

**TOWN OF OCEAN ISLE BEACH  
THREE WEST THIRD STREET  
OCEAN ISLE BEACH, NC 28469**

**BOARD OF COMMISSIONERS MEETING  
OCTOBER 14, 2014  
MINUTES**

**MEMBERS PRESENT:**

Mayor Debbie Smith	Mayor Pro Tem Dean Walters
Commissioner D.B. Grantham	Commissioner R. Wayne Rowell
Commissioner Bob Williams	Commissioner Betty Williamson
Daisy Ivey, Town Administrator	Larry Sellers, Assistant Town Administrator
Sue Stuhr, Town Clerk	Michael Isenberg, Town Attorney

**OTHERS PRESENT:**

Approximately 45 Property Owners/Guests  
Jason Reyes, Alta Planning and Design  
Tom Jarrett, Brad Rosov and Adam Priest, Coastal Planning & Engineering, Inc.  
Michael Norton, Compass Pointe Engineering, PA

**MEETING CALLED TO ORDER**

Mayor Smith called the regular meeting to order with everyone repeating the Lord's Prayer and pledging allegiance to the flag.

**ADOPTION OF CONSENT AGENDA**

Mayor Smith stated the consent agenda included approval of the minutes of the September 8 Open Forum and September 9, 2014 Board of Commissioners Meeting. Upon a motion by Commissioner Grantham with a second by Commissioner Rowell, the Board vote was unanimous in approval of the consent agenda as presented.

**ADOPTION OF AGENDA**

Mayor Smith stated the next item of business was adoption of the meeting agenda. Mayor Pro Tem Walters made a motion to approve the meeting agenda with amendments to add discussion and update from Coastal Planning and Engineering in regards to 30 Year Beach Management Plan (New Business #2), to include a discussion regarding status of proposed Roundabout at intersection of Highway 179/Causeway Drive (New Business #11), to consider a request from Ocean Isle Beach Land Conservancy in regards to a nature preserve area located on east end of the island (New Business #12) and to add discussion regarding terminal groin project change order for Cultural Resources Survey (New Business #13). Upon a second by Commissioner Rowell, the Board vote was unanimous in approval.

**MAYOR'S REPORT**

Mayor Smith presented a service award to Greg Faulk, recognizing his five years of dedicated service in the Fire Department. Mayor Smith also recognized Neal Northrup, commending his 20

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years of dedication and service as a volunteer Firefighter. On behalf of the Board, Staff and Recreation Advisory Board, Mayor Smith expressed the Town's appreciation to local business sponsors of the Camp OIB program Scavenger Hunt. Mayor Smith recognized participating sponsors including Jessie and Myers Construction, McClure Realty, Resort Brokerage, Museum of Coastal Carolina and Cooke Realty, presenting each a Town banner. Mayor Pro Tem Walters also expressed the Town's appreciation and presented a Town banner to Sloane Realty for their participation as a sponsor of the Camp OIB Scavenger Hunt. In addition, Mayor Pro Tem Walters recognized Coldwell Banker Sloane Realty for the generous donation of a bicycle rack which is now located at Ocean Isle Pier beach access area for use by the Town's property owners and guests. Mayor Smith introduced the new Town Attorney Michael Isenberg, expressing the Town's appreciation of the expertise and knowledge of municipal law that his experience will bring to the Town. Mayor Smith also provided an update on the Town's internet advertising campaign noting the click through rate to local businesses had been very successful and at a higher rate than advertising averages. Mayor Smith advised a young family had won a vacation week at Ocean Isle Beach as a part of the Fall 2014 "Ocean Isle Style" promotion.

### **DEPARTMENTAL REPORTS**

1. Administration – Mrs. Ivey provided a copy of the financial dashboard for the month of September 2014 for review by Board members. Mrs. Ivey reported on F/Y 2014 property taxes indicating an increased current year collection rate of 14.91% and a total of \$457,000 collected. Mrs. Ivey reported F/Y 2013 has \$131,266 in property taxes outstanding as of September 2014, at a current collection rate of 95.87%. Mrs. Ivey stated accommodation taxes for the month of August increased 10.06% and VRBOs showed an increase of 32% over same month prior year. Mrs. Ivey provided information following a recent community assistance visit by representatives of NFIP regarding the Flood Management Program. Mrs. Ivey advised, in order to maintain participation in the program, it is necessary for the Town to establish and administer a course of flood plain management that meets or exceeds the minimum standards of the NFIP. Mrs. Ivey stated the NC Department of Public Safety commended Mr. Whiteside and Mr. Dycus on their understanding of the vision of the flood plain management plan and the administration of the program at Ocean Isle Beach. Mrs. Ivey provided NFIP statistics indicating there are currently 2094 flood insurance policies in effect at Ocean Isle Beach, at a cost of \$5,784,112 that provide a total of \$697,283,000 in coverage to property owners. Mrs. Ivey stated there have been 939 paid losses claimed since 1972. Mrs. Ivey also reported on a recent meeting with Brunswick County regarding the release of the preliminary flood plain maps which indicate the reduction of base flood elevations in coastal areas of the County. Mrs. Ivey stated the 90 day appeal process is expected to begin in November or December and new flood plain maps are anticipated to be released within a year. Mrs. Ivey advised the preliminary maps have been released digitally and noted that questions regarding details of the maps may be directed to the Planning Department. Mrs. Ivey reported the Fall Town and Realtor meeting held on September 24 at Town Hall was well attended and noted feedback from local realtors indicated these informational updates were helpful and appreciated. Mrs. Ivey provided an update on Shallow Draft Inlet Application process reporting a pre-application meeting was scheduled to be held with

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CAMA in the upcoming week. Mrs. Ivey reported on the status of the EIS for the Terminal Groin Project indicating the Corps has experienced some delays due to staff shortages but the final review is expected to be provided by the end of the week. Mrs. Ivey also noted a meeting with the Corps will be scheduled to review the current status and to develop future plans for the Town's Beach Renourishment plan. Mrs. Ivey advised of the upcoming Employee Appreciation Luncheon on Wednesday, October 15 at the Community Center and expressed the Town's appreciation of this event sponsored by the OIPOA. Mayor Pro Tem Walters provided an update on the new ABC Store indicating an increase in sales of 6% for the month of August. Mayor Pro Tem Walters also noted sales figures for September showed an increase of 29.12 % over prior year same month, which reflects the first full month of business at the new location.

2. Police Department – Chief Bellamy provided a report on police activity for the month of September, indicating a relatively quiet month. Chief Bellamy advised the department is continuing to work to fill current vacancies. Chief Bellamy also advised the Police Department is making necessary preparations for the upcoming Oyster Festival.
3. Water/Sewer/Street – Mr. Sellers reported during the month of September Water Department activities included installation of water taps, work on outfall stormwater pipes on Newport, Concord and Monroe Street, installation of new outfall pipes on Fairmont Street, installation of 2 yard hydrants, flushing of hydrants and locates for other utilities. Mr. Sellers summarized work activity by the Street Department including trash pickup on the beach strand, cleaning shower platforms at beach accesses, Causeway maintenance including weeding flower beds, trimming of bushes, placing new pine straw and installing new street banners. The Sewer Department activities during the month included cleaning of floats, cleaning of pump stations with VAC truck, cleaning and camera inspection of 800 feet of sewer line, installation of double tap a 463 East 4<sup>th</sup> Street, locates for sewer connects, and also provided assistance to contractor during installation of backup transducer at E-1 Lift Station. Mr. Seller also provided an update on the East End Water Tank Project indicating the project remains on schedule for completion the first week of December.
4. Fire Department – Chief Yoho summarized an activity report for the month of September indicating the Department responded to a total of 54 calls for service, of which 31 calls were performed in the city. Chief Yoho advised 350 hours of training were performed during the month. Assistant Chief Rash also reported 34 fire inspections were conducted.
5. Planning/Zoning – Mr. Whiteside provided a report on behalf of the Planning Department. Mr. Whiteside expressed appreciation to the Street, Police and Fire Departments for their recent assistance during the Adopt-A-Highway trash pickup. Mr. Whiteside advised the former Building/Inspections truck had been sold on Gov Deals and also the new Town logo decals were now installed on Town vehicles. Mr. Whiteside also stated that a new Subway Restaurant is scheduled to open soon at 113 Causeway Drive.
6. Building Inspections – Mr. Dycus provided a report from Building & Inspections Department indicating that permits were issued for 2 new single family (SF) residential homes in the city and 3 homes in the ETJ for a total of 87 permits issued during the month of September, with a total construction value of \$1,802,349. Mr. Dycus stated September construction values showed a 17% increase over same month prior year.

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### **COMMENTS**

Mayor Smith stated that this time had been set aside to allow our citizens to speak in regard to issues relating to agenda items. Mayor Smith stated that due to time constraints, each speaker should limit their comments to three minutes. No comment was heard.

### **NEW BUSINESS**

1. Mayor Smith stated the first item of New Business was a presentation of the Final Draft Bicycle and Pedestrian Plan by Alta Planning and Design. Mr. Jason Reyes presented a slide show with information regarding the plan overview including project timeline, steering committee, public meetings, and public comment results. Mr. Reyes reviewed details of the final draft Bicycle and Pedestrian Plan including current conditions, network recommendations and the implementation process. Mr. Reyes advised the next step in the process would be to forward the draft plan to NCDOT Bicycle and Pedestrian Division for their official letter of approval and then submittal for final adoption by the Town at the next Board meeting. Mayor Pro Tem Walters stated he was impressed by the amount of detail presented in the plan and commented on the benefit to lifestyle at Ocean Isle Beach that walking and bicycling trails would provide. The Board expressed their appreciation to Mr. Reyes for this informative presentation. A copy of the slide presentation is hereby incorporated by reference and made a part of these minutes.
2. A presentation and update by Coastal Planning and Engineering (CPE) in regard to the Town's 30-Year Beach Management Plan was the next item of business. Coastal Engineers Tom Jarrett, Brad Rosov and Adam Priest were present to provide a slide presentation and review information regarding development of a comprehensive island wide beach and inlet management plan, which would include the west end from the end of the federal project to Tubbs Inlet. Mr. Jarrett stated the elements involved in formulating the plan included engineering (level of protection) geotech (sand sources), permitting/environmental (including local permits for federal projects), static line exception and beach monitoring. Engineering would include assessment of island-wide shoreline/volume changes, development of design thresholds for west end and sand needs. The engineering model assumes implementation of a west end project in conjunction with construction of the terminal groin and periodic nourishment of the Federal Project. Mr. Priest reviewed the data from the Federal Project and provided average profiles, which indicated possible threshold of volumes and cumulative volume changes to determine the estimated volume of sand necessary for the West end as part of the initial project and also periodic beach nourishment requirements. The initial project was estimated to require 1,017,000 cubic yards of material and the periodic beach nourishment requirement was estimated at 600,000 cubic yards every 5 years. Potential sand resources, permitting and environmental documentation for the project and a potential permitting timeframe of approximately 12-14 month timeframe were also discussed. Options for permitting of the project were considered. It was indicated by the engineers that one set of permits for the entire island for all of the Town's beach renourishment projects would be the optimal option and serve to eliminate the current Town's need to rely on the Corps of Engineers for the permitting process. The engineers also reviewed some considerations regarding environmental issues for the project. Mayor Smith expressed the Board's appreciation to the CPE Engineers for the detailed presentation and valuable information provided for consideration. A

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copy of the slide presentation is hereby incorporated by reference and made a part of these minutes.

3. The next item of Business was discussion regarding a request from the Museum of Coastal Carolina to conduct a "Beer and Brats" fundraiser on November 28, 2014. Staff advised the group activity application had been completed and the stipulation that no alcohol would be allowed outside of the Museum building during this event was confirmed. Mrs. Ivey stated use of the Town's property located adjacent to the Museum was requested for use as a parking area. Following discussion, upon a motion by Mayor Pro Tem Walters and second by Commissioner Rowell, the Board voted unanimously to approve the event as requested, to allow use of the Town's property contingent upon receipt of a certificate of liability insurance naming the Town as additional insured and also to waive the group activity fee due to the nonprofit status of the organization.

4. Mayor Smith stated discussion regarding approval of contracts and project agreements was the next item of New Business:

a. **Contract with Carolina Staffing for Cleaning Services:**

Staff recommended approval of a proposed contract with Carolina Staffing for cleaning services for Town Hall, Planning/Inspections and the Police Department at the rate of \$240 per week. Following review of the proposed agreement, upon a motion of Commissioner Williams, followed by a second of Mayor Pro Tem Walters, the Board unanimously approved the contract with Carolina Staffing as presented.

b. **Approval of State Airport Agreement for Funding of Block Grant/Non Primary Entitlement Project 36237.60.10.1 - Land Acquisition/Avigation Easement Runway 6 Runway Protection Zone (RPZ):**

The Board discussed approval of entry into a Block Grant/NPE Agreement with NC Department of Transportation for funding for Project No. 36237.60.10.1 in the amount of \$234,502 and also approval of a resolution in support of the Town's matching funds in the amount of 10% of the estimated project costs for the Odell Williamson Municipal Airport Runway 6 RPZ project. Following review of the proposed State Aid to Airports Block Agreement, Commissioner Williams made the motion to approve the agreement and resolution as presented. Upon a second to the motion by Commissioner Williamson, the Board vote was unanimous in approval.

5. Discussion regarding approval of an easement between the Town and Brunswick County to allow installation of a sewer force main on Town property located on Old Georgetown Road was the next item of New Business. Board members considered approval of an easement agreement to allow Brunswick County Utilities to install a sewer force main on Town property located on OGTR. Mrs. Ivey advised the Town Attorney had reviewed the original document provided by the County and included several recommended revisions as presented. Upon a motion by Commissioner Williams and second to the motion by Commissioner Rowell, the Board voted unanimously to authorize entry into the easement agreement with Brunswick County as presented.

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6. Discussion regarding Town engineer's study and recommendation on Starboard/Asheville Street lagoon issue was the next item of New Business. Michael Norton, Compass Pointe Engineering, provided information following his study of the Starboard/Asheville Street lagoon issue. Mr. Norton provided aerial maps and reviewed details relating to flooding issues experienced during heavy rainfall. Mr. Norton outlined four possible alternatives for constructing pond discharge infrastructure for Starboard by the Sea, presenting pros and cons of the each alternative. Information provided included permitting requirements, impact of construction, potential discharge flow rate for each alternative and the engineer's estimated project costs for each of the four alternatives which ranged from \$50,000 to \$53,400. Mrs. Ivey advised information to provide possible alternatives for recommended actions to deal with periodic flooding problems was requested following recent discussions with Starboard by the Sea and Asheville Street property owners. Mrs. Ivey noted during the recent flooding associated with the heavy rains in August and September, the Town provided pumping assistance to the Starboard/Asheville Street area. Mrs. Ivey advised the purpose of this presentation was to advise the Board of alternatives for possible action that may be required in the future. Randy Timberman, President of the Seaboard by the Sea Property Owners Association was in attendance and confirmed their property owners interest in determining what can be done about the flooding problems. Following further discussion of the details of flooding issues at Starboard by the Sea and Asheville Street, Commissioner Rowell made a motion to facilitate further discussion with these property owners to assist in determining preventative actions to help alleviate the periodic flooding issue. Upon a second by Commissioner Williams, the Board voted unanimously in agreement.

7. The next item of business was discussion regarding an application for proposed text amendment to Section 66-45 3(d) Single Family Residential District regarding lots platted prior to 2005 which are less than 5000 square feet in area. Mr. Whiteside summarized the request presented by Mrs. Cherri Cheek on behalf of DeCarol Williamson. Mr. Whiteside advised the proposed amendment would be a minor modification to allow lots platted prior to 2005 which are less than 5,000 square feet in area to be developed. Mr. Whiteside noted this change would affect multiple lots on the island, some which were platted as early as 1968 and others in 1976. Maps were provided showing some areas that would be affected by the proposed amendment along with a copy of the proposed zoning text. Following discussion, upon a motion by Mayor Pro Tem Walters and second by Commissioner Rowell, the Board vote was unanimous to refer this matter to the Planning Board for a recommendation.

8. Discussion and Approval of Resolution to Conduct Electronic Auction through GovDeals on Surplus Equipment was the next item of New Business. Staff recommended approval of a resolution to sell surplus equipment that included the following surplus items:

Police Department – 2001 Jeep Cherokee 4x4 (currently removed from service)

Utilities Department – Water Wagon, 2004 John Deere Gator 4x4, 2003 John Deere Gator 4x2  
and one lot of items including 2 Stihl FS 85 weed eaters

Upon a motion by Commissioner Williams and second by Commissioner Williamson, the Board voted unanimously to approve Resolution No. 2014-21 to authorize offering these items for sale by public auction through GovDeals on Surplus Equipment.

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*(New Business Agenda Items #9 and #10 moved to follow Executive Session)*

Mayor Smith stated it was necessary to recess to an executive session for consultation regarding legal matters prior to the Board's discussion of New Business Items #9 and #10 regarding condemnation proceedings and proposed funding of Parcel No. 257DI009. Upon a motion by Mayor Pro Tem Walters and second by Commissioner Williamson, the Board voted unanimous to move these two items of business to the end of the meeting agenda following executive session.

11. Mayor Smith stated the next item of New Business was discussion regarding the status of a proposed roundabout project at the intersection of Highway 179 and Causeway Drive. Mrs. Ivey provided updated information regarding NCDOT funding indicating Chad Kimes, NCDOT Division Operations, has secured federal funding in the amount of \$650,000 for the proposed traffic safety project. Mrs. Ivey advised the Department of Transportation needs a commitment from the Town in order for the project to proceed further at this point. Mrs. Ivey noted the Town will continue with a request to the Town's legislative representatives to seek funding of the estimated balance of \$250,000 for such a project; however, the availability of that funding has not yet been confirmed at this time. Commissioner Grantham noted the Board's discussion at a prior meeting regarding concerns related to the possible impact to businesses in the immediate area of the project. Discussion followed regarding the fact the project was in the initial planning stage and the proposed roundabout project would require further planning to engineer the final design to help alleviate traffic safety issues at this intersection and to accommodate ingress and egress for the local businesses in the immediate vicinity. Following further discussion regarding the fact the project will be tabled by NCDOT unless the Town confirms its financial commitment to the project, Mayor Pro Tem Walters made a motion to advise NCDOT of the Town's commitment to the project and also to proceed with the request to the Town's legislative representative to secure additional funding for the balance of the project. Upon a second to the motion by Commissioner Rowell, the vote was unanimous in approval.

*(Request to be excused by Commissioner Williamson)*

At this time Commissioner Williamson made a request to be excused from the meeting. Upon a motion by Mayor Pro Tem Walters followed by a motion by Commissioner Rowell, the Board voted unanimously to excuse Commissioner Williamson from the Board of Commissioners meeting as requested.

12. The next item of New Business was Board discussion regarding a request from Ocean Isle Beach Land Conservancy to partner with the Town in regards to a nature preserve area located on East end of Island. Mayor Pro Tem Walters summarized the request which stems from the Land Conservancy's interest in leasing the natural preserve area on the East end of the Island. The Town's participation by entering into a long term lease of the nature preserve area would help facilitate eligibility for potential grant funding and also allow development of a joint project with the Land Conservancy. Following discussion of the fact the Town may seek up to a 30 year lease for the property, Mayor Pro Tem Walters made the motion for the Town to seek an agreement for the lease of the preserve area and proceed with plans to develop a joint project with the Ocean Isle Beach Land Conservancy for the nature preserve area located on the east end of the

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island. Upon a second by Commissioner Rowell, the Board vote was unanimous (4-0) in approval.

**13.** Mayor Smith stated the next item of business was discussion regarding a change order for the Terminal Groin Project for approval of a Cultural Resources survey. Mayor Smith advised Coastal Planning and Engineering (CPE) has informed the Town of the fact the NC State Historic Office is requiring a cultural resources survey be performed in proximity of the footprint of the proposed terminal groin location. Board members reviewed information regarding the scope of work to perform the survey and provide a written report to the state historic preservation office for their review. CPE proposed to provide these services with an estimated cost of \$15,985 as a change order to the existing services agreement with the Town. Following Board discussion, upon a motion by Commissioner Rowell and second by Commissioner Williams, the Board vote was unanimous (4-0) in approval of the change order as presented.

### **EXECUTIVE SESSION**

The Board recessed to Executive Session upon a motion of Commissioner Williams with a second by Commissioner Grantham. The vote was unanimous. Mayor Smith stated an Executive Session was necessary in order to consult with Town Attorney regarding pending legal issues as per G.S. 143-318.11(3).

The Board returned to regular session upon a motion of Commissioner Walters with a second by Commissioner Rowell. Mayor Smith reported during Executive Session the Board consulted with the Town Attorney regarding pending legal issues.

### **NEW BUSINESS** *(Continued)*

**9.** Mayor Smith stated discussion regarding approval of resolution authorizing condemnation of Parcel No. 257DI009 was the next item of New Business. Board members reviewed a draft resolution authorizing attorneys to proceed with condemnation proceeding for Parcel No. 257DI009 as per NC General Statute 40A-3(b)(3) which grants the Town the power of eminent domain to acquire by purchase, gift or condemnation any property for establishing, enlarging or improving parks, playground and other recreational facilities. Following discussion, upon a motion by Mayor Pro Tem Walters and second by Commissioner Rowell, the Board vote was unanimous (4-0) in approval of Resolution No. 2014-22, resolving as follows:

- (1) That it is in the public interest and for the public use and benefit to acquire through the exercise of its power of eminent domain a fee simple interest in the Parcel for the purposes of its use as a park, playground, or other recreational facility and/or as off-street parking; and
- (2) That attorneys for the Town are directed and authorized to file a condemnation action pursuant to Chapter 40A of the North Carolina General Statutes to acquire title to the Parcel; and

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- (3) That attorneys for the Town are directed and authorized to continue efforts to negotiate the purchase of the Parcel during the pendency of a condemnation action; and
- (4) That all prior actions of Town officers, staff, and counsel in furtherance of the purpose of this resolution are hereby ratified, approved, and confirmed. All other resolutions (or parts thereof) in conflict with this Resolution are hereby repealed, to the extent of the conflict. This Resolution shall take effect immediately.

10. Mayor Smith stated the final item of New Business was discussion regarding authorization of Funds for Condemnation of Parcel No. 257DI009. Board members considered a draft resolution regarding authorization of funds for condemnation of Parcel No. 257DI009 regarding the Town's intent to purchase, through condemnation, the vacant parcel located at the corner of Causeway Drive and East Second Street described as Parcel # 257DI009 and declare the Town's official intent to finance the project with the proceeds of bank financing or other suitable form of debt to be issued by the Town. Board discussion was held regarding the Town's commitment to undertake the project and to incur the related and necessary expenditures to finance the project in an amount determined by the process of appraisal to be \$1,250,000. Since this amount of funding is not readily available in the General Fund Balance, the Board needs to give authorization for an Internal Fund Loan Transfer from the Erosion Fund Balance on a temporary basis until such time that a loan can be obtained following the disposition of the condemnation proceedings. Following this discussion, upon a motion by Mayor Pro Tem Walters and second by Commissioner Rowell the Board unanimously (4-0) approved Resolution No. 2014-13 to give authorization for an Internal Fund Loan Transfer from the Erosion Fund Balance on a temporary basis until such time that a loan can be obtained following the disposition of the condemnation proceedings and to specify at that time the loan proceeds will be repaid to the Erosion Fund and the payments for the loan will be made from the General Fund.

### **EXECUTIVE SESSION**

The Board recessed to Executive Session upon a motion of Mayor Pro Tem Walters with a second by Commissioner Grantham. The vote was unanimous. Mayor Smith stated an Executive Session was necessary in order to approve the minutes of September 9, 2014 Executive Session as per G.S. 143-318.11(1) and consult with the Town Attorney regarding pending legal issues as per G.S. 143-318.11(3).

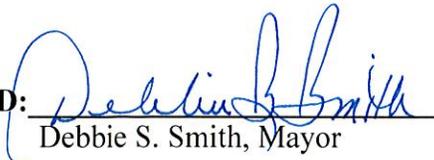
The Board returned to regular session upon a motion of Commissioner Williams with a second by Commissioner Rowell. Mayor Smith reported during Executive Session the Board approved the minutes of the September 9, 2014 meeting upon a motion of Mayor Pro Tem Walters and second by Commissioner Grantham. The vote was unanimous. Mayor Smith stated during executive session the Board also consulted with the Town Attorney regarding pending legal issues.

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**ADJOURN**

Being no additional business was heard, Commissioner Grantham made a motion to adjourn. Upon a second by Commissioner Rowell, the vote was unanimous.

**DATED:** October 14, 2014

**SIGNED:**   
Debbie S. Smith, Mayor



**ATTEST:**   
Sue Stuhr, Town Clerk