



**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED MINUTES
TUESDAY, FEBRUARY 18, 2020**

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Tuesday, February 18, 2020 at 1:00 p.m.

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

Board members Absent: None

Others present: Town Manager Cliff Ogburn; Andy Garman; David Ryan; Amy Miller; Roberta Thuman; Hunter Freeman; John Cece; and Dep. Town Clerk Michelle Gray

CALL TO ORDER

Mayor Cahoon called the meeting to order at 1:00 p.m. A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

MOTION: Comr. Cahoon made a motion to approve the February 18th agenda as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

PUBLIC COMMENT

Mayor Cahoon conducted the Public Comment period.

PUBLIC COMMENT – JOHN CECE

John Cece, Nags Head resident; he followed up his email to the Board with a specific question to each member. Mayor Pro Tem Siers – would he sell an eight-bedroom house for the price of a four-bedroom house in South Nags Head; Comr. Cahoon – would she have a two-for-one sale at her store for the residents in South Nags Head; Mayor Cahoon – would he design a house for half price to residents in South Nags Head; Comr. Brinkley - when he was police chief would he schedule twice the number of patrols in South Nags Head; Comr. Fuller – would Village Realty rent an eight-bedroom house for the price of a four-bedroom house. Lastly, he asked Town Manager Ogburn – would he have trash picked up four times a week in South Nags Head rather than twice weekly. His final question to all – why should South Nags Head get twice the amount of sand than the northern part of town at the same cost rate. He asked the Board to charge each Municipal Service District proportionally by the amount of sand they receive.

There being no one else present who wished to speak, Mayor Cahoon concluded Public Comment at 1:05 p.m.

NEW BUSINESS

Consideration of contract award for Stormwater Master Plan Projects #12, #13 – South Nags Head and authorize Town Manager to execute associated contract

Town Manager Ogburn introduced Hunter Freeman, PE from Withers Ravenel to present Part 1 of the Stormwater Master Plan Projects #12, #13. Mr. Freeman summarized the bid opening held on January 30, 2020 from three bidders 1) RPC Contracting, Inc.; 2) Barnhill Contracting Co.; and 3) Hatchell Concrete, Inc.

The agenda summary sheet was summarized by David Ryan, Town Engineer which read in part as follows:

“On January 7, 2020, The Town of Nags Head solicited formal bids for the construction of (2) separate drainage infrastructure improvement projects encompassing the following work- (1) French drain installation on the east side of Old Oregon Inlet Road between James St. and Juncos St., and (2) French drain installation, generally on the east side of Old Oregon Inlet Rd. between Hargrove St. to Harvest St., wet well and pump installation near Harvest Dr., with connecting force main discharging to a west side infiltration basin north of Fire Station 21. Bids were received on Jan. 30, 2020 with (3) competitive bids being received from the following contractors: RPC Contracting Inc., Hatchell Concrete, Inc. and Barnhill Contracting Company. The lowest responsible, responsive bidder, Barnhill Contracting Company, submitted bid proposal of \$1,263,236.15. exceeded the available funds for the project. In accordance with NCGS 143-129, a unit of government may negotiate with the lowest responsive, responsible bidder to make “reasonable” changes to the plans and specifications to bring the contract price within the funds available. A value engineering exercise was conducted between the contractor and the consulting engineer to bring the construction contract price to \$759,962.64.”

Mayor Ben Cahoon asked Mr. Hunter Freeman to summarize the engineering reduction/changes in value since the original bid exceeded available funds for the project. Mr. Freeman noted the below changes:

- overall length of each project was reduced approximately 600 feet
- overall French drain length continues to be approx. 2900' feet
- a wet well (manhole) at project area #12 has been eliminated at this time
- reduced the number of inlets and driveways
- overall impact would be 5-10% reduction in performance
- projects will have provisions to expand
- schedule pushed back bit, the reduction in length will help overall timeline; completion shortly after Memorial Day
- project area #12 still have a noticeable reduction in stormwater

In response to questions from the Board, Mr. Hunter takes responsibility for the too-aggressive estimate, the original estimate was based on last year's project; late change for the projects to meet DOT specification instead of the town's all contributed to that estimate.

Town Manager Ogburn added that DOT should have some responsibility in these projects. Mr. Ryan noted that DOT has corresponded to him “that the likelihood of funds towards these projects is extremely unlikely.”

After the Board members discussed the pros and cons of the projects, Comr. Renée Cahoon made a **MOTION** to delay any action on this contract in order to renegotiate the contract, as discussed by the Board, until next spring. Comr. Kevin Brinkley seconded the motion. After some discussion, Comr. Cahoon amended the motion to delay action until the fall of 2020. The motion carried unanimously.

Consideration of Phases 8B and 8C of W Side Multi-Use Path - Authorization for Town Manager to execute contracts and Notices of Award

The agenda summary was summarized by David Ryan, Town Engineer which read in part as follows:

"Parts 1 and 2: On January 16, 2020, The Town of Nags Head solicited formal bids for the construction of (2) separate multi-use path projects. Bids for the two projects were received on February 11, 2020. Board consideration of the projects will be considered separately and in two parts.

'Part 1

The first project, Phase 8B, W. Side Multi-Use Path encompasses the following work: approximately 3,792 l.f of 6'-10' wide concrete multi-use pathway with associative concrete curb and gutter, drainage infrastructure improvements and incidental work along the S. Croatan Hwy (US Hwy 158) western right-of-way margin extending from Baymeadow Dr.. to the north end of the Outer Banks Visitors Bureau "Event Site" and from the south end of the "Event Site" to Gull St. Bids were received on Feb. 11, 2020 with (3) competitive bids received from the following contractors: RPC Contracting Inc., Hatchell Concrete, Inc. and Barnhill Contracting Company. RPC Contracting Inc., was determined to be the lowest responsible, responsive bidder, with a submitted bid proposal of \$533,900. Please note that an alternate bid item #1 was provided on the bid form for a substitution of slope stabilization material specified in the base bid. Considering the cost differential and stabilization benefits of the two stabilization product types, staff recommends proceeding with the specified base bid geocell containment system, thus waiving the need for acceptance of pricing for alternate #1.

'Part 2

The second project, Phase 8C, W. Side Multi-Use Path encompasses the following work: - Base Bid: approximately 4,500 l.f of 10' wide concrete multi-use pathway with associative concrete curb and gutter, drainage infrastructure improvements and incidental work along the S. Croatan Hwy (US Hwy 158) western right-of-way margin extending from W. Danube St. to W. Seachase Dr. The bid package was structured with a base bid and an alternate bid to permit the Town flexibility to award a portion of the scope of work if the bids exceeded the available funds. Bids were received on Feb. 11, 2020 with (3) competitive formal bids being received from the following contractors: RPC Contracting Inc., Hatchell Concrete, Inc. and Barnhill Contracting Company. For Phase 8C, RPC Contracting Inc., was determined to be the lowest responsible, responsive bidder, with a submitted bid proposal of \$613,260. Since the lowest responsive, responsible bid received for the base bid + additive alternate amount was within the available funds, staff recommends acceptance of the total scope of work."

Construction for the two parts of the multi-use path would begin in March with completion by mid-June.

Comr. Fuller noted that in years past, the town received a grant to plant vegetation along the Old Nags Head Cove Subdivision on Hwy 158 and that careful measures should be taken to minimize the disturbance of that vegetation. Mr. Ryan confirmed that the design accounts for trimming of the vegetation with minimal disturbance.

In response to Mayor Pro Tem Michael Siers' question regarding deceleration lanes, Mr. Ryan stated deceleration lanes are not included in the project and were not warranted as there are numerous existing deceleration lanes.

Mr. Ryan explained that a full deceleration lane is 250'; Deering St has a short-unmarked lane and DOT has two options 1) curb/gutter/drainage or 2) omit the curb/gutter/drainage and have 10' lateral offset from edge of pavement.

MOTION: Comr. Renée Cahoon made a motion to accept the bid for Phase 8B by RPC Contracting and authorize the Town Manager to execute the contract. Comr. Webb Fuller seconded the motion which carried unanimously.

MOTION: Comr. Renée Cahoon made a motion to accept the bid for Phase 8C by RPC Contracting and authorize the Town Manager to execute the contract. Mayor Pro Tem Michael Siers seconded the motion which carried unanimously.

Consideration of Resolution in support of Alligator River Bridge improvements

Mayor Cahoon read the below resolution:

“WHEREAS, the Lindsey C. Warren Bridge which crosses the Alligator River was constructed in 1960 and serves as the main transportation link along Highway 64 from areas west of Dare County; AND

‘WHEREAS, the draw-bridge infrastructure of the bridge is obsolete and was closed for repairs in 2017 and 2019 resulting in lengthy detours for residents, visitors, and commerce to Dare County, Currituck County, Hyde County and Tyrrell County; AND

‘WHEREAS, the Alligator River is part of the Intercoastal Waterway and is used by numerous commercial shipping vessels and recreational boats on an annual basis, often creating delays and back-ups; AND

‘WHEREAS, the Lindsey C. Warren Bridge is an essential component of the hurricane evacuation route for residents of Dare County, Currituck County, and Hyde County and thousands of Outer Banks visitors each year and the continuous functionality of the Warren Bridge is imperative to ensure the safety of our residents and visitors; AND

‘WHEREAS, the need for a new bridge and/or a replacement bridge across the Alligator River has been identified by the NC Department of Transportation but has not been funded as part of the State’s Transportation Improvement Plan (STIP) despite the age, obsolescence and continued operational issues of the bridge; AND

‘WHEREAS, the methodology for STIP funding does not allow a new or replacement Alligator River Bridge to compete effectively against other transportation improvements in more urban areas of the State, thus contributing to the continued delay in construction of a new or replacement bridge; AND

‘WHEREAS, the NC Department of Transportation is soliciting comments on transportation improvements for inclusion in the ten-year transportation plan for 2023-2032.

‘NOW THEREFORE BE IT RESOLVED the Nags Head Board of Commissioners requests a new or replacement bridge for the Alligator River be included in the 2023-2032 State Transportation Improvement Plan in recognition of the vital role this bridge plays in the transportation and commerce needs of Dare County and Eastern North Carolina. Be it further resolved that other funding sources for such improvements should be identified by the State of North Carolina if STIP methodology used for funding is not suitable and practicable for this project.”

MOTION: Mayor Cahoon made a motion to adopt the resolution replacing “obsolete” with “obsolescence”. Comr. Cahoon seconded the motion with passed unanimously.

BOARD OF COMMISSIONERS AGENDA

Mayor Pro Tem Siers – He spoke concerning the joint workshop between the Board of Commissioners and the Planning Board re: Flood Map Revisions:

As a recap from the joint workshop held this morning, he would like to see this move forward in two separate entities. One being move forward on what the town needs to do and what is required; and how the town moves forward regarding building permits so it can be done correctly. He feels that one blanket doesn't cover everyone.

Comr. Fuller – Flooding from Albatross St. to Memorial Ave:

Comr. Fuller asked for Board consensus to ask staff to shoot an elevation from the Beach Road along Albatross St. west to the north/south ditch on Memorial Ave. to see if there is enough room to possibly install a ditch. This area consistently floods and ponds water after a rain. A lot of vacationers from the Memorial Ave. area use the Albatross Beach Access when going to the beach and need to wade through the water. He's only asking for information from the elevation shoot. It was Board consensus for staff to perform this task.

ADJOURNMENT

MOTION: Comr. Kevin Brinkley made a motion to adjourn the meeting. The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 1:50 p.m.

Michelle H Gray, Dep. Town Clerk

Date Approved: **April 15, 2020**

Mayor: _____
Benjamin Cahoon