



## 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**

1. Public Hearing To Consider The Adoption  
of Unified Development Ordinance (UDO) and Zoning Map amendments as it pertains to the Historic Character Area and the moratorium adopted October 19, 2022.  
Specifically, the Board of Commissioners will be considering the following:

- Text amendments establishing a new zoning district, the C-5 Historic Character Commercial Zoning District, development regulations and standards for C-5, permitted uses for C-5, and
- Zoning map amendment/rezoning of the area from Danube Street north to Hollowell Street, between US Highway 158 and NC 12, and
- An amendment to the Table of Uses for C-5

Documents:

[3 F1 PH NEW C-5 DISTRICT SUMMARY.PDF](#)  
[3 F1 PH NEW C-5 DISTRICT PN.PDF](#)  
[3 F1 PH NEW C-5 DISTRICT MEMO ORD.PDF](#)  
[3 F1 PH NEW C-5 DISTRICT - PB CERTIFICATION LTR.PDF](#)

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

1. 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**

