



## AGENDA

TOWN OF NAGS HEAD BOARD OF COMMISSIONERS  
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM  
WEDNESDAY, MARCH 1, 2023, 9:00 A.M.

***(NOTE: Please note that since requirements put in place for COVID have expired, written comments received prior to a Board of Commissioners meeting, not associated with a legislative or quasi-judicial public hearing, will be entered into the meeting minutes but will not be read aloud.)***

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

**B. ADOPTION OF AGENDA**

**C. RECOGNITION**

1. RECOGNITION

TEN YEARS – Town Engineer David Ryan – February 4, 2013

FIFTEEN YEARS – Police Sergeant Vincent Hopson – February 28, 2008

PRESENTATION – Arts & Culture Committee

PROCLAMATION – Safety Week Proclamation – March 6-10, 2023

Documents:

[3 C RECOGNITION SUMMARY.PDF](#)

[3 C ARTS AND CULTURE UPDATE MEMO.PDF](#)

[3 C RECOG SAFETY WEEK PROC.PDF](#)

**D. PUBLIC COMMENT**

**E. CONSENT AGENDA**

1. Consideration Of Budget Amendment #11 To FY 22/23 Budget

Documents:

[3 E1 BUDGET AMEND TO FY 22-23 SUMMARY.PDF](#)

[3 E1 BUDGET AMEND WORKSHEETS.PDF](#)

2. Consideration Of Tax Delinquent List To Be Advertised

Documents:

[3 E2 TAX DELINQ LIST SUMMARY.PDF](#)

[3 E2 TAX DELINQUENT LIST.PDF](#)

3. Approval Of Minutes

Documents:

[3 E3 MINUTES SUMMARY.PDF](#)

3 E3 MINUTES FEB 1 2023 BOC.PDF

4. Consideration Of Change Order To Oakley Collier Contract  
for construction administration services for Public Services Project

Documents:

[3 E4 OAKLEY COLLIER CONTRACT CO SUMMARY.PDF](#)  
[3 E4 OAKLEY COLLIER CONTRACT CO.PDF](#)

5. Consideration Of Modification To Consolidated Fee Schedule Re: Events

Documents:

[3 E5 CFS CROWD PERMIT EVENTS SUMMARY.PDF](#)  
[3 E5 CFS CROWD PERMIT CFS MEMO.PDF](#)  
[3 E5 CFS CROWD PERMIT CFS PAGES.PDF](#)

6. Consideration Of Capital Project Ordinances
  - Consideration of Beach Nourishment Capital Project Ordinance, amendment #9, Closeout of Hurricane Matthew
  - Consideration of Capital Project Ordinance, amendment #2, for Public Services Complex Project
  - Consideration of Water Capital Project Ordinance for Public Services Complex and Advanced Metering Infrastructure Projects

Documents:

[3 E6 CAPITAL PROJ ORDINANCES SUMMARY.PDF](#)  
[3 E6 CPO CLOSEOUT HURR MATTHEW BN ORD AMEND 9.PDF](#)  
[3 E6 CPO PS COMPLEX ORD AMEND 2.PDF](#)  
[3 E6 CPO WATER PS COMPLEX-AMI ORD.PDF](#)

7. Consideration Of Resolution To Authorize Application To NC DEQ For A Stormwater Planning Grant

Documents:

[3 E7 ARPA STORMWATER FUNDING SUMMARY.PDF](#)  
[3 E7 ARPA STORMWATER FUNDING RES.PDF](#)

8. Request For Public Hearing  
to consider a text amendment to the Unified Development Ordinance as it pertains to the definition of "Habitable Building Area"

Documents:

[3 E8 RPH HABITABLE BLDG AREA SUMMARY.PDF](#)

**F. PUBLIC HEARINGS**

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

1. Update From Planning Director

Documents:

[3 G1 PLANNING DIR SUMMARY.PDF](#)  
[3 G1 PLANNING DIR REPORT.PDF](#)

2. Consideration Of Request For Additional Funding For The Dune Management Program  
- Consideration of amendment to Capital Project Ordinance

Documents:

[3 G2 DUNE MGMT SUMMARY.PDF](#)  
[3 G2 DUNE MGMT MEMO.PDF](#)  
[3 G2 DUNE MGMT CPO POST-DORIAN ORD AMEND 8.PDF](#)

#### **H. OLD BUSINESS TABLED FROM PREVIOUS MEETINGS**

1. From Feb 1st Board Meeting – Discussion Of Beach Concierge Ordinance Changes

Documents:

[3 H1 BEACH CONCIERGE SUMMARY.PDF](#)  
[3 H1 BEACH CONCIERGE ORD WITH EDITS-2.PDF](#)

2. From Feb 1st Board Meeting – Consideration Of Resolution Re: Legislation Prohibiting Abandoning Beach Holes

Documents:

[3 H2 PROHIBIT BEACH HOLES SUMMARY.PDF](#)  
[3 H2 PROHIBIT BEACH HOLES RES.PDF](#)

#### **I. NEW BUSINESS**

1. Committee Reports

Documents:

[3 I1 COMMITTEE REPORTS SUMMARY.PDF](#)

2. Consideration Of Request For Cost Increase From TFC Recycling

Documents:

[3 I2 TFC RECYCLING SUMMARY.PDF](#)  
[3 I2 TFC RECYCLING EMAIL.PDF](#)  
[3 I2 TFC RECYCLING AGREEMENT.PDF](#)

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

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

1. Discussion Of Review Of Expansion/Revision Of Good Samaritan Law

Documents:

[3 K1 TM GOOD SAMARITAN LAW SUMMARY.PDF](#)  
[3 K1 TM GOOD SAMARITAN LAW DARE CO RES.PDF](#)  
[3 K1 TM GOOD SAMARITAN LAW GS 90-96.2.PDF](#)

2. Discussion Of Request From Deel Engineering To Vacate Portion Of Turnstone Ave

Documents:

[3 K2 TM TURNSTONE AVE ABANDON REQUEST SUMMARY.PDF](#)  
[3 K2 TM TURNSTONE AVE ABANDON REQUEST LTR.PDF](#)

3. Consideration Of MOU Between Nags Head And Kill Devil Hills Re: Building Inspector Mutual Aid

Documents:

[3 K3 TM MOU NH AND KDH BLDG INSP SUMMARY.PDF](#)  
[3 K3 TM MOU NH AND KDH BLDG INSP.PDF](#)

**L. BOARD OF COMMISSIONERS AGENDA**

**M. MAYOR'S AGENDA**

**N. CLOSED SESSIONS**

1. Request For Closed Session

Town Attorney Leidy – Request for Closed Session pursuant to GS 143-318.11(a)(3) in order to consult with the Attorney regarding matters protected by attorney/client privilege, and to preserve that privilege, including the TNH v. Budlong and TNH v. Cherry Inc. litigation

Documents:

[3 N CS RCS SUMMARY.PDF](#)

**O. OTHER BUSINESS**

**P. ADJOURNMENT - Recess To Budget Workshop**

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**5401 S. Croatan Hwy, Nags Head, NC 27959**  
**252-441-5508**