



***DRAFT* MINUTES  
TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
RECESSED MEETING  
WEDNESDAY, DECEMBER 15, 2021**

The Nags Head Board of Commissioners met in person at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, December 15, 2021 at 9:00 a.m. for a Recessed Meeting. The Town continues to adhere to COVID state and local guidelines.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Renée Cahoon; and Comr. Kevin Brinkley

Board members Absent: Comr. Bob Sanders

Others present: Town Manager Andy Garman; Attorney John Leidy; David Ryan; Eric Claussen; Karen Snyder; Roberta Thuman; Michelle Gray; and Town Clerk Carolyn F. Morris

**CALL TO ORDER**

Mayor Cahoon called the meeting to order at 9 a.m.

**ADOPTION OF AGENDA**

MOTION: Comr. Renee Cahoon made a motion to approve the December 15<sup>th</sup> agenda with the removal of agenda item D-2 (Consideration of Caterpillar Wheel Loader Replacement Budget Amendment) from the Consent Agenda for separate discussion later in the meeting. The motion was seconded by Mayor Pro Tem Siers which passed 4 – 0 (Comr. Sanders was not present.).

**PUBLIC COMMENT**

Attorney Leidy introduced Public Comment at 9:03 a.m. and, there being no one present who wished to speak, concluded Public Comment at 9:03 a.m.

**CONSENT AGENDA**

The Consent Agenda consisted of the following item:

- Consideration of Budget Amendment #6 to FY 21/22 Budget

**MOTION:** Comr. Renée Cahoon made a motion to approve the Consent Agenda as amended - with the removal of Item D-2 re: Caterpillar Wheel Loader Replacement Budget Amendment. The motion was seconded by Comr. Brinkley which passed 4 – 0 (Comr. Sanders was not present.).

Budget Amendment #6 to the FY 21/22 Budget, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

## **NEW BUSINESS**

### Consideration of award and/or contract authorization for Old Nags Head Cove Water Main Replacement Project

Town Engineer David Ryan summarized the agenda summary sheet which read in part as follows:

"The fiscal year 2021-2022 Capital Improvement Program for Water Distribution identified approximately 13,000 l.f. of existing asbestos-cement water main replacement in association with drainage and roadway resurfacing improvements within the Old Nags Head Cove Subdivision. The area of improvements are focused on the southern section of the neighborhood between W. Danube St. south to S. Roanoke Way and through to S. Links Drive.

"The design plans were prepared by WithersRavenel and structured to accommodate three separate installation method types: pipe bursting, horizontal directional drill, and open cut trench methods. The bids accounted for construction to occur in two separate time frames: Spring 2022 and Fall 2022. Due to the estimated 8-month duration for project construction, an allowance was provided to permit the contractor to start the installation in the Spring 2022-time frame, demobilize between the end of May and Mid-September, and complete in the Fall 2022.

"Formal bids were received on December 2, 2021 for the Old Nags Head Cove watermain replacement from three utility contractors. Enviro-Tech Unlimited Construction Services, LLC submitted the lowest, responsive, responsible bid for two out of the three installation methods: Open Cut method at \$1,378,208 and Horizontal Direction Drill (HDD) at \$1,978,585. A certified bid tabulation and Letter of Recommendation have been issued by WithersRavenel and are attached hereto.

"Staff will be available to discuss scheduling, scope of work, and potential installation alternatives.

"The budgeted funds for the project work are \$1,759,930. Staff is requesting Board approval to award the bid to Enviro-Tech Unlimited Construction Services, LLC in the amount of \$1,378,208.00 and to authorize the Town Manager to execute the construction contract."

Engineer David Ryan provided an overview with photo/drawing. He noted that a wider driveway apron will provide a more esthetically pleasing look for the neighborhood.

Engineer Ryan is requesting that the Board authorize the Town Manager to execute the contract with Enviro-Tech Unlimited Construction Services – for the open cut construction method. He noted that staff has reached out to the Links Golf Course next door so that they are aware of the proposed plans. They have also reached out to the Nags Head Cove Property Owners Association and a resident in the Cove who has offered to act as liaison. A notice will be mailed to each affected property owner and a zoom meeting

will be set up to take place in early January 2022. He anticipates construction to begin as early as mid-January 2022.

In response to Comr. Brinkley, Engineer Ryan stated that he would meeting in person with those unable to participate in a zoom meeting.

Comr. Renée Cahoon confirmed with Engineer Ryan that temporary gravel would fill the removed driveway portions.

Mayor Pro Tem Siers questioned if staff will be coming back to the Board requesting more funds. Engineer Ryan said that today's request is just for the open cut project - Engineer Ryan will be working with the contractor to ascertain any additional construction costs. Mayor Pro tem Siers also confirmed that staff would work with individual property owners concerning their vegetation.

**MOTION:** Comr. Renée Cahoon made a motion to award the Old Nags Head Cove Water Main Replacement Project contract to Enviro-Tech Unlimited Construction Services, LLC and to authorize the Town Manager to execute the contract in an amount not to exceed \$1,378,208. The motion was seconded by Comr. Brinkley which passed 4 – 0 (Comr. Sanders was not present.).

Public Works Master Plan, Phase I - Scope  
- Consideration of Budget Amendment

Town Engineer David Ryan summarized the agenda summary sheet which read in part as follows:

"In accordance with the Mini-Brooks Act, the Town of Nags Head advertised a Request for Qualifications for Architectural, Engineering, and Construction Administration services for the design, permitting, and construction oversight of the proposed Public Works Facility redevelopment project. Four submissions were received and evaluated by a selection committee based upon a pre-selected set of criteria. Three of the four firms were interviewed and ranked according to the demonstrated capability of the proposer to perform all of the work elements. Of the three project teams shortlisted, the design team of Oakley Collier was determined to be the most qualified.

'Town staff has worked with the selected design team to develop an initial scope of work for the project. A fee proposal has been prepared and submitted to account for the first phase scope of services which will encompass, but not be limited to, programming review, schematic plan development, surveying, geotechnical investigations, permitting, grading, drainage, utility infrastructure improvement planning, site development plan preparation, and estimation of probable construction costs. The submitted fee proposal to perform the above-referenced services is \$389,950.

'A future second phase of design services would be submitted to the Board after the Board's workshop on January 26<sup>th</sup> to capture the remainder of the work based on the Board's desired project scope and phasing plan. The current phase would allow for programming, site planning, and permitting work to commence. Our goal would be to have a site plan approved for all phases even if the Board proceeds with only certain elements recognizing that site plans and permits would be valid for several years.

'Staff is requesting Board approval to authorize the Town Manager to enter into a professional services contract with the design team of Oakley Collier for an amount not to exceed \$389,950. If the Board concurs with the staff recommendation, a budget amendment in the amount of the \$115,00 would be required in addition to this action since the Board has already budgeted \$275,000 for design services."

Engineer Ryan introduced Ann Collier and Tim Oakley from the Oakley/Collier Design Team. Mr. Oakley explained the process which he is proposing to take place in two phases. Board members spoke in favor of the design team.

**MOTION:** Comr. Brinkley made a motion to authorize the Town Manager to enter into a professional services contract with the design team of Oakley Collier for an amount not to exceed \$389,950 for the initial scope of work for the Public Works Master Plan. The motion was seconded by Comr. Renée Cahoon which passed 4 – 0 (Comr. Sanders was not present.).

**MOTION:** Comr. Brinkley made a motion to approve the Budget Amendment in the amount of \$115,000 as presented. The motion was seconded by Comr. Renée Cahoon which passed 4 – 0 (Comr. Sanders was not present.).

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

### Town Manager Garman - Project Updates

- Post-Dorian Beach Nourishment Project
- Old Nags Head Place Drainage Project

The agenda summary sheet read in part as follow:

“Town Manager Andy Garman will provide updates on the Post-Dorian Beach Nourishment Project as well as the Old Nags Head Place Drainage Project, with assistance from staff, at the December 15<sup>th</sup> Board of Commissioners meeting.”

### *Post-Dorian Beach Nourishment Project*

Town Engineer David Ryan reported that while he still doesn't have the required permits for the Post-Dorian Beach Nourishment Project, he is staying on top of it - they had thought the State 401 Water Quality Certification would have been received by now and it is still expected any day - to be followed after that by the other permits. Engineer Ryan reported that staff has been in contact with the State agencies so they don't feel there is an issue at this time. In addition, staff has met with the contractor and secured extended bid pricing until the end of January 2022. He pointed out that he still expects to be able to begin the project by May 1<sup>st</sup>.

### *Old Nags Head Place Drainage Project*

Town Engineer David Ryan reported on the Old Nags Head Place drainage project. They are moving forward with funding and with the assessment. Funds from the Old Nags Head Place Subdivision property owners are not yet in place but the project is expected to be bid during Summer 2022 with a Fall 2022 construction timeframe.

Agenda item D-2 removed from Consent Agenda – Consideration of Caterpillar (CAT) Wheel Loader Replacement Budget Amendment

Town Manager Garman explained that a revised Budget Amendment was prepared by Finance Director Amy Miller - Board members expressed interest in not financing the amount needed for the Wheel Loader over time but to instead pay the minimal amount.

MOTION: Comr. Renée Cahoon made a motion to approve the revised Budget Amendment #6.2A, as forwarded by Finance Director Amy Miller, for the purchase of the Facilities Maintenance Wheel Loader pay-go for the five-year warranty as presented. The motion was seconded by Comr. Brinkley which passed 4 - 0 (Comr. Sanders was not present.).

**BOARD OF COMMISSIONERS AGENDA**

Comr. Brinkley - Merry Christmas/Happy New Year to staff

Comr. Brinkley wished staff a Merry Christmas and a Happy New Year; Town Manager Garman responded that staff would like to wish the Board the same and to also thank the Board for the Christmas Party, monetary bonus, and the support provided by the Board this past year.

Comr. Renée Cahoon - Emphasize to everyone to watch for holiday scammers

Comr. Renee Cahoon asked staff to put out a notice via social media, email broadcast, and the Town's website encouraging everyone to be very alert and cautious re: holiday scammers - both through emails and phone calls.

**MAYOR'S AGENDA**

Mayor Cahoon - January 2022 Workshop Date Change

Mayor Cahoon reported that the January Workshop has been changed from Wednesday, January 26<sup>th</sup> to Tuesday, January 25<sup>th</sup> - in order to accommodate Comr. Sanders' Essentials of Municipal Government class January 26 - 28, 2022.

**ADJOURNMENT**

MOTION: Mayor Pro Tem Siers made a motion to adjourn. The motion was seconded by Comr. Brinkley which passed 4 - 0 (Comr. Sanders was not present.). The time was 9:41 a.m.

\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

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

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