



AGENDA

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

WEDNESDAY, SEPTEMBER 2, 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 – Police Officer Meredith Booth – March 20, 2026
NEW EMPLOYEE – Water Services Technician Chance DuCharme – June 27, 2026
NEW EMPLOYEE – Water Services Technician Justin Allen – August 3, 2026

FIVE YEARS – Building Inspector I Chase Hundley – August 9, 2021

TWENTY YEARS – Police Sergeant III Greg South – August 17, 2006

TWENTY YEARS – Police Detective III Trey Lipscomb – August 23, 2006

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

PROCLAMATION – Septic Smart Week – September 14 - 18, 2026

PROCLAMATION – Diaper Need Awareness Week – September 14 - 20, 2026

PROCLAMATION – Fire Prevention Week – October 4 – 10, 2026

PROCLAMATION – National Night Out – October 6, 2026

D. PUBLIC COMMENT

E. CONSENT AGENDA

1. Consideration of Budget Amendment #3 to FY 2026/27 Budget
2. Consideration of Tax Documents
- FY 26/27 Tax Adjustment Reports (New Year and Year to Date)
3. Approval of Minutes
4. Consideration of Resolution Authorizing the Surplus and Donation of Fitness Equipment Items to the College of the Albemarle's Basic Law Enforcement Training Program
5. Consideration of Resolution Supporting Outer Banks Health Recreational Trails Program (RTP)
Application for Hospital Walking Path Grant
6. Consideration of Beach Nourishment Master Plan Capital Project Ordinance Amendment #4 to Close Fund
7. Consideration of Resolution Appointing the Tax Collector
8. Consideration of Amendment to Traffic Control Map re: *No Parking Between Signs - Tow Away Zone* 4610 Blue Marlin Way

9. Request for Public Hearing for a Zoning Text Amendment Submitted by George E. Goodrich to Amend Section 7.2.2., Size and Arrangement, of the Supplemental Regulations for Cottage Courts to Establish an Alternative to the Graduated Unit Size and Story Distribution Requirements, Allowing all Cottage Units to be Limited to One Story and a Maximum of 1,000 Square Feet of Habitable Floor Area.

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

1. Update from Planning Director
2. Consideration of Estuarine Shoreline Technical Assistance Funding Policy

G. OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

1. From July 1, 2026 - Discussion of Town Code Chapter 4: Crowd Gathering Activities

H. NEW BUSINESS

1. Consideration of Construction Bids for Bonnett Street Stormwater Pump Station - Time Specific 10:30 a.m.
2. Committee Reports
3. Consideration of Items Required for Drinking Water State Revolving Fund Low-Interest Loan/Grant Application
 - Resolution in Support of the NC Division of Water Infrastructure DWSRF Funding Application
 - Resolution Adopting the Ten-Year Water Capital Improvement Program
 - Ten-Year Water Capital Improvement Program

I. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

J. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

1. Discussion of Multi-Year Beach Access Replacements
2. Discussion of E-Bikes
3. Discussion of Automated License Plate Readers
4. Discussion of Dare County Beaches Project

K. BOARD OF COMMISSIONERS AGENDA

L. MAYOR'S AGENDA

1. Discussion of Fall 2026 Retreat

M. CLOSED SESSIONS

N. OTHER BUSINESS

O. ADJOURNMENT



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM C.1.

NEW EMPLOYEE – Police Officer Meredith Booth – March 20, 2026

NEW EMPLOYEE – Water Services Technician Chance DuCharme – June 27, 2026

NEW EMPLOYEE – Water Services Technician Justin Allen – August 3, 2026

FIVE YEARS – Building Inspector I Chase Hundley – August 9, 2021

TWENTY YEARS – Police Sergeant III Greg South – August 17, 2006

TWENTY YEARS – Police Detective III Trey Lipscomb – August 23, 2006

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

PROCLAMATION – Septic Smart Week – September 14 - 18, 2026

PROCLAMATION – Diaper Need Awareness Week – September 14 - 20, 2026

PROCLAMATION – Fire Prevention Week – October 4 – 10, 2026

PROCLAMATION – National Night Out – October 6, 2026

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips

Andy Garman

Staff Comments/Recommendation

Welcome and Congratulations!

Specific Action Requested

This item is provided for board recognition.

Summary

Recognition at the September 2, 2026 Board of Commissioners meeting will include the above-listed items. Septic Smart Week, Diaper Need Awareness Week, Fire Prevention Week, and National Night Out Proclamations are attached for board consideration.

Attachments

1. 9 C Septic Smart proc
2. 9 C CYP Diaper Need proc
3. 9 C Fire Prev Wk proc
4. 9 C National Night Out proc



**PROCLAMATION
Septic Smart Week
September 14 – 18, 2026**

WHEREAS, proper septic system use and routine care are vital to protecting public health and preserving our highly valued groundwater and surface waters; AND

WHEREAS, proper septic system maintenance will preserve the function, performance, and longevity of systems thereby avoiding costly repairs that can result from neglect; AND

WHEREAS, nearly 85 percent of homes and most businesses in the Town of Nags Head rely on septic systems to treat wastewater; AND

WHEREAS, the Todd D. Krafft Septic Health program established by the Town of Nags Head provides education to its property owners about the need for proper septic system use and routine maintenance; AND

WHEREAS, the Todd D. Krafft Septic Health program encourages proper maintenance by offering free inspections of conventional septic systems and a \$250 water bill credit each time the system tank is pumped; AND

WHEREAS, if a conventional system is found in need of repair or replacement, the town offers low interest loans to assist in replacing all or a portion of the septic system; AND

WHEREAS, residents and the environment of the Town of Nags Head benefit from properly designed, installed, operated, and maintained septic systems.

NOW THEREFORE BE IT RESOLVED, that the Town of Nags Head Board of Commissioners does hereby proclaim the week of September 14 - 18, 2026 as **Septic Smart Week** in the Town of Nags Head and urges all citizens to join us in this special observance by considering what they can do to properly maintain their septic system.

This the 2nd day of September 2026.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Brittany A. Phillips, Town Clerk



PROCLAMATION
Diaper Need Awareness Week
September 14 - 20, 2026

WHEREAS, diaper need, the condition of not having a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy, can adversely affect the health and well-being of babies, toddlers, and their families; and

WHEREAS, national research reports that 1 in 2 families struggle to secure enough diapers to keep their children clean, dry, and healthy due to insufficient income; and

WHEREAS, a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and quality early-education programs; and

WHEREAS, without enough diapers, babies and toddlers risk infections and health problems that may require medical attention, and may prevent parents from attending work or school, thereby hurting the family's economic prospects and well-being; and

WHEREAS, addressing diaper need strengthens families, reduces poverty-related stressors, and fosters healthier, more equitable communities; and

WHEREAS, the Town of Nags Head is proud to be home to trusted community-based organizations including Children & Youth Partnership for Dare County that recognize the importance of diapers in ensuring health and providing economic stability for families and thus distribute diapers to families through various channels.

WE, THE TOWN OF NAGS HEAD, do hereby proclaim the week of September 14 - 20, 2026 as
DIAPER NEED AWARENESS WEEK.

We thank Children & Youth Partnership, their staff and donors for their service through CYP's Diaper Bank and encourage the citizens of our community to support CYP's Diaper Bank to help ensure that all Dare County children and families have what they need to thrive.

This the 2nd day of September 2026.

Ben Cahoon, Mayor

ATTEST:

Brittany A. Phillips, Town Clerk



PROCLAMATION
Fire Prevention Week
October 4 – 10, 2026

WHEREAS, the Town of Nags Head is committed to ensuring the safety and security of all those living in The Town of Nags Head and visiting; and

WHEREAS, fire remains a serious public safety concern both locally and nationally, and the presence of lithium-ion batteries in many household devices introduces unique fire risks; and

WHEREAS, most of the electronics used in homes daily, including smartphones, tablets, laptops, power tools, e-bikes, e-scooters, and toys, are powered by lithium-ion batteries, which if misused, damaged, or improperly charged, can overheat, start a fire, or explode; and

WHEREAS, the National Fire Protection Association® (NFPA®) reports an increase in battery-related fires, underscoring the need for public education on the safe use of lithium-ion batteries and devices; and

WHEREAS, the way lithium-ion battery devices are charged can make a difference in helping prevent home fires; and

WHEREAS, safe charging includes using the cord and charger that came with your device or one approved by the manufacturer, charging on a hard, flat surface, watching for warning signs like devices that are very hot or start to swell, unplugging when fully charged, and charging larger devices like e-bikes outside and away from exits; and

WHEREAS, residents are encouraged to understand that safe charging means making smart choices every time they plug in; and

WHEREAS, The Town of Nags Head's first responders remain dedicated to reducing the occurrence of fires through prevention, safety education, and community outreach; and

WHEREAS, the 2026 Fire Prevention Week™ theme, "Charge into Fire Safety™: Safe Charging Is a Superpower," serves to remind all residents that safe charging can help reduce the risk of fires in homes and communities;

NOW, THEREFORE, BE IT RESOLVED that the Town of Nags Head Board of Commissioners does hereby proclaim October 4 – 10, 2026, as Fire Prevention Week throughout Nags Head, and urge all residents to learn about and practice safe charging habits. All town residents and visitors are invited to attend the annual Nags Head Fire Rescue Open House, held at the Douglas A Remaley Fire Station 16 on Thursday, October 8, 2026, from 5:00 to 8:00 p.m.

This the 2nd day of September 2026.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Brittany A. Phillips, Town Clerk



**PROCLAMATION
National Night Out
October 6, 2026**

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program called "National Night Out" which is celebrated by communities in August and in early October; AND

WHEREAS, the Town of Nags Head, the Nags Head Community Watch Association, and the Nags Head Police Department are celebrating National Night Out on Tuesday, October 6th, 2026; AND

WHEREAS, the Annual National Night Out provides a unique opportunity for the Town of Nags Head to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; AND

WHEREAS, the Nags Head Community Watch Association plays a vital role in assisting the Nags Head Police Department through joint crime, drug and violence prevention efforts in the Town of Nags Head and is supporting "National Night Out 2026" locally; AND

WHEREAS, it is essential that all citizens of the Town of Nags Head be aware of the importance of crime programs and the impact that their participation can have on reducing crime, drug and violence in the Town of Nags Head; AND

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program.

THEREFORE, I do hereby call upon all citizens of the Town of Nags Head to join the Nags Head Community Watch Association, the Town of Nags Head Police Department, and the National Association of Town Watch in supporting the **43rd Annual National Night Out** on October 6th, 2026.

FURTHER, Let it be resolved that the Town of Nags Head Board of Commissioners does hereby proclaim Tuesday, October 6th, 2026 as "National Night Out" in the Town of Nags Head, Dare County, North Carolina.

Adopted this the 2nd day of September 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: September 2, 2026

AGENDA ITEM E.1.

Consideration of Budget Amendment #3 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 #3 to the FY 2026/27 Budget which is provided for board review and approval at the 9/2/2026 Board of Commissioners meeting. Budget Amendment #3 is in accordance with the FY 2026/27 Budget Ordinance, adopted at the June 3, 2026 meeting.

Attachments

1. 9 E1 Budget amend 3 to FY26-27



**BUDGET AMENDMENT REQUEST
FY 2026-2027**

BUDGET AMENDMENT NO. 3
Amendment 3.1

SOURCE OF FUNDS

USE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
49-492200	Capital Reserve Fund Revenues Transfers from the Capital Project Fund	852,143.00		949-590087	Capital Reserve Fund Revenues Contribution to fund balance (Beach nourishment MSD portion of taxes)	852,143.00
TOTAL CHARGES		\$ 852,143.00		TOTAL CREDITS		\$ 852,143.00

JUSTIFICATION

Close beach nourishment master plan fund. Transfer funds to the capital reserve fund.
Those funds will be put back into the MSD portion of taxes capital reserve.

ADMINISTRATIVE SERVICES 8/27/2026
RECOMMENDED BY DATE

APPROVED BY BOC: DATE



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM E.2.

Consideration of Tax Documents

- FY 26/27 Tax Adjustment Reports (New Year and Year to Date)

Prepared by

Jessica Gallop, Tax Collector

Reviewed by

Jessica Gallop
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

I concur with staff's recommendation.

Specific Action Requested

This item is provided for board review and approval.

Summary

Attached please find the FY 2026/27 New Year Tax Adjustment Reports for both the MSD and the Town-wide taxes.

Also attached please find the list of adjustments to the 2026 Tax Levy (per information received from Dare County) for the monthly Property and MSD valuations.

These reports are submitted for your approval at the September 2, 2026 Board of Commissioners meeting.

Attachments

1. 9 E2 Tax Adj Townwide Rpt - NEW YEAR
2. 9 E2 Tax Adj MSD Report - NEW YEAR
3. 9 E2 Tax Adj Townwide Report
4. 9 E2 Tax Adj MSD Report

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2026-2027 MSD TAX LEVY
2026 Tax Levy As of August 13, 2026 - NEW YEAR REPORT

BEACH NOURISHMENT DISTRICT				MSD Excluding Registered Motor Vehicles	Registered Motor Vehicles
MSD Valuation	Rate	Total Levy			
Original MSD Levy:					
MSD Beach Nourishment at Current 2026 Dist 1 Rate	963,073,061	0.00090	866,765.78	866,765.78	
MSD Beach Nourishment at current 2026 Dist 2 Rate	826,069,583	0.00090	743,462.66	743,462.66	
MSD Beach Nourishment at Current 2026 Dist 3 Rate	1,757,945,905	0.00005	87,898.77	87,898.77	
MSD Beach Nourishment at Current 2026 Dist 4 Rate	1,184,830,878	0.00010	118,483.27	118,483.27	
MSD Beach Nourishment at Current 2026 Dist 6 Rate	0	0.00000	0.00	0.00	
Registered Motor Vehicles at Current 2026 Dist 1 Rate	0	0.00090	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 2 Rate	0	0.00090	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 3 Rate	0	0.00005	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 4 Rate	0	0.00010	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 5 Rate	0	0.00000	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 6 Rate	0	0.00000	0.00		0.00
Registered Motor Vehicles at 2025 Dist 1 Rate	0	0.00143	0.00		0.00
Registered Motor Vehicles at 2025 Dist 2 Rate	0	0.00143	0.00		0.00
Registered Motor Vehicles at 2025 Dist 3 Rate	0	0.00005	0.00		0.00
Registered Motor Vehicles at 2025 Dist 4 Rate	0	0.00010	0.00		0.00
Registered Motor Vehicles at 2025 Dist 6 Rate	0	0.00005	0.00		0.00
Registered Motor Vehicles at 2024 rate	0	0.00143	0.00		0.00
Penalties			0.00		
Total	4,731,919,427		1,816,610.48	1,816,610.48	0.00
Discoveries & Adjustments:					
Current year discoveries & adjustments	0		0.00	0.00	
			0.00	0.00	
Total	0		0.00	0.00	
Releases & Adjustments:					
DMV Current year valuation adjustments	0		0.00	0.00	0.00
DMV Current year tax releases	0		0.00	0.00	0.00
Real/Personal Current year releases & adjustments	0		0.00	0.00	
Total	0		0.00	0.00	0.00
Write-offs (under \$1.00) or Adjustments:					
			0.00	0.00	
Total MSD Valuation	4,731,919,427				
Net levy		1,816,610.48		1,816,610.48	0.00
TOTAL UNCOLLECTED MSD AS OF 08/13/26:		(1,816,610.48)		(1,816,610.48)	0.00
CURRENT YEAR MSD COLLECTED:		0.00		0.00	0.00
CURRENT MSD COLLECTION PERCENTAGE:		0.000%		0.000%	0.000%

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2026-2027 MSD TAX LEVY
2026 Tax Levy As of August 13, 2026 - NEW YEAR REPORT

BEACH NOURISHMENT DISTRICT				MSD Excluding Registered Motor Vehicles	Registered Motor Vehicles
MSD Valuation	Rate	Total Levy			
Original MSD Levy:					
MSD Beach Nourishment at Current 2026 Dist 1 Rate	963,073,061	0.00090	866,765.78	866,765.78	
MSD Beach Nourishment at current 2026 Dist 2 Rate	826,069,583	0.00090	743,462.66	743,462.66	
MSD Beach Nourishment at Current 2026 Dist 3 Rate	1,757,945,905	0.00005	87,898.77	87,898.77	
MSD Beach Nourishment at Current 2026 Dist 4 Rate	1,184,830,878	0.00010	118,483.27	118,483.27	
MSD Beach Nourishment at Current 2026 Dist 6 Rate	0	0.00000	0.00	0.00	
Registered Motor Vehicles at Current 2026 Dist 1 Rate	0	0.00090	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 2 Rate	0	0.00090	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 3 Rate	0	0.00005	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 4 Rate	0	0.00010	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 5 Rate	0	0.00000	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 6 Rate	0	0.00000	0.00		0.00
Registered Motor Vehicles at 2025 Dist 1 Rate	0	0.00143	0.00		0.00
Registered Motor Vehicles at 2025 Dist 2 Rate	0	0.00143	0.00		0.00
Registered Motor Vehicles at 2025 Dist 3 Rate	0	0.00005	0.00		0.00
Registered Motor Vehicles at 2025 Dist 4 Rate	0	0.00010	0.00		0.00
Registered Motor Vehicles at 2025 Dist 6 Rate	0	0.00005	0.00		0.00
Registered Motor Vehicles at 2024 rate	0	0.00143	0.00		0.00
Penalties			0.00		
Total	4,731,919,427		1,816,610.48	1,816,610.48	0.00
Discoveries & Adjustments:					
Current year discoveries & adjustments	0		0.00	0.00	
			0.00	0.00	
Total	0		0.00	0.00	
Releases & Adjustments:					
DMV Current year valuation adjustments	0		0.00	0.00	0.00
DMV Current year tax releases	0		0.00	0.00	0.00
Real/Personal Current year releases & adjustments	0		0.00	0.00	
Total	0		0.00	0.00	0.00
Write-offs (under \$1.00) or Adjustments:				0.00	0.00
Total MSD Valuation	4,731,919,427				
Net levy		1,816,610.48		1,816,610.48	0.00
TOTAL UNCOLLECTED MSD AS OF 08/13/26:		(1,816,610.48)		(1,816,610.48)	0.00
CURRENT YEAR MSD COLLECTED:		0.00		0.00	0.00
CURRENT MSD COLLECTION PERCENTAGE:		0.000%		0.000%	0.000%

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2026-2027 TOWN WIDE TAX LEVY
2026 Tax Levy As of August 25, 2026 - Sept 2 BOC

	Town-Wide Tax			Total Levy	
	Property Valuation	Rate	Total Levy	Property Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original levy:					
Property taxed at current 2026 rate	5,181,492,243	0.002320	12,022,270.49	12,022,270.49	
Registered Motor Vehicles at current 2026 rate	6,820,811	0.002320	15,824.28		3,009.00
Registered Motor Vehicles at 2025 year's rate	0	0.003300	0.00		12,827.83
Registered Motor Vehicles at 2024 year's rate	0	0.003300	0.00		17.32
Penalties			6,640.74	6,640.74	
Total	5,188,313,054		12,044,735.52	12,028,911.23	15,854.15
Discoveries & Adjustments:					
Current year discoveries & adjustments tax	0		0.00	0.00	
Town wide beach nourishment tax			0.00	0.00	
Corporate Utilities discoveries & tax	0		0.00	0.00	
Corporate Utilities beach nourishment tax			0.00	0.00	
Penalty Discoveries			0.00	0.00	
Total	0.00		0.00	0.00	
Releases & Adjustments:					
Current year releases & adjustments	0		(144.20)	0.00	(144.20)
Town wide beach nourishment			0.00	0.00	
Penalty Releases			0.00	0.00	
Total	0		(144.20)	0.00	(144.20)
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total Property Valuation	5,188,313,054				
Net levy		12,044,621.18		12,028,911.23	15,709.95
Uncollected Taxes & Penalties		(10,421,993.67)		(10,421,993.67)	0.00
Uncollected Town Wide Beach Nourishment		(982,997.45)		(982,997.45)	0.00
TOTAL UNCOLLECTED TAXES AS OF 08/25/26:		(11,404,991.12)		(11,404,991.12)	0.00
CURRENT YEAR TAXES COLLECTED:		639,630.06		623,920.11	15,709.95
CURRENT LEVY COLLECTION PERCENTAGE:		5.311%		5.187%	0.000%

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2026-2027 MSD TAX LEVY
2026 Tax Levy As of August 25, 2026 - Sept 2 BOC

	BEACH NOURISHMENT DISTRICT			MSD Excluding Registered Motor Vehicles	Registered Motor Vehicles
	MSD Valuation	Rate	Total Levy		
Original MSD Levy:					
MSD Beach Nourishment at Current 2026 Dist 1 Rate	963,073,061	0.00090	866,765.78	866,765.78	
MSD Beach Nourishment at current 2026 Dist 2 Rate	826,069,583	0.00090	743,462.66	743,462.66	
MSD Beach Nourishment at Current 2026 Dist 3 Rate	1,757,945,905	0.00005	87,898.77	87,898.77	
MSD Beach Nourishment at Current 2026 Dist 4 Rate	1,184,830,878	0.00010	118,483.27	118,483.27	
MSD Beach Nourishment at Current 2026 Dist 6 Rate	0	0.00000	0.00	0.00	
Registered Motor Vehicles at Current 2026 Dist 1 Rate	35,510	0.00090	50.78		50.78
Registered Motor Vehicles at Current 2026 Dist 2 Rate	61,000	0.00090	87.23		87.23
Registered Motor Vehicles at Current 2026 Dist 3 Rate	383,000	0.00005	19.15		19.15
Registered Motor Vehicles at Current 2026 Dist 4 Rate	176,500	0.00010	17.65		17.65
Registered Motor Vehicles at Current 2026 Dist 5 Rate	0	0.00000	0.00		0.00
Registered Motor Vehicles at Current 2026 Dist 6 Rate	0	0.00000	0.00		0.00
Registered Motor Vehicles at 2025 Dist 1 Rate	109,224	0.00143	156.19		156.19
Registered Motor Vehicles at 2025 Dist 2 Rate	238,378	0.00143	340.88		340.88
Registered Motor Vehicles at 2025 Dist 3 Rate	623,800	0.00005	31.19		31.19
Registered Motor Vehicles at 2025 Dist 4 Rate	641,500	0.00010	64.15		64.15
Registered Motor Vehicles at 2025 Dist 6 Rate	0	0.00005	0.00		0.00
Registered Motor Vehicles at 2024 rate	0	0.00143	0.00		0.00
Penalties			0.00		
Total	4,734,188,339		1,817,377.70	1,816,610.48	767.22
Discoveries & Adjustments:					
Current year discoveries & adjustments	0		0.00	0.00	
			0.00	0.00	
Total	0		0.00	0.00	
Releases & Adjustments:					
DMV Current year valuation adjustments	0		0.00	0.00	0.00
DMV Current year tax releases	0		(10.66)	0.00	(10.66)
Real/Personal Current year releases & adjustments	0		0.00	0.00	
Total	0		(10.66)	0.00	(10.66)
Write-offs (under \$1.00) or Adjustments:			0.00	0.00	
Total MSD Valuation	4,734,188,339				
Net levy		1,817,367.04		1,816,610.48	756.56
TOTAL UNCOLLECTED MSD AS OF 08/25/26:		(1,738,125.99)		(1,738,125.99)	0.00
CURRENT YEAR MSD COLLECTED:		79,241.05		78,484.49	756.56
CURRENT MSD COLLECTION PERCENTAGE:		4.360%		4.320%	0.000%



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 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:

August 5, 2026 Regular Session

Attachments

1. 9 E3 Aug 5 2026 DRAFT BOC mins



**DRAFT MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
WEDNESDAY, AUGUST 5, 2026**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, August 5, 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; Roberta Thuman; Karen Snyder; Shane Hite; Rick Godsey; Jessica Gallop; JC Mitchell; Steve Szymanski; Charles Thuman; Ed Snyder; Ashley Mitchell and family; Dee Johnson; Lily Nieberding; Bob Muller; Paige Griffin; Jonathan Kirks; Jackie Szymanski; Suzanne Baer; Donna Creef; Kim Thompson; Greg Daisey; Conner Twiddy; Christian Aguirre; Steven Anderson; Chris Trembly; Chase Tadlock; and Town Clerk Brittany A. Phillips

Mayor Cahoon called the meeting to order at 09:00 a.m. A moment of silence was followed by the Pledge of Allegiance. He then recognized former mayor Bob Muller in attendance.

ADOPTION OF AGENDA

MOTION: Comr. Sanders moved to adopt the amended August 5th agenda, moving the retirement recognition of former Water Superintendent David Perry to the September 2nd meeting. The motion was seconded by Comr. Vaughan, which passed unanimously.

RECOGNITION

NEW EMPLOYEE – Planning Director Kelly Wyatt introduced Chief Building Inspector Rick Godsey who was welcomed by the board to town employment.

NEW EMPLOYEE – Deputy Town Manager/Finance Officer Amy Miller introduced Tax Collector Jessica Gallop who was welcomed by the board to town employment.

TEN YEARS – Police Chief Perry Hale introduced Police Sergeant JC Mitchell, who was recognized by the board for ten years of service.

PRESENTATION – Police Chief Perry Hale introduced Police Sergeant JC Mitchell, recipient of the MADD NC DWI Per Capita Enforcer of the Year Award.

TWENTY-FIVE YEARS – Town Manager Andy Garman introduced Public Information Officer Roberta Thuman, who was recognized by the board for twenty-five years of service.

RETIREMENT – Planning Director Kelly Wyatt introduced Chief Building Inspector Steve Szymanski, who was thanked and congratulated by the board on his retirement.

PUBLIC COMMENT

Town Attorney John Leidy opened public comment at 09:27 a.m.

There was no one present who wished to speak during public comment.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of Budget Amendment #2 to FY 26/27 Budget
- Consideration of Tax Documents
 - FY 25/26 Year End Tax Adjustment Report and FY 25/26 Year End Tax Settlement Report
- Approval of Minutes
- Consideration of Multi-Year Banking Contract Renewal with Southern Bank

- Consideration of Beach Nourishment Capital Project Ordinance Amendment #20
- Consideration of the Second Year of the Sand Relocation and Dune Management Cost Share Program (Cycle Approved August 6, 2025)
- Consideration of Recommended Standard Details Update

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

Budget Amendment #2, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

The tax documents to include the FY 25/26 Year End Tax Adjustment Reports and the Year End Tax Settlement Report, as approved, are attached to and made a part of these minutes as shown in Addendum "B".

The minutes from the July 1, 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 Southern Bank multi-year contract renewal, as approved, is on file in the town clerk's office. The agenda summary sheet read in part as follows:

"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"

The summary sheet for the Consideration of Beach Nourishment Capital Project Ordinance Amendment #20 read in part as follows:

'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.

'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."

The Beach Nourishment Capital Project Ordinance Amendment #20, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

The summary sheet for the Consideration of the Second Year of the Sand Relocation and Dune Management Cost Share Program (Cycle Approved August 6, 2025), as approved, read in part as follows:

"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.

'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.'

Director Wyatt's memo read in part as follows:
"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.

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

'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.'

The summary sheet for the Consideration of Recommended Standard Details Update, as approved, read in part as follows:

"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

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

PUBLIC HEARINGS

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

Notice of the Public Hearing was published in the Coastland Times on Wednesday, July 22, 2026 and on Wednesday, July 29, 2026 as required by law.

Attorney Leidy opened the Public Hearing at 09:28 a.m.

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

"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 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.

'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.

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

The board thanked Director Wyatt for her presentation. Suzanne Baer thanked the board for their consideration. There was no member of the public present who wished to comment on the proposed amendment. Attorney Leidy asked whether the board wished to receive any additional information. Hearing no response, he stated that the public hearing would be closed and that the board could proceed with deliberations on the proposed amendment. The time was 09:42 a.m.

MOTION: Comr. Harrison moved to approve the text amendment 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 to include the statement of consistency as presented. The motion was seconded by Mayor Pro Tem Lambert.

Mayor Cahoon noted appreciation for the ability to address site-specific concerns through future Special Use Permit and Site Plan Review and observed that allowing multiple activities on the same site could help reduce travel by enabling people to accomplish more in one location.

MOTION CONT.: The motion passed unanimously.

The ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "D".

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, 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

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

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

In addition to her summary above, Director Wyatt noted that the Planning Board will begin reviewing the history of accessory dwelling unit (ADU) discussions at an upcoming meeting. She explained that, with several new board members, the review will provide background on prior discussions and concerns so the board is prepared if it chooses to consider a future ADU ordinance.

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

NEW BUSINESS

Committee Reports

Comr. Vaughan – The Dare County Tourism Board did not meet in July.

Comr. Sanders – The Dare Housing Foundation Castles for a Cause initiative is moving forward. They are focused on increasing community awareness to help grow the program and are actively pursuing grant opportunities to support future projects and get additional initiatives underway.

Mayor Pro Tem Lambert – Acknowledged Director Wyatt’s update on the Septic Health Committee. She then thanked town staff for their significant efforts in developing the loan program. Their work was recognized as going well beyond the traditional scope of work.

Comr. Harrison – Reported that the Government Education Access Channel Committee met in July and that operations continue as usual. She commended Public Information Officer Roberta Thuman for the outstanding quality of video content produced for Nags Head over the past year.

Mayor Cahoon – There was no report for Jennette’s Pier Advisory Committee this month.

Consideration of Resolutions Authorizing Fall 2026 Fishing Tournaments

- Outer Banks Association of Realtors; Fraternal Order of Eagles; Nags Head Surf Fishing Club Mayor Cahoon noted that these are longstanding tournaments and brought the resolutions before the board for approval.

MOTION: Mayor Pro Tem Lambert made a motion to adopt the three (3) resolutions authorizing Fall 2026 Fishing Tournaments for the Outer Banks Association of Realtors, the Fraternal Order of Eagles, and the Nags Head Surf Fishing Club as presented. The motion was seconded by Comr. Harrison, which passed unanimously.

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

Outer Banks Association of Realtors

"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."

Fraternal Order of Eagles

"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."

Nags Head Surf Fishing Club

"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."

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Leidy provided an update on the Cherry Inc. litigation. Following the town's successful summary judgment dismissing the case, the plaintiff appealed the decision. The North Carolina Court of Appeals has notified the parties that the appeal will be considered on August 27th based on the submitted briefs, without oral argument.

He also recognized Public Information Officer Roberta Thuman for her significant contributions to the beach nourishment easement acquisition process, noting that her assistance has been instrumental to the success of the effort.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Financial Update

Deputy Town Manager/Finance Officer, Amy Miller presented a financial update to the board, the summary sheet read in part as follows:

"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."

The board thanked Amy for her efforts. Mayor Cahoon noted the water meter program's financial benefits and its positive impact on residents, particularly through the early detection of water leaks.

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

Town Engineer Ryan presented the concept design on the next phase of the west side multi-use path, describing it as filling in the existing gap in Nags Head's multi-use path network between Carolista Drive and West Soundside Road. The northern end of the planned section would connect to the existing path running from Carolista Drive north to Eighth Street, the town's northern border. The southern end connects to the West Soundside Road segment that was constructed in 2020.

Engineer Ryan identified several constraints that distinguish this section from prior segments. First, an existing drainage ditch network runs from Carolista Drive to just south of Conch Street, capturing runoff from US 158 and conveying it through a cross-culvert pipe to an ocean outfall at Conch Street. Second, underground utilities must be worked around. Third, and most significantly, topography from Jockey's Ridge State Park creates the greatest engineering challenge. In the area near Sooeey's Barbecue on the east side of 158, the topography begins to encroach very close to the existing edge of pavement, with roadway elevations around 9 feet above mean sea level and contour lines rising to approximately 22 feet over a short horizontal distance.

To address this, Engineer Ryan described the need for approximately 1,000 linear feet of retaining wall, starting at approximately 4' of exposed height and potentially rising to as much as 8' in the most constrained sections near the Jockey's Ridge crosswalk, in order to hold back sand and create an open pathway for the multi-use path and drainage improvements. He noted that in some areas, the path width would need to be reduced from the standard 10' wide due to regulatory constraints, and that either a 10' grass buffer from the edge of pavement or a curb-and-gutter configuration with a 3' setback behind the gutter could be used depending on location.

Engineer Ryan mentioned that the town is collaborating with design firm WithersRavenel and is in continuous dialogue with the North Carolina Department of Transportation and Jockey's Ridge State Park regarding navigating

constraints within the permitting framework.

Mayor Pro Tem Lambert asked whether an 8-foot retaining wall would require a guardrail to prevent pedestrians from going over. Engineer Ryan acknowledged the concern, noting that the tallest sections would be concentrated over small areas and may not be accessible, but committed to evaluating additional safety treatments as the design is refined.

Comr. Harrison asked whether Jockey's Ridge State Park appeared open to sand removal and stabilization plantings on the dune. Engineer Ryan confirmed that in initial discussions, the Park was receptive to new plantings as a condition of the grading work, emphasizing their shared interest in slope stabilization.

In response to the mayor's question about the schedule, Engineer Ryan indicated the goal is to be under construction in the fall, though he acknowledged this is contingent on permit review timelines from the Division of Coastal Management (CAMA permit), Jockey's Ridge State Park, state sedimentation and erosion control, stormwater management, and NCDOT right-of-way encroachment.

Town Manager Garman added context to the ongoing agency coordination, noting that the sand from grading within the Jockey's Ridge AEC must remain within the park, and that Jockey's Ridge State Park has an existing sand disposal area on the north side where they have been routing displaced sand. He also flagged that the grass strip between the path and the roadway shown in the conceptual rendering, appearing uniform and hardened, may not reflect the final product, and suggested it could be planted with something more natural, such as love grass, to better fit the character of the area. He acknowledged that the rendering is slightly deceiving since the path will not be straight and the retaining wall will not be a continuous uniform height.

Mayor Cahoon suggested that as the design is refined, the board would benefit from more realistic renderings. Engineer Ryan agreed that as the final design is completed, the visual materials would be updated accordingly. The board indicated it would like to see those when the time comes.

The board thanked Engineer Ryan for his efforts.

Discussion of Stormwater Master Plan Prioritization

Town Engineer Ryan presented an update on the Stormwater Master Plan prioritization. The summary sheet read in part as follows:

"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 workshop/retreat to support future capital planning and budget discussions."

Town Engineer Ryan presented the prioritization results of the Stormwater Master Plan, opening with an apology for an inadvertent omission in the packet—Soundside Road Phase 3, a pump station project integral to the overall Soundside Road drainage solution, had been left out of the printed materials. He noted that the corrected information had been distributed and that the omission did not materially change the overall priority rankings.

Engineer Ryan outlined the framework of the Master Plan, which included an asset inventory and assessment (completed), a public workshop held the prior August, a geo-database management system and dashboard (previously presented to the board), an asset condition assessment (completed), hydraulic analysis along South Memorial Avenue identifying system deficiencies and potential improvements to raise the level of service from a

1- or 2-year storm event to a 10-year storm event, and a capital improvement plan project prioritization and scoring. A watershed action plan is also in progress as part of the scope, which Engineer Ryan noted would "enable us to focus in on grants, not only just related to stormwater, but also along the Estuarine Shoreline." A final report is planned for the November Board of Commissioners meeting.

Twenty-two project areas were prioritized using a scoring matrix drawn from the town's existing stormwater management operating procedures. The matrix evaluated flooding frequency, impact, existing system condition, water quality benefits, maintenance needs, number of residents impacted, safety, flood source (rainfall versus overwash), site constraints, budgetary concerns, location (town street, private street, or NCDOT right-of-way), and flood time and recession reduction potential. Projects were scored on a 0–75 point scale, with the highest-scoring project receiving 64 points and the lowest-scoring receiving 40. Engineer Ryan noted that "typically these projects scored higher as the cost decreased," in conjunction with a high number of affected residents.

Engineer Ryan walked through all 22 prioritized projects:

Ramp 1 Outfall (Rank 1, \$85,000): Highest-ranked project due to the lowest cost, greatest number of residents impacted via the west side ditch from James Street to Ramp 1, high flooding frequency, maintenance needs, and safety concerns from roadway flooding.

South Memorial Avenue – Area 2 (Rank 2, \$180,000): Upsizing the existing storm drain system along the east side of South Memorial Avenue from Admiral Street northward. A portion of this work is being incorporated into the ongoing sidewalk improvement project; this would address the second half. Low site constraints and safety benefits contributed to its high ranking.

Soundside Road Phase 1 (Rank 3, \$750,000): A 36-inch diameter trunk line from the south end of Soundside Road to existing infrastructure at the curve. High cost but justified by frequent flooding and the high number of impacted residences.

Dune Street Phase 1 (Rank 4 tied, \$235,000): Addresses frequent flooding at the intersection of South Virginia Dare Trail and Dune Street, primarily from adjacent shopping center runoff. The first phase of a potential three-phase project, intended to capture and locally infiltrate that runoff. Medium cost.

South Memorial Avenue – East Baltic Street Area (Rank 4 tied, \$265, 000): Upsizing pipe in the storm network to increase level of service from a 1-year storm to a 2-year or 10-year event on outermost pipes.

East Epstein Street (Rank 4 tied, \$210,000): A relatively low-cost project completing work begun along South Virginia Dare Trail in 2019. Would connect Epstein Street to the north side of town hall and to Fire Station 16, completing a critical downstream network segment that begins at Seven Sisters and flows through the golf course to the Sound. Engineer Ryan emphasized the importance of downstream sequencing.

Memorial Avenue – Area 1 (Rank 7, \$145,000): Low-cost upsizing of several undersized culvert pipes at select residences just south of Atlas Street to bring more continuity to the drainage network.

West Lookout Road (Rank 8 tied, \$340,000): Located in the North Ridge subdivision, addresses significant flooding at residences during large rainfall events. High constraints due to potential backflow from the west side ditch along US Hwy 158; would require a backflow preventer.

Seven Sisters Subdivision (Rank 8 tied, \$535,000): Most building pads are elevated, but the road sits low, causing extensive ponding after rain events of 2–3 inches. Installation of a storm drain collection network to drain the subdivision after rainfall. Dependent in part on the completion of downstream improvements at Epstein Street first.

South Old Road Phase 1 (Rank 8 tied, \$300,000): A soundside street off Lakeside Street subject to frequent flooding. A perforated sock pipe drainage network to aid infiltration and improve the level of service.

Whalebone Junction Area (Rank 8 tied, \$360,000): High flooding frequency in the area around Dune Burger. Would formalize the network with connections to an existing ditch conveying water to the sound through the catfish farm. Relatively high cost and minimal residential impact, but significant improvement to a high-visibility commercial area.

Memorial Avenue – Area 3 (Rank 8 tied, \$40,000): Low-cost replacement of a single pipe near the intersection of Bonnett Street to increase level of service.

Buccaneer Drive (Rank 13, \$290,000): Located in the North Ridge subdivision, similar to Lookout Drive—low-lying areas backing up to the west side ditch, requiring a backflow preventer to avoid creating a new problem while solving an existing one.

Carolinian Circle (Rank 14 tied, \$425,000): Previously on the old Stormwater Master Plan but did not advance. New

approach would install a storm drain collection network tying into the existing drainage network at Hwy 158. Occasional but significant flooding during heavy rainfall.

Soundside Road Phase 2 (Rank 14 tied, \$710,000): Improvements in the Southridge subdivision extending from Ridgeview Way to Soundside Road, connecting to existing infrastructure from Phase 1. Several homeowners from this area attended the public workshop to raise concerns.

Soundside Road Phase 3 (Rank 14 tied, \$1,813,000): The pump station project, relocated northward from the previously discussed Deering Street/Soundside Road intersection to an undeveloped parcel, connecting to the infrastructure from Phases 1 and 2 and pumping to undeveloped parcels along Soundside Road. High cost driven in part by potential property acquisition, but provides the critical link connecting all three Soundside Road phases and Deering Street into a comprehensive drainage solution.

Deering Street (Rank 17, \$230,000): Low-cost restoration of swales and installation of storm pipe for conveyance to the Soundside Road system.

West Blue Jay Street (Rank 18 tied, \$270,000): Addresses runoff from high elevations to the west converging at Blue Jay Street and Pamlico Avenue, protecting lower-lying residences on the south side of Blue Jay Street.

South Old Road Phase 2 (Rank 18 tied, \$1,560,000): A more costly follow-on to Phase 1 that would incorporate a pump station pumping to undeveloped parcels along 158.

Barracuda Drive (Rank 20, \$255,000): Addresses three localized issues—Mackerel Court, Salmon Court, and the intersection of Hesperides and Barracuda Drive—capturing roadway runoff before it discharges onto adjoining properties. Largely a topography issue with high elevations directing rapid flows.

Dune Street Phase 2A (Rank 21, \$305,000) Phase 2A installs a storm pipe collection system from Dune Street north approximately a quarter mile to an existing ditch connecting to the 158 roadway and Soundside Road drainage network.

Dune Street Phase 2B (Rank 22, \$1,255,000) Phase 2B, the lowest-ranked project (40 points), would involve purchase of an undeveloped parcel at the Dune Street/South Virginia Dare Trail intersection for use as an infiltration area if needed following Phases 1 and 2A.

Comr. Harrison raised a question about the absence of water quality scores for several projects, particularly those adjacent to waterways such as the Sound and Ramp 1. Engineer Ryan explained that for Ramp 1, the backflow preventer installation does not include a formal treatment mechanism, preventing a formal water quality benefit rating, even though it reduces the ebb and flow of saltwater through the ditch system. He acknowledged that Soundside Road and Old Road projects scored higher if infiltration practices were used, but that when the ground is saturated, as has been the case recently, infiltration's water quality benefit diminishes. Comr. Harrison also questioned whether the flooding source categorization for Soundside Road and Old Road correctly accounted for tidal and overwash influences, not just rainfall. Engineer Ryan confirmed that overwash and tidal influence should indeed be considered for both locations, and that the assessment would reflect that.

Comr. Vaughan asked how the value of one phase would be accounted for if the project did not advance beyond Phase One or Phase Two, and whether there are different approaches to addressing the relationship and value of the phases. Engineer Ryan explained that, if grants could be secured, the phases could potentially be pursued collectively as a single project. However, the cost of completing all improvements may make it impractical to include them together in the annual CIP. He noted that phasing the projects would make the costs more manageable by spreading funding and improvements over time.

Mayor Pro Tem Lambert asked whether all of the Soundside Road projects would need to be completed, particularly the final phase, for the overall improvements to function effectively. Engineer Ryan explained that Phase Three is ultimately needed for the Soundside Road improvements to function as intended, but that the phases do not necessarily have to be completed in a fixed sequence. He noted that establishing the infrastructure in Phase One is critical, after which the pump system and subsequent phases could be implemented in different orders. This phased approach would provide flexibility to adjust the project based on funding availability and changing conditions. He then confirmed Mayor Pro Tem Lambert's statement that, ideally, all of the projects would be completed.

Engineer Ryan noted that the Watershed Action Plan could make the town eligible for additional grant opportunities that could be paired with the estuarine shoreline work.

Manager Garman explained that Phase Three may be necessary to qualify for certain grants because of its water-quality benefits, while the other phases could potentially be bundled with shoreline resiliency work. He noted that the town would consider stormwater projects in conjunction with other CIP priorities, including street, paving, overlay, and waterline projects, and would prioritize projects based on available funding and grant opportunities. He further explained that the relatively close project scores provide flexibility to adjust project timing as funding opportunities and other conditions arise. The CIP would be developed as a five-year plan but reviewed and

adjusted annually by the board. Manager Garman also noted that the town plans to incorporate these priorities into its financial modeling to help the board determine the funding levels needed to accomplish its desired projects.

Mayor Pro Tem Lambert confirmed whether the town's grant eligibility would increase by proactively advancing the other phases.

Manager Garman confirmed that incorporating water-quality benefits into the projects could improve the town's competitiveness for grants. He noted that grant programs the town has pursued, including RCCP and the NC Land and Water Fund, generally look for water-quality benefits, and that a flood-control project alone may not score as highly as one incorporating a water-quality component. He explained that the Watershed Action Plan is intended to better position the town for these grant opportunities.

Engineer Ryan explained that the scoring was intended to provide an objective basis for ranking the projects, but that the projects may not ultimately be implemented in the ranked sequence. He noted that, based on experience with prior master plans, project priorities may need to be adjusted to accommodate other projects or opportunities. He emphasized that the close scoring among many of the projects provides flexibility to shift their priority based on other factors.

Manager Garman noted that the project costs can appear significant at this stage, but explained that the projects are currently presented at a high level. He stated that, as projects are incorporated into the two-year budget, Engineer Ryan will further refine them into manageable projects and adjust them as needed. He emphasized that the plan is comprehensive but will continue to evolve.

Manager Garman noted that recent rainfall and drainage issues in the Conch Street area highlighted a need for improvements that are not currently included in the plan. He explained that addressing drainage along NC 12 will require coordination and participation from NCDOT rather than being considered solely as town projects. Staff has already engaged NCDOT regarding the outfall issue, and Manager Garman suggested that this work may be addressed separately from the current plan, with the option to incorporate it into the plan later if necessary. He also noted that proposed improvements along Virginia Dare Trail may overlap with areas identified for drainage piping in the plan.

Engineer Ryan reported that recent field observations near the Conch Street intersection confirmed opportunities for drainage improvements. He explained that elevated groundwater levels during frequent rainfall events are significantly affecting the town's stormwater system by limiting infiltration, the primary method of managing runoff, which can contribute to localized flooding. He noted that groundwater monitoring wells have provided useful data, including a recent two-day period in which the water table rose approximately 2.5 feet. He stated that the recent extreme rainfall, July 2026 had 15 days of rain out of 31, particularly in the southern and central areas of town, has limited the groundwater system's ability to recover and dry out, resulting in persistent standing water and increased flooding concerns.

Mayor Cahoon requested that staff provide a future presentation to the board on the town's groundwater level loggers.

Mayor Pro Tem Lambert conveyed the positive feedback from residents who appreciated seeing town staff actively addressing the recent flooding events, highlighting their efforts at Conch Street over the weekend, in the rain, and late into the night. She emphasized the noticeable progress in Nags Head's stormwater management over the years. Engineer Ryan confirmed the improvements in the north end reduced the occurrence of flooding. Manager Garman detailed the staff's efforts, mentioning that they cleared the Conch Street outfall at 6:30 a.m. on a Sunday and checked the pumps at midnight. Additionally, Mayor Pro Tem Lambert encouraged residents facing high water tables to utilize the town's septic water bill credit program.

Engineer Ryan confirmed that the next steps will be to receive Board feedback on the rankings, refine the priorities and pair them with CIP project work, present a refined list at the fall workshop/retreat, and deliver the final report to the board in November. His presentation is attached to and made part of these minutes as Addendum "E".

Beach Driving Season Update

Police Chief Hale provided an update on the 2026–2027 beach driving season. The season will open October 1st and run through April 30th, with permitted driving from half an hour before sunrise to half an hour after sunset. Permits will be available online, at town hall, or at tackle shops, and will go on sale approximately two weeks before the season opens.

Chief Hale reported that the section from Nags Head Pier north to Eighth Street will again be recommended for closure, consistent with at least the past four to five years. He cited the shell beds in that area making the sand softer and looser, challenging navigation, and periods of narrowed beach width. He also noted the secondary benefit of maintaining this section as a vehicle-free area for beachgoers during the increasingly warm weather in October and early April.

By contrast, Chief Hale reported that the section from Juncos St to National Park Service Ramp 1—which was

closed last season due to conditions following prior weather systems and dune erosion—will be open this season, as the recently completed beach nourishment project has restored the beach to a wide, favorable condition. He noted there is no longer a need to keep that section closed.

Permit sales for the 2025–26 season totaled 288, representing 14 fewer than the prior year. Of those, 129 were Nags Head residents or property owners, and the remaining 159 came from surrounding areas and Virginia. Drive-over accesses open for the season will be Conch, Enterprise, Forrest, Gulfstream, and Juncos. Accesses north of the pier will remain closed but available for emergency vehicles, with signage posted at Eighth Street.

Chief Hale concluded with reminders to permit holders: use marked accesses, display the permit on the driver's-side windshield, observe the 15 mph speed limit, and reduce tire pressure to at least 20 pounds.

Mayor Pro Tem Lambert clarified that opening Juncos St to NPS Ramp 1 had been closed in years past and so drivers will have more access this year, which Chief Hale confirmed was correct.

Manager Garman explained that the need for the Admiral Street walkway really began after COVID, when increased beach visitation led to concerns about pedestrians using the vehicle access to reach the beach. The walkway was added mid-year using available funds after observing that pedestrians were at risk of being hit by vehicles. He noted that the north end of the beach has continued to be heavily used, particularly during October when favorable weather brought continued visitation. Closing that end of the beach to driving provides beach goers with a safer area away from vehicle traffic.

Mayor Pro Tem Lambert mentioned that some permit holders have expressed frustration about paying for a permit while certain beach access areas have been closed. It was noted that, with the Juncos Street -NPS Ramp 1 area being open this year, permit holders will have additional beach driving area available, which can be communicated in response to those concerns. Chief Hale and Manager Garman confirmed that except for weather-related incidents, approximately 10 out of 11 miles of Nags Head beaches will be open for the beach driving season.

Comr. Harrison raised a question about adding additional signage during the driving season to better manage pedestrian-vehicle interactions at the beach vehicle access ramps, highlighting previous close-call incidents. It was acknowledged that the walkways have helped, but that some people still walk in the vehicle access.

BOARD OF COMMISSIONERS AGENDA

Comr. Harrison - Expressed appreciation to all staff and individuals involved in the beach nourishment project for their efforts in delivering a successful project. Recognition was given for the improved beach conditions and the positive impact on the community. She also expressed gratitude to Public Services staff for maintaining the town’s appearance, responding to flooding events, and contributing to a successful summer season.

Mayor Pro Tem Lambert - Echoed Comr. Harrison’s comments.

Comr. Vaughan - Concurred with the other commissioners and extended recognition to staff for their efforts related to the Fourth of July holiday and the fireworks display. She noted that the event was a great success, with staff ensuring a safe and enjoyable evening for the community. Appreciation was also expressed to the owners of the pier for their role in the event.

ADJOURNMENT

MOTION: Comr. Sanders moved to adjourn. The motion was seconded by Comr. Harrison, which passed unanimously. The time was 11:10 a.m.

Brittany A. Phillips, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM E.4.

Consideration of Resolution Authorizing the Surplus and Donation of Fitness Equipment Items to the College of the Albemarle's Basic Law Enforcement Training Program

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 request.

Specific Action Requested

Request board adoption of the attached resolution donating fitness equipment to the College of the Albemarle's BLET program.

Summary

At the September 2nd Board of Commissioners meeting, staff requests adoption of the attached resolution which authorizes the surplus of a bench press, barbell, and 500 pounds of free weights designated to the town's old fitness facility and the donation of these items to the College of the Albemarle Basic Law Enforcement Training Program. These items are being replaced as part of the new fitness facility. This donation is allowed per G.S. 160A-280, see below:

§ 160A-280. Donations of personal property to other governmental units.

(a) A city may donate to another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused. The governing board of the city shall post a public notice at least five days prior to the adoption of a resolution approving the donation. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. For purposes of this section a sister city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities.

(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A-274(a) and shall include North Carolina charter schools.

(c) The authority granted to a city under this section is in addition to any authority granted under any other provision of law. (2007-430, s. 1; 2009-141, ss. 1, 2, 3.)

The required public notice was published in the Coastland Times on August 26, 2026.

Attachments

1. 9 E4 Fitness donation COA res
2. 9 E4 Fitness donation COA pn
3. 9 E4 Fitness Donation COA Surplus



**RESOLUTION AUTHORIZING THE
SURPLUS AND DONATION OF TOWN PROPERTY**

WHEREAS, the Board of Commissioners of the Town of Nags Head, North Carolina desires to surplus and dispose of certain Town owned property; AND

WHEREAS, the Town has one (1) bench press, one (1) barbell, and 500 pounds of free weights which were taken out of service in 2026.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Nags Head that:

In accordance with GS 160A-280. *Donations of personal property to other governmental units.* the following described Town owned property is hereby declared surplus and authorized to be donated to College of the Albemarle’s Basic Law Enforcement Training Program:

Fixed Asset Number	Description	Original Cost (\$)	Reason for Surplus	Disposal Method
N/A	(1) bench press, (1) barbell, 500 pounds of free weights	N/A	Items were replaced as part of construction of the new fitness facility.	Donation

Adopted this 2nd day of September 2026.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Brittany A. Phillips, Town Clerk



Ben Cahoon
Mayor

Megan Lambert
Mayor Pro Tem

Andy Garman
Town Manager

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

Bob Sanders
Commissioner

Megan Vaughan
Commissioner

Molly Harrison
Commissioner

TOWN OF NAGS HEAD BOARD OF COMMISSIONERS

NOTICE OF EQUIPMENT SURPLUS AND DONATION

In accordance with NCGS 160A-280, notice is hereby given that the Town of Nags Head Board of Commissioners will consider a resolution at their meeting on Wednesday, September 2, 2026, authorizing the surplus and donation of the following equipment to College of the Albemarle's Basic Law Enforcement Training Program:

- One (1) Bench Press
- One (1) Barbell
- 500 pounds of free weights

All listed items were taken out of service in 2026.

The September 2, 2026, Board of Commissioners meeting will take place at 9:00 a.m. in the Board Meeting Room located at 5401 S. Croatan Hwy., Nags Head, NC 27959.

Additional information may be obtained from Town Clerk Brittany A. Phillips at 252-449-2009 or town.clerks@nagsheadnc.gov.

This is the 20th of August 2026.

Brittany A. Phillips
Town Clerk

*For publication in The Coastland Times on Wednesday, August 26, 2026. Please
use Nags Head logo and legal print.*



Town of Nags Head Declaration of Property Surplus

Section I. General Property Description

Property Type:	Vehicle ☐	Equipment ☒	Building/Land ☐	Other ☐	If Other, Description:
Department Number:	440				
Property Number (If No Number Available, Enter N/A):	N/A				

Section II. Property Description (If Vehicles or Equipment Maintained by Fleet Maintenance, See Below)

Brand:		Model:		Serial #:	Year:
Does the Town Clerk have the original title to the vehicle?			Yes ☐ No ☐		
In-Depth Property Description, Including Any Issues:			500 Lbs of free weights, bench, and bar		
Current Value:	300	Method for Determining Value:		Internet search of similar items	
Value Determination Date:	07/21/2026				

Vehicles or Other Equipment Maintained by the Fleet Maintenance Division

Information Below Completed by Fleet Maintenance Superintendent

Year:		Make:		Model:		VIN:	
Current Mileage/Hours:		In-Depth Property Description, Including Any Issues:					
Current Value:				Value Determination Date:			

Section III. Surplus and Disposal Information

Reason for Surplus:	Items being replaced			
Disposal Method (check):	Online Auction ☐	Donation ☒	Trash ☐	Other
Other (Describe)				

Section IV. Approvals

Department Head Signature:	Signed by: 	Date:	8/26/2026
Town Manager Signature:	Signed by: 	Date:	8/26/2026

Please return all completed and signed forms to the Town's Finance Officer for record keeping purposes



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM E.5.

Consideration of Resolution Supporting Outer Banks Health Recreational Trails Program (RTP) Application for Hospital Walking Path Grant

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

The town has been requested by the hospital to support this application. Staff has met on-site with team members from the hospital to review the project. We believe it is consistent with our community goals and recommend approving the attached resolution.

Specific Action Requested

Adopt the resolution supporting Outer Banks Health's RTP application for a hospital walking path grant as presented.

Summary

At its September 2, 2026, meeting, the Board of Commissioners will be asked to consider the attached resolution supporting Outer Banks Health's Recreational Trails Program (RTP) grant application for a walking path on the hospital campus. The proposed path advances the goals of the Town of Nags Head's Comprehensive Plan by expanding accessible pedestrian connections and contributing to a more interconnected pedestrian network. The resolution expresses support for the project and grant application but does not exempt the project from any required site plan review, permitting, or other applicable approvals.

Attachments

1. 9 E5 OBH RTP Application Support res



**RESOLUTION OF SUPPORT FOR OUTER BANKS HEALTH'S
RECREATIONAL TRAILS PROGRAM APPLICATION FOR WALKING PATH DEVELOPMENT**

WHEREAS, Outer Banks Health has applied for funding through the North Carolina Recreational Trails Program ("RTP") for the development of an ADA-accessible walking path on its hospital campus in the Town of Nags Head; and

WHEREAS, the proposed walking path would provide a safe and accessible opportunity for walking and outdoor recreation and would extend connectivity to the existing Nags Head multi-use path system, supporting broader pedestrian and recreational connectivity within the community; and

WHEREAS, the proposed project would provide health and wellness benefits for residents, visitors, hospital patients, healthcare professionals, and other members of the community; and

WHEREAS, the proposed project may include accessible walking surfaces, benches, native landscaping, educational signage, and other amenities that encourage active lifestyles and enhance the surrounding community; and

WHEREAS, the Town of Nags Head recognizes the importance of creating safe, connected, and accessible opportunities for walking, bicycling, and outdoor recreation and supports efforts that expand public access to recreational facilities and promote healthy, active communities; and

WHEREAS, the Town of Nags Head desires to support Outer Banks Health's application to the North Carolina Recreational Trails Program for the proposed Hospital Campus Walking Path;

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

1. The Town of Nags Head supports Outer Banks Health's application to the North Carolina Recreational Trails Program for the proposed ADA-accessible Hospital Campus Walking Path.
2. The proposed project remains subject to all applicable town ordinances, regulations, review procedures, and permitting requirements.

Adopted this 2nd day of September 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: September 2, 2026

AGENDA ITEM E.6.

Consideration of Beach Nourishment Master Plan Capital Project Ordinance Amendment #4 to Close Fund

Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

Reviewed by

Amy Miller
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

This ordinance will be closed. Remaining funds of \$852,143, which includes the original change order amount of \$841,841 plus interest will be moved back to the Capital Reserve Fund and put into the MSD beach nourishment reserve.

Specific Action Requested

Approval of ordinance amendment #4 as presented.

Summary

Task 11 (attached) of the beach nourishment multi-year master plan was not able to be completed per regulatory agencies. This included a 30-year programmatic permit for our renourishment projects, rather than individual permits. It was found out during the process that the agencies did not favor that approach. This resulted in a separate change order reducing the scope and fees, and closing out the master plan work.

Attachments

1. 9 E6 BN Cap Proj amend 4 ord
2. 9 E6 Task 11 Nags Head Multi-Decadal Master Plan



**BEACH NOURISHMENT MASTER PLAN CAPITAL PROJECT ORDINANCE
Amendment #4**

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 June 2, 2021, amended July 7, 2021, amended August 4, 2021, amended April 6, 2022, is hereby further amended and closed 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.

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:

Master plan	\$ 2,141,698
Contingency	0
Transfer to Capital Reserve Fund	852,143
	<u>\$ 2,993,841</u>

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

Contribution from Capital Reserve Fund	\$ 2,897,044
Intergovernmental grants	25,000
Interest income	71,797
	<u>\$ 2,993,841</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 2nd day of September 2026.

Benjamin Cahoon, Mayor

ATTEST:

Brittany A. Phillips, Town Clerk



TASK 11 INTRODUCTION

Moffatt & Nichol (M&N) is pleased to present this scope of work and fee estimate for services needed to progress the Town's Multi-Decadal Master Plan from the completion of its Year 1 and Year 2 services (under previously-authorized task orders) through engineering, modeling, environmental review and documentation and regulatory agency coordination needed to progress the Master Plan.

This scope includes additional engineering and modeling, a revised draft engineering report and final engineering report, and the environmental documentation and agency/public coordination process to begin to pursue programmatic environmental approvals for implementing the plan.

It is expected that this Task 11 scope of services can be completed within approximately two fiscal years, and the timeframe of these services is discussed throughout this task proposal as Year 3 through Year 4 (or calendar years 2022 through 2024). This timeframe estimate is not intended as a guarantee that all of the required approvals will be obtained from the applicable regulatory agencies within that timeframe.

TASK 11 SCOPE OF WORK

This Scope of Work defines the services to be provided during Year 3 through Year 4 of the multi-year Master Plan process.

11.1 Project Management, Town Meetings and Coordination – YEAR 3 Through YEAR 4

M&N will attend meetings and provide coordination services for the project as needed. It is intended that the meetings and coordination included in Task 11.1 will discuss progress, findings and recommendations related to the various Task 11 work items. As part of the project, M&N expects the following in-person meetings and virtual meetings / teleconferences to occur in the next year of the Master Plan process:

- Eight (8) in-person meetings in Nags Head with Town staff to discuss the various coastal engineering professional services tasks;
- Attendance and presentation at four (4) Board of Commissioners meetings to update the Board on the progress of the various engineering, monitoring and master plan tasks;
- Standing progress calls / virtual meetings with Town staff, anticipated to occur in months without in-person meetings, for a total of sixteen (16) such calls.

It is expected that each in-person meeting will include two M&N staff attendance in Nags Head along with their time and supporting staff time to prepare materials for the meetings and to provide meeting notes and summaries.

It is expected that the calls and virtual meetings will include more of the M&N project team and any number of Town staff or other stakeholders that the Town decides to invite to those calls.

This anticipated number of in-person meetings and standing calls does not exclude or limit additional calls between the Town and M&N's points of contact as specific questions and coordination needs arise.

11.2 Additional Engineering & Modeling; Final Engineering Report

In the previously-authorized contract Task 10 (Master Plan Year 2), M&N has been further developing the coastal engineering design addressing the Town's entire Atlantic Ocean shoreline to determine and recommend beach and dune profile templates to best meet and sustain the Town's goals for protecting oceanfront infrastructure and providing for public access and beachfront recreational needs.



In that prior Task 10 scope, M&N has also been conducting two-dimensional numerical wave, hydrodynamic and sediment transport modeling to evaluate the effects of dredging in the borrow area S1 on the wave climate adjacent to the borrow area and in the nearshore area along the Town's shoreline. Also in contract Task 10 scope, M&N is completing a draft engineering report documenting the Task 10 (Year 2) engineering analyses for determining the sand need for the master plan and the results of the field investigations, sediment sand source study, beach nourishment preliminary design, phasing and renourishment intervals.

In the present Task 11 (Year 3 through Year 4) scope of work, additional two-dimensional numerical modeling may be used to evaluate the potential for conceptual structural and non-structural wave attenuation alternatives to modify (reduce or smooth out) longshore transport rates associated with hot spots in Reach 3 and Reach 4 of the Town's shoreline.

The present Task 11 scope includes additional content for the draft engineering report, documenting any additional numerical modeling and addressing Town comments on any initial Task 10 draft engineering documentation. Task 11 also includes a final engineering report will be provided after comments from permitting agencies have been received.

11.3 Environmental Documents, Agency Coordination and Permitting

In parallel with the Task 11.2 engineering, modeling and documentation, M&N will also commence the environmental documentation required for the master plan and initial project. The following components of environmental documentation are anticipated.

11.3.1 Biological Assessment

M&N will research, prepare, and provide a Biological Assessment (BA) describing the potential effects on federal and state protected species potentially or likely to be encountered within the project area, including proposed borrow source locations. The BA will be prepared and coordinated by the USACE with the USFWS and NMFS for concurrence of findings. The BA will be of the detail necessary for the USFWS and NMFS to prepare and submit formal or informal Biological Opinions, assuming the selected project is implemented. M&N will coordinate with the USACE regarding any conditions stipulated by agencies which may restrict construction techniques, schedules, or operation and maintenance of the initial project and the master plan document.

11.3.2 Essential Fish Habitat Assessment

M&N will research, prepare, and provide an Essential Fish Habitat (EFH) Assessment in accordance with the Magnuson-Stevens Fishery Conservation and Management Act of 1979. The assessment will include all managed species, their habitats, Habitat Areas of Particular Concern (HAPC), and associated species. The EFH will address applicable species managed by the Mid-Atlantic and South Atlantic Fishery Management Councils, and the Atlantic States Marine Fisheries Commission. M&N will coordinate with the USACE regarding any conditions stipulated by agencies which may restrict construction techniques, schedules, or operation and maintenance of the initial project and the master plan document.

11.3.3 Draft and Final Environmental Impact Statement (EIS)

For purposes of this estimate, a) it is assumed that an Environmental Impact Statement (EIS) will be required for the master plan and initial project, and b) it is assumed that Moffatt and Nichol will be approved by the USACE as the third-party contractor responsible for developing the document. M&N will prepare the draft and final EIS in accordance with NEPA guidelines and specific requirements as agreed with the USACE on format, content, and technical approach. The EIS will be tailored from specific interests and/or comments received from applicable parties.



The draft EIS will include the following sections:

- Purpose and Need
- Project Scoping
- Alternatives Analysis
- Affected Environment
- Environmental Consequences
- Secondary and Cumulative Effects
- Mitigation Measures

M&N will submit the draft EIS, revise it based on received comments and submit the final EIS. The BA and the EFH will be included within the EIS as appendices. Other EIS specific items are outlined below.

11.3.4 Notice of Intent

M&N will compose a Notice of Intent (NOI) to prepare the Draft Environmental Impact Statement for the Town of Nags Head Master Beach Nourishment Plan. Following approval by the Town, the NOI will be sent to the USACE for their approval and use for placement in the Federal Register by EPA. Similarly, a notice will be provided by M&N for publication in the NC Environmental Bulletin and will include the proposed project's sponsor, a brief action description, a general project location map, anticipated study schedule, and a request for initial comments.

11.3.5 Formal Agency and Public Scoping

M&N will facilitate arrangement (by the USACE & Town) and conduct formal agency and public scoping meetings to introduce the proposed project to local, state, and federal agencies; NGOs; and the general public. The agencies' scoping meeting is to request ideas, opinions, and recommendations for evaluation and consideration during preparation of the draft EIS. Agency and public scoping meetings will be held in Nags Head the same day, with the agency scoping meeting in the early afternoon followed by an informal workshop with the public in the early evening. The Town of Nags Head will be responsible for securing a location for the meetings.

Following the 30-day comment period, a scoping summary report of each meeting, comments received, and list of attendees will be prepared by M&N. This scoping report will be forwarded to the Town and the USACE for review and comment, and a final scoping report sent by M&N to the Town and USACE as a record of the draft EIS formal scoping. In the event additional studies are required, following the scoping meetings and based upon review of available data, additional authorization from the Town would be requested and approved prior to additional study efforts by the Town and/or the project team.

11.3.6 Secondary and Cumulative Effects

M&N will summarize the potential secondary and cumulative effects resulting from the no action and project alternatives. The Secondary and Cumulative Effects Section will be presented by M&N as a supplemental document in the draft EIS appendices. This section will focus on potential anthropogenic, cultural, and environmental effects.

11.3.7 Mitigation Measures

The Mitigation Measures Section will be prepared by M&N and include a summary of potential mitigative measures and best management practices that may be employed to avoid, minimize, or mitigate for potential effects on biological and cultural resources. A draft mitigation plan will be prepared and presented by M&N as a supplemental document in the draft EIS appendices.

11.3.8 Required Authorizations and Actions

M&N will develop a list of local, state, and federal authorizations/actions/coordination required prior to construction. A brief description of the authorizations/actions/coordination will be provided and their



applicability with the preferred alternative.

11.3.9 Draft EIS Public Workshop and Public Hearing

M&N will facilitate arrangement (by the USACE & Town) an informal open-house public workshop to inform stakeholders and interested parties the results of the draft EIS efforts. The workshop will be followed immediately by a formal public hearing that will proceed into a formal comment period. M&N will arrange for detailed minutes to be captured, recorded, or both; M&N will prepare and provide a written summary of minutes. M&N will prepare two public notices for local newspaper publication by the Town. The notices should be published approximately 4 weeks and 2 weeks prior to the scheduled hearing date. The Town will arrange the location of the workshop and hearing in coordination with M&N and team members. A brief post-hearing meeting will take place on-site for a project team de-brief.

11.3.10 Prepare Comment and Response Document

M&N will review, sort, and assemble all comments received during the public comment period in a spreadsheet matrix. M&N will assess each comment, prepare an appropriate response, and prepare a Comment Response report to be included in the final EIS appendix. M&N will meet with the Town to review the comment response document and then with the USACE to review comments received and applicable responses. A final Comment Response report will be prepared and forwarded to the Town and USACE for their files. It is anticipated that discussions with the USACE will be needed until the wording is approved by all parties.

11.3.11 Administrative Record

M&N will provide the Town and USACE with a CD/DVD of all correspondences, letters, emails, and summaries which constitute the Administrative Record (AR) produced during the EIS process. This record will be integral in preparation for any challenge to the project by third parties. A spreadsheet listing all sources of information included in the AR will be compiled and submitted by M&N as well.

11.3.12 Individual Agency Meetings

M&N, as necessary and as requested, will coordinate with permit and resource agencies throughout the EIS process to obtain data, receive comments, and update project status. This coordination may include telephone calls, letters, emails, and individual meetings. A total of six (6) agency meetings and eight (8) teleconferences are proposed.

11.3.13 Permitting

M&N will assemble and submit completed applications to the USACE, NCDCM, and NCDWR for the project's implementation. The EIS will serve as a supporting document supplementing information provided in multiple regulatory applications. Upon review and signature of the application packages by the Town, applicable copies will be delivered to the USACE, NCDCM and NCDWR. It is assumed that permit application fees will be provided to the agencies by the Town.

TASK 11 PROJECT COST

The total estimated fee for the project for Master Plan Year 3 through Year 4 tasks inclusive of all efforts is lump sum of **\$841,841.00**, including expenses for travel to the Town for meetings and reproduction.

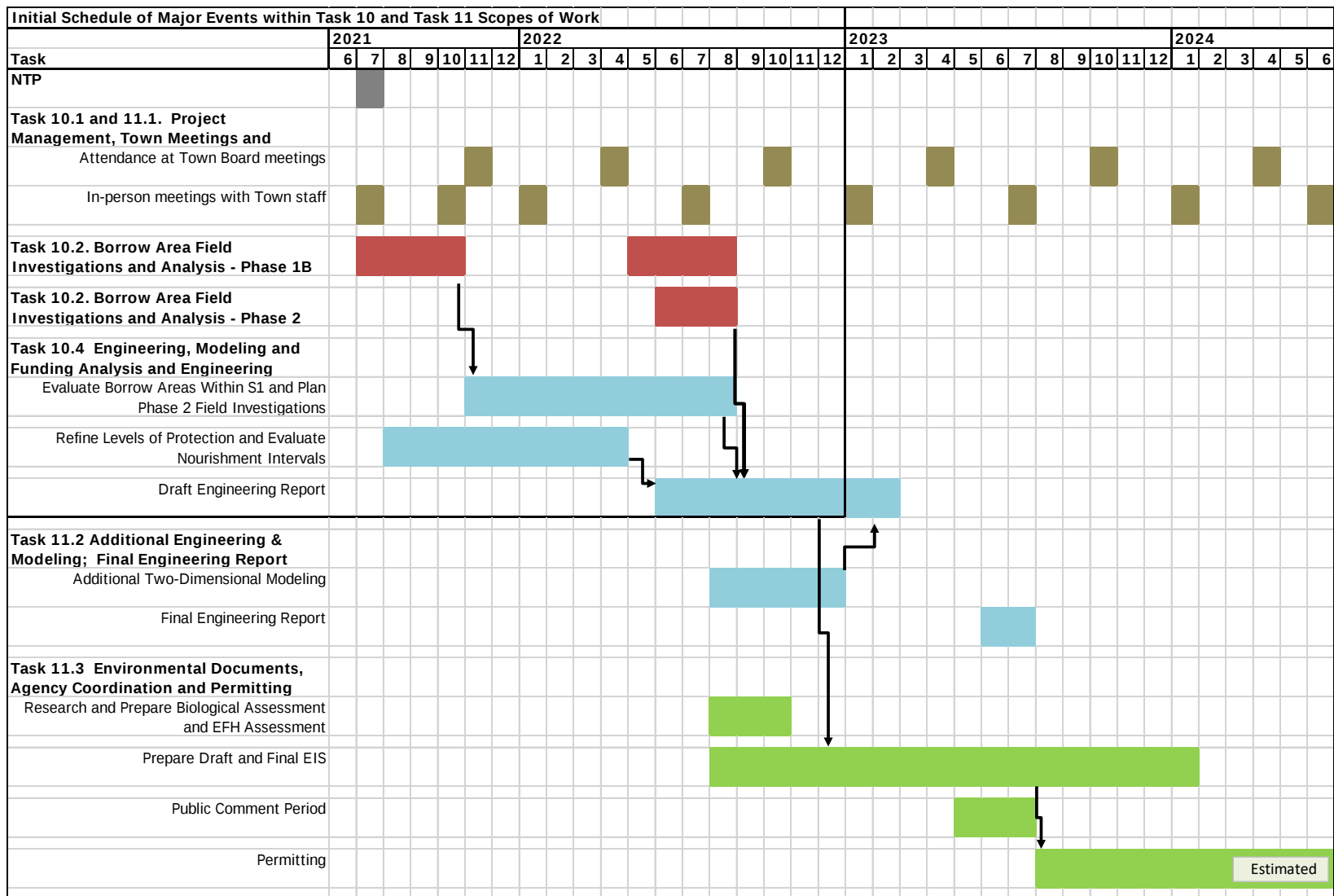
M&N proposes to invoice the Town monthly on a percent complete basis by Task. Our invoice format can be tailored to meet the Town's requirements and preferences, and the invoice would generally be accompanied by a cover letter or cover sheet summarizing progress on the Task during the invoice period. The fees for each of these subtasks are summarized below:



Task 11: Master Plan Years 3 Through 4 (2022-2024)	M&N Fee
Task 11.1. Project Management, Town Meetings and Coordination	\$114,420.00
Task 11.2 Additional Engineering & Modeling; Final Engineering Report	\$121,022.00
Task 11.3 Environmental Documents, Agency Coordination and Permitting	\$606,399.00
Total for Task 11	\$841,841.00

TASK 11 PROJECT SCHEDULE

The attached schedule chart indicates the approximate timeframes initially anticipated for major events and work products within the overall Task 10 and Task 11 project schedule. The Task 10 schedule items are shown for reference, as the Task 10 field investigations and engineering products relate closely to the Task 11 scope and schedule.



Estimated



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM E.7.

Consideration of Resolution Appointing the Tax Collector

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

N/A

Specific Action Requested

Adopt the resolution appointing the tax collector as presented.

Summary

At the September 2, 2026 Board of Commissioners meeting, request board consideration of the attached resolution appointing the tax collector in accordance with NC General Statute 105-349, also attached for reference.

Attachments

1. 9 E7 appoint tax collector res
2. 9 E7 NCGS_105-349



RESOLUTION APPOINTING TAX COLLECTOR

WHEREAS, a vacancy exists in the office of the tax collector; AND

WHEREAS, Jessica Gallop was hired as tax collector for the Town of Nags Head and began working for the town on July 20, 2026; AND

WHEREAS, North Carolina General Statute 105-349 requires the governing body of each municipality to appoint a tax collector to provide the legal basis to levy and collect taxes for the town.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Nags Head that Jessica Gallop is hereby immediately appointed as tax collector for the Town of Nags Head, to serve for so long as she remains employed by the town in the position of tax collector and until a successor is appointed and qualified, and is authorized to perform the duties of the tax collector.

Adopted this 2nd day of September 2026.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Brittany A. Phillips, Town Clerk

Article 26.

Collection and Foreclosure of Taxes.

§ 105-349. Appointment, term, qualifications, and bond of tax collectors and deputies.

(a) **Appointment and Term.** – The governing body of each county and municipality shall appoint a tax collector on or before July 1, 1971, to serve for a term to be determined by the appointing body and until his successor has been appointed and qualified. Until the first such appointments are made, county and municipal taxes shall be collected by the tax collectors presently serving under prior provisions of law. The governing body may remove the tax collector from office during his term for good cause after giving him notice in writing and an opportunity to appear and be heard at a public session of the governing body. No hearing shall be required, however, if the tax collector is removed for failing to meet the prerequisites prescribed by G.S. 105-352(b) for delivery of the tax receipts. Unless otherwise provided by G.S. 105-373, whenever any vacancy occurs in this office, the governing body shall appoint a qualified person to serve as tax collector for the period of the unexpired term.

(b) **Qualifications.** – The governing body shall appoint as tax collector a person of character and integrity whose experience in business and collection work is satisfactory to the governing body.

(c) **Bond.** – No tax collector shall be allowed to begin his duties until he shall have furnished bond conditioned upon his honesty and faithful performance in such amount as the governing body may prescribe. A tax collector shall not be permitted to collect any taxes not covered by his bond, nor shall a tax collector be permitted to continue collecting taxes after his bond has expired without renewal.

(d) **Compensation.** – The compensation and expense allowances of the tax collector shall be fixed by the governing body.

(e) **Alternative to Separate Office of Tax Collector.** – Pursuant to Article VI, Sec. 9, of the North Carolina Constitution, the office of tax collector is hereby declared to be an office that may be held concurrently with any appointive or elective office other than those hereinafter designated, and the governing body may appoint as tax collector any appointive or elective officer who meets the personal and bonding requirements established by this section. A member of the governing body of a taxing unit may not be appointed tax collector, nor may the duties of the office be conferred upon him. A person appointed or elected as the treasurer or chief accounting officer of a taxing unit may not be appointed tax collector, nor may the duties of the office of tax collector be conferred upon him except with the written permission of the secretary of the Local Government Commission who, before giving his permission, shall satisfy himself that the unit's internal control procedures are sufficient to prevent improper handling of public funds.

(f) **Deputy Tax Collectors.** – The governing body of a county or municipality is authorized to appoint one or more deputy tax collectors and to establish their terms of office, compensation, and bonding requirements. A deputy tax collector shall have authority to perform, under the direction of the tax collector, any act that the tax collector may perform unless the governing body appointing the deputy specifically limits the scope of the deputy's authority.

(g) **Oath.** – Every tax collector and deputy tax collector, as the holder of an office, shall take the oath required by Article VI, § 7 of the North Carolina Constitution with the following phrase added to it: "that I will not allow my actions as tax collector to be influenced by personal or political friendships or obligations,". The oath must be filed with the clerk of the governing body of the taxing unit. (1939, c. 310, ss. 1701, 1702; 1957, c. 537; 1971, c. 806, s. 1; 1991, c. 110, s. 6; 1991 (Reg. Sess., 1992), c. 1007, s. 23.)



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM E.8.

Consideration of Amendment to Traffic Control Map re: *No Parking Between Signs - Tow Away Zone* 4610 Blue Marlin Way

Prepared by

Perry Hale, Police Chief

Reviewed by

Perry Hale
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Police Chief: To help maintain the condition of the right-of-way, it is my recommendation to install No Parking signs on the west side of Blue Marlin Way adjacent to 4610 to approximately 80 feet north of the property line of 4614 Blue Marlin Way.

Specific Action Requested

Adopt an ordinance to amend the Traffic Control Map to install "No Parking Between Signs – Tow Away Zone" in the right-of-way on the west side of Blue Marlin Way adjacent to 4610 to approximately 80 feet north of the property line of 4614 Blue Marlin Way.

Summary

To help maintain the right-of-way in this area, I am requesting that "No Parking Between Signs – Tow Away Zone" signs be placed in this location. This would assist the Town in keeping the ROW in order to prevent damage to underground utilities and prevent staff from having to consistently repair this area to include hydroseeding.



Attachments

1. 9 E8 TCM NPBS-TAZ Blue Marlin Way ord



ORDINANCE AMENDING THE NAGS HEAD TRAFFIC CONTROL MAP

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Nags Head Traffic Control Map is hereby amended as follows:

- PART I.** Designation of *No Parking Between Signs – Tow-Away Zone* at the following location:
- In the right-of-way on the west side of Blue Marlin Way adjacent to 4610 to approximately 80 feet north of the property line of 4614 Blue Marlin Way
- PART II.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- PART III.** This ordinance shall become effective upon notation being made on the Nags Head Traffic Control Map and the erection of appropriate signage.

This the 2nd day of September 2026.

Benjamin Cahoon
Town of Nags Head

ATTEST:

Brittany A. Phillips, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM E.9.

Request for Public Hearing for a Zoning Text Amendment Submitted by George E. Goodrich to Amend Section 7.2.2., Size and Arrangement, of the Supplemental Regulations for Cottage Courts to Establish an Alternative to the Graduated Unit Size and Story Distribution Requirements, Allowing all Cottage Units to be Limited to One Story and a Maximum of 1,000 Square Feet of Habitable Floor Area.

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Staff recommends adoption of the proposed text amendment with revisions clarifying that any loft or mezzanine must remain less than 50 percent of the floor area below, retain the openness required by the North Carolina Residential Code, not constitute an attic story, and be included within the 1,000-square-foot maximum habitable area. Staff also recommends requiring at least two exterior design schemes to provide meaningful variation among cottages while maintaining a cohesive development.

Planning Board Recommendation

The Planning Board considered this amendment at its August 18, 2026, meeting and voted unanimously to recommend adoption of the text amendment as proposed.

Specific Action Requested

Schedule the required public hearing on the proposed text amendment for October 7, 2026.

Summary

George E. Goodrich has submitted a text amendment to Section 7.2.2. of the Unified Development Ordinance to establish an optional alternative to the existing graduated height and habitable-area requirements for cottage courts. The current standards require approximately one-third of the cottages to remain one story, one-third to remain no more than one-and-one-half stories, and one-third to remain no more than two stories, with maximum habitable areas ranging from 1,500 to 1,750 square feet. Under the proposed alternative, every cottage would be limited to one story with a code-compliant loft or mezzanine and a maximum of 1,000 square feet of total habitable area. The existing graduated standards would remain available and unchanged for applicants proposing larger cottage units.

Staff finds that the proposed alternative is generally consistent with the traditional scale and character of Nags Head cottage courts and with the Comprehensive Land Use Plan's support for smaller scale visitor accommodations. The amendment would not increase the permitted number of units, reduce setbacks or building separation, increase lot coverage, or change parking or emergency-access requirements. All other cottage court standards, including requirements for transient occupancy, unified management, common operation, and residential design, would remain in effect.

Attachments

None



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM F.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 July 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, September 2, 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 August:

- 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)
- Thursday, August 27th — Attended CRC Meeting re: Septic System Repair
- August 5th, 12th, 19th and 26th — Summer Concert Series at Dowdy Park

Planning Board — Pending Applications and Discussions

At the Planning Board's August 18th, 2026 meeting, they considered adoption of a zoning text amendment submitted by George E. Goodrich to amend the Cottage Court supplemental regulations. The amendment would establish an alternative to the existing graduated unit-size and story-distribution requirements by allowing all cottage units to be limited to one story and a maximum of 1,000 square feet of habitable floor area. The Planning Board voted unanimously to recommend adoption of the proposed amendment as presented. The item is included on the Board of Commissioners' September 2nd Consent Agenda, with a request to schedule the required public hearing for October 7th. Planning staff also provided a brief informational presentation reviewing the Town's

history of considering regulations for accessory dwelling units (ADUs). No amendments or regulatory changes were discussed. Because ADUs are identified as a Strategic Plan item, staff first want to ensure the Planning Board understands the Town's previous efforts before beginning discussion of possible changes. This is expected to be a multi-month process.

The Planning Board is scheduled to meet September 15th, 2026. The agenda is expected to include continued discussion of ADUs, continued consideration of the Commercial Outdoor Recreation Overlay District (CORD), and potential amendments to the Town's vegetation and landscaping preservation standards. A recent enforcement matter highlighted several areas where the existing standards may benefit from additional clarification and stronger protections.

Board of Adjustment – Recent and Pending Applications

At its August 13th, 2026 meeting, the Board of Adjustment considered an Appeal of an Administrative Decision filed by Loretta Patrick concerning the Planning Director's denial of Development Permit Application No. 202600632. The board voted unanimously to uphold the Planning Director's decision to deny Development Permit Application No. 202600632, which sought 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 — Staff recently mailed approximately 280 targeted letters to properties identified as potentially vulnerable based on septic-system age, elevation, and proximity to surface waters. The initial response has been surprisingly quick and encouraging. Environmental Planner, Conner Twiddy has received approximately 15 inquiries, resulting in 10 inspection requests and at least one property owner who is likely to pursue assistance through the Division of Water Infrastructure (DWI) zero-interest loan program. This early response is encouraging and suggests that the more personalized outreach is reaching property owners and helping them better understand and consider their septic-system needs.

Staff also recently met with faculty and researchers from East Carolina University's Department of Earth, Environment and Planning. The meeting provided us with an opportunity to learn more about ECU's ongoing research, monitoring projects, and equipment, as well as to discuss potential opportunities for future collaboration and data sharing. Staff hope to have ECU representatives participate either in person or virtually at the next Septic Health Advisory Committee meeting in October to share information about their work with the Committee.

- Estuarine Shoreline Management Plan — The ESMP website has been updated to reflect recent progress on the Town's shoreline resiliency projects. Staff continue to receive 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 has been developed for the Board's review and approval.

For the Harvey/Soundside Event Site project, staff addressed comments regarding continued access for kite and wind sports by reducing the proposed marsh sill by approximately 50 feet. Permits are now anticipated in March 2027, with bidding to follow and construction projected for October 2027. A project-specific FAQ has also been added to the ESMP website.

At Villa Dunes Drive, Environmental Professionals, Inc. continues working with property owners 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 related stormwater improvements intended to reduce wave overtopping, enhance habitat, and protect infrastructure. Draft easement language has been refined based on property-owner feedback. An additional stakeholder meeting is planned for late September or early October, once the design has progressed enough to include a project exhibit with the draft easements.

Consultants are also advancing the design of a living shoreline near the Town-owned Catfish Farm and Causeway properties, including surveying, mapping submerged aquatic vegetation, monitoring water quality, and developing initial concepts. Ownership of one parcel remains under attorney review, while the consultant continues coordinating with NCDOT and Sugar Creek, LLC, and moving the project design forward. Additional information is available on the Town’s Estuarine Shoreline Management Plan webpage.

- Parks and Recreation Plan Update — Staff issued a Request for Qualifications for professional services to update the Town’s Parks and Recreation Master Plan. Submittals are due August 28, 2026, and staff will review the responses received and provide an update at the September Board meeting. 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).
- Permitting Update — 3rd and 4th Quarter — Below is a summary of the total number of permits accepted and the average turnaround times. Please note these figures do not include trade permits (e.g., electrical, mechanical, or plumbing).

2026	Total Permits	Average Turnaround/Days
January	67	4
February	68	4
March	86	3
April	72	3
May	50	3.5
June	41	3

- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture — Summer programming at Dowdy Park is wrapping up after another very successful season. The final Farmers Market was held on August 20th and was well attended. The Summer Concert Series concludes September 2nd with the band, Birddog, featuring local musicians Dan and Laura Martier. This year’s concerts drew record attendance, with an average of approximately 275 attendees and a season-high attendance of 625. All concerts are free and open to the public.

Fitness programming also continued to grow in popularity. The three-day weekly exercise schedule was very well received, with strong participation throughout the summer. Wake Up Wednesdays and Fitness Fridays have concluded for the season, while Tuesday Morning Yoga will continue through early October. Staff also introduced WERQ as a pop-up fitness class and are exploring opportunities to include it in next year’s programming.

The Kids Back-to-School Celebration was held August 25th and provided a fun conclusion to the summer children’s programming. The “Tree of Help,” which introduced children to healthy coping skills, was

especially popular, and staff hope to offer similar activities this fall. Overall, 18 community partners participated in town park events this season, helping provide a diverse range of activities for residents and visitors.

Staff are now planning fall and holiday events. The Committee for Arts & Culture will meet September 9th with a full agenda, including upcoming seasonal programming and initial planning for next year's 150th anniversary of the USS Huron shipwreck.

Upcoming Meetings and Other Dates

- Tuesday, September 1st — Technical Review Committee Meeting
- Wednesday, September 2nd — Last Night 2026 Summer Concert Series at Dowdy Park
- Wednesday, September 2nd — Board of Commissioners Meeting
- Wednesday, September 9th — Arts and Culture Committee Meeting
- Thursday, September 10th — Board of Adjustment Meeting (if needed)
- Tuesday, September 15th — Planning Board Meeting
- Wednesday, September 16th — Board of Commissioners Mid-Month (if needed)
- Fridays, September 11th and 25th — Movie Nights at Dowdy Park

Attachments

1. 9 F1 Planning Monthly Report

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JULY 2026**

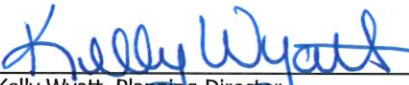
DATE SUBMITTED: August 7, 2026

	Jul-26	Jul-25	Jun-26	2026-20276 FISCAL YTD	2025-2026 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	2	2	0	2	2	0
New Single Family, 3000 sf or >	0	1	0	0	1	(1)
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	2	3	0	2	3	(1)
Miscellaneous (Total)	20	21	24	20	21	(1)
<i>Accessory Structure</i>	0	3	0	0	3	(3)
<i>Addition</i>	0	0	1	0	0	0
<i>Demolition</i>	0	0	0	0	0	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	10	5	7	10	5	5
<i>Repair</i>	10	13	16	10	13	(3)
Total Residential	22	24	24	22	24	(2)
BUILDING PERMITS ISSUED - COMMERCIAL						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	0	0	0	0	0
Subtotal - New Commercial	0	0	0	0	0	0
Miscellaneous (Total)	5	6	11	5	6	(1)
<i>Accessory Structure</i>	2	2	4	2	2	0
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	1	0	0	1	0	1
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	1	2	6	1	2	(1)
<i>Repair</i>	1	2	1	1	2	(1)
Total Commercial	5	6	11	5	6	(1)
Grand Total	27	30	35	27	30	(3)
SUB-CONTRACTOR PERMITS						
Electrical	68	50	74	68	50	18
Gas	4	6	4	4	6	(2)
Mechanical	52	49	63	52	49	3
Plumbing	13	6	7	13	6	7
Fire Sprinkler	0	1	0	0	1	(1)
VALUE						
New Single Family	\$1,450,000	\$1,175,000	\$0	\$1,450,000	\$1,175,000	\$275,000
New Single Family, 3000 sf or >	\$0	\$1,000,000	\$0	\$0	\$1,000,000	(\$1,000,000)
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$704,924	\$442,930	\$643,190	\$704,924	\$442,930	\$261,994
Sub Total Residential	\$2,154,924	\$2,617,930	\$643,190	\$2,154,924	\$2,617,930	(\$463,006)
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$0	\$0
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Commercial)	\$198,450	\$2,410,692	\$145,365	\$198,450	\$2,410,692	(\$2,212,242)
Sub Total Commercial	\$198,450	\$2,410,692	\$145,365	\$198,450	\$2,410,692	(\$2,212,242)
Grand Total	\$2,353,374	\$5,028,622	\$788,555	\$2,353,374	\$5,028,622	(\$2,675,248)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JULY 2026**

DATE SUBMITTED: August 7, 2026

	Jul-26	Jul-25	Jun-26	2026-20276 FISCAL YTD	2025-2026 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	30	36	57	30	36	(6)
Soil & Erosion	2	1	0	2	1	N/A
Stormwater Plans	1	0	0	1	0	N/A
CAMA						
CAMA LPO Permits	1	2	0	1	2	11
CAMA LPO Exemptions	1	3	6	1	3	0
Sand Relocations						N/A
CODE COMPLIANCE						
Cases Investigated	28	25	20	28	25	63
Warnings	1	4	1	1	4	13
NOVs Issued	27	21	18	27	21	50
Civil Citations (#)	0	0	1	0	0	0
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$0	\$0
SEPTIC HEALTH						
Tanks inspected	18	11	16	18	11	28
Tanks pumped	16	16	16	16	16	28
Water quality sites tested	22	42	21	22	42	125
Personnel Hours in Training/School	13	12	0	13	12	126



Kelly Wyatt, Planning Director



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM F.2.

Consideration of Estuarine Shoreline Technical Assistance Funding Policy

Prepared by

Joseph Costello, Deputy Planning Director

Reviewed by

Joseph Costello
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Staff welcomes feedback on the draft policy. Staff believes the draft policy is reflective of the direction the board established for this effort during the budget process.

Specific Action Requested

Review and consider adoption of the the policy as presented.

Summary

In January of 2023, the Town of Nags Head adopted the Estuarine Shoreline Management Plan (ESMP). The plan is a comprehensive effort to address the management of 17 miles of estuarine shoreline while balancing land use, ecosystem health, public health, and recreation opportunities. The plan outlines nature-based shoreline protection remedies that, if applied, will help mitigate the impacts of flooding, storm surge, erosion and wave action on the estuarine shoreline. Nature-based shoreline protections have added water quality and habitat support benefits.

Since plan adoption, the town has taken steps to implement living shorelines at identified pilot sites. Currently, three distinct living shoreline projects are in design or permitting phases. Two of these projects, Soundside Road and the Catfish Farm, are grant funded through the design and permitting phases. The town will continue to look for grants for future construction of these projects. The Harvey/Soundside Public Access pilot site is grant funded through construction. The development of these projects illustrate the town's commitment to the implementation of the ESMP. Through outreach in relation to these projects, staff realized that private property owners are generally supportive of the ESMP and may be interested in developing natural protection on their property. However, some property owners may be wary of larger town-led projects that require larger interventions and ongoing private property access by the town for maintenance. Staff realized this was an opportunity to develop a program aimed at the development of smaller scale living shorelines and 'greening' of existing bulkhead and/or riprap revetments. This program enables the development of smaller projects that can fill in the gap between the default solution of bulkheading eroding property, or large, town-led projects that require significant staff time and require environmental consultants, community engagement, major permit applications and long-term maintenance responsibility.

Staff has developed a concept available for management of the estuarine shoreline which is similar to the sand relocation and dune management cost share program available for oceanfront property owners. The program would offer private property owners up to \$1,000 for feasibility analysis, on-site inspections, the development of site-specific living shoreline concept plans, and assistance with required permit applications. Property owners would be

responsible for permit fees, construction costs, and ongoing maintenance. Attached is the draft policy for the Board of Commissioner's review.

Attachments

1. 9 F2 Draft Estuarine Shoreline Mgmt TA Funding Policy



Town of Nags Head

Post Office Box 99

Nags Head, NC 27959

Telephone 252-441-5508

Fax 252-441-0776

www.nagsheadnc.gov

Board of Commissioners Policy

Estuarine Shoreline Management Technical Assistance Funding

(Adopted: XX, XX, 2026)

Background:

As part of the FY 26-27 budget, the Board of Commissioners allocated \$10,000 in technical assistance funds for soundfront property owners to receive site specific guidance on the feasibility and implementation of nature-based stabilization solutions to remedy shoreline erosion issues.

The program supports the continued implementation of the Estuarine Shoreline Management Plan by awarding eligible property owners up to \$1,000 for technical assistance. Funds can be used towards efforts to plan and design projects, to include on-site feasibility consultations, development of site-specific living shoreline concept and design plans, site inspections, and assistance with necessary permit applications. Property owners remain responsible for permit fees, construction costs, and ongoing maintenance.

Purpose and Intent:

The purpose of the grant is to encourage soundside property owners to pursue natural or nature-based shoreline stabilization solutions and soften existing shoreline erosion controls where feasible, by reducing barriers to early planning, design and permitting. Funds are provided to:

- Provide cost-share financial support for estuarine-facing property owners.
- Encourage nature-based designs (marsh sills, native plantings, resiliency terraces, green bulkhead enhancements) over hard structures like bulkheads.
- Offset preliminary engineering, design, or permitting application assistance costs.
- Provide technical assistance and advice to inquiring property owners.
- Encourage neighborly coordination and community buy-in of nature-based solutions for soundside erosion control.

Eligibility:

Property Type: Must own residential property directly adjacent to the estuarine shoreline (Roanoke Sound/estuary) within the municipal limits of Nags Head.

Project Type: Must focus on natural or nature-based stabilization (living shorelines). Traditional vertical bulkheads are excluded.

Repeat Recipients: Properties that have received town assistance within the past 3 years are not eligible. Projects on the same property can be considered after three years have passed since the first award. However, to be considered for a second award, the new project must cover a different section of shoreline and the project for which the original award was granted must be constructed and maintained according to

the original design.

Joint Projects: Small groups of adjacent property owners are encouraged to apply together. Each individual property owner is eligible to receive a separate award for a joint project.

Use of Funds:

Maximum Award: Up to \$1,000 per individual parcel/lot.

Eligible Expenses: Professional site assessments, site design plans, landscape planting layouts, site inspections, and permit application assistance. Regulatory permit application fees are not eligible. These funds cannot be used for construction and maintenance of the project.

Match Requirement: There is no match requirement. Homeowners are responsible for covering any costs exceeding the grant award.

Application and Permitting Process:

Submittal: Property owners should contact planning staff to request an initial site visit. Town staff will coordinate a preliminary consultation to confirm eligibility and determine whether the project is appropriate for technical assistance under this program.

Required Materials: Applicants should provide a property deed, site location map, description of current erosion issues, initial site visit notes and other materials required by state and or federal agencies. If property owners apply jointly, the application must identify all participating property owners and include the required materials for each parcel included in the application.

Award Process: Eligible requests will be reviewed by town staff and awarded on a first-come, first-served basis until the \$10,000 fiscal pool is exhausted. Grantees will receive a grant offer and will be expected to sign an agreement with the town.

Reimbursement and Compliance: Grantees must submit paid invoices from qualified marine contractors, landscape architects, or permit specialists after eligible work is completed. Designs must comply with North Carolina Division of Coastal Management (NCDCM) permit standards.



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM G.1.

From July 1, 2026 - Discussion of Town Code Chapter 4: Crowd Gathering Activities

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips

John Leidy

Andy Garman

Staff Comments/Recommendation

Staff recommends adoption of the proposed amendments.

Specific Action Requested

Discussion/consideration of the revised crowd gathering ordinance.

Summary

At its July 1, 2026 meeting, the board adopted changes to the Crowd Gathering Activities and Group Demonstrations ordinance. They also directed staff to continue collaborating with the Outer Banks Visitors Bureau staff on changes to the Crowd Gathering ordinance to clarify and establish procedures for applicants to amend permits after they are issued. The goal of this amendment would be to encourage applicants to apply for permits well ahead of the deadline. Currently, applicants may be hesitant to do this out of concern that changes after permit issuance are not possible. This was in lieu of creating a separate conditional approval process, which the board was not comfortable with.

The attached ordinance adds a new section, 4-8, related to permit amendments. Additionally, new language has been added to clarify staff's ability to add conditions to crowd gathering permits.

Attachments

1. 9 G1 Crowd Gathering ord



**AN ORDINANCE AMENDING OF CHAPTER 4, CROWD GATHERING ACTIVITIES,
ARTICLE I, OF THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

WHEREAS, pursuant to Article 8 of Chapter 160A of the North Carolina General Statutes, a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; AND

WHEREAS, in furtherance of the public's health, safety and welfare it is necessary to regulate certain activities upon the lands, waterways, beaches, and dune areas of the Town.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina:

PART I. General Provisions

The Code of Ordinances of the Town of Nags Head, North Carolina, Chapter 4, Crowd Gathering Activities and Group Demonstrations, Article I, is hereby amended to read as follows:

ARTICLE I. - CROWD GATHERING ACTIVITIES

Sec. 4-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Crowd gathering activity means an organized activity, for a specific duration of time, on public or private lands, which may include amplified noise, food, beverage, merchandise, and/or other forms of entertainment. Examples include festivals, performances, parades, running events, markets, tournaments/contests, or other similar activities. Crowd gathering activities typically consist of the following:

- a) Temporary uses of land, buildings, and structures not intended to be of a permanent duration;
- b) Uses that are intended to, or likely to, attract substantial crowds, participants, and/or spectators;
- c) Uses that are advertised and/or open to the general public; and
- d) Uses that are unlike customary or usual activities generally associated with the principal use of the property where the crowd gathering activity is to be located.

Sec. 4-2. Permits for Crowd Gathering Activities.

Any crowd gathering activity that meets any of the criteria listed below shall not be held or commenced until such time as a crowd gathering permit is applied for and issued in accordance with this article:

- (1) An expected total attendance of 100 or more persons;
- (2) Use of the public right-of-way or closure of a street;
- (3) Location on the public beach;
- (4) Use of fireworks, pyrotechnics, or open flame performances;
- (5) Use of special amusement buildings or rides; and
- (6) A concert or live performance with use of an amplified sound system.

Sec. 4-3. Crowd Gathering Permit Tiers.

Crowd gathering permit requirements are defined according to the following three tiers:

- (1) Tier I: Lowest impact activities that take place in off-street venues; have fewer than 250 total attendees; affect a minimal number of residents or establishments; and have no significant activity infrastructure. A Tier I activity cannot include any of the following:
 - a. Use of the public right-of-way
 - b. Use of fireworks, pyrotechnics, or open-flame performances
 - c. Use of special amusement buildings or rides
 - d. A concert or live performance with the use of an amplified sound system

- e. Use of temporary structures that would require inspection by the building inspector or fire marshal
 - f. Activity location on the public beach
- (2) Tier II: Medium impact activities that take place in off-street venues and/or close only one street; have at least 250 but fewer than 750 total attendees; affect a minimal number of residents or establishments; and have no significant activity infrastructure. A Tier II activity cannot include or require any of the following:
- a. Activity attendance of 750 or more people
 - b. Use of fireworks, pyrotechnics, or open-flame performances
 - c. Use of special amusement buildings or rides
 - d. Closure of more than one street
- (3) Tier III: Highest impact on the community, which may involve the closure of multiple streets; closure that inconveniences numerous residents or establishments; excessive noise; attendance of 750 or more people; and significant activity infrastructure that requires inspection and permitting. Any crowd gathering activity not meeting the requirements of Tier I or Tier II shall be classified as a Tier III crowd gathering activity.

Sec. 4-4. Crowd Gathering Permit Management Responsibility.

The Town Manager's Office serves as a liaison between Town departments, activity organizers, and members of the community as it oversees organized activities through the coordination of town-wide functions. Organizers of crowd gathering activities that require a crowd gathering permit will submit an application to the Town Manager's Office. The crowd permit coordinator, as designated by the town manager, will be the primary point of contact for all crowd gathering activities covered in this chapter. They, along with a crowd permit review team, which includes the town manager, police chief, fire marshal, planning and development director, public services director, chief building inspector, or their designees, will review each activity, as needed, for compliance. The Town Manager's Office shall either approve a crowd gathering activity permit or may place conditions upon, reschedule, relocate, or deny any requested crowd gathering activity that is deemed to be inconsistent with the requirements of this ordinance.

Sec. 4-5. Permit Application Requirements.

- a) Application. A permit application, if required under Section 4-2 of this section, shall be submitted to the crowd permit coordinator.
- b) Submittal Timeframe. Crowd gathering activity applications must be submitted no later than the dates specified below and will be accepted no more than one year prior to the date of the activity. Submission of an application does not guarantee the issuance of a permit. Applications are not considered submitted until the application fee has been received.
 - (1) Tier I: No later than 15 days prior to the event
 - (2) Tier II: No later than 60 days prior to the event
 - (3) Tier III: No later than 90 days prior to the event
- c) Application Contents. Applications should include the following information:
 - (1) The name and address of the applicant, person, group or organization;
 - (2) The name and address of the person, organization or association sponsoring the activity, if any;
 - (3) The date(s) and hours for which the permit is desired;
 - (4) A detailed site plan that includes:
 - a. Boundaries of main activity and entire site;
 - b. Location of any vendors/concessions;
 - c. Location of parking areas and traffic circulation plan;
 - d. Location of medical services;
 - e. Location of signage (all signs must comply with the Nags Head Unified Development Ordinance);
 - f. Location of sanitary facilities;
 - g. Location and dimensions of tents, canopies, stages, or inflatables (An additional permit may be required in accordance with the provisions of the NC State Building and/or Fire Prevention Code); and,
 - h. Location of electrical sources and/or generator system and size.

- (5) An estimate of the anticipated total and peak attendance to include participants and spectators. If the event requires registration or if tickets are being sold, total registrations or tickets to be sold must be listed;
- (6) In summary format, the general plan for the event or activity, to include the following items:
 - a. Crowd control procedures;
 - b. Traffic control;
 - c. A parking and transportation plan demonstrating that adequate parking and access will be provided to serve the reasonably anticipated attendance of the event. The plan may include a combination of on-site and off-site parking areas, supported by written permission from the property owner documenting the number of available excess spaces, as well as transportation options such as shuttle service, ride-share staging areas, or other measures; (Use of "NO ACTIVITY PARKING" signs may be required for neighboring businesses to ensure parking for their patrons.);
 - d. The impact of the performance or activity on existing parking areas, streets, highways and the burden placed upon public agencies for traffic and crowd security and control;
 - e. The effects of such performance or activity on fire control and fire prevention, including safety precautions;
 - f. Provisions for emergency medical services and first aid; (The Town reserves the right to require these services.);
 - g. Provisions for collection and disposal of solid waste - including trash, recycling, and human waste – and for the provision of sanitary facilities; and
 - h. Provisions for returning the site to its pre-activity conditions including, but not limited to, the removal of all debris and trash immediately after the activity.
- (7) An estimated total number of vendors, with a complete list of all vendors providing concessions no less than 15 days prior to the date of the event;
- (8) The amount, type, and location of signage as defined in the Unified Development Ordinance, Section A.4 Definitions;
- (9) The proposed noise level, frequency, and duration of music, PA systems, or other loud activities.

Sec. 4-6. Insurance Requirements.

- a) As a condition precedent to the issuance of a permit authorizing an activity, the applicant shall obtain public liability insurance that shall provide "occurrence" coverage against liabilities for death, personal injury or property damage arising out of, or in any way connected with, such activity. Such insurance shall be in the amount of at least \$1 million combined single limit, and shall name the Town of Nags Head, the Town's officers, employees, and agents, as additional insureds under the coverage afforded. In addition, such insurance shall be primary and non-contributing with respect to other insurance available to the Town and shall include a severability of interest (cross liability) clause. Proof of insurance shall be provided no less than 15 days prior to the date of the event.
- b) Waiver of insurance requirements; other. An applicant for an activity permit may request and obtain a waiver of this insurance requirement from the Office of the Town Manager. The applicant shall be required to submit a letter describing the reasons for the waiver request from the town manager with the activity application. The decision to waive the activity insurance requirement shall be made at the town manager's sole discretion and may not be appealed. Waiver requests shall be filed with the activity application.
- c) There shall be no insurance requirement for Group Demonstrations as defined in Article II of this ordinance.

Sec. 4-7. Review of Application; Conditions to be Met.

- a) The crowd permit coordinator shall, upon receipt of an application for a permit, review the application with the applicant or sponsoring organization to determine if the application is complete and/or to request more specific information concerning the items presented in the application.
- b) The crowd permit coordinator may request a meeting between the applicant and the crowd permit review team to review the permit application.
- c) In determining whether or not to issue a permit, the town manager shall consider the information required in the application, as well as any conflicts, or possible conflicts, with other events and performances; the burden placed by the event on public agencies; the adequacy of security, traffic control, and crowd control provisions; the health and safety conditions for attendees, and the capacity of the area designated for the event to contain the expected number of vehicles, participants and spectators.
- d) The town manager shall issue a permit when they find that the proposed activity will not unreasonably interfere with the rights of the general public in having free access along public ways

and streets. After consultation with the police chief and other public officials, as deemed appropriate, that the proposed activity will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation; that adequate public services are available for security, traffic control, and crowd control; that the proposed activity is not reasonably anticipated to incite violence, crime or disorderly conduct, that the proposed activity will not entail extraordinary or burdensome expense or operations on the police department and other public agencies, and that the activities will not interfere with other scheduled events.

- e) In addition, the town manager must find that the provisions and plans for security, traffic control, and crowd control, health and sanitation, and all matters required to be included in the permit application are adequate and that the applicant and sponsor have the reasonable capability of carrying out such plans and preparations.
- f) Form of permit; conditions to be set out. The town manager, or their designee, after due consideration of the matters contained in this article, shall either grant or deny such permit. The granting of a permit shall be by letter to the applicant, setting out all conditions of the permit and incorporating any provisions or conditions in addition to statements and presentations in the permit application. Any deviation from the terms and conditions of the permit, or the approved statements contained in the application, or any misstatement of fact made in such application may be grounds for immediate revocation of the permit by the town manager.

The Town may, in its sole discretion, impose conditions on the permit and the crowd gathering activity to occur thereunder as may be necessary to protect the health, safety, and welfare of both the attendees of the crowd gathering activity and the citizens of the Town. Such conditions may include, but are not limited to, restrictions on noise, location(s) of gatherings, requiring additional police officers, crowd managers or security personnel at the applicant's sole cost and expense, traffic-related conditions, time and duration of the event, and other such conditions that the Town deems necessary to ensure a safe and orderly event.

- g) Standards.
 - (1) A permit issued under this article shall be valid only for a period of seven consecutive days and may not be renewed or reissued prior to the passage of 25 days from the prior activity.
 - (2) All activities shall be contained either within the applicant's property or within property upon which the applicant has written permission from the owner to use.
 - (3) The Town reserves the right to approve, reschedule, deny, or place conditions on any event that proposes to use the public right-of-way and/or close a public street.
 - (4) Permits for crowd gathering activities may also be subject to the requirements of other agencies including, but not limited to, the Dare County Health Department, the North Carolina Department of Transportation, and/or the North Carolina Division of Coastal Management. Compliance with these requirements shall be demonstrated by the applicant no less than 15 days prior to the date of the event.
 - (5) If live music or an electronic sound amplification system is proposed with the activity, the applicant shall comply with article III, Chapter 16 of this Code.
 - (6) Signage. Signage is allowed in accordance with the following standards:
 - a. The total amount of signage shall not exceed 2,000 square feet in area. Such signage may be in a single sign or a combination of signs.
 - b. All signs shall be located within the boundaries of the area in which the activity will be held.
 - c. Signs shall not be located on Town owned property, except in instances where the activity is located on Town property.
 - d. Signs shall be displayed only during the time of the activity and shall be promptly removed by the permittee at the close of such activity.
 - e. Signs that are prohibited by the Unified Development Ordinance, Section 10.22.6 Prohibited Signs, will not be allowed as part of a crowd gathering activity.
 - f. Signs shall not be located in a manner that impedes the movement of pedestrians or life safety vehicles on the beach.
 - (7) No permit will be issued until all permit fees are fully paid in accordance with the Consolidated Fee Schedule.
 - (8) If a site inspection is a condition of approval, the applicant shall notify the Town two hours prior to the performance or event that the site is ready for inspection. The Town may inspect the site prior to, during, or after the performance or event to verify compliance with this chapter with the issued permit and all applicable Town regulations. Failure to make provisions for complying with this Code shall be grounds for revocation under this article.
 - (9) It shall be unlawful for any person to violate any provision of this section or to violate any term or condition of a permit issued pursuant to this section.

- (10) The granting of any permit is not grounds for the violation of any other ordinance of the Town, and the applicant shall take whatever steps are necessary to comply with all ordinances of the Town for the duration of the activity.

Sec. 4-8. Amendment of Issued Permits

- a) Request to amend. Prior to the date of the event, a permittee may propose an amendment to an issued crowd gathering permit or to any of the statements, plans, or site plans contained in a submitted application. All amendment proposals shall be submitted in writing to the crowd permit coordinator and shall describe the proposed change and the reason for the change. The town manager may deny proposed permit amendments when the manager determines that such changes would cause the activity to deviate from any of the requirements or standards of the ordinance even with reasonable conditions.
- b) Deadline for Amendment Requests.
- (1) Any proposed amendment that would cause the activity to meet the criteria of a different tier under Section 4-3 must be submitted no later than the application submittal deadline for that tier under Section 4-5(b). An activity so amended shall be reclassified to, and subject to all requirements of, the applicable tier.
- (2) Any other proposed amendment must be submitted no later than 15 days prior to the date of the event.
- (3) The town reserves the right to deny amendment requests after the application submittal deadline that materially change the nature and/or overall structure of the event from the approved plan (i.e. different location, adding additional events that would require a stand-alone crowd gathering permit, wholesale changes to the transportation and parking plan.) In cases where the amendment is denied, this shall not affect the validity of the originally approved plan.

Sec. 4-~~89~~ Denials. Any crowd gathering activity permit may be denied for the following reasons:

- (1) The application is not fully completed and executed.
- (2) The application has not met the tier deadline requirements.
- (3) The applicant has failed to comply with any term of this Chapter,
- (4) The applicant has failed to conduct a previously authorized crowd gathering activity in accordance with law or the terms of a permit, or both.
- (5) Superseding reasons for denial. Even when all conditions are met for approval of a crowd gathering activity permit, the permit may be denied when in the informed judgment of the crowd permit review team:
 - a. The special event is likely to create the imminent possibility of disorderly conduct likely to endanger public safety or to result in significant property damage;
 - b. The special event is likely to violate public health or safety laws including but not limited to trespassing, noise violations, unauthorized use of public or private property; or
 - c. The special event will likely result in violations of Town policy or law.

Sec. 4-~~910~~ Appeals.

- (a) If the town manager denies such permit, or subsequently revokes the permit, the applicant shall have seven days in which to appeal such denial or revocation to the board of commissioners. Such appeal shall be in writing, stating the grounds therefore and shall be addressed to the mayor of the town with a copy to the town manager. The board of commissioners shall hear the appeal at the next regularly scheduled meeting or regular adjourned session, whichever occurs first. The decision of the board of commissioners shall be final.

Sec. 4-~~1011~~ Special Requirements for Motorized Parades.

- (a) *Event Organizer's Responsibilities.* There shall be one person designated on the crowd gathering permit application as the event organizer. This person will be the primary point of contact with the Town and shall be responsible for ensuring the event is carried out in accordance with the approved permit and all other town ordinances. The responsibilities of the parade event organizer are as follows:
- (1) Ensure compliance with all requirements of this ordinance.
 - (2) Prepare a plan for the parade including a written Emergency Action Plan. This should include the following:
 - a. The parade route including starting and ending points;
 - b. Number, type, and order of participants;
 - c. Traffic control points;
 - d. Locations of sanitary facilities;
 - e. Spectator viewing areas;
 - f. Street closures and timing of closures;

- g. Plan for emergency services to include EMS services;
 - h. Staffing requirements for the parade including marshals;
 - i. The Emergency Action Plan should address ways to mitigate risk for the event. It should also address communication issues, such as contact with parents or guardians in the event of an emergency involving a child.
- (3) Obtain insurance coverage for the event in the minimum amount of \$2 million per occurrence/\$4 million aggregate and list the Town of Nags Head as an additional insured.
 - (4) Inform all parade participants of parade safety and participant rules.
 - (5) Collect and maintain records of required information from parade participants. The town manager or their designee will provide event organizers with a list of information that must be collected from each parade entry and may provide a proposed entry information form for this purpose. This may include the following items:
 - a. A Parade Entry Information Form must be submitted by each parade entry;
 - b. Documentation that parade participants received the parade safety information;
 - c. Proof of insurance from each vehicle operator and for each vehicle;
 - d. Signed copies of the Operator Safety Acknowledgment.
 - (6) Supervise the parade. Event organizers must be present to supervise the event throughout the parade.
 - (7) Units must be organized to provide reasonable distance between motorized parade units and units comprised of pedestrians or animals. Event organizers must anticipate issues that may slow normal parade progress and establish an order that considers these factors.
 - (8) Provide list of parade applicants/entries and any other operational information needed by law enforcement.
 - (9) Ensure the safety of all parade entries including trailers, floats, and vehicles. This shall include documenting compliance with state vehicle inspection and registration requirements. If vehicle is unable to be registered, provide safety plan for that vehicle.
- (b) *Requirements for Parade Units (Vehicles, Floats, Objects Towed).*
- (1) Each operator must review, sign, and provide to the event organizer an Operator Safety Acknowledgement indicating that they understand the safety requirements set out in this section and will abide by them. The Operator Safety Acknowledgement must be in a form that is acceptable to the town manager or their designee.
 - (2) Operators must be at least 21 years old and must have a valid driver's license of the type required for the vehicle that they are operating.
 - (3) Operators must be experienced in operating the type of vehicle they will be driving during the parade.
 - (4) Operators must be familiar with the parade route, including the location of turns, intersections, and where slowing is likely.
 - (5) Operators may operate their parade unit only after confirming it is in good working condition and safe to participate in the parade.
 - (6) Operators must ensure that valid automobile and/or liability insurance is in place for the vehicle they will operate during the parade.
 - (7) All trailers must be registered with the North Carolina Division of Motor Vehicles and display a current North Carolina registration plate, as required by N.C. Gen. Stat. §20-111. (1). Trailers that are registered in another state must show proof of compliance with that state's registration requirements.
 - (8) Operators must confirm that the vehicle they are driving is rated sufficiently to tow any float and passengers riding on it that they are assigned.
 - (9) Operators must obey all instructions from parade marshals and law enforcement officers along the route.
 - (10) Operators must ensure that their visibility remains unobstructed at all times when they are operating the unit.
 - (11) Operators will not consume or have consumed alcoholic beverages or take drugs or medication that will impair their ability to safely operate a parade unit.
 - (12) No open containers will be allowed in or on parade units.
 - (13) Operators must ensure that they are informed of the intended pace/speed of the parade and must maintain that pace.

- (14) Operators must refrain from cell phone use, eating, smoking, or any other form of distracted driving. Passengers assisting the operator may utilize a mobile device or two-way radio for event-related communication purposes only. The purpose and function of the passenger is to observe the surroundings, assist the driver with outside, event-related communication, and keep a proper lookout during the event.
- (15) Operators must not allow anyone within their parade unit to throw items, including candy, from their parade units.
- (c) *Passengers in Vehicles and on Floats.* Passengers in vehicles and on floats must comply with the following requirements:
 - (1) Passengers may be seated at the top of the back seats in a convertible. All passengers must stay seated and wedge their feet under a seatbelt if one is available. No standing is allowed in a convertible vehicle. Any minors seated on the top of a convertible vehicle must be accompanied by an adult. The total number of individuals in a convertible must not exceed the total number of seatbelts if the vehicle has seatbelts.
 - (2) Passengers riding in the bed of a pickup truck are not permitted to sit on sides of the truck.
 - (3) Any additional seating in the bed of a pickup truck must be adequately secured.
 - (4) Minors riding in the bed of a pickup truck must be accompanied by an adult.
 - (5) Number of occupants in the vehicle are not to exceed the number of seatbelts if the vehicle has seatbelts.
 - (6) Children riding on floats must be supervised by an adult. The chaperone ratio for float passengers is not less than one (1) adult for every four (4) children. Children less than eighteen (18) years old may ride on or in a parade unit provided they are safely holding onto harnesses or tether devices, standing behind railings, or strapped into seat belts or car seats, as applicable.
 - (7) Float riders may not mount or dismount the float or tow vehicle when it is in motion.
 - (8) Rider seats must be secured to the float deck.
 - (9) Riders are prohibited from standing or riding on the edge of a float.
- (d) *Violations.* The event organizer is responsible for removal of parade participants that do not comply with these regulations and should take all reasonable steps to ensure compliance with applicable requirements. Law enforcement personnel may also remove parade participants not in compliance with these regulations as necessary. The Town may also remove any parade unit or participant from the event if there is a clear violation of North Carolina vehicle safety requirements. Participants in violation of this ordinance may be restricted from future participation in the parade event. The Town may also levy a civil penalty in the amount of \$500 to the event organizer for violations of this ordinance.

Sec. 4-~~1112~~. Events Exceeding Expected Attendance.

Any event for which a permit would be required, and no permit is applied for, shall immediately be cancelled and all participants with their associated equipment shall be disbursed from the site. It is expected that the sponsor will act in compliance with this section on their own initiative.

Sec. 4-~~1213~~. Disclaimer of Liability.

In no event shall the issuance of a permit under this article make or cause the Town to be deemed a sponsor of the event. Further, the Town shall incur no liability for any injury to person or property arising out of any events regulated by this article. Further, as a condition of any permit issued pursuant to this article, the applicant and sponsor shall hold the Town harmless and indemnify the Town for any liability incurred as the result of a valid judgment in a court of law. It is further provided as a condition of any permit issued hereunder that the applicant shall defend the Town against any action filed against it arising out of any event for which a permit is issued.

Secs. 4-~~1314~~—4-49. - Reserved.

PART II. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

PART III. Effective Date

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 2nd day of September 2026.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Brittany A. Phillips, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS _____



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM H.1.

Consideration of Construction Bids for Bonnett Street Stormwater Pump Station - Time Specific 10:30 a.m.

Prepared by

David Ryan, Town Engineer

Reviewed by

David Ryan
Brittany Phillips
Amy Miller
Andy Garman

Staff Comments/Recommendation

Staff recommends that the Board of Commissioners:

1. Issue a Notice of Award for the Bonnett Street Stormwater Pump Station Project to Fred Smith Company in the amount of **\$1,955,016.00**, inclusive of Bid Alternate No. 1 (Duplex Pump Station) and Bid Alternate No. 2 (Modified Parking Lot Pavement Improvements).
2. Establish a construction contingency of \$132,894.00, representing approximately 7% of the construction contract, to address unforeseen site conditions, utility conflicts, quantity adjustments, and other construction-related changes that may arise during implementation.
3. Authorize the Town Manager to execute the construction contract and all associated project documents following receipt of the required funding agency approvals and review by the Town Attorney.
4. Adopt Capital Project Ordinance Amendment #14 for the remaining \$2,087,910 in grant funds, inclusive of the construction contract and contingency. No local funding is being requested for this project.

Hunter Freeman, P.E. with McAdams, the town's engineering consultant, will present the project, bid results, value engineering recommendations, and proposed construction contract award.

Included in the item attachments are the bid tabulation, value engineering memorandum with tabulation, Notice of Award, and Capital Project Ordinance.

Specific Action Requested

By motion, issue the Notice of Award for the Bonnett Street Stormwater Pump Station Project to Fred Smith Company in the amount of \$1,955,016.00, including Bid Alternate No. 1 (Duplex Pump Station) and Bid Alternate No. 2 (Modified Parking Lot Pavement Improvements); establish a construction contingency of \$132,894; authorize the Town Manager to execute the construction contract and all associated project documents following receipt of required funding agency approvals and review by Town Attorney; adopt Capital Project Ordinance Amendment #14 for an additional \$2,087,910 in grant funding and project construction/contingency.

Summary

The Bonnett Street Stormwater Pump Station project will address recurring flooding associated with low-lying properties and elevated groundwater along South Wrightsville Avenue between Bainbridge Street and Bonnett Street. The project includes a stormwater collection system along South Wrightsville Avenue, a pump station at Dowdy Park, a force main along Bonnett Street, and an underground stormwater storage and infiltration system

beneath the Bonnett Street Beach Access parking area. The project also includes permeable pavement, associated roadway and parking lot restoration, electrical improvements, controls, and related site work.

The Town received a \$2,356,910 North Carolina Department of Environmental Quality Local Assistance for Stormwater Infrastructure Investments (LASII) grant of which \$2,087,910 of the total grant was allocated for construction. The funding award provides 100 percent reimbursement for eligible project costs up to the awarded amount.

The project was bid with a base bid amount and two alternates. Bid Alternate No. 1 provided pricing for a duplex pump station in lieu of the base bid simplex pump station, increasing system redundancy and operational reliability. Bid Alternate No. 2 provided pricing for replacing a portion of the permeable pavement with conventional asphalt pavement within the drive aisle areas only.

Construction bids were opened on July 23, 2026. Three bids were received, with Fred Smith Company submitting the apparent low base bid of \$2,199,271. Following the bid opening, the Town, its design consultant, and the apparent low bidder completed a value-engineering review to reduce construction costs while maintaining the project's intended function and grant-funded scope.

The value engineering effort included revisions to select quantities, pavement restoration, erosion control measures, the underground stormwater storage system, site features, and certain improvements to be completed by Town forces. Through a collaborative review process, the Town, design consultant, and apparent low bidder identified cost-saving opportunities that preserved the project's intended functionality, stormwater management objectives, and overall level of service. These efforts enabled the project to remain within the available grant funding while supporting acceptance of both bid alternates and maintaining a construction contingency, ultimately enhancing the long-term reliability, resiliency, and performance of the system without requiring additional local funding.

The recommended construction contract amount is **\$1,955,016.00**. Staff also recommends establishing a project contingency of ~7% (\$132,894) to address unforeseen conditions, utility conflicts, quantity adjustments, and other construction-related changes that may arise during construction. The total project authorization would therefore be **\$2,087,910**, inclusive of contingency.

Construction is anticipated to begin in fall 2026, with completion targeted for May 2027.

Attachments

1. 9 H1 Bonnett Street Bid Tabulation
2. 9 H1 Bonnett Street VE Memo with Tab
3. 9 H1 Bonnett Street Notice of Award
4. 9 H1 Cap Proj Amend 14 ord



Project Name		Town of Nags Head Bonnett Street SW Pump Station - Area 4 - SW-SRP-009			
McAdams Project #		TNH22001.28			
Owner Name		Town of Nags Head			
Bid Opening Date		7/23/2026			
Time of Bid Opening		2:00 PM			
Bidder	TA Loving	Hatchell Concrete	Fred Smith Company		
License No.	325	34205	43848		
350 - Authority to Execute Contract (if Corporation)	Y	Y	Y		
Signatures					
300 - Information Available to Bidders	Y	Y	Y		
340 - Non Collusive Affidavit	Y	Y	Y		
410 - Addenda Acknowledgement	Y	Y	Y		
412 - E-Verify	Y	Y	Y		
420 - Bidders Qualifications	Y	Y	Y		
MWBE - Nondiscrimination Clause	Y	Y	Y		
MWBE - Good Faith Efforts Form	Y	Y	Y		
MWBE - Table A	Y	Y	Y		
Article 9 - Bid Submittal					
Bid Submittal Form	Y	Y	Y		
Bid Bond	Y	Y	Y		
Base Bid	\$ 3,714,940.60	\$ 2,278,134.00	\$ 2,199,271.00		
Bid Alternates					
No.1 - Duplex Pump Station	\$ 36,500.00	\$ 30,000.00	\$ 30,000.00		
No.2 - Asphalt Drive Aisles	\$ 12,600.00	\$ (98,000.00)	\$ (50,400.00)		

BID TABULATION - July 23, 2026, 2:00 Bid Opening

BONNETT STREET STORMWATER PUMP STATION

NAGS HEAD, NC

Date: 8/3/2026

					TA Loving		Hatchell Concrete		Fred Smith Co.	
Item No.	Item Description	Specification Section	Units	Estimated Quantity	Unit Price	Extended Bid Price	Unit Price	Extended Bid Price	Unit Price	Extended Bid Price
Contract and Project Mobilization										
1	Mobilization	NCDOT 800	LS	1	\$ 59,500.00	\$ 59,500.00	\$ 115,000.00	\$ 115,000.00	\$ 125,000.00	\$ 125,000.00
2	Construction Surveying	NCDOT 801	LS	1	\$ 36,000.00	\$ 36,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
Site Preparation and Demolition										
3	Clearing and Grubbing	NCDOT 200	LS	1	9500	\$ 9,500.00	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00
4	Selective Tree Removal (>12" - less than 24" in diameter)	NCDOT 200	EA	3	10900	\$ 32,700.00	\$ 1,500.00	\$ 4,500.00	\$ 1,500.00	\$ 4,500.00
5	Dewatering	SP	LS	1	157500	\$ 157,500.00	\$ 87,600.00	\$ 87,600.00	\$ 45,000.00	\$ 45,000.00
6	Remove Existing Pavement	NCDOT 250	SY	4320	17	\$ 74,520.00	\$ 15.00	\$ 64,800.00	\$ 9.00	\$ 38,880.00
7	Remove Concrete Driveway Apron	NCDOT 250	SY	320	137	\$ 43,840.00	\$ 75.00	\$ 24,000.00	\$ 62.00	\$ 19,840.00
8	Remove Pipe (15" to 18" Diameter)	NCDOT 300	LF	270	93.50	\$ 25,245.00	\$ 40.00	\$ 10,800.00	\$ 95.00	\$ 25,650.00
9	Remove Storm Structure (6' to 8' deep)	NCDOT 402	EA	1	3600	\$ 3,600.00	\$ 10,000.00	\$ 10,000.00	\$ 3,360.00	\$ 3,360.00
10	Remove and Replace Existing Sidewalk	SP	SY	138	235	\$ 32,430.00	\$ 145.00	\$ 20,010.00	\$ 130.00	\$ 17,940.00
11	Remove and Replace Concrete Curb & Gutter	SP	LF	7	625	\$ 4,375.00	\$ 100.00	\$ 700.00	\$ 155.00	\$ 1,085.00
Erosion and Sediment Control										
12	Stone for Erosion Control - Class A	NCDOT 1610	TON	75	\$ 77.00	\$ 5,775.00	\$ 150.00	\$ 11,250.00	\$ 108.00	\$ 8,100.00
13	Standard Temporary (Sediment / Silt) Silt Fence	NCDOT 1605	LF	2610	\$ 5.00	\$ 13,050.00	\$ 10.00	\$ 26,100.00	\$ 5.25	\$ 13,702.50
14	Standard Tree Protection Fencing	SP	LF	76	\$ 3.25	\$ 247.00	\$ 10.00	\$ 760.00	\$ 5.25	\$ 399.00
15	Block & Gravel Inlet Protection	NCDOT 1632	EA	12	\$ 114.00	\$ 1,368.00	\$ 900.00	\$ 10,800.00	\$ 800.00	\$ 9,600.00
16	Concrete Washout Structure	SP	EA	1	\$ 330.00	\$ 330.00	\$ 3,000.00	\$ 3,000.00	\$ 2,500.00	\$ 2,500.00
17	Rolled Erosion Control Matting	NCDOT 1631	SY	1720	\$ 6.00	\$ 10,320.00	\$ 10.00	\$ 17,200.00	\$ 2.25	\$ 3,870.00

BID TABULATION - July 23, 2026, 2:00 Bid Opening

BONNETT STREET STORMWATER PUMP STATION

NAGS HEAD, NC

Date: 8/3/2026

Excavation, Grading, and Earthwork										
18	Comprehensive Grading	NCDOT 226	LS	1	\$ 96,950.00	\$ 96,950.00	25000	\$ 25,000.00	\$ 176,676.50	\$ 176,676.50
Stormwater Drainage Structures and Closed Conduits										
19	Precast Drop Inlet (6' to 8' deep)	NCDOT 840	EA	11	\$ 7,810.00	\$ 85,910.00	\$ 7,500.00	\$ 82,500.00	\$ 4,000.00	\$ 44,000.00
20	Frame & Grate Std. 840.16	NCDOT 840	EA	11	\$ 136.00	\$ 1,496.00	\$ 2,000.00	\$ 22,000.00	\$ 1,100.00	\$ 12,100.00
21	4' Diameter Manhole (up to 8' deep)	NCDOT 840	EA	10	\$ 6,000.00	\$ 60,000.00	\$ 7,000.00	\$ 70,000.00	\$ 4,000.00	\$ 40,000.00
22	Manhole Frame & Cover Std. 840.54	NCDOT 840	EA	10	\$ 150.00	\$ 1,500.00	\$ 2,000.00	\$ 20,000.00	\$ 1,100.00	\$ 11,000.00
23	18" Diameter Perforated HDPE (6' to 8' deep)	SP	LF	2145	\$ 275.00	\$ 589,875.00	\$ 60.00	\$ 128,700.00	\$ 80.00	\$ 171,600.00
24	18"Diameter Solid Wall HDPE (6' to 8' deep)	SP	LF	111	\$ 275.00	\$ 30,525.00	\$ 60.00	\$ 6,660.00	\$ 86.00	\$ 9,546.00
25	18" diameter HDPE Flared End Section	SP	EA	1	\$ 3,600.00	\$ 3,600.00	\$ 1,000.00	\$ 1,000.00	\$ 1,050.00	\$ 1,050.00
Site Work										
26	4" Concrete Driveway	NCDOT 848	SY	490	\$ 107.00	\$ 52,430.00	\$ 60.00	\$ 29,400.00	\$ 90.00	\$ 44,100.00
27	4" Portland Cement Concrete Pavement	NCDOT 710	SY	775	\$ 119.00	\$ 92,225.00	\$ 60.00	\$ 46,500.00	\$ 80.00	\$ 62,000.00
28	Full Depth Asphalt Pavement Patch	NCDOT 654 / SP	SY	1310	\$ 111.00	\$ 145,410.00	\$ 48.00	\$ 62,880.00	\$ 80.00	\$ 104,800.00
29	Incidental Stone Base	NCDOT 545	TON	2	\$ 360.00	\$ 720.00	\$ 100.00	\$ 200.00	\$ 105.00	\$ 210.00
30	Seeding and Mulching	NCDOT 1060	SY	1720	\$ 1.50	\$ 2,580.00	\$ 10.00	\$ 17,200.00	\$ 2.00	\$ 3,440.00
31	1" Asphalt Pavement Milling	NCDOT 607	SY	136	\$ 83.00	\$ 11,288.00	\$ 70.00	\$ 9,520.00	\$ 55.00	\$ 7,480.00
32	5'x4" Sidewalk	NCDOT 848	SY	15	\$ 65.00	\$ 975.00	\$ 90.00	\$ 1,350.00	\$ 65.00	\$ 975.00
33	30" Curb and Gutter	NCDOT 846	LF	7	\$ 50.00	\$ 350.00	\$ 70.00	\$ 490.00	\$ 80.00	\$ 560.00
34	Permeable Pavement	SP	SY	2682	\$ 128.00	\$ 343,296.00	\$ 157.00	\$ 421,074.00	\$ 110.00	\$ 295,020.00
35	Parking Lot Striping	NCDOT 1205	LF	1562	\$ 8.80	\$ 13,745.60	\$ 25.00	\$ 39,050.00	\$ 1.00	\$ 1,562.00
36	Modular Buried Stormwater Storage Units	SP	LS	1	\$ 451,500.00	\$ 451,500.00	\$ 174,000.00	\$ 174,000.00	\$ 265,000.00	\$ 265,000.00

BID TABULATION - July 23, 2026, 2:00 Bid Opening

BONNETT STREET STORMWATER PUMP STATION

NAGS HEAD, NC

Date: 8/3/2026

Stormwater Pump Station and Related Items										
37	Simplex Pump Station (8' Diameter Wet Well and Single Pump)	SP	LS	1	\$ 369,000.00	\$ 369,000.00	\$ 185,000.00	\$ 185,000.00	\$ 219,250.00	\$ 219,250.00
38	Electric Panel, Site Work, Transformer, and Service	SP	LS	1	\$ 322,600.00	\$ 322,600.00	\$ 68,000.00	\$ 68,000.00	\$ 34,250.00	\$ 34,250.00
39	4" Stainless Steel Pipe	SP	LF	8	\$ 1,275.00	\$ 10,200.00	\$ 500.00	\$ 4,000.00	\$ 500.00	\$ 4,000.00
40	4" Stainless Steel Ball Check Valve	SP	EA	1	\$ 9,700.00	\$ 9,700.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00
41	4" DIP Pipe	SP	LF	15	\$ 425.00	\$ 6,375.00	\$ 150.00	\$ 2,250.00	\$ 150.00	\$ 2,250.00
42	4"x4" Tee	SP	EA	1	\$ 2,800.00	\$ 2,800.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
43	4" Gate Valve and Box	SP	EA	1	\$ 4,100.00	\$ 4,100.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
44	4" Emergency Pump Connection Assembly with 2-6" DIP Bollards, and Sign	SP	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
45	4" Mechanical Joint Adapter	SP	EA	1	\$ 3,050.00	\$ 3,050.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
46	4" IPS HDPE DR9 Force Main (Open Cut)	SP	LF	257	\$ 170.00	\$ 43,690.00	\$ 70.00	\$ 17,990.00	\$ 70.00	\$ 17,990.00
47	4" IPS HDPE DR9 Force Main(Directional Drill)	SP	LF	750	\$ 21.00	\$ 15,750.00	\$ 95.00	\$ 71,250.00	\$ 95.00	\$ 71,250.00
48	SCADA Remote Operation System	SP	LS	1	\$ 19,800.00	\$ 19,800.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
49	Bell Float Switch	SP	EA	1	\$ 3,650.00	\$ 3,650.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
50	Telemetry Antenna (incl Utility Pole)	SP	EA	1	\$ 3,350.00	\$ 3,350.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
51	Telemetry (SCADA) & Power Panel	SP	EA	1	\$ 136,000.00	\$ 136,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
52	1" Conduit	SP	LF	60	\$ 34.00	\$ 2,040.00	\$ 50.00	\$ 3,000.00	\$ 50.00	\$ 3,000.00
53	Power Panel	SP	EA	1	\$ 9,050.00	\$ 9,050.00	\$ 15,000.00	\$ 15,000.00	\$ 17,250.00	\$ 17,250.00
54	Service Disconnect	SP	EA	1	\$ 9,050.00	\$ 9,050.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
55	24" HDPE	SP	LF	11	\$ 1,125.00	\$ 12,375.00	\$ 150.00	\$ 1,650.00	\$ 1,200.00	\$ 13,200.00
56	4' Dia. Manhole (8'-10' Deep) with Frame and Grate	SP	EA	3	\$ 8,650.00	\$ 25,950.00	\$ 10,800.00	\$ 32,400.00	\$ 5,000.00	\$ 15,000.00

BID TABULATION - July 23, 2026, 2:00 Bid Opening

BONNETT STREET STORMWATER PUMP STATION

NAGS HEAD, NC

Date: 8/3/2026

Traffic Control										
57	Traffic Control	NCDOT 1101	LS	1	\$ 67,000.00	\$ 67,000.00	\$ 35,000.00	\$ 35,000.00	\$ 45,000.00	\$ 45,000.00
Miscellaneous										
58	Remove, Store, and Reset Mailboxes and Signs	SP	EA	34	\$ 285.00	\$ 9,690.00	\$ 500.00	\$ 17,000.00	\$ 50.00	\$ 1,700.00
59	Remove, Store, and Reset Bike Rack	SP	EA	1	\$ 3,600.00	\$ 3,600.00	\$ 1,500.00	\$ 1,500.00	\$ 275.00	\$ 275.00
60	Remove, and Replace of Wooden Bollard Poles and Rope Fence	SP	LF	230	\$ 36.50	\$ 8,395.00	\$ 85.00	\$ 19,550.00	\$ 15.00	\$ 3,450.00
61	Remove, Store and Reset wheel stops	SP	EA	65	\$ 410.00	\$ 26,650.00	\$ 300.00	\$ 19,500.00	\$ 136.00	\$ 8,840.00
62	Remove, Store, and Reset at-grade walkway and Stairs	SP	LS	1	\$ 23,200.00	\$ 23,200.00	\$ 50,000.00	\$ 50,000.00	\$ 37,500.00	\$ 37,500.00
63	Remove Dominion Lamp Post and Fixture	SP	EA	4	\$ 2,700.00	\$ 10,800.00	\$ 3,000.00	\$ 12,000.00	\$ 350.00	\$ 1,400.00
64	Install new Lamp Post and Fixture	SP	EA	8	\$ 3,800.00	\$ 30,400.00	\$ 3,000.00	\$ 24,000.00	\$ 2,500.00	\$ 20,000.00
Allowances										
65	Utility Relocation	SP	Allowance	1	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
66	Pavement and Infiltration Testing	SP	Allowance	1	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Total Base Bid					\$ 3,714,940.60	\$ 2,278,134.00	\$ 2,211,151.00			
Bid Alternate #1 - Duplex Pump Station										
101	DELETE - Simplex Pump Station (8' Diameter Wet Well and Single Pump)	SP	LS	-1	\$ 212,000.00	\$ (212,000.00)	\$ 185,000.00	\$ (185,000.00)	\$ 185,000.00	\$ (185,000.00)
102	ADD - Duplex Pump Station (8' Diameter Wet Well and 2 Pumps)	SP	LS	1	\$ 248,500.00	\$ 248,500.00	\$ 215,000.00	\$ 215,000.00	\$ 215,000.00	\$ 215,000.00
Total Change Bid Alternate #1					\$ 36,500.00	\$ 30,000.00	\$ 30,000.00			
Bid Alternate #2 - Asphalt Drive Ailes in Bonnett Street Parking Lot										
201	DEDUCTION - Permeable Pavement	SP	SY	-1400	\$ 119.00	\$ (166,600.00)	\$ 111.00	\$ (155,400.00)	\$ 108.00	\$ (151,200.00)
202	ADD - 8" Base Course and 2" SF9.5A Asphalt Surface Course	NCDOT 654 / SP	SY	1400	\$ 128.00	\$ 179,200.00	\$ 41.00	\$ 57,400.00	\$ 72.00	\$ 100,800.00
Total Change Bid Alternate #2					\$ 12,600.00	\$ (98,000.00)	\$ (50,400.00)			



621 Hillsborough Street
Suite 500
Raleigh, NC 27603
919. 361. 5000

SRP-SW-0009

August 14, 2026

To: Jeff Allen
Vice President, Eastern Division
Fred Smith Company

From: Hunter Freeman, PE
Sr. Advisor, Green Stormwater Infrastructure
McAdams

RE: Town of Nags Head – Bonnett Street Stormwater Pump Station
SRP-SW-0009
Value Engineering Additional Notes

Thank you for coordinating with McAdams and the Town of Nags Head to assess value engineering opportunities for the above mentioned project. The project was funded through the Fall 2023 cycle of the NCDENR LASII grant funding program and it was the Town's hope to remain within the allocated construction budget of the grant. Through this value engineering effort we have been able to accomplish that goal. It will now be up to the Town of Nags Head Board of Commissioners to determine whether the project will proceed to construction on the intended schedule.

During our value engineering discussions, a limited number of assurances and assumptions were agreed to in order to reach the basis of the unit pricing for the project. This memo is intended to document these discussions to maintain a fair and transparent basis for the contract pricing and prevent disputes during review of payment applications. All items noted with a * will be reflected in the "Issued for Construction" drawing set within a revision cloud.

Line 12 – The Town and McAdams will seek a revised Land Disturbance permit to eliminate the construction entrances. The nature of the sandy earthen material, other onsite sedimentation control measures, and the local topography all play a role in prevent the transport of sediments onto public streets or other areas outside the limits of disturbance.

Line 13 – McAdams to revise the plan sheets to show where the silt fence has been removed from the plans.

Line 15 – FSC to submit shop drawings for review showing the alternate method of inlet protection. The NCDOT detail shown on the plan is an option, but may be replaced with an alternate design deemed equal or more protective than the design shown on the plans.

Line 28 – for pavement patching on Wrightsville Avenue and Bonnett Street, FSC shall place and compact 6" minimum base course per the Town's standard. No 2" asphalt surface pavement course is required. It is understood that the top of the base course will be 2" below the sawcut edge of existing pavement. The Town will complete the repaving. If the Town requests FSC to bring the finished base course elevation up to match the existing edge of payment, a unit price of \$59.50/sy shall be applied to the applicable area in which this work is completed via change order and contract revision.

Line 36 - McAdams will incorporate the StormTank alternative drawings into the drawing set and revise the grading plan for the parking lot area to balance cut/fill. These changes will be reflected in the IFC set.

Line 62 – The Town shall complete the removal of the existing walkway. Schedule to be coordinated with FSC. After completion of the other improvements in the Bonnett Street parking lot area, the Town shall replace the walkway. Completion of the walkway repairs shall not be required in order for FSC to reach substantial completion of the contract.

Line 65 – FSC shall provide a Change Order Request for review by the Town and the Engineer if any utility relocations other than service lines are necessary. Relocation of services lines is included in the line items costs for installation of the 18" HDPE collection system.

Line 202 – This section can be revised to 6" of base course. This change will be noted on the IFC plans.

BID TABULATION - Value Engineering
BONNETT STREET STORMWATER PUMP STATION
NAGS HEAD, NC
Date: 8/12/2026

					Fred Smith Co.	
Item No.	Item Description	Specification Section	Units	Estimated Quantity	Unit Price	Extended Bid Price
Contract and Project Mobilization						
1	Mobilization	NCDOT 800	LS	1	\$ 125,000.00	\$ 125,000.00
2	Construction Surveying	NCDOT 801	LS	1	\$ 20,000.00	\$ 20,000.00
Site Preparation and Demolition						
3	Clearing and Grubbing	NCDOT 200	LS	1	\$ 10,000.00	\$ 10,000.00
4	Selective Tree Removal (>12" - less than 24" in diameter)	NCDOT 200	EA	3	\$ 1,500.00	\$ 4,500.00
5	Dewatering	SP	LS	1	\$ 45,000.00	\$ 45,000.00
6	Remove Existing Pavement	NCDOT 250	SY	4320	\$ 9.00	\$ 38,880.00
7	Remove Concrete Driveway Apron	NCDOT 250	SY	320	\$ 62.00	\$ 19,840.00
8	Remove Pipe (15" to 18" Diameter)	NCDOT 300	LF	270	\$ 95.00	\$ 25,650.00
9	Remove Storm Structure (6' to 8' deep)	NCDOT 402	EA	1	\$ 3,360.00	\$ 3,360.00
10	Remove and Replace Existing Sidewalk	SP	SY	138	\$ 130.00	\$ 17,940.00
11	Remove and Replace Concrete Curb & Gutter	SP	LF	7	\$ 155.00	\$ 1,085.00
Erosion and Sediment Control						
12	Stone for Erosion Control - Class A	NCDOT 1610	TON	5	\$ 108.00	\$ 540.00
13	Standard Temporary (Sediment / Silt) Silt Fence	NCDOT 1605	LF	2180	\$ 5.25	\$ 11,445.00
14	Standard Tree Protection Fencing	SP	LF	76	\$ 5.25	\$ 399.00
15	Block & Gravel Inlet Protection	NCDOT 1632	EA	12	\$ 500.00	\$ 6,000.00
16	Concrete Washout Structure	SP	EA	1	\$ 2,500.00	\$ 2,500.00
17	Rolled Erosion Control Matting	NCDOT 1631	SY	1720	\$ 2.25	\$ 3,870.00
Excavation, Grading, and Earthwork						
18	Comprehensive Grading	NCDOT 226	LS	1	\$ 176,676.50	\$ 176,676.50
Stormwater Drainage Structures and Closed Conduits						
19	Precast Drop Inlet (6' to 8' deep)	NCDOT 840	EA	11	\$ 4,000.00	\$ 44,000.00
20	Frame & Grate Std. 840.16	NCDOT 840	EA	11	\$ 1,100.00	\$ 12,100.00
21	4' Diameter Manhole (up to 8' deep)	NCDOT 840	EA	7	\$ 4,000.00	\$ 28,000.00
22	Manhole Frame & Cover Std. 840.54	NCDOT 840	EA	7	\$ 1,100.00	\$ 7,700.00
23	18" Diameter Solid Wall HDPE (6' to 8' deep)	SP	LF	2145	\$ 77.50	\$ 166,237.50
24	18"Diameter Solid Wall HDPE (6' to 8' deep)	SP	LF	111	\$ 86.00	\$ 9,546.00
25	18" diameter HDPE Flared End Section	SP	EA	1	\$ 1,050.00	\$ 1,050.00

BID TABULATION - Value Engineering
BONNETT STREET STORMWATER PUMP STATION
NAGS HEAD, NC
Date: 8/12/2026

					Fred Smith Co.	
Item No.	Item Description	Specification Section	Units	Estimated Quantity	Unit Price	Extended Bid Price
Site Work						
26	4" Concrete Driveway	NCDOT 848	SY	490	\$ 90.00	\$ 44,100.00
27	4" Portland Cement Concrete Pavement	NCDOT 710	SY	304	\$ 80.00	\$ 24,320.00
28	Full Depth Asphalt Pavement Patch	NCDOT 654 / SP	SY	1310	\$ 55.00	\$ 72,050.00
29	Incidental Stone Base	NCDOT 545	TON	2	\$ 105.00	\$ 210.00
30	Seeding and Mulching	NCDOT 1060	SY	1720	\$ 2.00	\$ 3,440.00
31	1" Asphalt Pavement Milling	NCDOT 607	SY	0	\$ 55.00	\$ -
32	5'x4" Sidewalk	NCDOT 848	SY	15	\$ 65.00	\$ 975.00
33	30" Curb and Gutter	NCDOT 846	LF	7	\$ 80.00	\$ 560.00
34	Permeable Pavement	SP	SY	2682	\$ 110.00	\$ 295,020.00
35	Parking Lot Striping	NCDOT 1205	LF	1562	\$ 1.00	\$ 1,562.00
36	Modular Buried Stormwater Storage Units - StormTank	SP	LS	1	\$ 234,500.00	\$ 234,500.00
Stormwater Pump Station and Related Items						
37	Simplex Pump Station (8' Diameter Wet Well and Single Pump)	SP	LS	1	\$ 219,250.00	\$ 219,250.00
38	Electric Panel, Site Work, Transformer, and Service	SP	LS	1	\$ 34,250.00	\$ 34,250.00
39	4" Stainless Steel Pipe	SP	LF	8	\$ 500.00	\$ 4,000.00
40	4" Stainless Steel Ball Check Valve	SP	EA	1	\$ 6,000.00	\$ 6,000.00
41	4" DIP Pipe	SP	LF	15	\$ 150.00	\$ 2,250.00
42	4"x4" Tee	SP	EA	1	\$ 1,500.00	\$ 1,500.00
43	4" Gate Valve and Box	SP	EA	1	\$ 3,000.00	\$ 3,000.00
44	4" Emergency Pump Connection Assembly with 2-6" DIP Bollards, and Sign	SP	LS	1	\$ 15,000.00	\$ 15,000.00
45	4" Mechanical Joint Adapter	SP	EA	1	\$ 1,500.00	\$ 1,500.00
46	4" IPS HDPE DR9 Force Main (Open Cut)	SP	LF	257	\$ 70.00	\$ 17,990.00
47	4" IPS HDPE DR9 Force Main(Directional Drill)	SP	LF	750	\$ 95.00	\$ 71,250.00
48	SCADA Remote Operation System	SP	LS	1	\$ 10,000.00	\$ 10,000.00
49	Bell Float Switch	SP	EA	1	\$ 3,000.00	\$ 3,000.00
50	Telemetry Antenna (incl Utility Pole)	SP	EA	1	\$ 15,000.00	\$ 15,000.00
51	Telemetry (SCADA) & Power Panel	SP	EA	1	\$ 15,000.00	\$ 15,000.00
52	1" Conduit	SP	LF	60	\$ 50.00	\$ 3,000.00
53	Power Panel	SP	EA	1	\$ 17,250.00	\$ 17,250.00
54	Service Disconnect	SP	EA	1	\$ 5,000.00	\$ 5,000.00
55	24" HDPE	SP	LF	11	\$ 120.00	\$ 1,320.00
56	4' Dia. Manhole (8'-10' Deep) with Frame and Grate	SP	EA	3	\$ 5,000.00	\$ 15,000.00
Traffic Control						
57	Traffic Control	NCDOT 1101	LS	1	\$ 45,000.00	\$ 45,000.00

BID TABULATION - Value Engineering
BONNETT STREET STORMWATER PUMP STATION
NAGS HEAD, NC
Date: 8/12/2026

					Fred Smith Co.	
Item No.	Item Description	Specification Section	Units	Estimated Quantity	Unit Price	Extended Bid Price
Miscellaneous						
58	Remove, Store, and Reset Mailboxes and Signs	SP	EA	34	\$ 50.00	\$ 1,700.00
59	Remove, Store, and Reset Bike Rack	SP	EA	0	\$ 275.00	\$ -
60	Remove, and Replace of Wooden Bollard Poles and Rope Fence	SP	LF	0	\$ 15.00	\$ -
61	Remove, Store and Reset wheel stops	SP	EA	0	\$ 136.00	\$ -
62	Remove, Store, and Reset at-grade walkway and Stairs	SP	LS	0	\$ 37,500.00	\$ -
63	Remove Dominion Lamp Post and Fixture	SP	EA	4	\$ 350.00	\$ 1,400.00
64	Install new Lamp Post and Fixture	SP	EA	4	\$ 2,500.00	\$ 10,000.00
Allowances						
65	Utility Relocation	SP	Allowance	0	\$ 15,000.00	\$ -
66	Pavement and Infiltration Testing	SP	Allowance	1	\$ 5,000.00	\$ 5,000.00
New Items					\$	1,981,716.00
Bid Alternate #1 - Duplex Pump Station						
101	DELETE - Simplex Pump Station (8' Diameter Wet Well and Single Pump)	SP	LS	-1	\$ 185,000.00	\$ (185,000.00)
102	ADD - Duplex Pump Station (8' Diameter Wet Well and 2 Pumps)	SP	LS	1	\$ 215,000.00	\$ 215,000.00
Total Change Bid Alternate #1					\$	30,000.00
Bid Alternate #2 - Asphalt Drive Ailes in Bonnett Street Parking Lot						
201	DEDUCTION - Permeable Pavement	SP	SY	-1400	\$ 108.00	\$ (151,200.00)
202	ADD - 8" Base Course and 2" SF9.5A Asphalt Surface Course	NCDOT 654 / SP	SY	1400	\$ 67.50	\$ 94,500.00
Total Change Bid Alternate #2					\$	(56,700.00)
Total Bid Value (Base + Alt 1 + Alt 2)					\$	1,955,016.00

VALUE ENGINEERING REVISED BID FORM

ARTICLE 9 – BID SUBMITTAL

BIDDER: [Indicate correct name of bidding entity]

FSC II, LLC dba Fred Smith Company

By: [Signature] Jeff Allen

[Printed name] JEFF ALLEN

(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: [Signature] Thomas T. Johnson, Jr.

[Printed name] THOMAS T. JOHNSON, JR.

Title: Asst. Secretary

Submittal Date: 8/17/2026

Address for giving notices:

701 Corporate Dr.

Suite 195

Raleigh, NC, 27607

Telephone Number: 919-783-5700

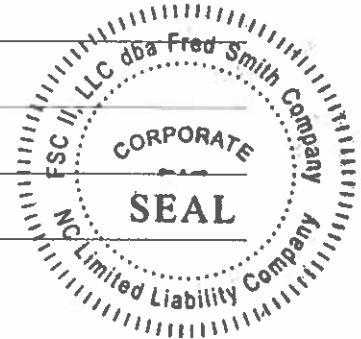
Fax Number: 919-783-6082

Contact Name and e-mail address: JEFF ALLEN

jeff.allen@fredsmithcompany.net

Bidder's License No.: 43480

(where applicable)



*Note: The attached bid form has been compiled by the ENGINEER after reaching consensus on a value engineering approach. The attached bid form represents changes to the scope of the project, changes in unit prices, and changes in quantities which have been discussed and reviewed by all parties. The CONTRACTOR agrees to replace the original bid with this revised for in the Contract.

EJCDC® C-410, Bid Form for Construction Contracts.

Copyright © 2013 National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers. All rights reserved. Page 5



NOTICE OF AWARD

Date of Issuance: September 2, 2026

Owner: Town of Nags Head

Owner's Contract No.: SRP-SW-0009

Engineer: McAdams

Engineer's Project No.: TNH22001.28

Project: Bonnett Street Stormwater Pump Station

Bidder: FSC II, LLC dba Fred Smith Company

Bidder's Address: 701 Corporate Center Drive, Suite 195, Raleigh, NC 27607

TO BIDDER:

You are notified that Owner has accepted your Bid dated July 23, 2026 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:
Bonnett Street Stormwater Pump Station.

The Contract Price of the awarded Contract is: \$1,955,016.00 (One million nine hundred fifty five thousand sixteen dollars and zero cents)

(three) copies of the proposed Performance Bond, Payment Bond, and Agreement accompany this Notice of Award.

(three) sets of the fully executed Contract Documents and Drawings will be delivered separately or otherwise made available to you immediately after execution. You must comply with the following conditions precedent

Within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner (three) counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security [*e.g., performance and payment bonds*] and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner:	Town of Nags Head	Contractor:	FSC II, LLC dba Fred Smith Company
	Authorized Signature		Authorized Signature
By:	Andy Garman	By:	
Title:	Town Manager	Title:	
Date:	September 2, 2026	Date:	

Copy: Engineer



CAPITAL PROJECT ORDINANCE
(Amendment #14)

BE IT ORDAINED by the Governing Board of the Town of Nags Head, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance as adopted January 5, 2022, amended August 3, 2022, amended March 1, 2023, amended April 3, 2024, amended August 7, 2024, amended October 2, 2024, amended January 8, 2025, amended March 5, 2025, amended April 2, 2025, amended October 1, 2025, amended November 5, 2025, amended February 4, 2026, amended April 1, 2026, amended June 3, 2026, is hereby further amended as follows:

- Section 1. This ordinance is to establish a budget for Capital Projects.
- Section 2. The following budget shall be conducted within the Capital Projects Fund (fund #41).
- Section 3. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.
- Section 4. The following amounts are appropriated for the Public Services Complex project:

Construction design and oversight	\$	1,311,269
Building		12,081,269
Equipment		1,339,096
Professional fees		264,415
Improvements		172,382
Contribution to Capital Investment Fund		489,950
Total Expenditures	\$	15,658,381

- Section 5. The following revenues are anticipated to be available to complete Public Services Complex project:

Contribution from General Fund	\$	489,950
Interest Income	\$	792,177
Intergovernmental Grant		4,000
Bond Proceeds, Limited Obligation Bonds, Series 2023		14,372,254
Total revenues	\$	15,658,381

- Section 6. The following amounts are appropriated for the Harvey/Soundside Event sites living shoreline project:

Improvements	\$	600,000
--------------	----	---------

- Section 7. The following revenues are anticipated to be available to complete Harvey/Soundside Event sites living shoreline project:

Intergovernmental Grant	\$	600,000
-------------------------	----	---------

- Section 8. The following amounts are appropriated for the NC Department of Environmental Quality/Division of Water Infrastructure Project Area 12/13 S. Old Oregon Inlet Road Stormwater Improvements:

Infrastructure	\$	2,310,323
Improvements		184,380
Total Expenditures	\$	2,494,703

- Section 9. The following revenues are anticipated to be available to complete NC Department of Environmental Quality/Division of Water Infrastructure Project Area 12/13 S. Old Oregon Inlet Road Stormwater Improvements:

Intergovernmental Grant	\$	2,494,703
-------------------------	----	-----------

Section 10. The following amounts are appropriated for the NC Department of Environmental Quality/Division of Water Infrastructure Project Area 4 Bonnett Street Stormwater Pump Station:

Infrastructure	\$	<u>2,321,534</u>
----------------	----	------------------

Section 11. The following revenues are anticipated to be available to complete NC Department of Environmental Quality/Division of Water Infrastructure Project Area 4 Bonnett Street Stormwater Pump Station:

Intergovernmental Grant	\$	<u>2,321,534</u>
-------------------------	----	------------------

Section 12. The following amounts are appropriated for the NC Department of Environmental Quality/Division of Water Infrastructure Stormwater Master Plan Update project:

Infrastructure	\$	251,291
----------------	----	---------

Section 13. The following revenues are anticipated to be available to complete the NC Department of Environmental Quality/Division of Water Infrastructure Stormwater Master Plan Update project:

Intergovernmental Grant	\$	251,291
-------------------------	----	---------

Section 14. The following amounts are appropriated for the NC 12 multi-use path repair project:

Capital Outlay Improvements	\$	235,430
-----------------------------	----	---------

Section 15. The following revenues are anticipated to be available to complete the NC 12 multi-use path repair project:

Intergovernmental Grant	\$	235,430
-------------------------	----	---------

Section 16. The following amounts are appropriated for the Living Shoreline Projects at Sugar Creek and West Soundside Road:

Capital Outlay Improvements	\$	345,852
-----------------------------	----	---------

Section 17. The following revenues are anticipated to be available to complete the Living Shoreline Projects at Catfish Farm/Sugar Creek Causeway and West Soundside Road:

Intergovernmental Grant	\$	336,873
Transfer-General Fund		<u>8,979</u>
Total Expenditures	\$	345,852

Section 18. The following revenues are anticipated to be available to cover grant reimbursements not yet received:

Transfer from Capital Investment Fund	\$	725,000
Transfer from Capital Reserve Fund		<u>184,380</u>
	\$	909,380
Transfer to Capital Investment Fund	\$	725,000
Transfer to Capital Reserve Fund		<u>184,380</u>
	\$	909,380

Section 19. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy federal, state, and local regulations.

Section 20. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element.

Section 21. Copies of this project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and Finance Officer for direction in carrying out this project.

Adopted this 2nd day of September 2026.

Benjamin Cahoon, Mayor

ATTEST: _____
Brittany A. Phillips, Town Clerk



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM H.2.

Committee Reports

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

N/A

Specific Action Requested

This item is provided for board information and update.

Summary

At the September 2, 2026 Board of Commissioners meeting, board members will provide reports from meetings they have attended on behalf of the town.

Attachments

None



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM H.3.

Consideration of Items Required for Drinking Water State Revolving Fund Low-Interest Loan/Grant Application

- Resolution in Support of the NC Division of Water Infrastructure DWSRF Funding Application
- Resolution Adopting the Ten-Year Water Capital Improvement Program
- Ten-Year Water Capital Improvement Program

Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

Reviewed by

Amy Miller
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Staff recommends approving the proposed CIP allowing the town to apply for SRF funding to replace A/C waterlines.

Specific Action Requested

Adoption of the resolutions authorizing the Town Manager or Deputy Town Manager to file a grant application on behalf of the Town and adopting the ten-year Water CIP for fiscal years 2027-2036 and beyond as presented.

Summary

The Town is seeking a low-interest and/or principal forgiveness loan to replace the asbestos cement pipes in the Vista Colony and Villa Dunes neighborhoods in accordance with the Town's adopted Capital Improvement Program (CIP). The resolutions are required by the North Carolina Department of Environmental Quality (DEQ), Division of Water Infrastructure, to authorize the Town Manager or Deputy Town Manager to submit a grant application on behalf of the Town. The ten-year Water CIP, also required by DEQ for the grant application, includes the adopted FY 2027–2031 Water CIP and projected projects for FY 2032–2036 and beyond, including projects coordinated with street, stormwater, and sidewalk improvements. The adoption of this CIP does not restrict the town's ability to refine the CIP each fiscal year to prioritize infrastructure projects and address emerging needs.

Attachments

1. 9 H3 DWSRF Application Auth res
2. 9 H3 10-yr Water CIP res
3. 9 H3 10-yr Water CIP



**RESOLUTION AUTHORIZING THE TOWN MANAGER AND/OR DEPUTY TOWN
MANAGER/FINANCE OFFICER TO EXECUTE AND FILE AN APPLICATION ON BEHALF OF THE
TOWN OF NAGS HEAD WITH THE STATE OF NORTH CAROLINA FOR A LOAN AND/OR GRANT**

WHEREAS: The Town of Nags Head (the "Town") has need for and intends to construct a project described as Asbestos Cement Pipe Replacement (the "project"), and

WHEREAS: The Town intends to request State loan/and/or grant assistance for the project, and

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

That the Town of Nags Head the **Applicant**, will arrange financing for all remaining costs of the projects, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the projects on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the projects a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Nags Head to make a scheduled repayment of the loan, to withhold from the Town of Nags Head any State funds that would otherwise be distributed to the Town of Nags Head in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That Andy Garman, Town Manager, and Amy Miller, Deputy Town Manager/Finance Officer, the **Authorized Representatives** and successors so titled, are hereby authorized to execute and file applications on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Representatives**, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such applications or the projects: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the projects and to Federal and State grants and loans pertaining thereto.

ADOPTED this the 2nd day of September 2026.

Ben Cahoon, Mayor
Town of Nags Head

ATTEST:

Brittany A. Phillips, Town Clerk



RESOLUTION ADOPTING THE TEN-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2027-2036

WHEREAS: The Town of Nags Head (the “Town”) continues to adhere to a high standard of professional financial management to ensure adequate infrastructure and services for its customers; and

WHEREAS: The Town has the need for an adopted ten-year Capital Improvement Budget Program (CIP) for water projects; and

WHEREAS: The Town recognizes the Capital Improvement Program to be an important management tool that coordinates infrastructure needs with the Town of Nags Head’s financial capacity; and

WHEREAS: The Town has prepared a ten-year Capital Improvement Program which balances projected revenues and expenditures based on a financial forecast and assumptions with regard to the Town of Nags Head’s long-range financial capacity and includes cost estimates for projects scheduled for at least the first five years; and

WHEREAS: The Town will update the ten-year Capital Improvement Budget Program regularly as part of the Town of Nags Head’s budget process; and

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD, that the ten-year Capital Improvement Program for Fiscal Years 2027-2036 is hereby adopted as the Town of Nags Head’s long-range Capital Improvement Program.

ADOPTED this the 2nd day of September 2026.

Ben Cahoon, Mayor
Town of Nags Head

ATTEST:

Brittany A. Phillips, Town Clerk

TOWN OF NAGS HEAD ADOPTED CAPITAL IMPROVEMENT PROGRAM FISCAL YEARS 2026-2027 THROUGH 2035-2036													
SUMMARY TABLE													
Priority:	Project:	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035	FY2036	>FY2036	Funding
Short-Term	Watermain extensions - Finch Street to Forbes Street/Dune Street to East Soundside Road	\$168,000											Reserve
	Vacuum trailer	\$66,078											Reserve
	Public Services Complex debt service	\$302,650	\$294,450	\$285,250	\$277,100	\$268,950	\$260,800	252650	\$244,500	\$236,350	\$228,200	\$1,369,200	20-year loan
	Advanced Metering Infrastructure debt service	\$135,000	\$132,000	\$134,000	\$130,750	\$132,500	\$134,000	\$135,250	\$131,250	\$132,250	\$133,000	\$931,000	20-year loan
Intermediate	Vista Colony AC waterline replacements		\$1,983,538										Grant/Reserve/Loan
	Villa Dunes AC waterline replacements		\$120,000	\$825,000									Grant/Reserve/Loan
	Back hoe loader		\$175,000										Reserve
	South Nags Head water main replacements			\$220,000	\$1,708,630								Grant/Reserve/Loan
	Water system master plan update				\$284,900								Grant/Reserve
	Old Nags Head Cove water main replacements				\$235,000	\$1,450,300							Grant/Reserve/Loan
	Grouse to Glidden Street tie-in					\$177,500							Reserve
	Causeway Fire Flow Improvements											\$3,100,000	Grant/Reserve/Loan
	Watermain extensions - Adams Lane to Blue Jay Street											\$650,000	Grant/Reserve
Long-Term	1 million gallon treatment train												15-year loan
	Totals:	\$671,728	\$2,704,988	\$1,464,250	\$2,636,380	\$2,029,250	\$394,800	\$387,900	\$375,750	\$368,600	\$361,200	\$6,050,200	



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM J.1.

Discussion of Multi-Year Beach Access Replacements

Prepared by

Amy Miller, Deputy Town Manager/Finance Officer

Reviewed by

Amy Miller
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

1. Replace the Barnes Street beach access walkover in FY 26/27, moving it up from FY 27/28. The cost is \$115,000. This would use all the local funds the Board appropriated this fiscal year for beach access walkover replacements.
2. Replace the Albatross Street beach access walkover in FY 27/28, moving it back from FY 26/27.
3. Apply for an Outer Banks Visitors Bureau grant for the Glidden Street beach access walkover. The town did not receive a CAMA grant for this project. Staff will update the Board on whether that grant is received, and will request additional funding or move the project back to a different fiscal year.

Specific Action Requested

Approve staff recommendations of re-prioritizing the beach access walkovers for Barnes, Albatross, and Glidden Streets.

Summary

Nags Head Public Services staff continually assesses the condition of the town's public beach accesses. Based on its condition, Public Services is requesting that the Barnes Street beach access be re-prioritized to be replaced this year. The CIP has Albatross being replaced this year and Barnes Street in FY 2027/28. Public Services is recommending switching these projects, since Albatross is in better condition. Local funding budgeted for beach access repairs this fiscal year totals \$116,675, which the town engineer estimates to be the cost of replacing the Barnes Street walkover.

The town has been striving to replace two beach access walkovers a year. The Glidden Street beach access was the second walkover the town was replacing in this fiscal year. This project was grant contingent, and we did not receive a CAMA grant. To keep this project on track, we would now recommend applying for a grant from the Outer Banks Visitors Bureau in September for 75% of the cost. We are usually notified in November of the grant award. If the town receives the OBVB grant, approximately \$46,600 in additional beach nourishment capital reserve funds would be needed to construct the project, since Barnes Street would use all the funds we budgeted for beach access replacements. We would come to the board in December and request the funds if we receive a favorable decision. Alternatively, the town could carry the grant award into FY 27/28 to complete Glidden Street, if the board decides not to fund the project outside of the budget process. If grant funds are not received, the Board will need to decide if they want to complete the project with only town funds this fiscal year or in a subsequent fiscal year.

The intent of the CIP is to follow the Board's prioritized order of programmatically replacing beach access

walkovers. However, as conditions deteriorate at individual locations, staff appreciates the Board's consideration to reprioritize replacements and provide flexibility as needs arise.

Attachments

1. 9 J1 CIP

Town of Nags Head Fiscal Year 2026/2027 through 2030-2031 Adopted Capital Improvement Program

Yellow highlights indicate items on the Adopted Fiscal Year 2025-2026 CIP Schedule

Description	Fiscal Year	Cash Cost	Grant Funding	Capital Reserve Funding	Total Cost	Capital Investment Fund Impact							FY 2032 And Beyond	Total Cost to Town (including interest)	
						FY 2027	FY 2028	FY 2029	FY 2030	FY 2031					
General Fund															
Town Manager:															
Conceptual design for a new fire station	2027	\$ 48,867	\$ -	\$ -	\$ 48,867	\$ 48,867	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	48,867
Soundside boardwalk - Phase I design	2028	100,000	-	-	100,000	-	100,000	-	-	-	-	-	-	-	100,000
Town Code/UDO recodification	2028	26,000	-	-	26,000	-	26,000	-	-	-	-	-	-	-	26,000
Board of Commissioners building audio/visual equipment	2029	64,500	-	-	64,500	-	-	64,500	-	-	-	-	-	-	64,500
Soundside boardwalk - Phase I construction	2029	500,000	500,000	-	500,000	-	-	-	-	-	-	-	-	-	-
Soundside boardwalk - Phase II design	2029	100,000	-	-	100,000	-	-	100,000	-	-	-	-	-	-	100,000
Soundside boardwalk - Phase II construction	2030	514,000	514,000	-	514,000	-	-	-	-	-	-	-	-	-	-
		\$ 1,353,367	\$ 1,014,000	\$ -	\$ 1,353,367	\$ 48,867	\$ 126,000	\$ 164,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	339,367
Admin. Services/Information Technology:															
Fiber build out - Dowdy Park and Bonnett Street	2029	\$ 52,800	\$ -	\$ -	\$ 52,800	\$ -	\$ -	\$ 52,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	52,800
Budget cycle management software	2029	241,422	-	-	241,422	-	-	64,860	56,007	58,807	61,748				241,422
		\$ 294,222	\$ -	\$ -	\$ 294,222	\$ -	\$ -	\$ 117,660	\$ 56,007	\$ 58,807	\$ 61,748				294,222
Planning:															
Parks and recreation plan update	2027	\$ 50,000	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
Public Services Administration:															
Carolista Dr./W. Soundside Rd.-west side multi-use path construction*	2027	\$ 1,688,935	\$ 750,000	\$ -	\$ 1,900,196	\$ 93,894	\$ 136,147	\$ 131,452	\$ 126,758	\$ 122,063	\$ 539,882				1,150,196
E. Barnes St./Blue Jay St. pedestrian project	2028	78,000	50,000	-	78,000	-	28,000	-	-	-	-				28,000
W. Seachase Dr./W. Baymeadow Dr./W. Gull St./W. Gray Eagle St. multi-use path survey/design update	2029	20,000	-	-	20,000	-	-	20,000	-	-	-				20,000
Villa Dunes Dr./S. Wrightsville Ave. pedestrian project	2029	152,500	68,750	-	152,500	-	-	83,750	-	-	-				83,750
W. Seachase Dr./W. Baymeadow Dr./W. Gull St./W. Gray Eagle St.-west side multi-use path construction*	2030	2,140,750	642,225	-	2,477,919	-	-	-	149,853	217,287	1,468,554				1,835,694
W. Woodhill Dr. pedestrian project	2031	143,500	92,625	-	143,500	-	-	-	-	50,875	-				50,875
S. Wrightsville Ave. pedestrian project	2031	628,250	281,625	-	628,250	-	-	-	-	346,625	-				346,625
		\$ 4,851,935	\$ 1,885,225	\$ -	\$ 5,400,365	\$ 93,894	\$ 164,147	\$ 235,202	\$ 276,611	\$ 736,850	\$ 2,008,436				3,515,140
Public Works Facilities Maintenance :															
Hargrove bath house design	2027	\$ 50,000	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -				50,000
Albatross Street beach access maintenance	2027	80,000	-	80,000	80,000	-	-	-	-	-	-				-
Glidden Street beach access maintenance	2027	171,600	134,925	36,675	171,600	-	-	-	-	-	-				-
Enclosed utility trailer	2027	13,000	-	-	13,000	13,000	-	-	-	-	-				13,000
Town Hall elevator replacement*	2027	143,900	-	-	143,900	14,390	20,866	20,146	19,427	18,707	82,742				176,278
Hargrove bath house construction	2028	852,500	826,250	-	852,500	-	26,250	-	-	-	-				26,250
Barnes Street beach access maintenance	2028	115,000	-	115,000	115,000	-	-	-	-	-	-				-
Grouse Street beach access maintenance	2028	160,000	120,000	40,000	160,000	-	-	-	-	-	-				-
Flail mower	2028	150,000	-	-	150,000	-	150,000	-	-	-	-				150,000
Town Hall generator replacement	2029	101,467	-	-	101,467	-	-	101,467	-	-	-				101,467
Beach road multi-use path maintenance construction	2029	500,000	-	-	500,000	-	-	500,000	-	-	-				500,000
Eighth Street beach access maintenance	2029	132,000	66,000	66,000	132,000	-	-	-	-	-	-				-
Ida Street beach access maintenance	2029	80,000	-	80,000	80,000	-	-	-	-	-	-				-
4x4 tractor	2029	230,000	-	-	230,000	-	-	230,000	-	-	-				230,000
Tandem dump truck	2030	250,000	-	-	250,000	-	-	-	250,000	-	-				250,000
Indigo Street beach access maintenance	2030	180,000	-	180,000	180,000	-	-	-	-	-	-				-
Islington Street beach access maintenance	2030	85,000	-	85,000	85,000	-	-	-	-	-	-				-
Grader	2030	267,000	-	-	267,000	-	-	-	267,000	-	-				267,000
Forrest Street beach access maintenance	2031	150,000	-	150,000	150,000	-	-	-	-	-	-				-
Loader	2031	350,000	-	-	350,000	-	-	-	-	350,000	-				350,000
Sweep truck	2031	195,000	-	-	195,000	-	-	-	-	195,000	-				195,000
		\$ 4,256,467	\$ 1,147,175	\$ 832,675	\$ 4,256,467	\$ 77,390	\$ 197,116	\$ 851,613	\$ 536,427	\$ 563,707	\$ 82,742				2,308,995



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM J.2.

Discussion of E-Bikes

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Staff would recommend that the board initiate a policy discussion on the management of e-bikes, to include a report and recommendation prepared by staff to be brought back at a future meeting, particularly with respect to their use on the beach road multi-use path and sidewalks.

Specific Action Requested

This item is provided for board discussion.

Summary

At the September 2, 2026 Board of Commissioners meeting, Police Chief Hale will give an overview of Nags Head's current e-bike ordinance, discuss potential changes, and review recent changes to North Carolina legislation included in Session Law 2026-46 (HB1094).

Attachments

1. 9 J2 Sec.42_92 NH Town Code
2. 9 J2 NC SL2026-46

Sec. 42-92. Operation of non-motorized, muscle-powered, electric-assist, & low-speed motorized vehicles and devices.

- (a) It shall be unlawful for any person to operate or ride a non-motorized, muscle-powered vehicle or device or an electric-assist vehicle or device on any multi-use pedestrian path, sidewalk, street, or other public area recklessly or at a speed faster than is reasonably proper, or in a manner so as to endanger the life, limb, or property of the rider or of any other person.
- (b) It shall be unlawful for any person to operate or ride any low-speed motorized vehicle or device, registered or unregistered, on any multi-use pedestrian path or sidewalk. It shall be unlawful for any person to operate or ride an unregistered low-speed motorized vehicle or device on any Town street. It shall be unlawful for any person to operate or ride a registered low-speed motorized vehicle or device on a street or other public area recklessly or at a speed faster than is reasonably proper, or in a manner so as to endanger the life, limb, or property of the rider or of any other person.
- (c) The town official governmental and emergency motor vehicles and vehicles are exempt from the restriction of not operating on the town's multiuse pedestrian path while in the performance of the town's official duties.
- (d) Low-speed motorized and electric-assist vehicles or devices must be operated in accordance with all applicable state and local laws and ordinances.

(Code 1990, § 11-68; Ord. No. 22-01-003, Pt. I, 1-5-2022)

Editor's note(s)—Formerly entitled "Riding coasters, roller skates, or similar devices," which was amended as herein set out by Ord. No. 22-01-003.

CLARIFY THE DEFINITION OF ELECTRIC ASSISTED BICYCLE AND AUTHORIZE LOCAL GOVERNMENT REGULATION

SECTION 19.(a) G.S. 20-4.01(7a) reads as rewritten:

"(7a) Electric Assisted Bicycle. – A bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 ~~watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.~~ watts that meets the requirements of one of the following three classes:

- a. Class 1 electric assisted bicycle. – A bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to assist once the bicycle reaches a speed of 20 miles per hour.
- b. Class 2 electric assisted bicycle. – A bicycle equipped with a motor that may propel the bicycle without pedaling but ceases to assist once the bicycle reaches a speed of 20 miles per hour.
- c. Class 3 electric assisted bicycle. – A bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to assist once the bicycle reaches a speed of 28 miles per hour."

SECTION 19.(b) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-171.3. Electric assisted bicycles.

(a) Except as otherwise provided in G.S. 160A-300, 160A-300.2, 153A-245.1, and as regulated by the Department of Natural and Cultural Resources in State parks, historical sites, or other properties within the jurisdiction of the Department, the operation of an electric assisted bicycle, as defined in G.S. 20-4.01, is permitted on all roadways, bicycle lanes, and multiuse paths.

(b) A person under the age of 18 operating or riding as a passenger on a Class 3 electric assisted bicycle shall wear a helmet that meets federal safety standards."

SECTION 19.(c) Article 15 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-300.2. Regulation of electric assisted bicycles.

(a) A city may regulate the use of electric assisted bicycles, as defined in G.S. 20-4.01, on any multiuse path or sidewalk within municipal limits. This authority includes the following:

- (1) Restricting the use of a class or classes of electric assisted bicycles.
- (2) Establishing speed limits.

(b) A city may require the use of a helmet by a person under the age of 18 operating or riding as a passenger on a Class 1 or Class 2 electric assisted bicycle."

SECTION 19.(d) Article 12 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-245.1. Regulation of electric assisted bicycles.

A county may regulate the use of an electric assisted bicycle in accordance with G.S. 160A-300.2. Nothing in this section shall be deemed to restrict or repeal the authority of a city to regulate the use of an electric assisted bicycle."

SECTION 19.(e) The Department of Transportation shall develop educational materials on the proper use and safety considerations of electric assisted bicycles.

SECTION 19.(f) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

PERSONAL DELIVERY DEVICE AMENDMENTS

SECTION 20.(a) G.S. 20-4.01(28a) reads as rewritten:



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM J.3.

Discussion of Automated License Plate Readers

Prepared by

Brittany Phillips, Town Clerk

Reviewed by

Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Dare County and the municipalities in Dare County received a petition requesting information on the use of ALPR systems and discontinuation of their use. The town has used these systems for several years and the information has led to the resolution of a number of criminal cases. We have a policy which governs how the data can be accessed and shared. We also maintain a transparency portal to help the public understand how the system is used. Our staff are highly trained and professional. We believe we have the appropriate oversight and internal controls in place to manage use of the system.

Specific Action Requested

This item is provided for board information and update.

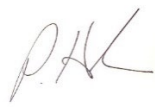
Summary

At the September 2, 2026 Board of Commissioners meeting, Police Chief Hale will give an overview of Nags Head's automated license plate reader system, including the policy and controls we have in place to oversee and appropriately manage its use.

The Police Department shares information about our system through its website <https://www.nagsheadnc.gov/225/Police>. Here you can find our transparency portal, an FAQ page, and our policy on use of the system.

Attachments

1. 9 J3 NHPD Automated License Plate Readers

NAGS HEAD POLICE DEPARTMENT	POLICY AND PROCEDURE MANUAL
SUBJECT: AUTOMATED LICENSE PLATE READERS (ALPRs)	NUMBER: 4-06
EFFECTIVE DATE: January 1, 2024	LAST UPDATE: August 6, 2026
	APPROVED:  Perry Hale Chief of Police

NOTE:

This policy and procedure is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

ALPR
Data
Release

I. POLICY

The policy of the Nags Head Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review. The Nags Head Police Department contracts with Flock Safety for ALPR services.

II. PURPOSE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (NCGS § 20-183.31).

III. PROCEDURE

A. ADMINISTRATION

1. The ALPR technology, also known as License Plate Recognition (LPR), allows for automated detection of license plates. It is used by the Nags Head Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.
2. All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Chief of Police or his designee. The Chief of Police will assign selected members to have administrative access for the operation of the ALPR equipment and data.

B. OPERATIONS

1. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.
2. An ALPR shall only be used for official law enforcement business.
3. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
4. Partial license plates reported during crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
5. An ALPR query shall have a departmental case number and reason associated with the query.
6. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
7. No ALPR operator may access confidential department, state, or federal data unless authorized to do so.
8. If practicable, the officer should verify an ALPR response through the Division of Criminal Information Network (DCIN) before taking enforcement action that is based solely on an ALPR alert.
9. ALPR data shall not be used for the enforcement of traffic violations.

C. SUPERVISOR RESPONSIBILITIES

1. Supervisors should appropriately monitor ALPR operators to ensure that use of the ALPR equipment and data is consistent with this policy.
2. Any use of the ALPR system that violates the restrictions contained in this policy may result in disciplinary action.

D. DATA COLLECTION AND RETENTION

1. The Chief of Police, or his designee, is responsible for ensuring systems and processes are in place for the retention of ALPR data.
2. All stored ALPR data should be retained in accordance with the established records retention schedule. Thereafter, ALPR data shall be purged after 90 days unless a warrant has been issued for the data, or it is subject to a written and sworn retention request pursuant to NCGS § 20-183.32.
3. ALPR data may be retained 90 days per NCGS § 20-183.32. The Nags Head Police Department utilizes Flock Safety ALPRs which only retain data for 30 days per their default settings.
4. Data being retained pursuant to a retention request should be downloaded onto the portable media, booked into evidence and retained for a period of one year after the initial request unless a subsequent request to maintain the data is received.

E. ACCOUNTABILITY

1. All data will be closely safeguarded and protected by both procedural and technological means. The Nags Head Police Department will observe the following safeguards regarding access to and use of stored Flock Safety data:
 - a. All ALPR data downloaded to the mobile workstation and in storage under these guidelines are permitted to access the data for legitimate law enforcement purposes only through a login/password-protected system capable of documenting all access of information by name, date and time.
 - b. Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data related to a specific criminal investigation or department-related civil or administrative action.
 - c. ALPR system audit will be conducted monthly to review the following:
 - (1) Number of queries by officer
 - (2) Number of total queries

- (3) Number of hits
- (4) Case and Reason for query

F. SYSTEM INTEGRITY

- 1. The Chief of Police, or his designee, shall oversee the annual audit process, conduct maintenance checks as needed, and implement any required corrections or adjustments to the ALPR system.
- 2. The ALPR system should be updated every 24 hours, or as soon as practicable thereafter, with any license plate data obtained from the DCI network or any other databases used in conjunction with the ALPR system.

G. RELEASING ALPR DATA

- 1. ALPR data shall only be shared with another law enforcement agency or prosecutor upon a written request, which may be done electronically. The release of ALPR data is not required if the disclosure of requested ALPR data will compromise an on-going investigation.
- 2. Per North Carolina General Statute, ALPR Data is not considered public record.
- 3. Data sharing will only be conducted with requesting Law Enforcement agencies from within North Carolina.

H. REQUESTS TO OUTSIDE AGENCIES

- 1. Members requesting the retention of ALPR data maintained by another agency should obtain supervisory approval prior to making the request. Members may request the disclosure of data from another agency by submitting a request in writing. Members requesting that data be retained by another agency must submit a sworn written statement as required by NCGS § 20-183.32. A copy of any requests shall be retained in a case file.
- 2. Efforts should be made as soon as practicable to obtain a search warrant to access requested data. The member requesting the data should contact the outside agency to cancel any request should the information no longer be needed.

I. TRAINING

- 1. Subject to resources, the Department should provide training on the use and operation of the ALPR equipment via the Flock Safety System, the collection of ALPR data, and the security and release of ALPR data.

J. REPORTING

1. In addition to the monthly audit process, an annual audit of the ALPR system shall be completed and forwarded to the Chief of Police. The annual audit shall include the following:
 - a. Any data preserved for more than 90 days in accordance with NCGS § 20-183.32
 - b. User Access Management
 - c. User Training and Compliance
 - d. Flock Transparency Portal Review
 - e. Policy Review
 - f. System Review



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM J.4.

Discussion of Dare County Beaches Project

Prepared by

Katie Anzalone, Deputy Town Clerk

Reviewed by

Katie Anzalone
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Years ago, Dare County, Nags Head, Kill Devil Hills, and Kitty Hawk received an authorization for a federal beach nourishment project which was never funded. Recently, this project was slated to be de-authorized by Congress. Each community, including Nags Head, recently submitted letters requesting that the authorization remain intact. We recommend further work to evaluate whether it is possible to obtain federal funding if the project remains authorized.

Specific Action Requested

This item is provided for board information and update.

Summary

At the September 2, 2026 Board of Commissioners meeting, Town Manager Garman will discuss the letter submitted on behalf of the Town of Nags Head requesting that the Dare County Beaches, NC (Bodie Island) Coastal Storm Damage Reduction Project remain authorized for future evaluation and implementation.

Please find attached the town's letter to Adam R. Telle, Assistant Secretary of the Army for Civil Works, U.S. Department of the Army.

Attachments

1. 9 J4 Dare County Beaches Letter

Ben Cahoon
Mayor

Megan Lambert
Mayor Pro Tem

Andy Garman
Town Manager



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

Bob Sanders
Commissioner

Megan Vaughan
Commissioner

Molly Harrison
Commissioner

Adam R. Telle
Assistant Secretary of the Army for Civil Works
U.S. Department of the Army
Via Email: WRDA2024@USACE.ARMY.MIL

August 17, 2026

RE: Docket No. COE-2026-0034 - Dare County Beaches, NC (Bodie Island) Coastal Storm Damage Reduction Project

Dear Assistant Secretary Telle:

On behalf of the Town of Nags Head, I respectfully request that the Dare County Beaches, North Carolina (Bodie Island) Coastal Storm Damage Reduction Project retain its federal authorization and be removed from the proposed deauthorization list. Please accept this letter as the Town's formal public comment under Docket No. COE-2026-0034.

The authorized project remains highly relevant. It includes approximately 14.1 miles of shoreline through portions of Kitty Hawk, Kill Devil Hills, and Nags Head and was developed to reduce coastal storm damages, protect public infrastructure and transportation corridors, and preserve vital economic and recreational resources. These purposes remain as important today as when Congress authorized the project under Section 101(b)(24) of the Water Resources Development Act of 2000.

The project also advanced beyond authorization. A Design Cost Sharing Agreement was executed in 2001; plans and specifications were completed; environmental monitoring was conducted; and a Limited Reevaluation Report was initiated. The project stalled because federal construction appropriations were not provided, not because the need, local support, or project purpose had diminished.

Since initial authorization, Dare County and its municipalities have been forced to make substantial local investments in beach nourishment, dune restoration, and shoreline management or face loss of infrastructure and economic benefits. These efforts do not replace the federal project; they demonstrate continued need and sustained non-federal commitment despite the fact that funds for project construction have not been appropriated.

Retaining the authorization would allow USACE and its non-federal partners the flexibility to update any required reevaluation or design before the federal opportunity is eliminated and determine the appropriate path forward for a Coastal Storm Risk Management project.

For these reasons, the Town respectfully requests that the Dare County Beaches, NC (Bodie Island) Coastal Storm Damage Reduction Project be removed from the proposed deauthorization list and remain authorized for future evaluation and implementation.

Thank you for your consideration.

Sincerely,

Andy Garman
Town Manager



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 2, 2026

AGENDA ITEM L.1.

Discussion of Fall 2026 Retreat

Prepared by

Katie Anzalone, Deputy Town Clerk

Reviewed by

Katie Anzalone
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Staff would recommend identifying two consecutive days in November that the full board could attend a retreat.

Specific Action Requested

This item is provided for board information and update.

Summary

At the September 2, 2026 Board of Commissioners meeting, Mayor Cahoon/Town Manager Garman will discuss potential dates and content of the proposed Board Retreat.

Attachments

None