water that is used for recreation. In addition this map contains information on the (approximate) area available for use by rental PWC; water depth; principal marsh areas; and the no-wake zone. Highlights of each of these features are discussed in the text that follows:

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<sup>10</sup>National Water Safety Congress, Inc., A Guide for Multiple Use Waterway Management, 1996 (p.62).

**Table 3**  
**ACCESS SITES TO ROANOKE SOUND**

| Name of Site                                                               | Activity                                                                                                                                                                                                           |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Public Access Sites</b>                                                 |                                                                                                                                                                                                                    |
| Jockey's Ridge State Park (south)                                          | A public beach area which is located at the south end of Jockey's Ridge State Park for public swimming, sunning, picnicking and other beach activities including a windsurfer launch area.                         |
| Danube Beach                                                               | A Nags Head public beach located on Roanoke Sound at the intersection with Danube St. It is used for a variety of recreational purposes but Town Code (§ 5-5 b) prevents launching of PWC at this site.            |
| Town of Nags Head Causeway Estuarine Access Site and Interpretative Center | A fishing pier with sheltered area and interpretive center operated by the Town of Nags Head. It is located on the south side of the Route 64/264 Nags Head-Manteo Causeway near its intersection with Route 158.  |
| Little Bridge Estuarine Access Site                                        | A fishing center that is operated by the Town of Nags Head. It provides a large fishing pier plus access to fishing walkways along Little Bridge. A picnic shelter, restrooms and parking lot are included.        |
| <b>Commercial Recreational Sites on Roanoke Sound</b>                      |                                                                                                                                                                                                                    |
| Outer Banks Water Sports                                                   | Commercial recreational vendor located north of the causeway on Route 158 and offering PWC and other craft for rent.                                                                                               |
| Windmill Point Water Sports                                                | Commercial recreational vendor located north of the causeway on Route 158 and offering PWC and other craft for rent.                                                                                               |
| Waterworks Sports Center                                                   | Commercial recreational vendor located north of the causeway on Route 158 and offering PWC and other craft for rent. This site is part of Sports Center which also offers watercraft and marine supplies for sale. |
| Kitty Hawk Water Sports                                                    | Commercial recreational vendor located north of the causeway on Route 158 and offering PWC, Kayak and windsurf rentals.                                                                                            |
| Willett's Wet Sports                                                       | Commercial recreational vendor located south of the causeway on Route 64/264 and offering PWC and other craft for rent.                                                                                            |
| Waterworks Too                                                             | Commercial recreational vendor located south of the causeway on Route 64/264 and offering PWC and other craft for rent. Also offers dolphin tours and air boat rides.                                              |
| Fishing Unlimited                                                          | Commercial recreational vendor located south of the causeway on Route 64/264 and offering small fishing rental skills.                                                                                             |
| Nags Head Water Sports                                                     | Commercial recreational vendor located north of the causeway on Route 64/264 and offering PWC and other craft for rent.                                                                                            |



# Map 2

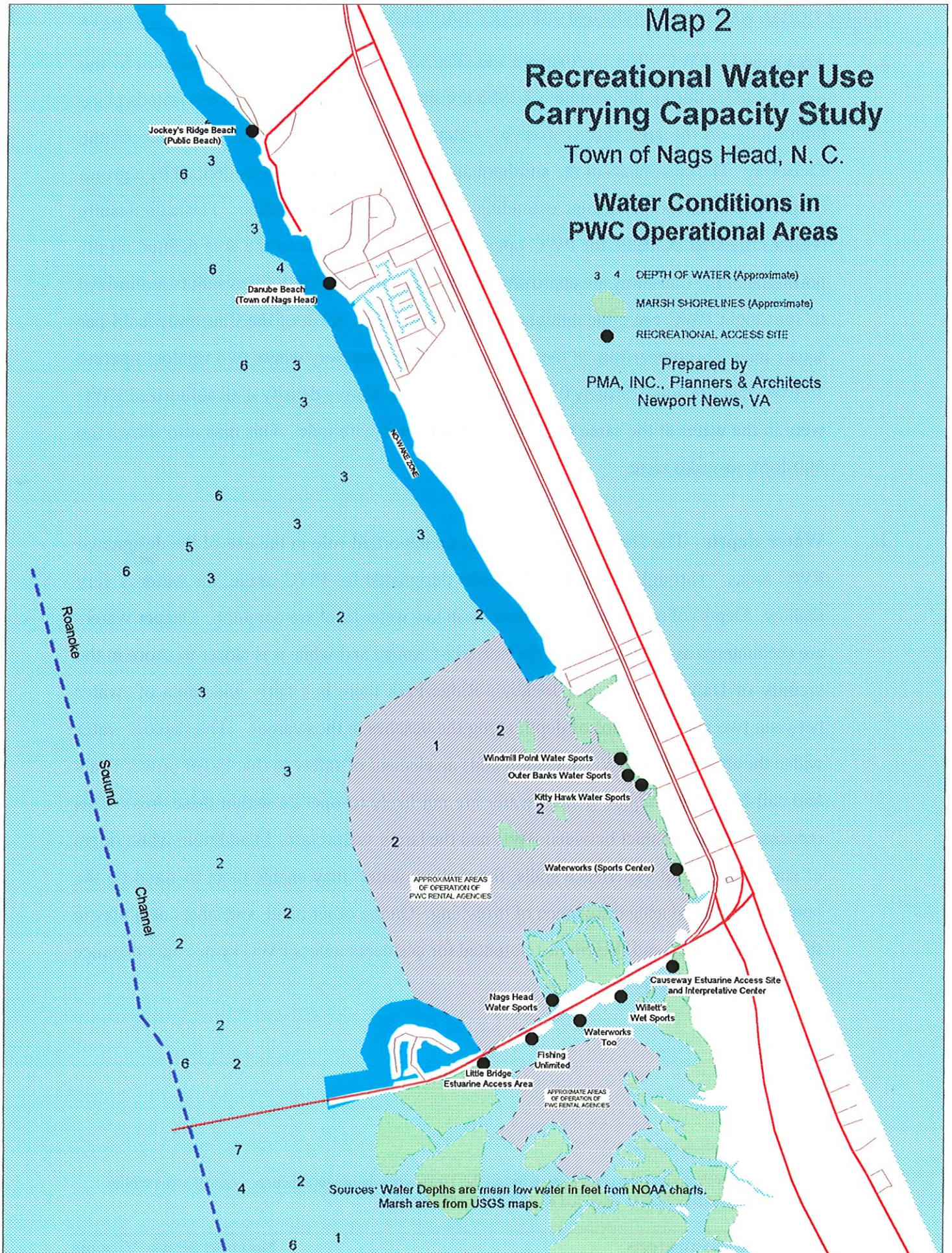
## Recreational Water Use Carrying Capacity Study

Town of Nags Head, N. C.

### Water Conditions in PWC Operational Areas

- 3 4 DEPTH OF WATER (Approximate)
- MARSH SHORELINES (Approximate)
- RECREATIONAL ACCESS SITE

Prepared by  
PMA, INC., Planners & Architects  
Newport News, VA





- a. **Area used by PWC** - The approximate areas that were being used for PWC operation by the rental vendors during the summer of 1998 are shown on this map. Salt-marsh islands place limitations on the area that is used by watercraft particularly on the south side of the Causeway. The outer limits of the southern area are confined to the area defined by a group of marsh islands and peninsulas extending out from the main shoreline. This significantly reduces the area available for PWC operation. The dimensions of the area defined on the north side of the Causeway are approximately one square mile.<sup>11</sup> With five vendors authorized to rent eight PWC each, the number of authorized PWC north of the Causeway is 34 per square mile. By comparison, in the area south of the Causeway where two vendors operate 16 PWC that use approximately 0.22 square miles, the relative density if all authorized PWC were in the water at the same time would be 73 per square mile. This map also shows the 600-foot no-wake zone.
- b. **Water depth** - The Depth of Water plays an important role in the use of the designated PWC areas. Throughout most of the areas designated for PWC usage, the water is very shallow. Depths of one to two feet below mean low water level are common. Deeper waters are encountered as one approaches the Roanoke Channel and while it is closer to shore in the vicinity of Danube Beach and Jockey's Ridge Park there is a fairly wide area of water between two and three foot of depth along the beaches in those areas.. The shallow water within the areas used by PWC operation adds an element of safety in that larger power boats and sail boats that require deeper water are not likely to operate within these areas. This reduces potential conflict between PWC and the larger watercraft. In addition, when riders of small rental craft experience spills, the shallow water may enable them to stand on the bottom thereby reducing the chance of drowning. On the other hand, swimmers also play in the shallow waters and therein lies potential for accidents unless PWC keep a safe distance from other water users.

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<sup>11</sup>This area merely defines the general area within the Town's regulatory jurisdiction. Actual areas within which each vendors equipment may be operated are defined by the vendors.

c. **Marshes and habitat** - Of the 215 million acres of wetlands in the continental United States at the time of European settlement, only 99 million still exist. Every year, we lose an average of 458,000 acres to agriculture, development, mining and other purposes... and the loss continues.” This message may be found on one of the plaques located in the Little Bridge Fishing Area. Additional information from this plaque is given in the box below.



“Wetlands are a vital link in the natural system that provides our water supplies and sustains life. People get many valuable benefits from wetlands.

- Coastal wetlands stabilize the shoreline and buffer the effects of storms.
- Wetlands fringing lakes and rivers filter pollutants and help prevent erosion.
- Wetlands also help with water conservation and groundwater recharge.
- Wetlands provide important habitat for many kinds of wildlife.”

Even though there are many kinds of wetlands, including salt marshes, hardwood swamps, cypress forests, bogs, and freshwater marshes, all of these beautiful and productive communities have water covering or saturating the soil at least part of the year.

From Plaque at Little Bridge Fishing Area

Wetlands comprise much of the land area of Nags Head as shown on Map 3. The areas shown on this map come from two sources, although both types of areas are classified as wetlands. The areas labeled “Marsh” are the shoreline and island marshlands that are shown on USGS maps. The areas labeled “Other Wetlands” are from the Town’s Geographic Information System and represent wetlands included in the National Wetland Inventory. After contacting the North Carolina Division of Marine Fisheries, they advised that no primary nursery areas had been identified and placed on the state inventory on the Nags Head side of Roanoke Sound.<sup>12</sup>

<sup>12</sup>Field Office, Fisheries Management Section, Wanchese, N. C., Telephone conversation with Carol Etheridge.







But according to the DMF, whether they have been mapped or not, the marshes along the shoreline, including several islands, by their nature function as nursery grounds for aquatic plant and animal life. As protected wetlands, these areas are important factors in planning the use of waters in Roanoke Sound for PWC and other intensive recreational activities.

## 2. Effects of hydrocarbon emissions by PWC

A major issue related to the operation of personal watercraft concerns emissions discharged from exhausts of two-cycle engines that power most of the models in use today. The Environmental Protection Agency (EPA) as well as the two-cycle engine industry have recognized this concern which led to the formation of regulations that will require major reductions in the level of hydrocarbons released through PWC and other marine exhausts. Previous research found that conventional two-cycle engines, particularly the carbureted type, that run on a mixture of oil and gasoline, ejected as much as 30 percent of the fuel mixture through their exhaust. The new regulations which take place during a transitional period from 1998 through 2005 require a 75 percent reduction in exhaust hydrocarbon emissions. Changes in technology are already taking place by the entry to the market of four-cycle and fuel-injected engines already offered by some major outboard motor manufacturers. As this technology becomes available on personal watercraft, commercial vendors should be encouraged to switch to craft with cleaner burning engines as soon as they are available to the general the market. The following article addresses the complexities of this issue.

### *Hydrocarbons and two-cycle engines*<sup>13</sup>

"Most personal watercraft are powered by two-cycle gasoline engines which differ from typical four-cycle automobile engines. With four-cycle engines, the oil used to lubricate the engine is contained in the crankcase and pumped to the moving parts to keep them lubricated with little oil burned in the combustion process. In two-cycle engines the oil is injected into the crankcase or is mixed with the gasoline which is drawn through the crankcase, and the oil-gasoline mixture is burned as fuel. Two-cycle engines are not unique to personal watercraft; they are also used in marine outboard engines, chain saws, and some go-carts. One drawback associated with two-

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<sup>13</sup>In an earlier draft of this report, PMA presented hypothetical data that sought to quantify the amount of hydrocarbons reaching the Sound as a result of seasonal PWC operation. That analysis was not included in this final report. In its place is this discussion of this issue that was prepared by the staff of the Nags Head Planning and Development Department.



cycle engines is that some of exhaust emissions contain unburned oil and fuel which will be discharged into the air and water.

“The amount of oil and gas discharged into the air and water depends upon many factors including the design of the engine, how the boat is operated and maintained, and weather conditions. For example, varying amounts of unburned oil and gasoline will be discharged into the water depending upon the speed and load placed upon the engine and the age of the engine. Generally, at slower speeds and under light loads, and especially with older engines, considerably more unburned fuel and oil are discharged than when a two-cycle engine is run at high speeds. At high speeds a two-cycle engine is more efficient and combustion is more complete. Another fact that contributes to the amount of hydrocarbons discharged is that many older two-cycle engines used a higher concentration of oil than is currently used and had crankcase drains that drain oil from the crankcase directly into the water.

“In older outboard and PWC engines, oil was mixed directly with the gasoline before reaching the crankcase and then the combustion chamber. Recent technological advancements include outboard engines where the oil is metered and pumped directly into the crankcase, electronic fuel injection systems which can assure optimal air/fuel ratios and direct injection, all of which help prevent unburned hydrocarbons from escaping the combustion chamber. While this technology is new and expensive, it now is being used with some two-cycle engines.

“Most exhaust pollutants discharge directly into the air and only a small percentage of the exhaust discharge of unburned fuels and oil reach the water. Unburned fuel will usually be quickly dissipated by the action of wind and waves and will evaporate relatively quickly, while unburned oil will tend to stay in the aquatic system longer. Two-cycle engines utilized in outboards, and PWCs and other marine engines, are not the only source for hydrocarbons in the sound. Lubricants, fuels, and oils which drip or leak from cars and trucks and other heavy machinery can be washed off the streets and roadways during heavy periods of rainfall and enter into the stormwater drainage

system. This runoff can eventually be carried out to the sound through the drainage system and contribute to whatever hydrocarbons may already be in the sound. The exact amount of hydrocarbons reaching the water through runoff and by the use of two cycle engines is uncertain and subject to debate, as is the significance of any effects the hydrocarbons may have on the aquatic environment.

“An EPA study of two-cycle outboard boats found the long-term hydrocarbon level to be less than twice the background level and to have no apparent adverse effects on water quality or aquatic habitat. Data from the report suggested that after thirty days in the water, the residual hydrocarbons amounted to about fifteen percent of the initial amount that entered into the water.

“In 1996, the Environmental Protection Agency issued regulations for the control of exhaust emissions for outboard, PWC, and jet boat engines. Once these regulations are fully implemented, these engines must reduce hydrocarbon emissions by 75 percent of the present levels. These standards are being phased in over a nine-year period beginning in 1998. With the cooperative efforts of marine engine manufacturers, EPA has developed regulations that are not overly burdensome or costly to manufacturers or consumers. These regulations require manufacturers of outboard and PWC marine engines to achieve yearly emission reductions by meeting a corporate average emission standard which allows manufacturers to build some engines to emission levels lower than the emission standard and some engines higher than the standard provided that the overall corporate average is at or below the standard. For example, certain high performance PWC engines may exceed the maximum EPA emission standard as long as other engines sold by the same manufacture produce less emissions than the maximum EPA standard and provided that the average emissions meet the EPA's reduction requirement. Manufacturers will have the flexibility to develop their own technological solution to achieve these results based on the market. Some likely options for achieving compliance include converting current outboard and PWC two-cycle engine technology to four-cycle, direct-injection two-cycle, or possibly equipping two-cycle engines with catalytic converters in some applications.”



### 3. Effects of noise produced by PWC

Personal watercraft under operation produce noise levels in the range of 85-105 decibels (dB) per unit. Although this is within the range of noise produced by a busy street (about 85 dB), the changes in loudness and pitch when riding over wakes makes the PWC noise more disturbing than constant sounds at the same dB level.<sup>14</sup> A Washington State study<sup>15</sup> found that PWC do not produce a low-frequency long distance sound and accordingly do not signal birds or mammals of approaching danger until they are almost on top of them.

### 4. Operations, management and oversight

The observations given here concerning operations, management and oversight are made as a result of reviews of the data in the user survey and interviews with various public officials and vendors offering PWC and other watercraft rentals. The observations are presented in a way so as to avoid reporting on the operation of any specific business or the views of any person or official interviewed. To a large extent, the remarks describe a composite of conditions that was observed or was discussed with us by different persons during the study.

- a. **The PWC limit** - No vendors were observed as having more than their limit of eight rental craft in service at the time of our site visits. PWC that were not out on rental were usually conspicuously moored near shore in an organized way. Some of the vendors with lower traffic did not at all times have all eight vessels in the water at the same time. Vendors are also allowed two PWC for use in management, service and rescue operations. Other vessels are required to be kept out of the rental area. During our site visits the rules concerning the number of vessels allowed, both rental and support, were being observed by the vendors.
- b. **Fueling of PWC** - The practice of how fuel is handled around the point of rental of PWC should be examined by appropriate officials. We observed several refueling practices that could be unsafe including a refueling tank located on a boardwalk that provided the only access to the PWC docking area. Refueling PWC from tanks carried in the bed of a truck

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<sup>14</sup>See Bluewater Network PWC Position Paper on their Web Site - [www.earthisland.org/bw](http://www.earthisland.org/bw)

<sup>15</sup>Woods Hole Oceanographic Institute in previous reference..



parked at waters edge also was observed as a possible risk of oil spills into Roanoke Sound waters. Regulations require that all petroleum products be stored no closer than 50 feet or a distance of one-half the lot width, whichever is less, from and property line, right-of-way, drainage ditch or estuarine waters (Town Code §22-356 (d)(3)(h) ). This

suggests a need for an increased level of enforcement.

- c. **Instructions on operation of PWC** - The user survey indicated that most PWC drivers are operating the equipment with little or no experience or boat safety training. Also, half of the operators were driving a PWC for the first time and one-fourth had only driven them once. Renters indicated that some vendors provided instruction using taped presentation while others provided a lecture. PMA observed that at least one vendor required each rider to view a video on the operation of the craft before allowing them to board the vessels. The video covered basic boat safety, rules of the road and operational tips. Another vendor used an audio tape to prepare riders. Two additional items are suggested that would enhance safety of PWC operation: (i) require all drivers to receive a standard safety orientation and (ii) require each vendor to have a licenced captain on site to oversee the safety instructions and operations of PWC.
- d. **Enforcement** - Several agencies are responsible for enforcing regulations on personal watercraft and operations related to them. The North Carolina Wildlife Resources Commission has the general authority over boating accidents. The Nags Head Police Department makes a report on all accidents and files its reports with the state police. The Nags Head Police Department also has the responsibility for enforcing the PWC ordinance and the Fire Department enforces the Fire Code. It is PMA's understanding that the Department of Public Safety which oversees both the police and fire departments does not have a police watercraft of its own and that fire inspections are made only on an occasional



and unannounced basis. Consideration should be given to establishing a more definitive enforcement program over watercraft and shoreline operations.

- e. **Liability insurance** - Consideration should be given to a policy requiring that PWC vendors carry appropriate liability insurance in such amounts to be determined by the Board of Commissioners.

## 5. Concluding remarks

As with social capacity any conclusions concerning the physical capacity of resources are subjective and, at best, must be drawn from partial information. The judgments expressed here concerning resource capacity came from the examination of three major categories discussed above: physical qualities of the water, impact of PWC on the water itself, and operational aspects of the PWC rental business.

- a. There is a big difference between the amount of space available for PWC operation on north and south sides of the causeway. Marshes reduce the area available on the south thereby resulting in a density of PWC of twice that on the north side of the causeway when all authorized PWC are in the water. This is helped somewhat because of the lighter use of rental craft on the southside but diminished by the fact that the smaller area is shared with two of the Sound's best fishing pier facilities.
- b. Shallow waters off the Nags Head shore provide a measure of safety to PWC riders because larger and more powerful boats, such as are used for water skiing and parasailing, are more likely to operate in deeper water. But while adding to the safety of PWC riders, the shallow water is shared by beach goers and the probability of conflict between these two water users is increased.
- c. There is also the factor that PWC may be adverse to wildlife. This comes from the fact that a PWC does not produce a low-frequency long distance sound that is needed to signal birds or mammals of approaching danger. Wildlife may not be aware of the vessel until it is almost on top of them. At the present time the full impact of PWC traffic on marshes, other wetlands

and habitat areas cannot be known fully without additional scientific research. For this reason, PMA does not evaluate water capacity *vis-i-vis* these environmental issues from the data acquired during this study. It does seem to us, however, that enough concerns have been expressed above to warrant "no further increase" in the level of usage by PWC operating in the Sound Waters and that wherever possible steps should be taken to reduce the adverse environmental impacts of these craft.

- d. The low level of experience and boat safety training found among the renters of PWC suggest that much attention should be paid to assuring that those who drive these watercraft should be adequately instructed in their use. There is no consistent program now in place that is used by all vendors. Of the vendors that were observed, the video approach appeared to provide a basic understanding of the vessel, its handling, rules of the road and the dangers that come from improper use. Regardless of methods used, safety concerns seem to dictate that all vendors provide a similar level and quality of orientation on the use of PWC before allowing the users to drive them. The orientation should occur immediately prior to operation of the equipment.
- e. Enforcement of activities along the shore as within the water is one of the most important elements of a safe boating and water recreational program. Areas of enforcement that should be strengthened include the no-wake zone where applicable and handling of fuels along the shoreline.



## SECTION F. WATER MANAGEMENT PLAN ISSUES AND OPTIONS

This final section combines the findings and ideas presented in preceding sections. It groups issues that were identified during the water recreational use study on both social and resource capacity into a common set of issues. As used here, an issue is defined as “any concern that the community has about the recreational use of water such as problems that should be addressed; opportunities that might be pursued; hazards to be avoided; and the like.” Because the scope of PMA’s study on this project was limited to the specific task of examining “recreational water use carrying capacity,” we have confined the issues discussed here to those that we could identify from our own survey results, from research and information that was available to us during the study or from on-site observations that we made during the study. The resulting issues are identified under five topics:

1. Balance between PWC traffic north and south of the causeway
2. Effects of hydrocarbons on Roanoke Sound
3. Interference between PWC and less maneuverable watercraft
4. Interference between PWC and shoreline activities
5. Accident reduction and management safety improvement

The comments and suggestions related to these five areas need to be preceded with an important observation. The vast majority of visitors to Nags Head who participated in the 1998 summer survey had positive feelings about their experiences with personal watercraft and other forms of recreation. PMA found that the market for “thrill recreation” is strong and accepted by most visitors as a normal activity for the area. Negative feelings toward motorized watercraft expressed by those surveyed were minimal although we detected that they were a little stronger where shoreline utilization was more active. The issues that are discussed below are also summarized in Table 4 which highlights in a matrix format the implications of the issue and possible strategies or public policies that might be followed in dealing with the issues.

### **1. Balance between PWC traffic north and south of the Causeway**

The area available for rental watercraft on the south side of the Causeway is limited by marshlands and it is also shared by two of the Town’s most popular fishing piers. With the current number of PWC authorized to operate south of the Causeway, the amount of water area available per PWC is only about one-half of that available on the north side. The 600-foot buffer around the two fishing

piers further restricts the area available. Discussions with vendors indicated that this area is used less than the PWC rental places north of the Causeway with the result that not all of the authorized units are always rented. Because of space limitations and possible conflict with shoreline recreational uses, consideration might be given to reducing the number of PWC authorized to operate south of the Causeway to five per vendor. Such a reduction could be phased down over a period of time to minimize the commercial impact on the vendors operating in that area.

## **2. Effect of hydrocarbons on Roanoke Sound**

Two-cycle engines, the power source for most of the PWC models in use today, are a major source of hydrocarbons entering the Roanoke Sound. The Environmental Protection Agency (EPA) has addressed this issue by adopting regulations requiring by 2005 a 75 percent reduction in hydrocarbons released through marine engines. Changes in technology that will accomplish this goal include modifications such as replacement of conventional two-cycle carbureted engines with four-cycle and/or fuel-injected engines. Several outboard motor manufacturers are already producing engines with these features and the commercial vendors in Nags Head should be encouraged to switch to the advanced technology when it becomes available on PWC. If it appears that voluntary replacement does not take place within a reasonable time, the Board of Commissioners may wish to consider imposing mandatory requirements to assure the use of cleaner-burning engines on Roanoke Sound.

## **3. Interference between PWC and less maneuverable watercraft**

The issue that was identified in the study focused on the conflict within the areas where both PWC and nonpowered craft, such as windsurfers, are rented for use in the same waters. The concern comes from the potential conflict between the powerful and fast PWC and the nonpowered craft. It is particularly a concern with novice windsurfers who have little control over their craft. Since the no-wake, straight-in/straight-out rule does not apply in the commercial area, PWC may operate at full speed as soon as practicable after they leave the docking area.

The Town should consider extending the no-wake zone to the Commercial Outdoor Recreational Uses Overlay Zoning District in order to include rental PWC under this regulation. In addition, each vendor should be required to establish a conspicuously marked route of ingress and egress from the



rental point through the no-wake zone. PWC drivers would use such corridors to get to the open waters with the result that a "safe zone" would be available for use by novice windsurfers and other non-powered craft.

Related also to this issue is the inconsistency between Section 5-5 (c) and 3-150 (7) of the Town Code. The former establishes a 600-foot no-wake zone and the latter sets 500 feet as the distance from shore to be maintained by all commercial watercraft. It is suggested that Section 3-150 (7) be changed from 500 to 600 feet.

#### **4. Interference between PWC and shoreline activities**

During the user survey, only a few incidents were reported where PWC had interfered with shore use. The events occurred mostly south of the Causeway around the fishing sites. Since under the present Town Code, PWC are required to stay 600 feet from any fishing pier, such incidents appear to reflect a lack of knowledge of regulations concerning the prohibition against operating PWC near fishing piers. Whether the incidences involved rented or privately-owned craft was not reported in the survey.

Town Code section 5-5 d. (2) is unambiguous on this point - "*PWC may not be operated within 600 feet of any fishing pier.*" What may help is an educational approach that emphasizes this requirement to all PWC operators. It is recommended that a safety orientation be provided before rental craft can be operated to include a full briefing on both the state and local laws concerning boat operation as well as safety.

#### **5. Accident reduction and management safety improvement**

Water safety issues are highlighted by several components of this study, specifically: (a) the ever-increasing number of PWC that are coming to the market; (b) the higher than average rate of accidents in which PWC are involved; and (c) the lack of boat safety training and relative inexperience of the typical PWC driver. These factors, combined with the enormous power and speed that PWC are designed to produce, make safety one of the top priority issues of this form of recreation.

State statutes covering the operation of power boats and specifically PWC establish the framework

of regulations designed to make boating a safe form of recreation. The Nags Head Town Code extends the state code requirements consistent with the patterns of water recreational needs of the Outer Banks.

Since the basic framework of laws to address water safety is already in place, it appears that what is needed is a basic strategy for making these more effective. Several areas where such a strategy might be focused include:

- a. orientation of all PWC drivers concerning the laws regulating boat operation and usage, basic boat safety procedures and rules of the road prior to operation of PWC. The use of training videos has been suggested as a minimal effort;
- b. improved enforcement and supervision of existing laws and regulations concerning observance of basic rules of the road, operations within prescribed boundaries for individual vendors as well as supervision of the "no-wake" zones, and the like;
- c. improved supervision in fuel handling procedures and equipment; and
- d. additional consideration might also be given to (i) requiring a licenced captain to be available to all vendors; (ii) requiring that vendors renting PWC carry appropriate liability insurance; and (iii) promote the use of body protective devices that are endorsed by the NTSB.<sup>16</sup>

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<sup>16</sup> Some research suggests that safety helmets may serve a protective function in situations where there is potential for head injury due to collision (like in racing) but the NTSB advises further research before appropriate head gear protection can be recommended for general recreational use (NTSB at p. 47).



**Table 4**  
**SUMMARY OF ISSUES, IMPLICATIONS AND STRATEGIES**

| Issue                                                                                                                                                                                               | Implications                                                                                                                                                                                                                                                                                                                                  | Possible Strategy or Policy                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Balance between water area used and number of PWC appears reasonable north of Causeway but on south side of Causeway the area may be too small for the number of craft authorized to use the space. | <p>▼Possible overcrowding south of Causeway when all authorized units are in use;</p> <p>▼PWC interference with pier fishing</p>                                                                                                                                                                                                              | <p>Consider reduction of the number of PWC rentals in the area south of the Causeway.</p> <p>Strict enforcement of "no PWC within 600 feet of fishing pier" rule.</p>                                                                                         |
| Unburned fuel from PWC and other two-cycle exhausts discharged into the Roanoke Sound is a major source of pollution from hydrocarbons.                                                             | <p>▲Daily flushing action of tides and evaporation into the air mitigates the effect of these emissions and makes them less noticeable.</p> <p>▼But the long-term accumulative effect may be adverse to tidal wetlands, marine feeding and nursery grounds.</p>                                                                               | <p>Improvement in this situation will be seen as new EPA regulations requiring a 75 percent reduction in exhaust hydrocarbons by 2005.</p> <p>Local vendors should be encouraged to switch to the newer technology engines as soon as they are available.</p> |
| Possible conflict between PWC and non-powered craft pose danger to the latter recreational activities                                                                                               | <p>▼Persons windsurfing and kayaking are vulnerable to collision with speeding PWC</p> <p>▼Increased risk of accidents between powered and non-powered craft in areas where both operate in the same waters near shore.</p>                                                                                                                   | Consider establishing a "safe zone for non-powered windsurfing kayaking, etc., where PWC are excluded except for the "straight in- straight out no-wake rule" that applies to other shorelines.                                                               |
| Possible conflict between passive shore-line users and PWC                                                                                                                                          | <p>▼Residential shorelines are protected by a 600-foot no-wake zone and commercial craft may not come within 500 feet of an estuarine shoreline but several public access points have occasional visits from commercial craft.</p> <p>▼Mixing of swimmers, waders and other passive water users with power boats is a high risk situation</p> | <p>Revisit the 500-foot "no commercial craft zone" in Code Section 3-150 (7) and make it consistent with the 600-foot no-wake zone of 5-5 (c).</p> <p>Increase enforcement to minimize the presence of PWC in the vicinity of these beaches.</p>              |
| Fishing sites south of the Causeway are favorite spots for shore fishing, crabbing and related activities, and therefore well-attended.                                                             | <p>▲Large numbers of visitors enjoy these sites; they are visited by all ages especially families with children.</p> <p>▼PWC operating within areas where shoreline fishing is provided disrupt fishing and crabbing.</p>                                                                                                                     | Continue to protect these areas from interference by motor craft with strict enforcement of 600-foot PWC exclusion.                                                                                                                                           |
| Nationally as well as locally, PWC accidents comprise a growing number and percentage of boating accidents                                                                                          | <p>▼Vacations may be spoiled and, in cases of injury, terminated</p> <p>▼Possible increase in pollution if fuel is lost as a result of an accident</p>                                                                                                                                                                                        | Examine options for improving safety such as: oversight by licensed captain, and liability insurance by vendors.                                                                                                                                              |
| The low level of boat safety training and prior experience of PWC drivers increases the risk of accidents.                                                                                          | ▼ Risk of higher incident of accidents involving PWC than other watercraft.                                                                                                                                                                                                                                                                   | Standardize the requirements for safety orientation prior to allowing PWC renters to operate on public waters.                                                                                                                                                |

**APPENDIX**

**DETAILED RESULTS OF WATER-USER SURVEY  
NAGS HEAD, NORTH CAROLINA**

**Prepared for the Town of Nags Head**

*Originally submitted in  
November, 1998*

**By  
PMA - Planners and Architects  
Newport News, VA**



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APPENDIX  
DETAILED RESULTS OF THE WATER-USER SURVEY  
NAGS HEAD, NORTH CAROLINA

## INTRODUCTION

This appendix gives the detailed responses of a Water-User Survey conducted for the Town of Nags Head during the late Summer of 1998. The survey was designed to address users of four types of water recreation - personal water craft, other power boats, non-powered boats, and shoreline recreation. The objective of the survey was to examine each of these specific activities while also providing a common set of information about all respondents to the survey. To accomplish this, PMA designed four separate questionnaires. Parts One and Two of all questionnaires contained the same questions while each questionnaire contained a "Part Three" that focused on the activity being surveyed. Copies of the questionnaires are included at the end of this Appendix.

Interviews were conducted between August 10 and September 18, 1998. They were started on August 10 and conducted daily (except Sundays) until August 25. A hurricane stopped activity from the 26th through the 30th of August but after that interviews were resumed and continued until September 2. At that point, all of the interviews were completed except for site 12, the Causeway Estuarine Access Site and Interpretive Center (see list below). Interviews at that site were conducted on September 16, 17 and 18. All interviews were confined to the "Sound" side.

Interviews were conducted one-on-one with persons either just after they completed an activity or while they were still engaged in it. In cases of PWC and other water craft users, contact was made as people were completing the activity. At fishing sites and beach sites, interviews were conducted while the persons were still engaged in the activity. The total number of interviews conducted at all sites combined was 317. If groups are considered, the surveys involved 1,101 persons.

Twelve sites were selected by the Town as the targets for the survey. They are identified on the maps (Maps 1, 2 and 3) of the main report. The remaining part of this Appendix reports the responses to each of the questions asked in the survey. It is organized as follows:

- Responses to Parts One and Two Questions for all respondents (Questions 1- 23)<sup>1</sup>
- Responses to personal water craft (PWC) questions (Questions 24-36)
- Responses to Shoreline Users questions (Questions 24-36)
- Responses to Other Powered Boat users (Questions 24-36)
- Responses to Non-powered Craft users (Questions 24-36)

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<sup>1</sup>A copy of the questions asked in each questionnaire is included at the end of this Appendix. The numbering system used in this analysis was established during the analysis in order to facilitate tabulation of similar data. Although the questions in the analysis follow the same sequence as in the questionnaire for questions 1 through 23, the remaining questions varied in sequence and accordingly have been re-numbered so every number refers to the same question regardless of which survey form it was on.

It will be noted in the summations of questions that many different totals appear. This is explained by the fact that while 317 interviews were completed, not all respondents answered every question. For this reason, most summations will fall short of the number of actual interviews completed. The correct interview count of interviews completed at each site may be found under Question 7 in Part 1 below. It is also noted that interviewers completed questions 1 through 10 from personal observations.

# SECTION 1

## RESPONSES TO PART ONE QUESTIONS

### QUESTION 1: SURVEY DATE

#### Dates of Survey Number of Interviews

|                   |          |
|-------------------|----------|
| August 10 -15     | 121      |
| August 17-22      | 108      |
| August 24- 31     | 35       |
| September 1-3     | 33       |
| September-18      | 11       |
| Date not recorded | <u>6</u> |

TOTAL 314

### QUESTION 2: DAY OF WEEK INTERVIEWS WERE CONDUCTED:

#### Day of Week Number Reported

|           |           |
|-----------|-----------|
| Sunday    | 0         |
| Monday    | 43        |
| Tuesday   | 79        |
| Wednesday | 64        |
| Thursday  | 58        |
| Friday    | 41        |
| Saturday  | <u>16</u> |

TOTAL 301

### QUESTION 3: TIME OF DAY INTERVIEWS WERE CONDUCTED:

|                   |     |
|-------------------|-----|
| Between 10 and 11 | 63  |
| Between 11 and 12 | 69  |
| Between 12 and 1  | 62  |
| Between 1 and 2   | 47  |
| Between 2 and 3   | 40  |
| Between 3 and 4   | 10  |
| Between 4 and 5   | 5   |
| TOTAL             | 296 |

This pattern also reflects the observed peak time of usage - between 10 a.m and 3 p.m.

### QUESTION 4: TEMPERATURE

|          |                                                                          |
|----------|--------------------------------------------------------------------------|
| 24       | interviews were conducted with temperatures in the 70s                   |
| 260      | interviews were conducted with temperatures in the 80s, mostly, high 80s |
| <u>1</u> | interview was conducted with temperatures in the 90s                     |
| 285      | TOTAL                                                                    |



## QUESTION 5: WIND CONDITIONS

|        |           |
|--------|-----------|
| High   | 0         |
| Medium | 28        |
| Low    | 190       |
| None   | <u>57</u> |
| TOTAL  | 275       |

## QUESTION 6: CLOUD CONDITIONS

|                        |           |
|------------------------|-----------|
| Under 10 % cloud cover | 32        |
| From 10% to 30 %       | 94        |
| From 30% to 50%        | 23        |
| From 50% to 70%        | 82        |
| From 70% to 90%        | 17        |
| More than 90%          | <u>29</u> |
| TOTAL                  | 277       |

## QUESTION 7: THE SURVEY LOCATION IS...?

| Site No | No. Interviews | Name or Location of Site                                                    |
|---------|----------------|-----------------------------------------------------------------------------|
| 1       | 25             | Jockey's Ridge State Park (South access)                                    |
| 2       | 27             | Danube Beach (Town of Nags Head)                                            |
| 3       | 26             | Outer Banks Water Sports                                                    |
| 4       | 27             | Kitty Hawk Water Sports                                                     |
| 5       | 25             | Windmill Point Water Sports                                                 |
| 6       | 26             | Waterworks Sports Center                                                    |
| 7       | 33             | Nags Head Water Sports                                                      |
| 8       | 34             | Willett's Wetsports                                                         |
| 9       | 25             | Waterworks Too                                                              |
| 10      | 17             | Fishing Unlimited                                                           |
| 11      | 41             | Little Bridge Estuarine Access Site (Town of Nags Head)                     |
| 12      | <u>11</u>      | Nags Head Estuarine Access Site and Interpretive Center (Town of Nags Head) |
| TOTAL   | 317            |                                                                             |

## QUESTION 8: THE PROBABLE AGE GROUP OF THE PERSON INTERVIEWED IS:

The interviewer estimated the age group of the person being interviewed. The ages of others in the group were not reported unless they participated in the interview. If they did participate, the age of such participants (only) are included in these totals.

| Age Group              | Number     | Percent |
|------------------------|------------|---------|
| Less than 18 years old | 112        | 27.1    |
| Between 18 and 25      | 48         | 11.6    |
| Between 26 and 35      | 99         | 24.0    |
| Over 35 years old      | <u>154</u> | 37.3    |
| TOTAL                  | 413        |         |

## QUESTION 9: THE PERSON BEING INTERVIEWED IS (M/F)

|        | Number     | Percent |
|--------|------------|---------|
| Male   | 171        | 59.8    |
| Female | <u>115</u> | 40.2    |
| TOTAL  | 286        |         |

## QUESTION 10: THE FOLLOWING ACTIVITY HAS JUST BEEN COMPLETED OR IS IN PROGRESS.

| Activity (see list at question 9)  | Number of Interviews |
|------------------------------------|----------------------|
| Driving PWC                        | 150                  |
| Fishing/Crabbing from pier or bank | 61                   |
| Swimming /Wading                   | 36                   |
| Tour Boat                          | 19                   |
| Canocing/kayaking                  | 10                   |
| Fishing from skiff                 | 8                    |
| Parasailing                        | 8                    |
| Windsurfing                        | 7                    |
| Sunning                            | 5                    |
| Sailing                            | 3                    |
| Other                              | 2                    |
| Power Boating/Water skiing         | 1                    |
| Picnicking                         | 1                    |
| Air Boat                           | 0                    |

**SECTION 2**  
**RESPONSE TO PART TWO GENERAL QUESTIONS**  
 (Question 11 through 23)

QUESTION 11: ARE (DO) YOU...?

|                               |            |
|-------------------------------|------------|
| A Resident of Nags Head       | 9          |
| Live elsewhere on Outer Banks | 7          |
| Just visiting here            | <u>300</u> |
| TOTAL                         | 316        |

QUESTION 12: IF VISITING, ARE YOU IN NAGS HEAD FOR...?

|              |           |
|--------------|-----------|
| Vacation     | 289       |
| Summer job   | 1         |
| Other reason | <u>11</u> |
| TOTAL        | 301       |

QUESTION 13: IF VACATION, HOW LONG WILL YOUR TOTAL STAY HERE BE?

|              |          |
|--------------|----------|
| Today only   | 13       |
| This weekend | 16       |
| This week    | 244      |
| Two weeks    | 21       |
| Longer       | <u>2</u> |
| TOTAL        | 296      |

QUESTION 14: WHERE IS YOUR PERMANENT RESIDENCE?<sup>2</sup>

|                      | No. of<br>Interviews | Percent   |
|----------------------|----------------------|-----------|
| Virginia             | 87                   | 29%       |
| Pennsylvania         | 62                   | 21        |
| North Carolina       | 36                   | 12        |
| New Jersey           | 30                   | 10        |
| Maryland             | 28                   | 9         |
| District of Columbia | 15                   | 5         |
| 13 Other States      | <u>42</u>            | <u>14</u> |
| TOTAL                | 300                  | 100%      |

QUESTION 15: THIS QUESTION WAS OMITTED. IT DUPLICATES QUESTION 10.

<sup>2</sup>The respondent's residence was also recorded by Zipcode.

## QUESTION 16: HOW MANY PERSONS WERE IN YOUR PARTY?

| Group of | Number of<br>Groups | Total Number of<br>Persons Involved |
|----------|---------------------|-------------------------------------|
| 1        | 48                  | 48                                  |
| 2        | 116                 | 232                                 |
| 3        | 26                  | 78                                  |
| 4        | 47                  | 188                                 |
| 5        | 33                  | 165                                 |
| 6        | 13                  | 78                                  |
| 7        | 7                   | 49                                  |
| 8        | 6                   | 48                                  |
| 9        | 5                   | 45                                  |
| 10       | 4                   | 40                                  |
| 12       | 3                   | 36                                  |
| 14       | 1                   | 14                                  |
| 15       | 1                   | 15                                  |
| 20       | 1                   | 20                                  |
| 21       | 1                   | 21                                  |
| 24       | <u>1</u>            | <u>24</u>                           |
| TOTALS   | 313                 | 1101                                |

## QUESTION 17: OVERALL, WAS YOUR RECREATIONAL EXPERIENCE TODAY...?

|                         |          |
|-------------------------|----------|
| Extremely Satisfactory  | 218      |
| Somewhat Satisfactory   | 84       |
| Somewhat Unsatisfactory | 4        |
| Unsatisfactory          | <u>5</u> |
| TOTAL                   | 311      |

## QUESTIONS 18: WHAT WAS THE BEST PART OF TODAY'S EXPERIENCE?

## PWC Users:

The following comments were cited; they were applicable to all locations:

1. Speed, spins, wiping out, falling off (54 citations)
2. Just doing it, being in or on the water (47 citations)
3. Being with family/friends (26 citations)
4. Learning (12 citations)
5. Thrill, excitement, fun (9 citations)



**Shoreline Users**

At Jockey's Ridge and Danube:

1. Calm clear water where kids can swim (21 citations)
2. Clean, quiet, not crowded (11 citations)
3. Being with friends/family (5 citations)
4. Also cited were: swimming, wading, fishing, sun and shade, and "no jet skis" (at Danube)

At Fishing Unlimited and Little Bridge:

1. Fishing (24 citations)
2. Being there, having fun (8 citations)
3. Nice Weather (6 citations)
4. Also cited were being with friends, family and "restrooms" at Little Bridge

**Power Boat Users**

1. Dolphins
2. Being there fishing (7 citations)
3. Being with family, friends or dog (4 citations)
4. The weather, water and quiet were also appreciated

**Non-powered Craft**

1. Parasailing (6 responses)<sup>3</sup>

QUESTION 19: WHAT WAS UNSATISFACTORY ABOUT YOUR EXPERIENCE?

**Shoreline Users**

1. For Jockey's Ridge, jellyfish were mentioned 7 times. One person mentioned seaweed and another said that a dog went to the bathroom in the water
2. At Danube, tires or debris in the water was mentioned twice as were motorboats or jet skis in the area. Also mentioned once each were jellyfish, bugs, not enough eating places and no stoplight on Route. 15 .
3. At Little Bridge 10 respondents mentioned no fish or fish too small. At Fishing Unlimited one person commented on slow fishing

**Personal Watercraft Users**

1. Operational problems with equipment was cited six times
2. Too small an area was mentioned five times
3. Two persons said that the area they were assigned was not well enough defined.
4. Other complaints included the weather, the passengers, coupon not honored and boring

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<sup>3</sup>We suspect that this reference to " parasailing" actually refers to "windsurfing" .

**Powered Boats**

1. Three "unsatisfactory" comments were received. One concerned the weather, another that there were "no fish" and the third that a baby stroller was not allowed on the tour boat

**Non powered watercraft**

1. Comments concerned either the lack of the wind or roughness of the water
2. One person said a map for the channel was needed
3. General comments included "tiring" and "hard starting"

QUESTION 20: DID YOU EXPERIENCE ANY PROBLEMS TODAY?

**Personal Watercraft Users**

1. Operational problems with the equipment (16 citations)
2. Interference from other PWC (4 citations)
3. Interference from kayaks (1 citation) at rental agency for PWC
4. Interference from kayaks (1 citations) from crabbers
5. Obstacles in water that could be hazardous

**Shoreline Users**

1. Obstacles in the water (5 citations - Danube)
2. Interference from PWC (2 citations)

**Non powered Watercraft Users**

1. Reported one operational problem with a para sail, (*sic. windsurf*), (1 citation)
2. Interference from a wake from another watercraft (1 citation)
3. Rocks at the edge of water (1 citation)

QUESTION 21: FOR THE TYPE OF RECREATION THAT YOU WERE DOING, WOULD YOU SAY THAT THE CONDITION OF THE WATER AND WEATHER WAS:

|                |          |
|----------------|----------|
| Just Perfect   | 249      |
| Acceptable     | 61       |
| Unsatisfactory | <u>4</u> |
| TOTAL          | 314      |

QUESTION 22: WAS THE CONDITION OF THE WATER BEST DESCRIBED AS...?

|                 |          |
|-----------------|----------|
| Smooth          | 167      |
| Somewhat rough  | 57       |
| Slightly choppy | 89       |
| Very rough      | <u>1</u> |
| TOTAL           | 314      |

QUESTION 23: WOULD YOU RETURN TO DO IT AGAIN?

|    |            |          |
|----|------------|----------|
| 1. | Yes        | 303      |
| 2. | Perhaps    | 6        |
| 3. | Not likely | <u>5</u> |
|    | TOTAL      | 314      |

### SECTION 3 RESPONSES TO PART THREE QUESTIONS FOR PWC USERS

QUESTION 24: WAS THE CRAFT A...?

|                                       |          |
|---------------------------------------|----------|
| PWC (ie., JetSki, Waverunner, SecDoo) | 151      |
| Pumpjet powered boat                  | <u>0</u> |
| TOTAL                                 | 151      |

QUESTION 25: ABOUT HOW LONG DID YOU RIDE THE PWC TODAY?

|           |            |
|-----------|------------|
| Half hour | 32         |
| Hour      | <u>111</u> |
| TOTAL     | 143        |

QUESTION 25-A: ABOUT HOW MANY TIMES HAVE YOU DRIVEN A SIMILAR WATERCRAFT BEFORE TODAY?

|                   |           |
|-------------------|-----------|
| Never             | 48        |
| Once              | 26        |
| 2 to 6 times      | 52        |
| More than 6 times | <u>27</u> |
| TOTAL             | 153       |

QUESTION 25-B: DID YOU CARRY A PASSENGER AT ANY TIME DURING THE RIDE?

|       |           |
|-------|-----------|
| Yes   | 110       |
| No    | <u>43</u> |
| TOTAL | 153       |

## QUESTION 26: WAS THE CRAFT..?

|                  |          |
|------------------|----------|
| Rented           | 152      |
| Personally owned | <u>2</u> |
| TOTAL            | 154      |

## QUESTION 27: IF RENTED, DID THE AGENCY PRESCRIBE A LIMITED AREA IN WHICH YOU COULD RUN THE CRAFT?

|       |          |
|-------|----------|
| Yes   | 133      |
| No    | <u>2</u> |
| TOTAL | 135      |

## QUESTION 28: DID THE AGENCY PROVIDE YOU WITH A SAFETY ORIENTATION IN THE FORM OF...?

|               |          |
|---------------|----------|
| A brochure    | 1        |
| Lecture       | 75       |
| Video         | 51       |
| Demonstration | 14       |
| Other         | <u>0</u> |
| TOTAL         | 141      |

## QUESTION 29: PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS...?

|              |           |
|--------------|-----------|
| Extensive    | 22        |
| Considerable | 32        |
| Some         | 39        |
| A little     | 26        |
| None         | <u>33</u> |
| TOTAL        | 152       |

## QUESTION 30: DESCRIBE AS BEST YOU CAN THE LIMITS OF THE AREA WHERE YOU OPERATED THE CRAFT.

The following is a generalization of the responses. Nearly all of the respondents said they operated within the prescribed buoys of the vender.

**Outer Bank Water Sports:**

Most respondents said they operated within the prescribed buoys, some specifying the green or OBWS buoys ( 23 citations)



**Kitty Hawk Water Sports:**

Most respondents said they operated within the prescribed buoys or near or behind the islands; one person said "half way across sound".

**Windmill Point:**

Same type of answers; within red/orange buoys; some referenced to water tower

**Nags Head Water Sports:**

Same type of answers; within orange buoys

**Wallet's Water Sports:**

Same type of answers; within buoys

QUESTION 31: HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?  
(Note: this question was modified during coding to simply "yes" or "no")

|       |            |
|-------|------------|
| Yes   | 37         |
| No    | <u>117</u> |
| TOTAL | 154        |

QUESTION 33: IN YOUR OPINION, DID ANY WATERCRAFT COME TOO  
"DANGEROUSLY CLOSE" TO YOU TODAY?  
(Note: this question was modified during coding to simply "yes" or "no")

|       |            |
|-------|------------|
| Yes   | 4          |
| No    | <u>146</u> |
| TOTAL | 150        |

QUESTION 34: DESCRIBE THE SITUATION (WHEN A WATERCRAFT CAME TOO  
CLOSE).

There were not enough responses for analysis

Most sites had no reports or descriptions of this situation. The following comments were received:

**Danube:**

Jet ski unloading here (1)  
Jet skis are poorly regulated, danger to swimmers  
Jet skis come too close

**Wallet's Water Sports:**

Not dangerous, but close  
 Boat/jet ski flipped 360 degrees- told not to do it  
 Large yacht ran over dolphins

**Little Bridge**

PWC came too close to bridge

QUESTION 35: FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS...?

|                                                   |           |
|---------------------------------------------------|-----------|
| There were too many water craft out there         | 0         |
| The number (of craft) did not cause any problem   | 18        |
| Some increase in the number could be accommodated | 123       |
| No other watercraft were observed in the vicinity | <u>13</u> |

|       |     |
|-------|-----|
| TOTAL | 154 |
|-------|-----|

QUESTION 36: WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

1. **Outer Banks Water Sports:**

Enjoyable, fun  
 Other vendor's (PWC) strayed within area  
 Need better color for buoys  
 Too many crab pots

2. **Kitty Hawk Water Sports**

Good time  
 Not too crowded  
 Could not always tell boundaries  
 Area too confined

3. **Windmill Point**

Fun, blast, enjoyable

4. **Waterworks Too**

Friendly staff, helpful  
 Fun, enjoyable

5. **Nags Head Water Sports**

Fun, enjoyable, wonderful

6. **Wallet's Water Sports**

Good service, equipment (3 responses)  
Nice Site (2 responses)  
Personnel were great  
Fun, enjoyable  
Some drivers did not follow directions  
Concerned about shallow water if thrown off  
Told could bring stroller, then it was not allowed

7. **Waterworks Too**

Wave runner from next door came too close  
Other areas are unacceptable, don't care about business

8. **Fishing Unlimited**

Great  
Beautiful days  
Nice area  
"Keep hurricane away"

**SECTION 4**  
**RESPONSES TO PART THREE QUESTIONS ON SHORELINE USE**

QUESTION 24: THE ACTIVITY ENGAGED IN IS...

|                 |          |
|-----------------|----------|
| Fishing         | 56       |
| Crabbing        | 7        |
| Picnicking      | 0        |
| Sunning         | 28       |
| Swimming/wading | 16       |
| Other           | <u>3</u> |

TOTAL 110

QUESTION 24-A: HOW OFTEN DO YOU VISIT THIS RECREATIONAL FACILITY?

|                 |           |
|-----------------|-----------|
| First time      | 59        |
| Every day       | 9         |
| Few times/month | 11        |
| Few times/year  | <u>26</u> |

TOTAL 105

QUESTION 25: HOW MANY HOURS HAVE YOU BEEN AT THIS FACILITY TODAY?

|                  |           |
|------------------|-----------|
| One hour or less | 27        |
| 1.5 to 3 hours   | 48        |
| More than 3 hrs  | <u>29</u> |

TOTAL 105

QUESTION 25-A: COMPARED WITH OTHER SITES YOU'VE VISITED (ON THE SOUND) FOR THE SAME PURPOSE, IS THIS ONE...?

|                          |          |
|--------------------------|----------|
| Better than others       | 29       |
| About the same as others | 32       |
| Worse than others        | <u>1</u> |

TOTAL 62

QUESTION 33 DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

|     |           |
|-----|-----------|
| Yes | 0         |
| No  | <u>45</u> |

TOTAL 45



QUESTION 34: DESCRIBE THE SITUATION (WHEN A WATERCRAFT CAME TOO CLOSE)

There were not enough responses for analysis

QUESTION 35: FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS...?

|                                                   |           |
|---------------------------------------------------|-----------|
| There were too many water craft out there         | 0         |
| The number (of craft) did not cause any problem   | 1         |
| Some increase in the number could be accommodated | 64        |
| No other watercraft were observed in the vicinity | <u>28</u> |

|       |    |
|-------|----|
| TOTAL | 93 |
|-------|----|

QUESTION 36: WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

1 **Jockey's Ridge:**

Great beach  
Decent restroom  
Need more outdoor restrooms  
Get rid of jellyfish  
Come daily, rarely see watercraft  
Keep open later for walks after work

2 **Danube:**

PWC come too close/ should be courteous (5 responses)  
Nice (2 responses)  
Jellyfish (2 responses)  
Good for small kids  
Agree with prohibiting launch of PWC at Danube  
Trash cans needed  
Tires in water  
Wall has fallen, needs repair

3 **Little Bridge**

Nice facility (3 responses)  
Request more, bigger, fish (3 responses)  
Fun, enjoyable  
Coming back next year  
Once in a while private jet skis come too close  
Remove jet skis from area  
More traffic in Nags Head

**SECTION 5**  
**RESPONSES TO PART THREE QUESTIONS ON POWER BOAT USE**

QUESTION 24: WAS YOUR TRIP TODAY FOR...?

|              |          |
|--------------|----------|
| Fishing      | 12       |
| Sailing      | 0        |
| Water Skiing | 0        |
| Sightseeing  | 5        |
| Other        | <u>8</u> |

TOTAL 27

QUESTION 25: HOW LONG WERE YOU AWAY FROM THE DOCK?

|                     |           |
|---------------------|-----------|
| One hour            | 4         |
| Two hours           | 9         |
| Three hours or more | <u>10</u> |

TOTAL 23

QUESTION 26: WAS THE BOAT YOU USED...?

|                 |          |
|-----------------|----------|
| Rented          | 19       |
| Privately owned | 2        |
| Chartered       | <u>4</u> |

TOTAL 25

QUESTION 26-A: WHAT WAS THE LENGTH OF THE BOAT?

|                   |          |
|-------------------|----------|
| Less than 16 feet | 5        |
| 16 to 24 feet     | 21       |
| More than 24 feet | <u>1</u> |

TOTAL 27

QUESTION 27: DID THE AGENCY PRESCRIBE A LIMITED AREA IN WHICH YOU COULD OPERATE THE BOAT?

|     |          |
|-----|----------|
| Yes | 13       |
| No  | <u>0</u> |

TOTAL 13

QUESTION 28: DID THE AGENCY PROVIDE SAFETY ORIENTATION IN THE FORM OF...

|               |          |
|---------------|----------|
| Brochure      | 1        |
| Lecture       | 10       |
| Video         | 0        |
| Demonstration | <u>2</u> |
| TOTAL         | 13       |

QUESTION 29: PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS...?

|              |          |
|--------------|----------|
| Extensive    | 5        |
| Considerable | 4        |
| Some         | 3        |
| A little     | 1        |
| None         | <u>3</u> |
| TOTAL        | 16       |

QUESTION 31: HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?

|       |           |
|-------|-----------|
| Yes   | 16        |
| No    | <u>11</u> |
| TOTAL | 27        |

QUESTION 33: DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

|       |           |
|-------|-----------|
| Yes   | 0         |
| No    | <u>28</u> |
| TOTAL | 28        |

QUESTION 34: DESCRIBE THE SITUATION (WHEN A WATERCRAFT CAME TOO CLOSE)

There were not enough responses for analysis

QUESTION 35: FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS...?

|                                                   |          |
|---------------------------------------------------|----------|
| There were too many water craft out there         | 0        |
| The number (of craft) did not cause any problem   | 0        |
| Some increase in the number could be accommodated | 26       |
| No other watercraft were observed in the vicinity | <u>2</u> |
| TOTAL                                             | 28       |

QUESTION 36: WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?  
There were not enough responses for analysis

**SECTION 6**  
**RESPONSE TO PART THREE QUESTIONS ON NON-POWER BOAT USE**

QUESTION 24: WAS YOUR TRIP TODAY FOR...?

|                      |          |
|----------------------|----------|
| Canoeing             | 0        |
| Kayaking             | 6        |
| Windsurfing          | 7        |
| Sail/Sunfish sailing | 1        |
| Other                | <u>7</u> |

TOTAL 21

QUESTION 25: HOW LONG WERE YOU AWAY FROM THE DOCK?

|                     |          |
|---------------------|----------|
| One hour            | 11       |
| Two hours           | 6        |
| Three hours or more | <u>5</u> |

TOTAL 22

QUESTION 26: WAS THE BOAT YOU USED...?

|                 |          |
|-----------------|----------|
| Rented          | 22       |
| Privately owned | <u>1</u> |

TOTAL 23

QUESTION 27: DID THE AGENCY PRESCRIBE A LIMITED AREA IN WHICH YOU COULD OPERATE THE BOAT?

|     |          |
|-----|----------|
| Yes | 11       |
| No  | <u>2</u> |

TOTAL 13

QUESTION 28: DID THE AGENCY PROVIDE SAFETY ORIENTATION IN THE FORM OF...

|               |   |
|---------------|---|
| Brochure      | 0 |
| Lecture       | 9 |
| Video         | 1 |
| Demonstration | 2 |
| None          | 8 |

TOTAL 20



QUESTION 29: PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS...?

|              |          |
|--------------|----------|
| Extensive    | 2        |
| Considerable | 5        |
| Some         | 6        |
| A little     | 1        |
| None         | <u>7</u> |
| TOTAL        | 21       |

QUESTION 31: HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?

|       |           |
|-------|-----------|
| Yes   | 9         |
| No    | <u>14</u> |
| TOTAL | 23        |

QUESTION 33: DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

|       |           |
|-------|-----------|
| Yes   | 0         |
| No    | <u>21</u> |
| TOTAL | 21        |

QUESTION 34: DESCRIBE THE SITUATION (WHEN A WATERCRAFT CAME TOO CLOSE).

There were not enough responses for analysis

QUESTION 35: FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS...?

|                                                   |          |
|---------------------------------------------------|----------|
| There were too many water craft out there         | 0        |
| The number (of craft) did not cause any problem   | 1        |
| Some increase in the number could be accommodated | 20       |
| No other watercraft were observed in the vicinity | <u>2</u> |
| TOTAL                                             | 23       |

QUESTION 36: WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

There were not enough responses for analysis.

## SURVEY QUESTIONNAIRES

Note: The survey questionnaires used for the survey reported in the preceding pages of this Appendix are included here in the same form used in the survey with one exception. The survey was performed using four separate questionnaires, one for each type of condition surveyed. Since Parts 1 and 2 of each of the four questionnaires were identical, those parts of the questionnaire are only presented here once. Part 3 for each of the conditions - personal watercraft, shoreline users, large power boats, and non-powered watercraft - is then included on a separate page.

The reader will observe that the numbering of questions in Part 3 of each survey may not necessarily follow the numerical sequence of the questions as reported in the main body of the Appendix. This reflects: (a) that not all questions are present on all questionnaires; and (b) the numbering was rearranged in order to enable consistent coding for spreadsheet tabulation.

**WATER SPORTS RECREATIONAL SURVEY  
TOWN OF NAGS HEAD, NORTH CAROLINA**

**QUESTIONS 1 - 23, Apply to All Four Surveys**

**PART ONE: (TO BE COMPLETED BY INTERVIEWER'S OBSERVATIONS)**

- (1) Date: \_\_\_\_\_; (2) Day of Week: S M T W T F S; (3) Time: \_\_\_\_\_;  
 (4) Temp- H M L; (5) Wind- H M L 0; (6) Cloudy- \_\_\_\_\_ %
- (7) THE SURVEY LOCATION IS NO. 1 2 3 4 5 6 7 8 9 10 ( See instructions for definitions)
- (8) THE PROBABLE AGE GROUP OF THE PERSON INTERVIEWED IS :  
☐ Less than 18      ☐ 18 to 25      ☐ 26 to 35      ☐ Over 35
- (9) AND HE/SHE IS      ☐ Male      ☐ Female
- (10) THE FOLLOWING ACTIVITY HAS JUST BEEN COMPLETED OR IS IN PROGRESS:  
☐ Driving PWC    ☐ Parasailing    ☐ Driving air boat    ☐ Canoeing/ kayaking    ☐ Sailing    ☐ Windsurfing  
☐ Power Boating /waterskiing    ☐ Picnicking    ☐ Swimming / Wading    ☐ Sunning  
☐ Tour Boat (Cruising/fishing)    ☐ Fishing from skiff    ☐ Fishing/crabbing pier/bank/ bridge    ☐ Other \_\_\_\_\_

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**PART TWO: GENERAL QUESTIONS**

- (11) ARE YOU: ☐ A resident of Nags Head      ☐ Live elsewhere on the Outer Banks, or    ☐ Just visiting here
- (12) IF VISITING, ARE IN NAGS HEAD FOR  
☐ vacation      ☐ summer job      ☐ other reason \_\_\_\_\_
- (13) IF VACATION, HOW LONG WILL YOUR TOTAL STAY HERE BE?  
☐ Today      ☐ This weekend      ☐ This week    ☐ Two weeks    ☐ If more, how long? \_\_\_\_\_
- (14) WHERE IS YOUR PERMANENT RESIDENCE?  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
- (15) WHAT SPECIFIC WATER-RELATED RECREATIONAL ACTIVITY WERE (ARE) YOU DOING?  
 (Skip if the activity has already been established) \_\_\_\_\_
- (16) HOW MANY PERSONS WERE IN YOUR PARTY? \_\_\_\_\_
- (17) OVERALL, WAS YOUR RECREATIONAL EXPERIENCE TODAY: (in Reference to the Activity identified)  
☐ 1| Extremely satisfactory | 2| Somewhat satisfactory | 3| Somewhat unsatisfactory      ☐ 4| Unsatisfactory
- (18) WHAT WAS THE BEST PART OF TODAY'S EXPERIENCE: \_\_\_\_\_
- (19) WHAT WAS UNSATISFACTORY ABOUT THE EXPERIENCE \_\_\_\_\_
- (20) DID YOU EXPERIENCE ANY OF THESE PROBLEMS TODAY?  
☐ Operational problems with rented equipment      ☐ Obstacles in water that could be hazardous  
☐ Interference from any water craft      ☐ Any other problems or inconveniences  
 (Please comment \_\_\_\_\_)
- (21) FOR THE TYPE OF RECREATION THAT YOU WERE DOING, WOULD YOU SAY THAT THE CONDITION OF THE WATER & WEATHER TODAY WAS: ☐ Just perfect      ☐ Acceptable      ☐ Unsatisfactory
- (22) WAS THE CONDITION OF THE WATER BEST DESCRIBED AS:  
☐ Smooth      ☐ Somewhat rough      ☐ Slightly choppy      ☐ very rough
- (23) WOULD YOU RETURN TO DO IT AGAIN    ☐ Yes    ☐ Perhaps    ☐ Not likely



**WATER SPORTS RECREATIONAL SURVEY  
TOWN OF NAGS HEAD, NORTH CAROLINA**

Questions 24-36 for Personal Watercraft

(Notes: The number sequence of these questions was rearranged and numbered to facilitate computer analysis;  
Question 32 is omitted)

**PART THREE: QUESTIONS FOR OPERATORS OF PERSONAL WATER CRAFT**

- (25) ABOUT HOW LONG DID YOU RIDE THE PWC TODAY? \_\_\_\_\_ hours; \_\_\_\_\_ minutes
- (24) WAS THE CRAFT A ☐ PWC (i.e., JET SKI?; or ☐ PUMPJET POWERED BOAT?
- (25A) ABOUT HOW MANY TIMES HAVE YOU DRIVEN A SIMILAR WATERCRAFT BEFORE TODAY?  
☐ Never ☐ once ☐ 2 to 6 times ☐ more than 6 times
- (25B) DID YOU CARRY A PASSENGER AT ANY TIME DURING THIS RIDE?  
☐ Yes ☐ No
- (26) WAS THE CRAFT:  
☐ Rented from vendor? ☐ Personally or privately owned? ☐ Other \_\_\_\_\_?
- (29) PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS?  
☐ Extensive ☐ Considerable ☐ Some ☐ A little ☐ None

IF RENTED, WHICH OF THE FOLLOWING DID THE RENTAL AGENCY DO TODAY?

- (27) Prescribe a limited area in which you could operate the boat? ☐ Yes ☐ No
- (28) Provide you with a safety orientation in the form of:  
☐ a brochure ☐ lecture ☐ video ☐ demonstration

(30) DESCRIBE AS BEST YOU CAN THE LIMITS OF THE AREA WHERE YOU OPERATED THE CRAFT

\_\_\_\_\_

\_\_\_\_\_

(31) HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY? ☐ Yes ☐ No

(33) IN YOUR OPINION, DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?  
☐ Yes ☐ No

(34) COULD YOU DESCRIBE THE SITUATION? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(35) FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS :

- ☐ Overcrowded with water craft (There were too many watercraft out there)
- ☐ About at capacity (The number did not cause any problems)
- ☐ An acceptable number (Some increase in the number of watercraft could be accommodated)
- ☐ No other water craft were observed in the vicinity

(36) WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**WATER SPORTS RECREATIONAL SURVEY  
TOWN OF NAGS HEAD, NORTH CAROLINA**

Questions 24-36 for Shoreline Users

(Notes: The number sequence of these questions was rearranged and numbered to facilitate computer analysis;  
Question 32 is omitted; Questions 34A and 34B only appear on this Questionnaire)

**PART THREE : QUESTIONS FOR SHORELINE USERS**

(24) THE ACTIVITY ENGAGED IN IS

☐ Fishing      ☐ Crabbing      ☐ Picnicking      ☐ Sunning      ☐ Swimming/wading      ☐ Other \_\_\_\_\_

(24A) HOW OFTEN DO YOU VISIT THIS RECREATIONAL FACILITY?

☐ First time      ☐ Every day      ☐ About \_\_\_ times per month      ☐ About \_\_\_ times per year

(25) HOW MANY HOURS HAVE YOU BEEN AT THIS FACILITY TODAY? \_\_\_\_\_

(25A) COMPARE WITH OTHER SITES YOU'VE VISITED (ON THE "SOUND") FOR THE SAME PURPOSE

IS THIS ONE?      ☐ Better      ☐ About the same, or      ☐ worse      THAN THE OTHERS

(33) DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

☐ Yes      ☐ No

(34) COULD YOU DESCRIBE THE SITUATION? \_\_\_\_\_

(34A) DID THE PRESENCE OF SUCH CRAFT INTERFERE WITH YOUR ENJOYMENT OF THE ACTIVITY?

☐ Not at all      ☐ I was somewhat annoyed      ☐ I was greatly annoyed

(34B) WAS THE GREATEST SOURCE OF INTERFERENCE?

☐ Wakes      ☐ Noise      ☐ Operated too close to shore (or fishing area)      ☐ Other \_\_\_\_\_

(35) FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT  
THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS :

- ☐ Overcrowded with water craft (There were too many watercraft out there)
- ☐ About at capacity (The number did not cause any problems)
- ☐ An acceptable number (Some increase in the number of watercraft could be accommodated)
- ☐ No other water craft were observed in the vicinity

(36) WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

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**WATER SPORTS RECREATIONAL SURVEY  
TOWN OF NAGS HEAD, NORTH CAROLINA**

Questions 24-36 for Large Power Boats

(Notes: The number sequence of these questions was rearranged and numbered to facilitate computer analysis;  
Questions 30 and 32 are omitted)

**PART THREE: QUESTIONS FOR OPERATORS AND RIDERS OF POWERED BOATS INCLUDING LARGER SAIL BOATS, TOUR BOATS, CHARTER FISHING OR AIR BOATS**

(24) WAS YOUR TRIP TODAY FOR?

☐ Fishing    ☐ Sailing    ☐ Water Skiing    ☐ Sightseeing    ☐ Other \_\_\_\_\_

(25) HOW LONG WERE YOU AWAY FROM THE DOCK? \_\_\_\_\_ Hours

(26) WAS THE BOAT YOU USED?                      ☐ Privately owned, or    ☐ Rented from a local firm, ☐ Chartered

(26A) WHAT LENGTH BOAT?    ☐ 16 feet or less    ☐ 16 to 24 feet    ☐ More than 24 feet

IF RENTED, DID THE RENTAL AGENCY DO ANY OF THE FOLLOWING?

(27)            Prescribe a limited area in which you could operate the boat?    ☐ Yes    ☐ No

(28)            Provide you with a safety orientation in the form of:

☐ a brochure    ☐ lecture    ☐ video    ☐ demonstration

(29) PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS?

☐ Extensive    ☐ Considerable    ☐ Some    ☐ A little    ☐ None

(31) HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?

☐ Yes                      ☐ No

(33) IN YOUR OPINION, DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

☐ Yes                      ☐ No

(34) COULD YOU DESCRIBE THE SITUATION? \_\_\_\_\_

(35) FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT  
THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS :

☐ Overcrowded with water craft (There were too many watercraft out there)

☐ About at capacity (The number did not cause any problems)

☐ An acceptable number (Some increase in the number of watercraft could be accommodated)

☐ No other water craft were observed in the vicinity

(36) WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

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**WATER SPORTS RECREATIONAL SURVEY  
TOWN OF NAGS HEAD, NORTH CAROLINA**

Questions 24-36 for Non-Powered Watercraft

(Notes: The number sequence of these questions was rearranged and numbered to facilitate computer analysis;  
Questions 30 and 32 are omitted)

**PART THREE: QUESTIONS FOR OPERATORS OF NON-POWERED WATERCRAFT**

(24) WAS YOUR TRIP TODAY FOR?

☐ canoeing    ☐ kayaking    ☐ Windsurfing    ☐ sailfish/sunfish sailing    ☐ Other \_\_\_\_\_

(25) HOW LONG WERE YOU AWAY FROM THE DOCK? \_\_\_\_\_ Hours

(26) WAS THE WATERCRAFT YOU USED?    ☐ Privately owned, or    ☐ Rented from a local firm,

IF RENTED, DID THE RENTAL AGENCY DO ANY OF THE FOLLOWING?

(27)            Prescribe a limited area in which you could operate the boat?    ☐ Yes    ☐ No

(28)            Provide you with a safety orientation in the form of:

☐ a brochure    ☐ lecture    ☐ video    ☐ demonstration

(29) PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS?

☐ Extensive    ☐ Considerable    ☐ Some    ☐ A little    ☐ None

DESCRIBE AS BEST YOU CAN THE LIMITS OF THE AREA WHERE YOU OPERATED THE CRAFT?

\_\_\_\_\_  
\_\_\_\_\_

(31) HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?

☐ Yes    ☐ No

(33) IN YOUR OPINION, DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

☐ Yes    ☐ No

(34) COULD YOU DESCRIBE THE SITUATION? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(35) FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT  
THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS :

- ☐ Overcrowded with water craft (There were too many watercraft out there)
- ☐ About at capacity (The number did not cause any problems)
- ☐ An acceptable number (Some increase in the number of watercraft could be accommodated)
- ☐ No other water craft were observed in the vicinity

(36) WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## AGENDA ITEM G.1.

Update from Planning Director

### Prepared by

Kelly Wyatt, Planning Director

### Reviewed by

Kelly Wyatt  
Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

Please find attached a monthly update from Planning Director Kelly Wyatt that includes permitting and code enforcement data through June 2026.

### Specific Action Requested

This item is provided for board information and update.

### Summary

This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on Wednesday, August 5th, 2026.

### Monthly Activity Report

In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, staff were involved in the following meetings or activities of note during the month of July:

- Wednesday, July 1st — Board of Commissioners Meeting
- Tuesday, July 7th — Technical Review Committee Meeting
- Wednesday, July 8th — Committee for Arts and Culture Meeting
- Thursday, July 9th — Board of Adjustment Meeting (Appeal of Administrative Decision, Pelican Street)
- Tuesday, July 14th — ESMP Soundside Road Engagement Meeting
- Wednesday, July 15th — Board of Commissioners Mid-Month Meeting (not needed)
- Tuesday, July 21st — Planning Board Meeting (canceled)
- Monday, July 27th — Septic Health Advisory Committee Meeting
- Tuesday, July 28th — Harvey Sound Access Living Shoreline Meeting

### Planning Board — Pending Applications and Discussions

The Planning Board did not meet in July. Its next meeting is scheduled for Tuesday, August 18, 2026. The anticipated agenda includes consideration of a text amendment submitted by Eddie Goodrich that would provide greater flexibility in the development of cottage courts by modifying the existing graduated size and design requirements for individual dwelling units.

### Board of Adjustment – Recent and Pending Applications

Page 1 of 3



At its July 9th, 2026 meeting, the Board of Adjustment considered an Appeal of an Administrative Decision filed by Sebastian Ojanguren concerning the Planning Director's interpretation and application of Section 8.6.3.7.1 of the Unified Development Ordinance, which governs reductions to front-yard setback requirements. The appeal involved property located at 10023 East Pelican Street. The board voted unanimously to uphold the Planning Director's decision regarding the applicability of the front-yard setback reduction provisions to the property.

The Board of Adjustment is scheduled to meet on August 13th, 2026, to consider an Appeal of an Administrative Decision filed by Loretta Patrick concerning the Planning Director's denial of Development Permit Application No. 202600632. The application seeks authorization to demolish the existing beach access walkway within the Pelican Park subdivision, located at 10023C East Pelican Street.

## **Additional Updates**

- DWMP/Septic Health Advisory Committee — The Septic Health Advisory Committee met on July 27, 2026, and received updates on program participation, outreach, the Division of Water Infrastructure (DWI) zero-interest loan program, and groundwater monitoring. During FY 2025–26, the Town completed approximately 190 septic inspections, issued 158 water-bill credits, and facilitated 10 septic repair loans. The recent mailer continues to be a successful outreach strategy, generating approximately 70 inspection requests and introducing several new property owners to the program. Staff recently mailed information about the DWI zero-interest septic loan program to properties identified as potentially vulnerable based on system age, elevation, and proximity to surface waters. Staff are also considering ways to document the program's outcomes through pre-and post-site information, photographs, and testimonials to demonstrate the value of continued investment in onsite wastewater management.

Public education and professional outreach efforts also continue. Updated promotional materials, including a redesigned septic-system maintenance magnet and dog-waste bags, have been well received at the Dowdy Park Farmers Market. Staff continue working with OTT HydroMet to replace malfunctioning groundwater loggers with new equipment and anticipate receiving the replacement units in the near future. Staff are also coordinating a meeting with faculty and researchers from East Carolina University's Department of Earth, Environment and Planning to learn more about their groundwater-monitoring work and explore opportunities for collaboration and data sharing.

- Estuarine Shoreline Management Plan — The ESMP website has been updated to reflect recent progress and changes to the Town's shoreline resiliency projects. Staff continue to receive growing interest in the technical assistance funding allocated by the board for individual property owners and small groups seeking to develop living shorelines or incorporate natural elements into existing riprap or bulkheads. A policy establishing eligibility, award criteria, and general grant requirements is being developed for the board's review and approval.

The Harvey/Soundside Event Site major permit application was resubmitted on July 1st following completion of an updated wetland survey and minor design revisions. Staff are addressing comments regarding continued access for kite and wind sports, with permits anticipated in September, bidding to follow, and construction projected for January 2027. At Villa Dunes Drive, Environmental Professionals, Inc. held a productive meeting with property owners and will continue working with them to identify supported, site-specific shoreline stabilization alternatives. For Soundside Road, staff have requested a grant scope modification to focus on a nature-based resiliency berm and associated stormwater improvements intended to reduce wave overtopping, enhance habitat, and protect infrastructure. Draft easement language has been developed and shared with affected property owners for review and comment. The Town also held an initial property owner meeting on July 14th, with additional outreach meetings planned as the project advances. Staff have also received approval to redirect grant funding toward the design of a living shoreline near the Town-owned Catfish Farm and Causeway properties, where consultants are conducting surveys, mapping submerged aquatic vegetation, monitoring water quality, and developing initial concepts. Additional information is available on the Town's Estuarine Shoreline Management Plan [webpage](#).

- Parks and Recreation Plan Update — Staff have issued a Request for Qualifications for professional services to update the Town's Parks and Recreation Master Plan. Submittals are due by August 28, 2026, and the RFQ is currently available on the Town's Bid Openings webpage. Updating the Parks and Recreation Master Plan was identified as the highest-ranked action item in the Town's Strategic Plan (Action Item 2.7).
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture — Summer programming at Dowdy Park continues to be extremely successful, with strong attendance at the Farmers Market, Summer Concert Series, fitness classes, and Family Fun Time activities. Events Coordinator, Paige Griffin, continues to generate enthusiastic participation and meaningful interaction with residents and visitors through the morning programs. The Park also recently hosted The Wave of Hope, a traveling community project created by Studio Karma Kids Summer Camp that invited participants to share positive messages, stories, and words of encouragement to help build "an ocean of hope, one message at a time."

Staff are pleased to welcome Erica Rohrbacher as the Town's part-time, year-round Events Assistant. Erica has already been a tremendous help to Paige during the busy summer season, and together they are beginning to plan fall events and programming. The Committee for Arts & Culture will hold its next meeting in September.

### **Upcoming Meetings and Other Dates**

- Monday, August 3rd — Meeting with NEST re: lighting
- Tuesday, August 4th - Technical Review Committee Meeting
- Wednesday, August 5th — Board of Commissioners Meeting
- Tuesday, August 11th — Meeting with ECU re: Ground water and Water Quality Dashboard
- Thursday, August 13th — Board of Adjustment Meeting (Appeal of Administrative Decision, Pelican Street)
- Tuesday, August 18th — Planning Board Meeting
- Wednesday, August 19th — Board of Commissioners Mid-Month (if needed)
- August 5th, 12th, 19th and 26th — Summer Concert Series at Dowdy Park

### **Attachments**

1. Planning Monthly Report June 2026

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT**  
**MONTHLY REPORT**  
**JUNE 2026**

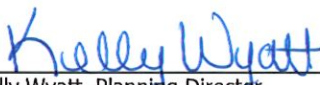
DATE SUBMITTED: July 7, 2026

|                                              | Jun-26           | Jun-25             | May-26             | 2025-2026 FISCAL<br>YEAR | 2024-2025 FISCAL<br>YEAR | FISCAL YEAR<br>INCREASE/<br>DECREASE |
|----------------------------------------------|------------------|--------------------|--------------------|--------------------------|--------------------------|--------------------------------------|
| <b>BUILDING PERMITS ISSUED - RESIDENTIAL</b> |                  |                    |                    |                          |                          |                                      |
| New Single Family                            | 0                | 0                  | 0                  | 12                       | 17                       | (5)                                  |
| New Single Family, 3000 sf or >              | 0                | 1                  | 0                  | 5                        | 10                       | (5)                                  |
| Duplex - New                                 | 0                | 0                  | 0                  | 0                        | 0                        | 0                                    |
| Sub Total - New Residential                  | 0                | 1                  | 0                  | 17                       | 27                       | (10)                                 |
| Miscellaneous (Total)                        | 24               | 35                 | 33                 | 524                      | 517                      | 7                                    |
| <i>Accessory Structure</i>                   | 0                | 4                  | 2                  | 29                       | 50                       | (21)                                 |
| <i>Addition</i>                              | 1                | 0                  | 1                  | 18                       | 15                       | 3                                    |
| <i>Demolition</i>                            | 0                | 0                  | 1                  | 8                        | 5                        | 3                                    |
| <i>Move</i>                                  | 0                | 0                  | 0                  | 2                        | 1                        | 1                                    |
| <i>Remodel</i>                               | 7                | 6                  | 10                 | 119                      | 108                      | 11                                   |
| <i>Repair</i>                                | 16               | 25                 | 19                 | 348                      | 338                      | 10                                   |
| <b>Total Residential</b>                     | <b>24</b>        | <b>36</b>          | <b>33</b>          | <b>541</b>               | <b>544</b>               | <b>(3)</b>                           |
| <b>BUILDING PERMITS ISSUED - COMMERCIAL</b>  |                  |                    |                    |                          |                          |                                      |
| Multi-Family - New                           | 0                | 0                  | 0                  | 0                        | 0                        | 0                                    |
| Motel/Hotel - New                            | 0                | 0                  | 0                  | 0                        | 1                        | (1)                                  |
| Business/Govt/Other - New                    | 0                | 0                  | 0                  | 0                        | 1                        | (1)                                  |
| Subtotal - New Commercial                    | 0                | 0                  | 0                  | 0                        | 2                        | (2)                                  |
| Miscellaneous (Total)                        | 11               | 6                  | 8                  | 104                      | 85                       | 19                                   |
| <i>Accessory Structure</i>                   | 4                | 2                  | 4                  | 29                       | 31                       | (2)                                  |
| <i>Addition</i>                              | 0                | 0                  | 0                  | 2                        | 0                        | 2                                    |
| <i>Demolition</i>                            | 0                | 0                  | 0                  | 0                        | 0                        | 0                                    |
| <i>Move</i>                                  | 0                | 0                  | 0                  | 3                        | 0                        | 3                                    |
| <i>Remodel</i>                               | 6                | 2                  | 1                  | 42                       | 21                       | 21                                   |
| <i>Repair</i>                                | 1                | 2                  | 3                  | 28                       | 33                       | (5)                                  |
| <b>Total Commercial</b>                      | <b>11</b>        | <b>6</b>           | <b>8</b>           | <b>104</b>               | <b>87</b>                | <b>17</b>                            |
| <b>Grand Total</b>                           | <b>35</b>        | <b>42</b>          | <b>41</b>          | <b>645</b>               | <b>631</b>               | <b>14</b>                            |
| <b>SUB-CONTRACTOR PERMITS</b>                |                  |                    |                    |                          |                          |                                      |
| Electrical                                   | 74               | 51                 | 80                 | 654                      | 629                      | 25                                   |
| Gas                                          | 4                | 2                  | 5                  | 30                       | 22                       | 8                                    |
| Mechanical                                   | 63               | 38                 | 55                 | 458                      | 425                      | 33                                   |
| Plumbing                                     | 7                | 4                  | 10                 | 110                      | 118                      | (8)                                  |
| Fire Sprinkler                               | 0                | 0                  | 3                  | 8                        | 1                        | 7                                    |
| <b>VALUE</b>                                 |                  |                    |                    |                          |                          |                                      |
| New Single Family                            | \$0              | \$0                | \$0                | \$6,103,030              | \$8,266,157              | (\$2,163,127)                        |
| New Single Family, 3000 sf or >              | \$0              | \$650,000          | \$0                | \$9,217,982              | \$8,283,200              | \$934,782                            |
| Duplex - New                                 | \$0              | \$0                | \$0                | \$0                      | \$0                      | \$0                                  |
| Misc (Total Residential)                     | \$643,190        | \$615,479          | \$1,175,283        | \$19,185,552             | \$16,100,003             | \$3,085,549                          |
| <b>Sub Total Residential</b>                 | <b>\$643,190</b> | <b>\$1,265,479</b> | <b>\$1,175,283</b> | <b>\$34,506,564</b>      | <b>\$32,649,360</b>      | <b>\$1,857,204</b>                   |
| Multi-Family - New                           | \$0              | \$0                | \$0                | \$0                      | \$0                      | \$0                                  |
| Motel/Hotel - New                            | \$0              | \$0                | \$0                | \$0                      | \$18,000,000             | (\$18,000,000)                       |
| Business/Govt/Other - New                    | \$0              | \$0                | \$0                | \$0                      | \$1,400,000              | (\$1,400,000)                        |
| Misc (Total Commercial)                      | \$145,365        | \$63,100           | \$378,033          | \$13,222,481             | \$4,600,347              | \$8,622,134                          |
| <b>Sub Total Commercial</b>                  | <b>\$145,365</b> | <b>\$63,100</b>    | <b>\$378,033</b>   | <b>\$13,222,481</b>      | <b>\$24,000,347</b>      | <b>(\$10,777,866)</b>                |
| <b>Grand Total</b>                           | <b>\$788,555</b> | <b>\$1,328,579</b> | <b>\$1,553,316</b> | <b>\$47,729,045</b>      | <b>\$56,649,707</b>      | <b>(\$8,920,662)</b>                 |

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
JUNE 2026**

DATE SUBMITTED: July 7, 2026

|                                       | Jun-26 | Jun-25 | May-26 | 2025-2026 FISCAL<br>YEAR | 2024-2025 FISCAL<br>YEAR | FISCAL YEAR<br>INCREASE/<br>DECREASE |
|---------------------------------------|--------|--------|--------|--------------------------|--------------------------|--------------------------------------|
| <b>ZONING</b>                         |        |        |        |                          |                          |                                      |
| Zoning Permits                        | 57     | 50     | 54     | 715                      | 664                      | 51                                   |
| Soil & Erosion                        | 0      | 2      | 2      | 19                       | 30                       | N/A                                  |
| Stormwater Plans                      | 0      | 3      | 1      | 15                       | 23                       | N/A                                  |
| <b>CAMA</b>                           |        |        |        |                          |                          |                                      |
| CAMA LPO Permits                      | 0      | 0      | 5      | 36                       | 21                       | 11                                   |
| CAMA LPO Exemptions                   | 6      | 6      | 6      | 112                      | 80                       | 0                                    |
| Sand Relocations                      |        |        |        | 279                      | 210                      | N/A                                  |
| <b>CODE COMPLIANCE</b>                |        |        |        |                          |                          |                                      |
| Cases Investigated                    | 20     | 41     | 12     | 241                      | 372                      | 63                                   |
| Warnings                              | 1      | 10     | 2      | 71                       | 62                       | 13                                   |
| NOVs Issued                           | 18     | 31     | 10     | 169                      | 291                      | 50                                   |
| Civil Citations (#)                   | 1      | 0      | 0      | 1                        | 0                        | 0                                    |
| Civil Citations (\$)                  | \$0    | \$0    | \$0    | \$0                      | \$0                      | \$0                                  |
| <b>SEPTIC HEALTH</b>                  |        |        |        |                          |                          |                                      |
| Tanks inspected                       | 16     | 10     | 23     | 186                      | 122                      | 28                                   |
| Tanks pumped                          | 16     | 4      | 21     | 159                      | 85                       | 28                                   |
| Water quality sites tested            | 21     | 30     | 1      | 178                      | 148                      | 125                                  |
| Personnel Hours in<br>Training/School | 0      | 14     | 8      | 530                      | 330                      | 126                                  |

  
\_\_\_\_\_  
Kelly Wyatt, Planning Director





# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## AGENDA ITEM H.1.

Committee Reports

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### Prepared by

Brittany Phillips, Town Clerk

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### Reviewed by

Brittany Phillips  
Andy Garman

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### Staff Comments/Recommendation

N/A

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### Specific Action Requested

This item is provided for board information and update.

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### Summary

At the August 5, 2026 Board of Commissioners meeting, board members will provide reports from meetings they have attended on behalf of the town.

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### Attachments

None



# AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: August 5, 2026

## AGENDA ITEM H.2.

Consideration of Resolutions Authorizing Fall 2026 Fishing Tournaments

- Outer Banks Association of Realtors; Fraternal Order of Eagles; Nags Head Surf Fishing Club

### Prepared by

Katie Anzalone, Deputy Town Clerk

### Reviewed by

Katie Anzalone

Brittany Phillips

Andy Garman

### Staff Comments/Recommendation

I concur with the requests and encourage Board adoption of the resolutions. These tournaments are always highly anticipated and provide a positive experience for all involved. There will continue to be a limit of three vehicles per team. Each team will receive up to three passes at no cost.

### Specific Action Requested

Request Board adoption of attached three (3) resolutions authorizing annual surf fishing tournaments for the three (3) listed organizations. The requests also include the issuance of the specified temporary surf fishing permits.

### Summary

Attached please find three (3) resolutions for Board consideration on August 5th authorizing the Outer Banks Association of Realtors (October 2, 2026), the Fraternal Order of Eagles (October 10, 2026), and the Nags Head Surf Fishing Club (October 14-16, 2026) to hold their annual surf fishing tournaments on the Town's beaches. Also included are letters of request from each organization.

### Attachments

1. 8 I2 OBAR fish tourn ltr
2. 8 I2 OBAR fish tourn res
3. 8 I2 FOE fish tourn ltr
4. 8 I2 FOE fish tourn res
5. 8 I2 NHSF fish tourn ltr
6. 8 I2 NHSF fish tourn res



## 2026 OFFICERS

Janice Scarborough  
*President*

Stephanie Doshier  
*President Elect*

Christi Bryant  
*Imm. Past President*

David Roberts  
*Treasurer*

Maslin Seal  
*Secretary*

## DIRECTORS

Whitney Hawkins  
*Property Management*

John Head  
*Tourism Board*

Carrie Bateman  
*Director at Large*

Leslie Coleman  
*Director at Large*

Winston Hawkins  
*Director at Large*

Ilona Matteson  
*Director at Large*

Tiffany Moldovan  
*Director at Large*

Haley Winslow  
*Director at Large*

Dear Town of Nags Head,

The Outer Banks Association of REALTORS® (OBAR) respectfully requests the use of Nags Head beaches for our annual charity Surf Fishing Tournament on **Friday, October 2, 2026**.

We anticipate participation from 40 teams, each with up to 6 fishermen, along with 5 judges. To accommodate this event, we are requesting **90 temporary driving permits** for the date of October 2nd only.

This will be the 29th Annual Surf Fishing Tournament, once again benefiting our Scholarship and Disaster Relief Funds. Over the years, we have awarded 200 scholarships to local seniors, totaling \$303,631, and have also provided assistance to local families in need following tragedies through our Disaster Relief Fund. These benefits extend to anyone in our community, not just REALTOR® members.

We sincerely appreciate your consideration and continued support of this important fundraiser.

Sincerely,

Karen Pierce

Membership Services Director

Outer Banks Association of REALTORS

karenp@outerbanksrealtors.com



RESOLUTION REGARDING THE ISSUANCE OF BEACH DRIVING PERMITS  
FOR THE **OUTER BANKS ASSOCIATION OF REALTORS** CHARITY SURF FISHING TOURNAMENT  
TO BE HELD OCTOBER 2, 2026

**WHEREAS**, the Outer Banks Association of Realtors (OBAR) is sponsoring its annual Charity Surf Fishing Tournament October 2, 2026; AND

**WHEREAS**, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Outer Banks Association of Realtors submitted a request on July 13, 2026, for the Town of Nags Head to issue short-term beach driving permits to the Outer Banks Association of Realtors to be distributed to participants in its annual Fishing Tournament.

**NOW, THEREFORE BE IT RESOLVED** by the Town of Nags Head Board of Commissioners that the Town of Nags Head is pleased to offer its assistance for the OBAR Charity Surf Fishing Tournament this year.

**BE IT FURTHER RESOLVED** as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the OBAR Tournament to be distributed to the 40 teams participating in its annual OBAR Charity Surf Fishing Tournament. The tournament is to be held on Friday, October 2, 2026. An additional five (5) permits are authorized to be issued to tournament judges/officials – Tournament officials are requesting a total of 90 short-term permits. These special permits will only be valid for Friday, October 2, 2026. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

The Outer Banks Association of Realtors is responsible for the distribution of all short-term beach driving permits for the 2026 OBAR Charity Surf Fishing Tournament. No individual short-term permits for the tournament will be issued by Staff.

The name of the team to whom a permit is issued shall appear on each permit.

A pamphlet (to be provided by the Town) on Regulations Governing Beach Vehicular Traffic in the Town of Nags Head shall be supplied with each permit distributed by the Outer Banks Association of Realtors.

Each permit shall be displayed on the inside front windshield on the passenger side of the vehicle, even if a normal Nags Head Beach Driving Permit is already displayed.

All beach driving permits **MUST** always be in the possession of the team. The permits are not transferable.

The Town of Nags Head Beach Driving Ordinance is to be strictly enforced by the Nags Head Police Dept.

Should the weather or high tide call for the closure of the beach or a section of the beach, the Town Manager will close the beach.

THIS THE 5<sup>th</sup> DAY OF AUGUST 2026.

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Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:

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Brittany A. Phillips, Town Clerk





Fraternal Order of Eagles, Aerie #4506  
2706 S Croatan Highway  
Nags Head, NC 27959

To whom it may concern,

This letter is being sent as a request to hold our annual Surf Fishing Tournament on the beaches of Nags Head. Our expected tournament date is **Saturday, October 10 2026**. This tournament is a members only tournament for the Fraternal Order of Eagles of Virginia, which we are a part of. The tournament will consist of a minimum number of participants of a possible 75 - 85 people. We are requesting beach driving permits for 32 vehicles for Saturday. (two passes per team plus two for judges)

The Fraternal Order of Eagles is a nationwide non-profit organization that concentrates on raising monies for charitable organizations, with our motto being "People Helping People". Our local charter, Aerie #4506 has assisted many local charities in the past 19 years that we have existed. Some of which include but not limited to The Outer Banks Relief Foundation, Dare County Social Services, Dare County Adult Social Services, Dare County Boy Scouts and Girl Scouts, The Beach Food Pantry, Outer Banks Relay for Life, Dare County Special Olympics and our national Diabetes Research Center sponsored by the Fraternal Order of Eagles. Our most current donation was over **\$75,000.00** to the Outer Banks Hotline.

Thank you for your time and consideration of our request. If I can answer any questions that you may have, please feel free to contact me at 252-207-5833 or email at [liz.puma38@gmail.com](mailto:liz.puma38@gmail.com). You may also get more information on the FOE at [www.foe.com](http://www.foe.com).

Sincerely,

***Liz Puma***

Liz Puma  
Committee Chair



RESOLUTION REGARDING THE ISSUANCE OF BEACH DRIVING PERMITS  
FOR THE **FRATERNAL ORDER OF EAGLES**, AERIE #4506, CHARITY SURF FISHING TOURNAMENT  
TO BE HELD OCTOBER 10, 2026

**WHEREAS**, the Fraternal Order of Eagles (FOE), Aerie #4506, is sponsoring its annual Charity Surf Fishing Tournament October 10, 2026; AND

**WHEREAS**, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Fraternal Order of Eagles, Aerie #4506, submitted a request on June 12, 2026, for the Town of Nags Head to issue short-term beach driving permits to the Fraternal Order of Eagles, Aerie #4506, to be distributed to participants in its annual Fishing Tournament.

**NOW, THEREFORE BE IT RESOLVED** by the Town of Nags Head Board of Commissioners that the Town of Nags Head is pleased to offer its assistance for the Fraternal Order of Eagles, Aerie #4506, Charity Surf Fishing Tournament this year.

**BE IT FURTHER RESOLVED** as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the FOE Tournament to be distributed to the teams participating in its annual Surf Fishing Tournament. The tournament is to be held on Saturday, October 10, 2026. Tournament officials are requesting a total of 32 short-term permits which includes 2 permits for judges. These special permits will only be valid for Saturday, October 10, 2026. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

The Fraternal Order of Eagles, Aerie #4506, is responsible for the distribution of all short-term beach driving permits for the 2026 FOE Charity Surf Fishing Tournament. No individual short-term permits for the tournament will be issued by Staff.

The name of the team to whom a permit is issued shall appear on each permit.

A pamphlet (to be provided by the Town) on Regulations Governing Beach Vehicular Traffic in the Town of Nags Head shall be supplied with each permit distributed by the Fraternal Order of Eagles, Aerie #4506.

Each permit shall be displayed on the inside front windshield on the passenger side of the vehicle, even if a normal Nags Head Beach Driving Permit is already displayed.

All beach driving permits **MUST** always be in the possession of the team. The permits are not transferable.

The Town of Nags Head Beach Driving Ordinance is to be strictly enforced by the Nags Head Police Dept.

Should the weather or high tide call for the closure of the beach or a section of the beach, the Town Manager will close the beach.

THIS THE 5<sup>th</sup> DAY OF AUGUST 2026.

\_\_\_\_\_  
Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:

\_\_\_\_\_  
Brittany A. Phillips, Town Clerk

# **NAGS HEAD SURF FISHING CLUB**

**July 20th, 2026**

Town of Nags Head  
Board of Commissioners  
P.O. Box 99  
Nags Head, NC 27959

Dear Board,

The Nags Head Surf Fishing Club will be hosting our 73rd Annual Invitational Surf Fishing Tournament on October 14, 15 & 16 2026. Last years tournament was canceled due to a NE blow for days before the event and lack of beach. With the beach nourishment being completed this summer we hope for good weather and plenty of beach this fall! After years of consideration and input from other fishing tournaments and the Town, we have broken with decades of tradition and moved the tournament from the Columbus Day weekend. Because of the cancelation this will be the first year in the new time slot. The tournament will now always be the Wednesday thru Friday after Columbus Day, instead of the week leading into the three day weekend. We have noticed over the years that the Friday leading into the three-day weekend has gotten busier and busier. This was the primary reason for the change. In addition since 2023 we are placing 20 of our 80 stations at Oregon Inlet. We hope this change will also result in businesses see a bump in the week following Columbus Day. Our participants, captions, judges and volunteers will continue to be good stewards of our resources and be courteous to the public.

We would greatly appreciate it if the required beach driving permits for Nags Head could be issued to us using the same format as in previous years. This format works well for us and, we understand, for the Town as well. The permits and associated pamphlets should be received by us no later than September 18th, 2026. This will allow us time to properly document the distribution of the permits to into each teams registration package.

Our Head Judge will again ask Officer Jimmy Pierce to speak at the Captions meeting. We believe this is very important and highlights the safety and respectfulness that is required while driving on the beaches of Nags Head.

Sincerely,  
Dave Masters Jr.



RESOLUTION REGARDING THE ISSUANCE OF BEACH DRIVING PERMITS  
FOR THE **NAGS HEAD SURF FISHING CLUB** TOURNAMENT TO BE HELD OCTOBER 14-16, 2026

**WHEREAS**, the Nags Head Surf Fishing Club is sponsoring its annual Nags Head Surf Fishing Club Tournament October 14-16, 2026; AND

**WHEREAS**, in accordance with Section 8-83 (b)(3) of the Nags Head Code of Ordinances, the Nags Head Surf Fishing Club submitted a request on July 21, 2026, for the Town of Nags Head to issue short-term beach driving permits to the Nags Head Surf Fishing Club to be distributed to participants in its annual Fishing Tournament.

**NOW, THEREFORE BE IT RESOLVED** by the Town of Nags Head Board of Commissioners that the Town of Nags Head is pleased to offer its assistance for the Nags Head Surf Fishing Club Tournament again this year.

**BE IT FURTHER RESOLVED** as follows: The Town Clerk is authorized to issue up to three (3) short-term beach driving permits to each six (6) member team in the Nags Head Surf Fishing Club to be distributed to the 80 teams participating in its annual Nags Head Surf Fishing Club Tournament. The tournament is to be held Wednesday, Thursday, and Friday, October 14, 15, and 16, 2026. An additional 20 permits are authorized to be issued to tournament judges/officials – for a total of 260 permits. These special permits will only be valid for this three-day period. Only three (3) vehicles per team are allowed on the beach at any time during the tournament.

The Nags Head Surf Fishing Club is responsible for the distribution of all short-term beach driving permits for the 2026 Nags Head Surf Fishing Club Tournament. No individual short-term permits for the tournament will be issued by Staff.

The name of the team to whom a permit is issued shall appear on each permit.

A pamphlet (to be provided by the Town) on Regulations Governing Beach Vehicular Traffic in the Town of Nags Head shall be supplied with each permit distributed by Nags Head Surf Fishing Club.

Each permit shall be displayed on the inside front windshield on the passenger side of the vehicle, even if a normal Nags Head Beach Driving Permit is already displayed.

All beach driving permits **MUST** always be in the possession of the team. The permits are not transferable.

The Town of Nags Head Beach Driving Ordinance is to be strictly enforced by the Nags Head Police Dept.

Should the weather or high tide call for the closure of the beach or a section of the beach, the Town Manager will close the beach.

THIS THE 5<sup>th</sup> DAY OF AUGUST 2026.

\_\_\_\_\_  
Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:

\_\_\_\_\_  
Brittany A. Phillips, Town Clerk





# AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: August 5, 2026

## AGENDA ITEM J.1.

Financial Update

### Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

### Reviewed by

Amy Miller  
Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

N/A

### Specific Action Requested

This item is provided for board information and update.

### Summary

At the August 5, 2026 Board of Commissioners meeting, Deputy Town Manager/Finance Officer, Amy Miller, will provide a financial update to the board.

This report provides a brief financial overview of FY 25/26. The FY 26/27 budget included discussions of financial planning to supplement a narrative about the general fund balance projection. The discussion estimated a 30% fund balance, a 3% increase from the FY 24/25 unassigned fund balance. As we have progressed towards closing FY 25/26, I still estimate between a 30-32% general fund balance. This is above our policy minimum of 25% but still below our 35% maximum that would trigger additional funds being transferred into the Capital Investment Fund. This calculation takes into account purchase orders that will be carried forward as a separate budget amendment later in the year, the fund balance appropriation for FY 27, and a \$12 million transfer made from the capital reserve fund to the beach nourishment capital project fund. As a reminder, our fund balance policy does not include special obligation bond debt, which was \$1.2 million in FY 26.

We received over \$500,000 more in ad valorem revenues thanks to a 99.971% collection rate as well as the revenue neutral rate accounting for 5% appeals. The latest information I could find was less than 3.5% appeals. We exceeded our interest income budget by over \$150,000, and we have also received some prior year grant fund reimbursements that have helped our fund balance.

For shared revenues (sales, occupancy, land transfer taxes), we are projected to be approximately \$43,000 over budget for the entire fiscal year. Land transfer tax was 5% lower than last fiscal year, while sales tax is 1% higher and occupancy tax is 2% lower. Based on these figures, I feel conservatively optimistic about the way we budgeted for these revenues in FY 27.

For water utility sales, I believe we will slightly exceed our revenues of \$4.3 million and our water purchased for resale from Dare County came in 17.5% under budget, or \$167,380.

Tipping fees came in at \$808,000, slightly under budget. We did reduce the budget by 6% in FY 26 as we forecasted a drop in tipping fees.

We appreciate the board's confidence and support and staff are available to answer any questions. We will continue to provide a financial update to the board on a quarterly basis. This will allow the board to have a better understanding throughout the year of where we stand and make adjustments, if necessary, before the entire year has passed.

### **Attachments**

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None



# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## AGENDA ITEM J.2.

Multi-Use Path Project Update - Carolista Drive to Soundside Road

### Prepared by

David Ryan, Town Engineer

### Reviewed by

David Ryan  
Brittany Phillips  
Andy Garman

### Staff Comments/Recommendation

N/A

### Specific Action Requested

This item is provided for board information and update.

### Summary

At the August 5, 2026 Board of Commissioners meeting, Town Manager Garman and Town Engineer David Ryan will provide an update on the Multi-Use Path Project running from Carolista Drive to Soundside Road.

### Attachments

None



# AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: August 5, 2026

## AGENDA ITEM J.3.

Discussion of Stormwater Master Plan Prioritization

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### Prepared by

David Ryan, Town Engineer

### Reviewed by

David Ryan  
Brittany Phillips  
Andy Garman

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### Staff Comments/Recommendation

Staff would note that this is a draft ranking of potential projects developed by staff and the consultant using the ranking criteria matrix on page 1 of the attachment. Board feedback is most important to establish the project rankings relative to each other, and project ranking can be adjusted based on board feedback. Also, more weight can also be assigned to certain criteria based on board feedback. When CIP development occurs, staff will use the rankings to prioritize improvements. Project cost, grant availability, and coordination with other infrastructure projects will be factors we use to develop the CIP. Therefore, a higher ranked project may be placed sooner or later in the CIP depending on these factors.

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### Specific Action Requested

Receive the presentation, provide feedback on the proposed prioritization methodology and preliminary project rankings, and provide direction to staff regarding development of the preliminary rankings for the Stormwater Capital Improvement project listing.

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### Summary

The purpose of this agenda item is to present the proposed framework for prioritizing stormwater capital improvement projects identified through the Stormwater Master Plan update and to receive Board input on the preliminary Capital Improvement Program (CIP) ranking methodology.

Staff and McAdams have developed a project prioritization matrix consistent with the Town's Stormwater Management Program Standard Operating Procedures. The matrix evaluates potential projects using weighted criteria intended to balance flood mitigation benefits, public safety, system condition, water quality improvements, maintenance considerations, implementation constraints, affected residences, and overall cost effectiveness. The prioritization framework provides an objective and transparent process for comparing projects across the town and establishing implementation priorities.

Projects identified during the planning process originated from citizen feedback, field observations, historical flood records, stakeholder engagement, and unresolved projects carried forward from previous planning efforts. Where appropriate, large or complex projects have been divided into phased improvements to allow incremental implementation, performance evaluation, and enhanced funding flexibility. Some concepts may also require future property acquisition or coordination with permitting agencies.

The resulting Stormwater CIP will provide a prioritized list of projects with planning-level cost estimates and



implementation sequencing.

Staff is seeking Board feedback on the proposed prioritization framework and preliminary project rankings to assist in finalizing the Stormwater Capital Improvement Program. Following Board input, staff will refine the project prioritization, evaluate opportunities to coordinate stormwater improvements with other planned infrastructure projects, and develop a recommended implementation strategy. The finalized prioritization and associated funding considerations are anticipated to be presented at the Board's upcoming Fall Retreat to support future capital planning and budget discussions.

### **Attachments**

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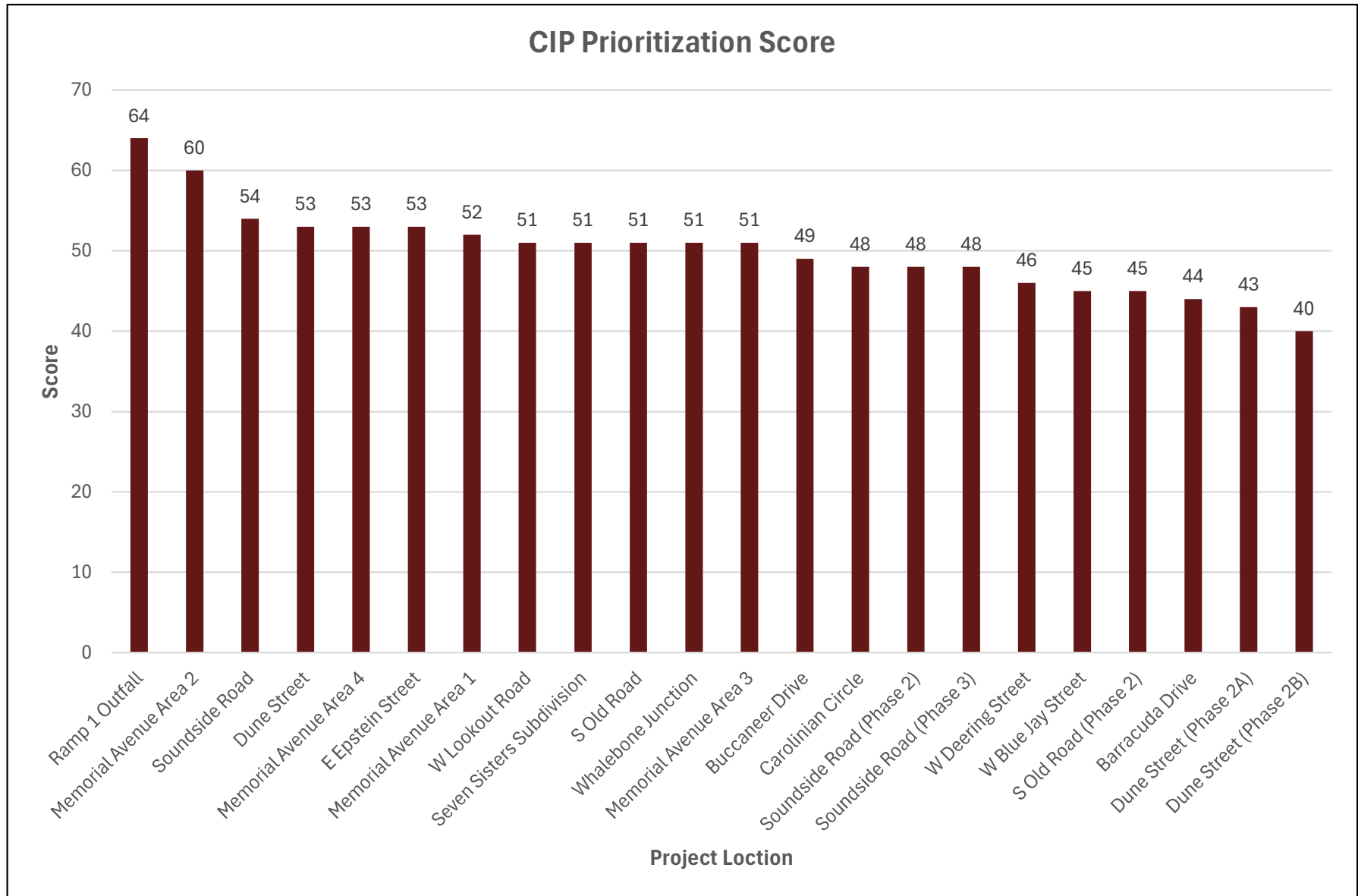
1. 8 K3 Project Prioritization Matrix
2. 8 K3 Project Prioritization Sheets

| Description                                                          | Rating      |            |           |            | Percent Weighted* |
|----------------------------------------------------------------------|-------------|------------|-----------|------------|-------------------|
| Flooding Frequency                                                   | Frequent    | Occasional |           | Infrequent | 8.00%             |
| Based on observations & historical data                              | 6           | 4          |           | 2          |                   |
| Flooding Impact                                                      | Major       | Moderate   |           | Minor      | 8.00%             |
| Major property damage vs yard flooding                               | 6           | 4          |           | 2          |                   |
| System Condition                                                     | No System** | Poor       | Fair      | Good       | 5.00%             |
| Current system conditions                                            | 4           | 3          | 2         | 1          |                   |
| Water Quality                                                        | Significant |            | Minimal   | None       | 5.00%             |
| Improvements to water quality                                        | 4           |            | 2         | 1          |                   |
| Maintenance                                                          | Lower       | Same       |           | High       | 5.00%             |
| Improvements to maintenance                                          | 4           | 2          |           | 1          |                   |
| Residences Impacted                                                  | Major       | Moderate   |           | Minor      | 16.00%            |
| >15, 15 -5, <5 Residences impacted                                   | 12          | 8          |           | 4          |                   |
| Safety                                                               | High        | Medium     |           | Low        | 8.00%             |
| Improvements to safety                                               | 6           | 3          |           | 1          |                   |
| Flood Source                                                         | Rain        | Tidal      |           | Overwash   | 5.00%             |
| Source of water                                                      | 4           | 2          |           | 1          |                   |
| Constraints                                                          | Low         | Medium     |           | High       | 8.00%             |
| Limitations imposed by existing physical or enviromental constraints | 6           | 4          |           | 2          |                   |
| Budgetary                                                            | Low         | Medium     |           | High       | 16.00%            |
| Cost impacts including annual maintenance                            | 12          | 8          |           | 4          |                   |
| Location                                                             | Town        | NCDOT      |           | Private    | 5.00%             |
| Project loction                                                      | 4           | 2          |           | 1          |                   |
| Flood Reduction Efficacy                                             | >75%        | 75% - 50%  | 50% - 25% | <25%       | 10.00%            |
| Reduction in flood recession time<br>Added by McAdams                | 8           | 6          | 4         | 2          |                   |

\*Percent weighted is based on the highest impact rating for each category

\*\*Added by McAdams, Original category only included poor, fair, and good ratings

CIP PRIORITIZATION  
SUMMARY GRAPH



## CIP PRIORITIZATION

## SUMMARY TABLE

| Project Name              | Area Number | Total Cost      | Prioritization Rank | Prioritization Score |
|---------------------------|-------------|-----------------|---------------------|----------------------|
| Ramp 1 Outfall            | 11          | \$ 85,000.00    | 1                   | 64                   |
| Memorial Avenue Area 2    | 12.2        | \$ 180,000.00   | 2                   | 60                   |
| Soundside Road Phase 1    | 4.1         | \$ 750,000.00   | 3                   | 54                   |
| Dune Street Phase 1       | 7.1         | \$ 235,000.00   | 4                   | 53                   |
| Memorial Avenue Area 4    | 12.4        | \$ 265,000.00   | 4                   | 53                   |
| E. Epstein Street         | 13          | \$ 210,000.00   | 4                   | 53                   |
| Memorial Avenue Area 1    | 12.1        | \$ 145,000.00   | 7                   | 52                   |
| W Lookout Road            | 3.2         | \$ 340,000.00   | 8                   | 51                   |
| Seven Sisters Subdivision | 8           | \$ 535,000.00   | 8                   | 51                   |
| S. Old Road Phase 1       | 9.1         | \$ 300,000.00   | 8                   | 51                   |
| Whalebone Junction        | 10          | \$ 360,000.00   | 8                   | 51                   |
| Memorial Avenue Area 3    | 12.3        | \$ 40,000.00    | 8                   | 51                   |
| Buccaneer Drive           | 3.1         | \$ 290,000.00   | 13                  | 49                   |
| Carolinian Circle         | 1           | \$ 425,000.00   | 14                  | 48                   |
| Soundside Road Phase 2    | 4.2         | \$ 710,000.00   | 14                  | 48                   |
| Soundside Road Phase 3    | 4.3         | \$ 1,813,000.00 | 14                  | 48                   |
| W. Deering Street         | 5           | \$ 230,000.00   | 17                  | 46                   |
| W Blue Jay Street         | 2           | \$ 270,000.00   | 18                  | 45                   |
| S. Old Road Phase 2       | 9.2         | \$ 1,560,000.00 | 18                  | 45                   |
| Barracuda Drive           | 6           | \$ 255,000.00   | 20                  | 44                   |
| Dune Street Phase 2A      | 7.2         | \$ 305,000.00   | 21                  | 43                   |
| Dune Street Phase 2B      | 7.3         | \$ 1,255,000.00 | 22                  | 40                   |

PROJECT #: TNH22001

NAGS HEAD, DARE COUNTY, NORTH CAROLINA



## Ramp 1 Outfall (Project Area 11)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Frequent    | 6     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | Fair        | 2     |
| Water Quality            | None        | 1     |
| Maintenance              | High        | 1     |
| Residences Impacted      | Major       | 12    |
| Safety                   | High        | 6     |
| Flood Source             | Tidal       | 2     |
| Constraints              | Low         | 6     |
| Budgetary                | Low         | 12    |
| Location                 | Town/NCDOT  | 4     |
| Flood Reduction Efficacy | >75%        | 8     |

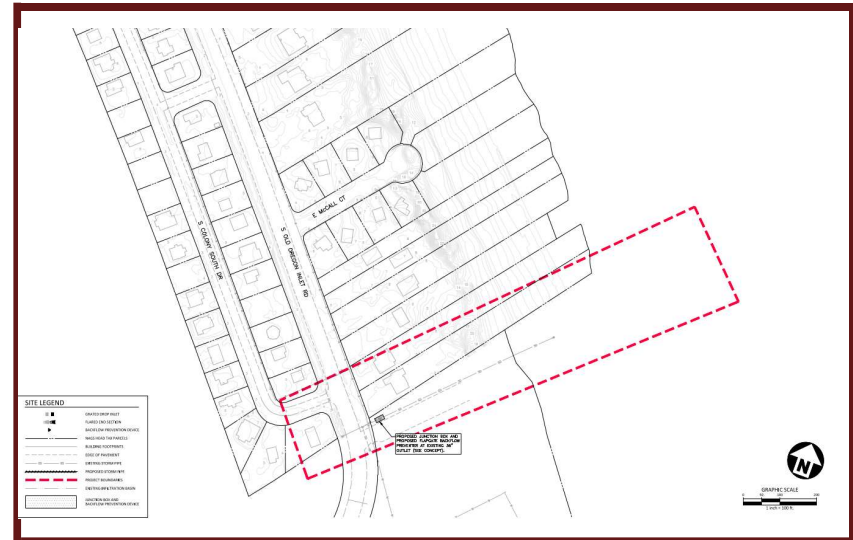
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| <b>PRIORITY RANKING</b> | <b>1/22</b> |
|-------------------------|-------------|

|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>64/75</b> |
|--------------------|--------------|

### Notes:

No flood reduction efficacy modeling was performed for this site. A backflow preventer is needed on the existing 36-inch outfall pipe to prevent backflow from the ocean into the existing channel on the west wide of S. Old Oregon Inlet Rd. The impacts of flooding span along the backside of houses along S Colony South subdivision and to approximately Jame St.

Image of Project Site



## Memorial Avenue Area 2 (Project Area 12.2)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Minor       | 2     |
| System Condition         | Fair        | 2     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Major       | 12    |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Low         | 6     |
| Budgetary                | Low         | 12    |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | >75%        | 8     |

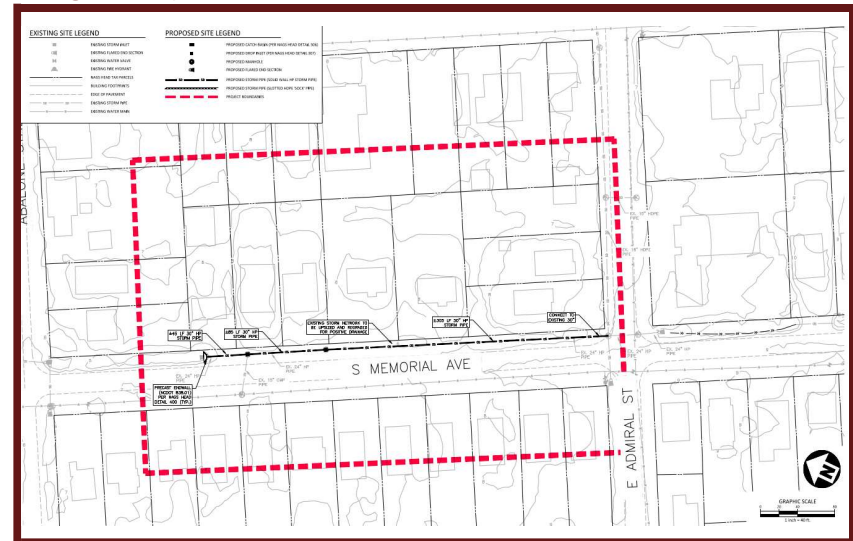
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|-------------------------|-------------|
| <b>PRIORITY RANKING</b> | <b>2/22</b> |
|-------------------------|-------------|

|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>60/75</b> |
|--------------------|--------------|

### Notes:

This project is integrated with ongoing improvements along E Admiral St. Relatively low cost of project as compared to the number of residences impacted and flood reduction efficacy. Existing system has a 2-year LOS; project improves conveyance to a 10-year LOS.

### Image of Project Site



## Soundside Road Phase 1 (Project Area 4.1)

| Prioritization Parameter | Description   | Score |
|--------------------------|---------------|-------|
| Flood Frequency          | Frequent      | 6     |
| Flooding Impact          | Moderate      | 4     |
| System Condition         | No System     | 4     |
| Water Quality            | None          | 1     |
| Maintenance              | Same          | 2     |
| Residences Impacted      | Major         | 12    |
| Safety                   | Medium        | 3     |
| Flood Source             | Rain/Overwash | 4     |
| Constraints              | Medium        | 4     |
| Budgetary                | High          | 4     |
| Location                 | Town          | 4     |
| Flood Reduction Efficacy | 50% - 75%     | 6     |

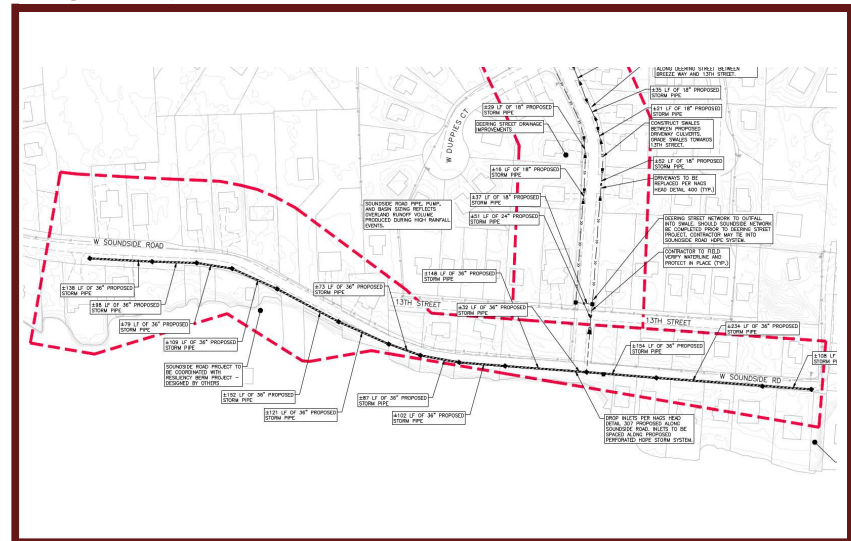
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| <b>PRIORITY RANKING</b> | <b>3/22</b> |
|-------------------------|-------------|

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|--------------------|--------------|
| <b>Total Score</b> | <b>54/75</b> |
|--------------------|--------------|

### Notes:

Soundside Road experiences flooding from rainfall-runoff as well as from overwash from the sound. There is currently no system to handle flooding. The proposed project would impact several residences along Soundside Road, contributing to the score.

### Image of Project Site



## Dune Street Phase 1 (Project Area 7.1)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Frequent    | 6     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Minor       | 4     |
| Safety                   | High        | 6     |
| Flood Source             | Rain        | 4     |
| Constraints              | Medium      | 4     |
| Budgetary                | Medium      | 8     |
| Location                 | Town/NCDOT  | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

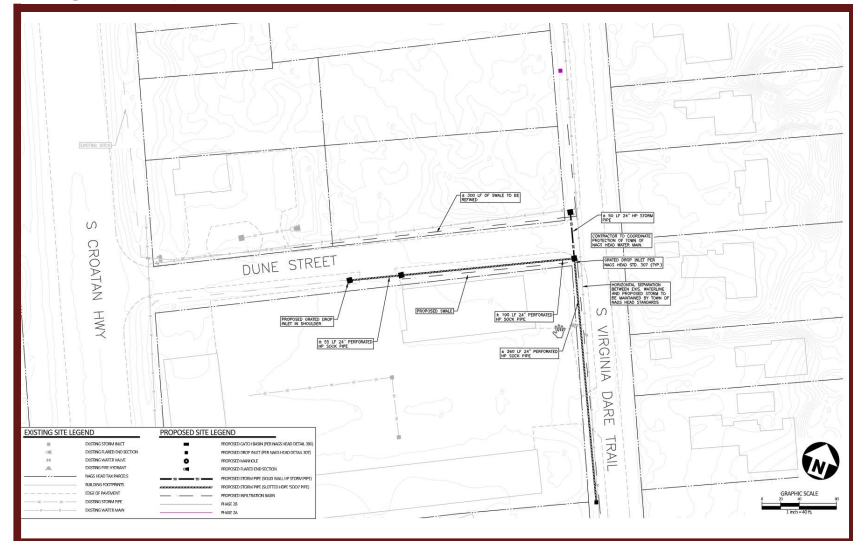
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| <b>PRIORITY RANKING</b> | <b>4/22</b> |
|-------------------------|-------------|

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|--------------------|--------------|
| <b>Total Score</b> | <b>53/75</b> |
|--------------------|--------------|

### Notes:

This site is in a low area with no feasible outfall. A waterline inhibits storm drainage installation on the north side of Dune Street. Project mitigates flooding at the intersection of Dune Street and S. Virginia Dare Trl.

Image of Project Site





## Memorial Avenue Area 4 (Project Area 12.4)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Minor       | 2     |
| System Condition         | Good        | 1     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Major       | 12    |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Low         | 6     |
| Budgetary                | Medium      | 8     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

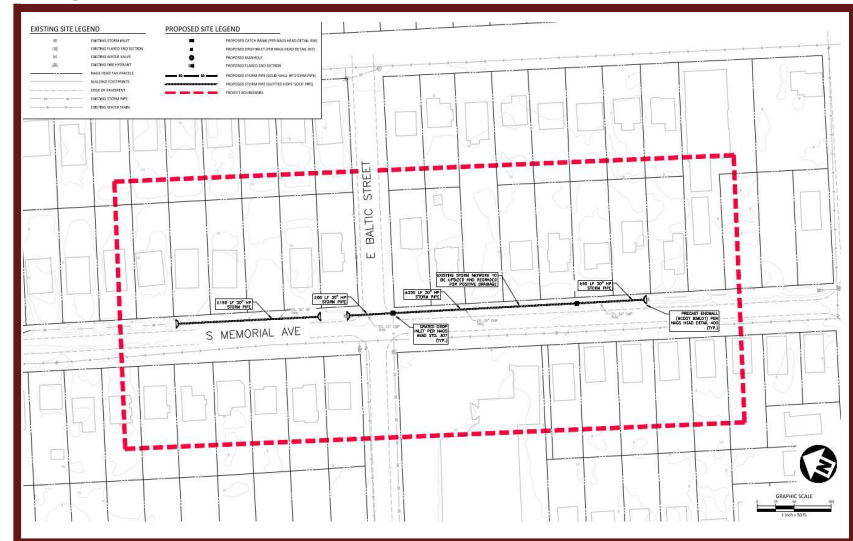
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| <b>PRIORITY RANKING</b> | <b>4/22</b> |
|-------------------------|-------------|

|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>53/75</b> |
|--------------------|--------------|

### Notes:

The site and existing system is restricted by downstream conveyance capacity. Higher number of residences impacted as compared to the project cost. Project improves LOS from the 1-year storm to the 2-year storm (two innermost pipes replaced) and the 10-year storm (two outermost pipes replaced).

### Image of Project Site



## E Epstein Street (Project Area 13)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Infrequent  | 2     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | Good        | 1     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Moderate    | 8     |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Low         | 6     |
| Budgetary                | Low         | 12    |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

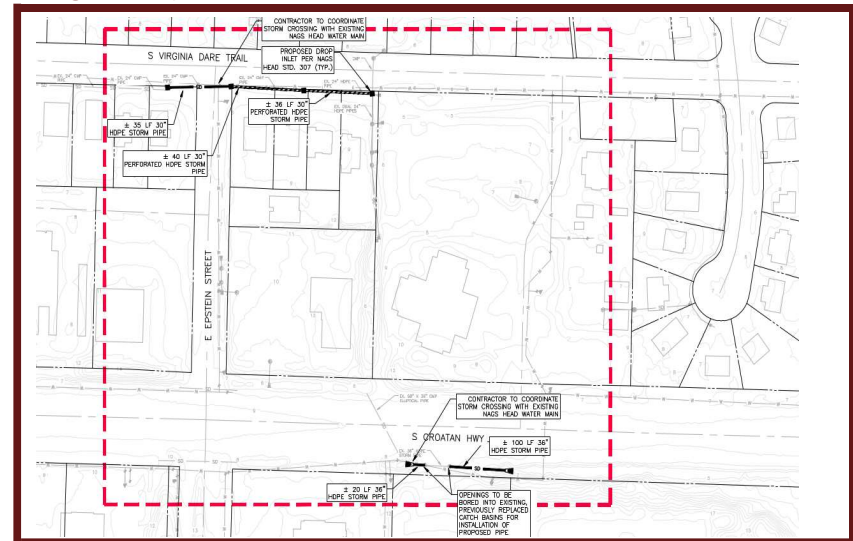
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| <b>PRIORITY RANKING</b> | <b>4/22</b> |
|-------------------------|-------------|

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|--------------------|--------------|
| <b>Total Score</b> | <b>53/75</b> |
|--------------------|--------------|

### Notes:

Existing infrastructure between E Epstein St. and S Croatan Hwy. deemed hydraulically insufficient for upstream drainage. Existing pipe under Fire Station 16 was recently upsized, however, the pipes on either side were not. Moderate amount of residences impacted as compared to project cost.

Image of Project Site



## Memorial Avenue Area 1 (Project Area 12.1)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Frequent    | 6     |
| Flooding Impact          | Minor       | 2     |
| System Condition         | Fair        | 2     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Minor       | 4     |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Low         | 6     |
| Budgetary                | Low         | 12    |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

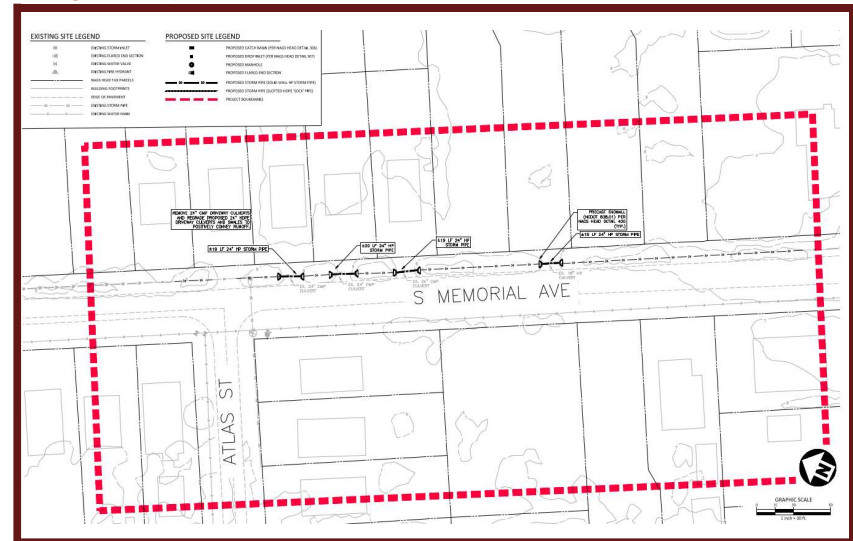
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| <b>PRIORITY RANKING</b> | <b>7/22</b> |
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|--------------------|--------------|
| <b>Total Score</b> | <b>52/75</b> |
|--------------------|--------------|

### Notes:

Proximity to existing water main and other utilities presents potential maintenance challenges. Minor number of residences impacted by project.

### Image of Project Site



## W Lookout Road (Project Area 3.2)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Frequent    | 6     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | High        | 1     |
| Residences Impacted      | Major       | 12    |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | High        | 2     |
| Budgetary                | High        | 4     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

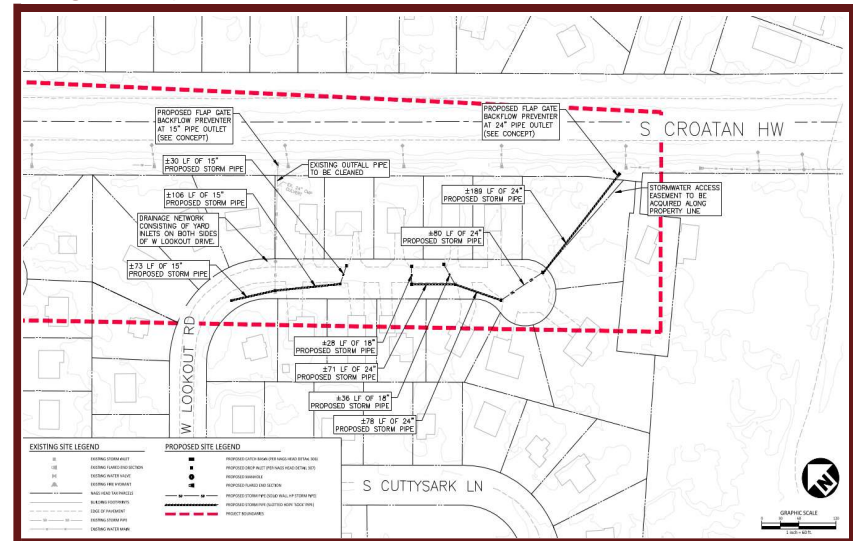
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|-------------------------|-------------|
| <b>PRIORITY RANKING</b> | <b>8/22</b> |
|-------------------------|-------------|

|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>51/75</b> |
|--------------------|--------------|

### Notes:

This site experiences frequent flooding and is constrained by a 15" system downstream. This site is in a fairly dense neighborhood, so several residences would be impacted by the project.

### Image of Project Site





## Seven Sisters Subdivision (Project Area 8)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Frequent    | 6     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | High        | 1     |
| Residences Impacted      | Major       | 12    |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | High        | 2     |
| Budgetary                | High        | 4     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

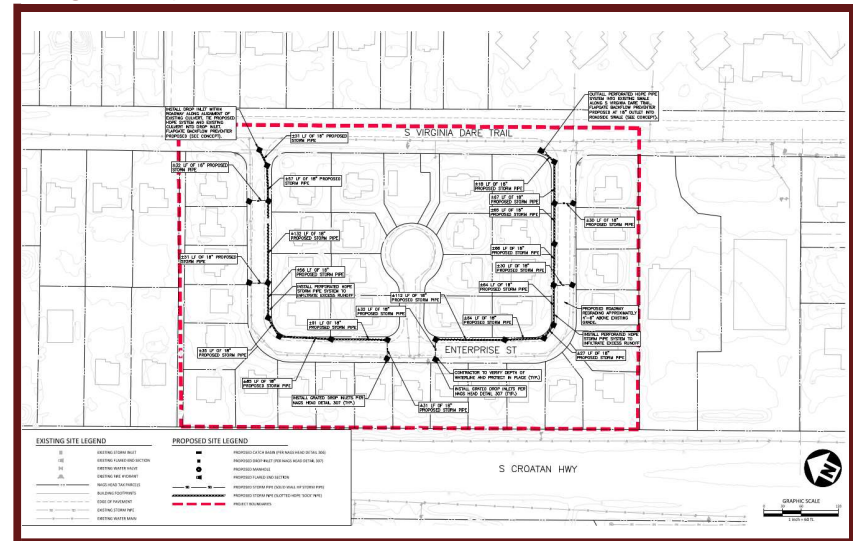
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| <b>PRIORITY RANKING</b> | <b>8/22</b> |
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|--------------------|--------------|
| <b>Total Score</b> | <b>51/75</b> |
|--------------------|--------------|

### Notes:

Driveways in the neighborhood are inverted and currently serve as ditch conveyance. Tailwater conditions from the channel along S. Virginia Dare Tr. necessitate backflow prevention. High number of impacted residences, however, relatively high project cost.

Image of Project Site



## S Old Road Phase 1 (Project Area 9.1)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Frequent    | 6     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | High        | 1     |
| Residences Impacted      | Moderate    | 8     |
| Safety                   | Low         | 1     |
| Flood Source             | Rain        | 4     |
| Constraints              | Medium      | 4     |
| Budgetary                | Medium      | 8     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

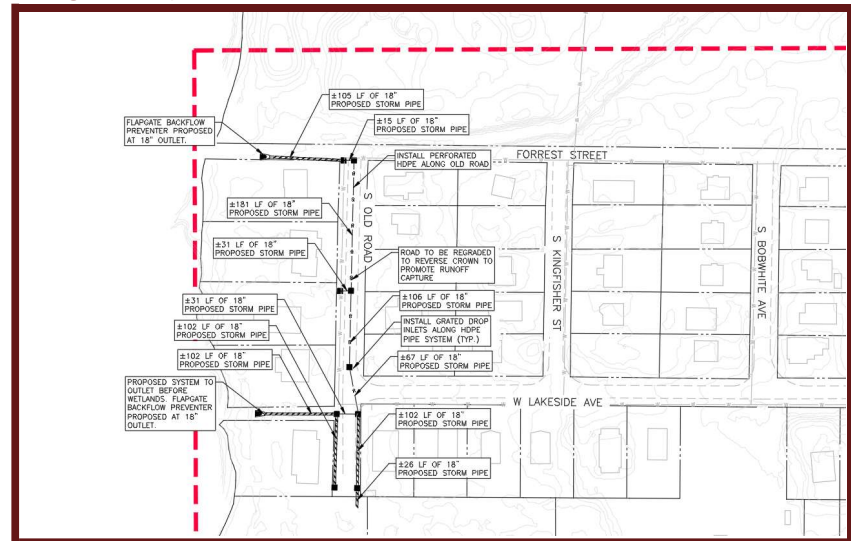
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|-------------------------|-------------|
| <b>PRIORITY RANKING</b> | <b>8/22</b> |
|-------------------------|-------------|

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|--------------------|--------------|
| <b>Total Score</b> | <b>51/75</b> |
|--------------------|--------------|

### Notes:

Ponding occurs at this site and no new outfalls into the sounds can be created. Tailwater conditions require backflow prevention measures. Moderate number of residences impacted as compared to project cost.

Image of Project Site



## Whalebone Junction (Project Area 10)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Frequent    | 6     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | Good        | 1     |
| Water Quality            | None        | 1     |
| Maintenance              | High        | 1     |
| Residences Impacted      | Moderate    | 8     |
| Safety                   | High        | 6     |
| Flood Source             | Rain        | 4     |
| Constraints              | Low         | 6     |
| Budgetary                | High        | 4     |
| Location                 | Town/NCDOT  | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

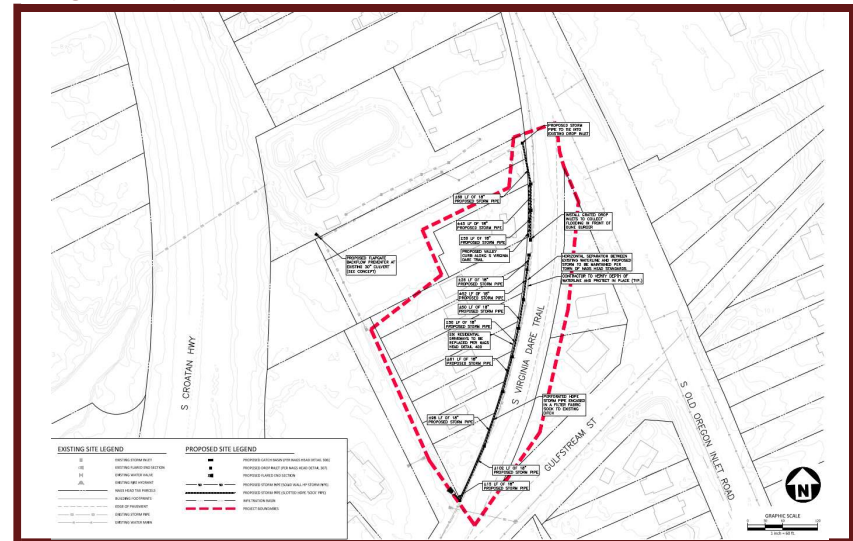
|             |       |
|-------------|-------|
| Total Score | 51/75 |
|-------------|-------|

### Notes:

This site lacks downstream conveyance capacity and lacks infrastructure in front of Dune Burger. The existing 30-inch outfall experiences backflow from the sound. High maintenance potential and utility conflict with an existing water line.

|                  |      |
|------------------|------|
| PRIORITY RANKING | 8/22 |
|------------------|------|

Image of Project Site



## Memorial Avenue Area 3 (Project Area 12.3)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Minor       | 2     |
| System Condition         | Good        | 1     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Minor       | 4     |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Low         | 6     |
| Budgetary                | Low         | 12    |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | >75%        | 8     |

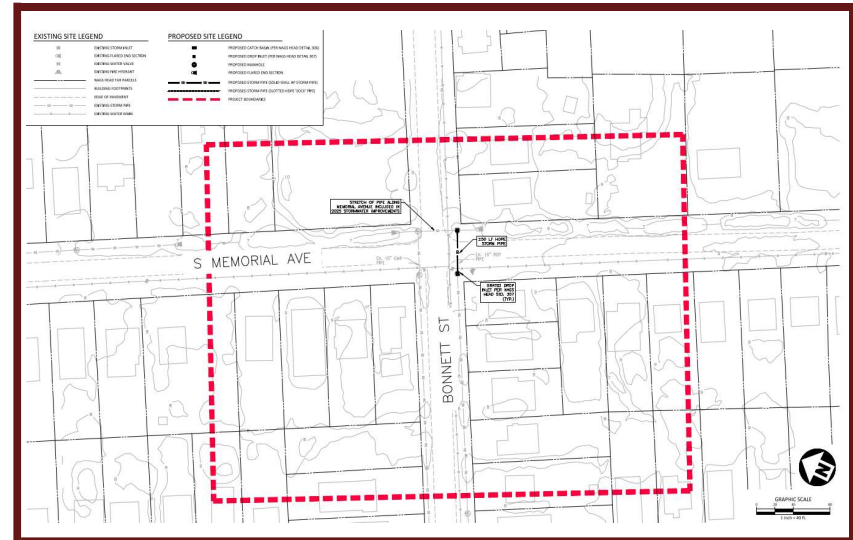
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| <b>PRIORITY RANKING</b> | <b>8/22</b> |
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|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>51/75</b> |
|--------------------|--------------|

### Notes:

This project consists of only one pipe being replaced and has the lowest cost of all proposed projects, however, there are small number of residences impacted. Existing water main and other utilities present construction and maintenance challenges. Project results in LOS improvement from the 2-year to the 10-year storm.

### Image of Project Site





## Buccaneer Drive (Project Area 3.1)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Infrequent  | 2     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | High        | 1     |
| Residences Impacted      | Moderate    | 8     |
| Safety                   | Low         | 1     |
| Flood Source             | Rain        | 4     |
| Constraints              | Low         | 6     |
| Budgetary                | Medium      | 8     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

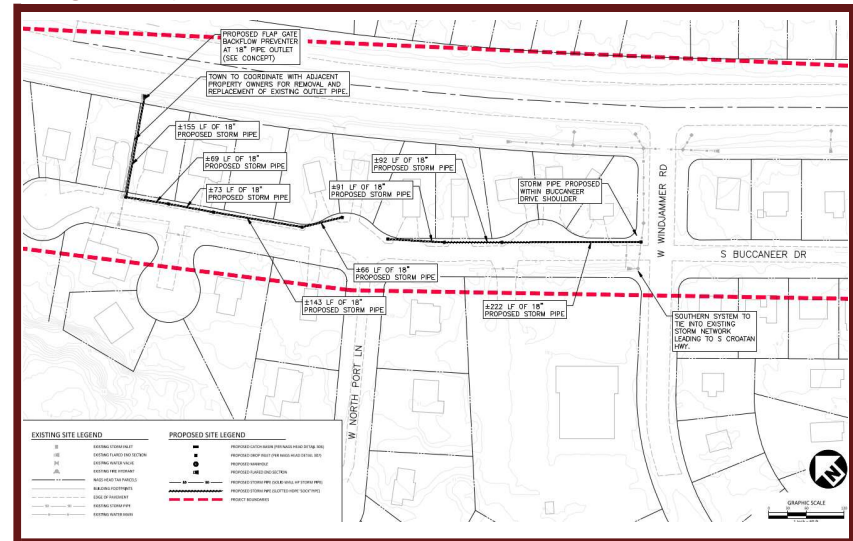
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| <b>PRIORITY RANKING</b> | <b>13/22</b> |
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|--------------------|--------------|
| <b>Total Score</b> | <b>49/75</b> |
|--------------------|--------------|

### Notes:

The site experiences infrequent flooding but the current system is limited, consisting of driveway culverts and a pipe connecting to the S Croatan ditch, which experiences backflow.

### Image of Project Site



## Carolinian Circle (Project Area 1)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Moderate    | 8     |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Medium      | 4     |
| Budgetary                | High        | 4     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

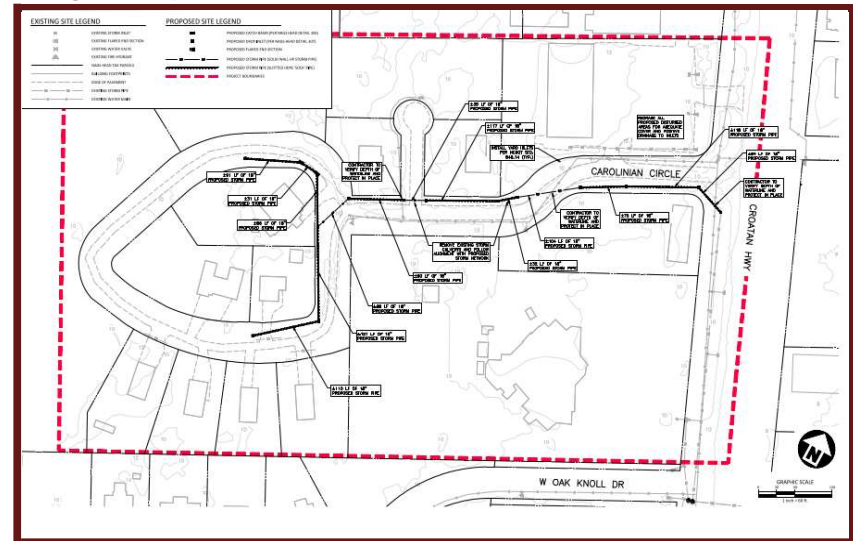
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| <b>PRIORITY RANKING</b> | <b>14/22</b> |
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|--------------------|--------------|
| <b>Total Score</b> | <b>48/75</b> |
|--------------------|--------------|

### Notes:

The site is constrained by the 18" downstream system. It has a relatively high cost compared to the number of residences impacted and lacks any existing drainage system.

### Image of Project Site



## Soundside Road Phase 2 (Project Area 4.2)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Moderate    | 8     |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Medium      | 4     |
| Budgetary                | High        | 4     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

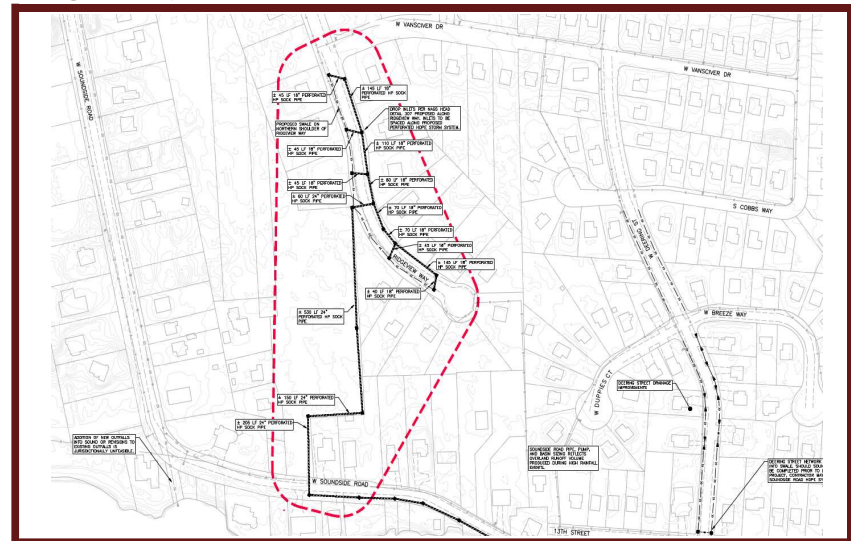
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| <b>PRIORITY RANKING</b> | <b>14/22</b> |
|-------------------------|--------------|

|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>48/75</b> |
|--------------------|--------------|

### Notes:

Lack of drainage infrastructure along Ridgeview Way contributes to ongoing flooding issues in the area. Proposed system would connect to truckline installed along Soundside Road in Phase 1. Relatively high cost of project as related to the number of residences impacted contributes to the score.

Image of Project Site



## Soundside Road Phase 3 (Project Area 4.3)

| Prioritization Parameter | Description   | Score |
|--------------------------|---------------|-------|
| Flood Frequency          | Frequently    | 6     |
| Flooding Impact          | Moderate      | 4     |
| System Condition         | Good          | 1     |
| Water Quality            | None          | 1     |
| Maintenance              | High          | 1     |
| Residences Impacted      | major         | 12    |
| Safety                   | Medium        | 3     |
| Flood Source             | Rain/Overwash | 4     |
| Constraints              | High          | 2     |
| Budgetary                | High          | 4     |
| Location                 | Town          | 4     |
| Flood Reduction Efficacy | 50% - 75%     | 6     |

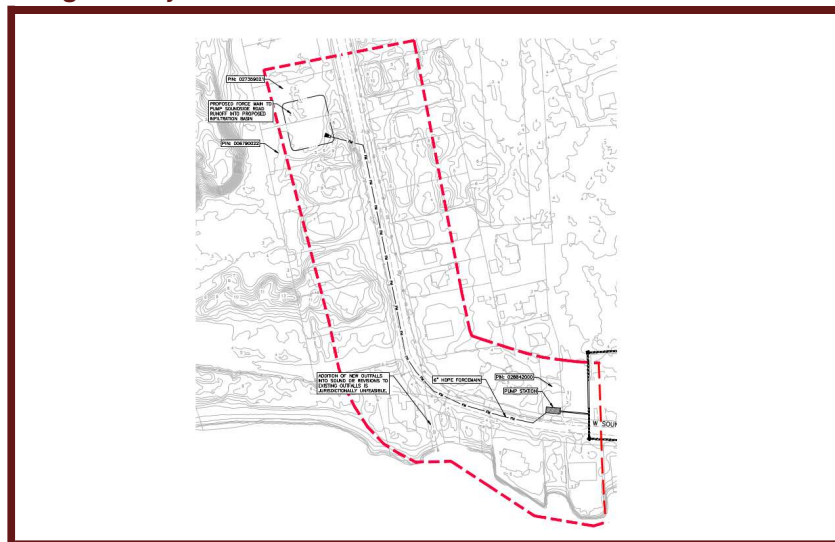
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| <b>PRIORITY RANKING</b> | <b>14/22</b> |
|-------------------------|--------------|

|             |       |
|-------------|-------|
| Total Score | 48/75 |
|-------------|-------|

### Notes:

Phase 4.3 integrates improvements from Soundside Rd. Phase 1, Soundside Rd. Phase 2, and W. Deering Street. A pump station will be integrated with the upstream collection systems and discharged to two parcels on the north side of W. Soundside Rd. providing the maximum benefit for the three connecting systems.

### Image of Project Site





## W Deering Street (Project Area 5)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Minor       | 2     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Minor       | 4     |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Medium      | 4     |
| Budgetary                | Low         | 12    |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 25% - 50%   | 2     |

**PRIORITY  
RANKING**

**17/22**

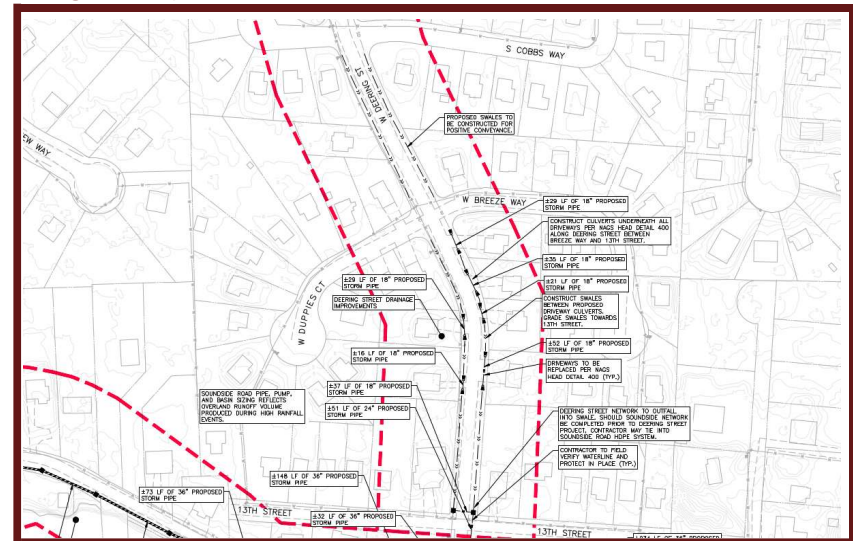
**Total Score**

**46/75**

### Notes:

Relatively high cost compared to the number of residents impacted.

**Image of Project Site**



## W Blue Jay Street (Project Area 2)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Minor       | 1     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Minor       | 4     |
| Safety                   | Low         | 1     |
| Flood Source             | Rain        | 4     |
| Constraints              | Low         | 6     |
| Budgetary                | Medium      | 8     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

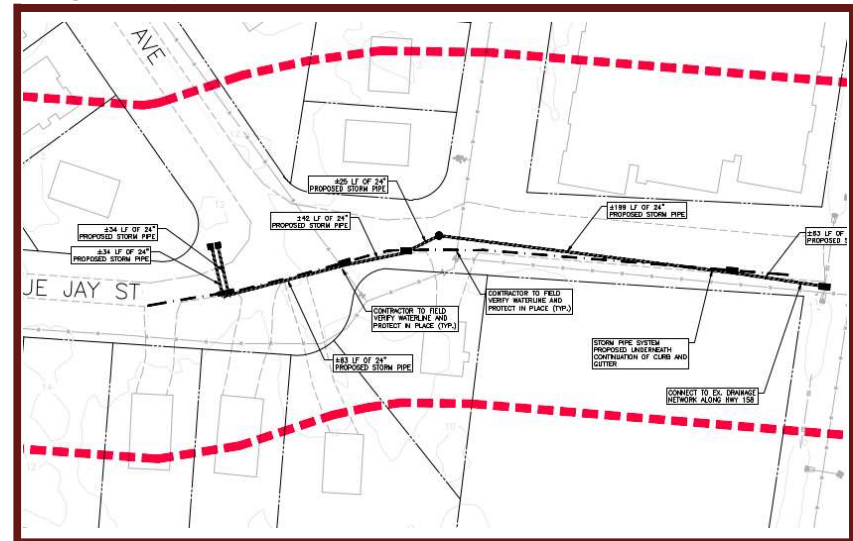
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| <b>PRIORITY RANKING</b> | <b>18/22</b> |
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|--------------------|--------------|
| <b>Total Score</b> | <b>45/75</b> |
|--------------------|--------------|

### Notes:

The site lacks existing drainage infrastructure, other than a portion of curb and gutter. Water ponds at the intersection of S Pamlico Dr. and W Blue Jay St.

Image of Project Site



## S Old Road Phase 2 (Project Area 9.2)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Frequent    | 6     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | Good        | 1     |
| Water Quality            | Minimal     | 2     |
| Maintenance              | High        | 1     |
| Residences Impacted      | Moderate    | 8     |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | High        | 2     |
| Budgetary                | High        | 4     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

|                         |              |
|-------------------------|--------------|
| <b>PRIORITY RANKING</b> | <b>18/22</b> |
|-------------------------|--------------|

|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>45/75</b> |
|--------------------|--------------|

### Notes:

This project involves purchasing two parcels and servicing a relatively small neighborhood. This is due to the constraints of the site, not allowing for new outfalls.

Image of Project Site



## Barracuda Drive (Project Area 6)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Minor       | 2     |
| System Condition         | No System   | 4     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Minor       | 4     |
| Safety                   | Low         | 1     |
| Flood Source             | Rain        | 4     |
| Constraints              | Medium      | 4     |
| Budgetary                | Medium      | 8     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | 50% - 75%   | 6     |

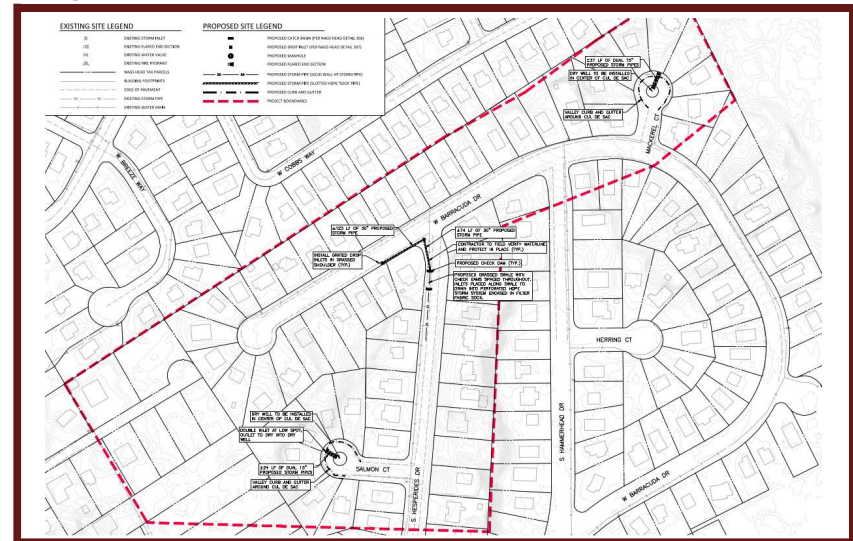
|                         |              |
|-------------------------|--------------|
| <b>PRIORITY RANKING</b> | <b>20/22</b> |
|-------------------------|--------------|

|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>44/75</b> |
|--------------------|--------------|

### Notes:

The site lacks existing infrastructure and downstream conveyance; project provides flood mitigation via closed system infiltration.

### Image of Project Site





## Dune Street Phase 2A (Project Area 7.2)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | Good        | 1     |
| Water Quality            | None        | 1     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Minor       | 4     |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Medium      | 4     |
| Budgetary                | Medium      | 8     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | Medium      | 4     |

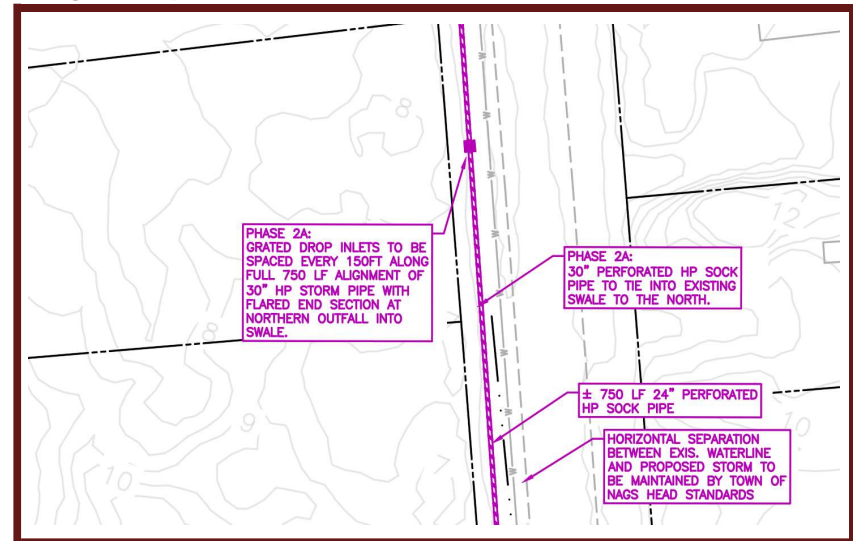
|                         |              |
|-------------------------|--------------|
| <b>PRIORITY RANKING</b> | <b>21/22</b> |
|-------------------------|--------------|

|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>43/75</b> |
|--------------------|--------------|

### Notes:

Minor number of residences impacted as compared to the project cost. Phase 2A entails installing ~750LF of storm pipe along S. Virginia Dare Trl. to an existing creek outfall; minimal flooding concerns along this corridor currently. Phase 2A improvements would serve primarily as a means of outfall for the system installed in Phase 1, with minimal additional benefit.

### Image of Project Site



## Dune Street Phase 2B (Project Area 7.3)

| Prioritization Parameter | Description | Score |
|--------------------------|-------------|-------|
| Flood Frequency          | Occasional  | 4     |
| Flooding Impact          | Moderate    | 4     |
| System Condition         | Good        | 1     |
| Water Quality            | Minimal     | 2     |
| Maintenance              | Same        | 2     |
| Residences Impacted      | Minor       | 4     |
| Safety                   | Medium      | 3     |
| Flood Source             | Rain        | 4     |
| Constraints              | Medium      | 4     |
| Budgetary                | High        | 4     |
| Location                 | Town        | 4     |
| Flood Reduction Efficacy | Medium      | 4     |

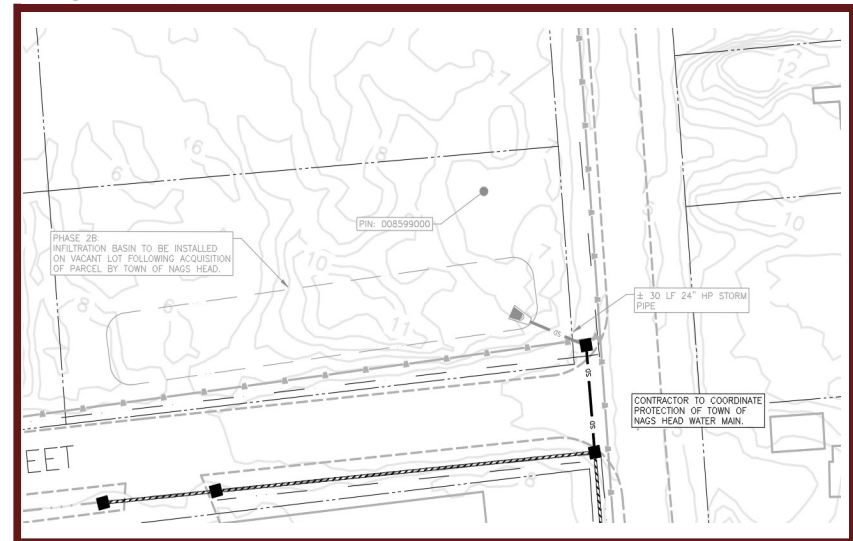
|                         |              |
|-------------------------|--------------|
| <b>PRIORITY RANKING</b> | <b>22/22</b> |
|-------------------------|--------------|

|                    |              |
|--------------------|--------------|
| <b>Total Score</b> | <b>40/75</b> |
|--------------------|--------------|

### Notes:

This project requires the purchase of PIN 008599000 to construct an infiltration basin, which would provide additional flood storage. The cost of the project is high as compared to the minor amount of residences impacted, which contributes to the low score.

### Image of Project Site





# AGENDA ITEM SUMMARY

**Town of Nags Head Board of Commissioners**

REGULAR SESSION: August 5, 2026

## **AGENDA ITEM J.4.**

Beach Driving Season Update

### **Prepared by**

Katie Anzalone, Deputy Town Clerk

### **Reviewed by**

Katie Anzalone  
Brittany Phillips  
Andy Garman

### **Staff Comments/Recommendation**

N/A

### **Specific Action Requested**

This item is provided for board information and update.

### **Summary**

At the August 5, 2026 Board of Commissioners meeting, Police Chief Hale will give an overview of the upcoming Beach Driving Season. Attached is the proposed beach driving map with the accompanying beach driving pamphlet the town provides upon the sale of beach driving permits.

### **Attachments**

1. 8 K4 2026-2027 Beach Driving Map & Regulations

# Town of Nags Head

October 1, 2026 to April 30, 2027

## BEACH DRIVING MAP



**Display your sticker on the inside driver's side windshield of the vehicle per new Town code, and reduce tire air pressure to 20 psi or lower.**

### Vehicular Beach Access

- Admiral Street (closed)
- Eighth Street (closed)
- Conch Street
- Enterprise Street
- Forrest Street
- Gulfstream Street
- Juncos Street

 Bath House

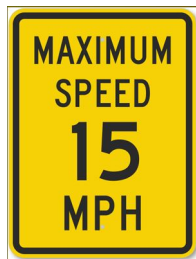
 Milepost



Scan for updated map information

### Please Note:

**Your Nags Head Beach Driving permit is not valid in Kill Devil Hills beach jurisdiction or National Park Beach areas.**





**TOWN OF NAGS HEAD  
REGULATIONS GOVERNING OFF-ROAD VEHICLES**

The general rules of operation on Beach Driving are listed below for quick reference along with a summary of the Town of Nags Head ordinance (the complete Town of Nags Head ordinance can be found on our web site at [www.nagsheadnc.gov/beach-driving](http://www.nagsheadnc.gov/beach-driving)). Please familiarize yourself with these rules. Please understand that driving an off-road vehicle on the beaches of Nags Head is a privilege. **The Town of Nags Head Manager shall have the authority to close any vehicle access point and portion of the beach at any time for any reason.** Due to beach populations and weather, busier areas of the beach may be closed to beach driving at the beginning and end of the season and will be re-evaluated and opened as conditions warrant. The Town of Nags Head has made every effort to accommodate four-wheel drive vehicles on the beach. At the same time, in order to ensure your safety, the safety of pedestrians, and the protection of the beaches, the Town of Nags Head must enforce certain regulations with respect to beach driving privileges. These rules are as follows:

- Beach Driving Permits are authorized to be used on the designated ocean beach areas within the Town of Nags Head jurisdiction only, and only during the beach driving season from one-half hour prior to sunrise on October 1 until one-half hour past sunset on April 30 of the following year. **This permit is not valid in the Kill Devil Hills beach jurisdiction or National Park Beach areas.**
- Stay off the dunes and private property. The Nags Head dune system is very fragile and can be destroyed by vehicles running over the vegetation. Please stay to the east or ocean side of any sand fence or dune vegetation. Under no circumstances does a beach driving permit allow you to drive your vehicle on private property without the express permission of the owner.
- Enter and exit the beach at designated and marked access points only.
- The speed limit on the beach is now **15 mph**. **The Town of Nags Head strongly encourages all beach drivers to reduce tire air pressure to 20 psi.**
- **Display your sticker on the inside driver's side windshield of the vehicle.** In the case of a bona fide fishing tournament, a temporary permit signed and sealed by the Town of Nags Head clerk may substitute for a device or insignia which must be displayed in front dash of the vehicle when being operated on the beach.
- Only four-wheel drive vehicles that are properly registered in the state in which the vehicle is licensed are eligible to receive beach driving permits. ATVs, UTVs, and other similar off-road vehicles are not permitted on the beach. Vehicles must also have current inspections as required by the state in which they are licensed within. Modified utility vehicles ("MUTV") as described in N.C.G.S. 20-4.01(27) shall not be considered an "eligible" vehicle regardless of whether the MUTV is registered or licensed in any state.
- Applications for beach driving permits will be taken from 8:30 a.m. until 5:00 p.m. daily, Monday through Friday in the Municipal Complex at 5401 S. Croatan Highway. Additionally, Town of Nags Head designated tackle shops will also distribute applications and permits during their normal business hours. When applying for the permit, please have a valid driver's license, current vehicle registration and license plate number. **The fee is currently \$100 per season or \$50 per season for those applicants with proof of Town of Nags Head property ownership or residency (driver's license with Nags Head address, tax bill or utility bill of property with name of owner or resident). The \$50 permit is only available for purchase at the Town of Nags Head Municipal Complex (the \$50 permit cannot be purchased online or at designated tackle shops).** The fee is subject to change by the Board of Commissioners. Beach drivers must comply with all local regulations having to do with licensing, registration, inspection/insurance before a permit will be issued.
- **Permits may also be obtained online at [www.nagsheadnc.gov/beach-driving](http://www.nagsheadnc.gov/beach-driving) for the \$100 fee only.**
- Short term permits up to 14 days duration may be issued for a bona fide fishing tournament. Such permits may be issued after application by an organization meeting the requirements of this division sponsoring a bona fide fishing tournament. Such application shall be made three weeks in advance of the tournament and shall include the inclusive dates, not exceeding 14 days, and the number of permits required. Applications shall be forwarded to the Board of Commissioners for approval.
- Pedestrians, swimmers and bathers shall have the right-of-way over all vehicles being operated on the beach.
- All other state motor vehicle regulations as provided by G.S. §§ 160A-205, 160A-175, and Chapter 20 shall be enforced on the beach.
- Should you have any additional questions concerning beach driving, please call the Nags Head Town Hall (252-441-5508) during regular business hours (M-F 8:30 am to 5:00 pm).

Suggested equipment to carry while driving on the beach: shovel, jack, tow rope or chain, board or similar jack support, low pressure tire gauge, approved tires, and a spare tire. If your vehicle gets stuck in the sand and you need assistance, you will need to call a tow company. For all other emergencies (police, fire, ambulance, and ocean rescue) **DIAL 911.**

#### **OTHER IMPORTANT TOWN OF NAGS HEAD REGULATIONS**

**PIT FIRES** - A permit must be obtained from the Nags Head Fire Department (252-441-5909) prior to setting or lighting a pit fire. Permits for any type of fire can only be issued by the Nags Head office of the Fire Marshal ([www.nagsheadfirerescue.com](http://www.nagsheadfirerescue.com)).

**CAMPING REGULATIONS** – Camping on the beaches of the Town of Nags Head is prohibited.

**DOGS MUST BE ON A LEASH** – See chapter 4, Article I, Animal Control of the Nags Head town Code of Ordinances. Animals on the beach shall be restrained by a leash, cord, or chain not exceeding ten (10) feet in length, held by a person who is physically able to control the animal. A collar or harness with attached current vaccination and identification tags must be worn at all times except when the dog is contained to the owner's premises. All feces shall be removed immediately. Burying feces in the sand or depositing in the ocean is prohibited and constitutes a violation of the Town of Nags Head Ordinance.