

The Board of Commissioners agreed to authorize a maximum of 20 chicken hen permits to be issued during a two-year trial period, and to direct the Town Manager to report back to the Board on the status of this program at the end of two years.

Mayor Davies made a motion for the Board of Commissioners to adopt the amendment to Chapter 94, Animals, to permit chicken hens in Kill Devil Hills, as presented including the amendments identified by Commissioner Pitt and Ms. Guns. Commissioner Pitt seconded that motion and approval was unanimous, 4-0. (Town Clerk's Note: The ordinance, as amended and adopted, is included with the record of this meeting and the Board of Commissioners' amendments as adopted are identified in red print in the document.)

### **3. Appointments**

#### **A. Personnel Board – one regular term (Attached NB-3A)**

Commissioner Pitt made a motion to re-appoint Jackie Ricks-Sample to a three-year term on the Personnel Board that will expire in August 2016. Commissioner Rheubottom seconded that motion and approval was unanimous, 4-0.

### **4. Authority to request proposals and qualifications for a financial advisor to assist the Town of Kill Devil Hills in preparing for beach nourishment project**

Commissioner Pitt addressed this item, explaining that there will be a need for a financial advisor to assist with details of the beach nourishment project, which include: assistance to the Finance Director in matters relevant to establishing a municipal service district or districts and special revenue funds for the beach nourishment project. Special revenues may include an obligation bond and the various responsibilities associated with the process: obtaining bond counsel and purchaser(s) for issued bonds that will help fund the beach nourishment project; and, moving the entire financial package through the North Carolina Local Government Commission for approval. The special obligation bond will be secured by the occupancy tax revenues the Town receives, which, along with an increase in ad valorem taxes will be pledged to repay the bond (if it is issued).

Commissioner Pitt estimated the cost for these services to be between \$20,000 and \$40,000. He strongly recommended the Board authorize the Town Manager to move forward and believed the Town will receive great benefits from this service.

The Town Manager explained that the Town of Nags Head used the Carter Group, a firm also used by Dare County, for the purposes outlined by Commissioner Pitt. Ms. Diaz stated that she and the Town's Finance Director and Assistant Director are comfortable with seeking a proposal from the Carter Group to serve as Kill Devil Hills financial advisor for the beach nourishment project based on the good experiences Nags Head and Dare County have had. She suggested that a proposal could be requested from the Carter Group that could be presented for consideration at the August 12, 2013 meeting.

The Board of Commissioners' were in general agreement with this concept and with the Town Manager's suggestion to seek a proposal from the Carter Group.

Commissioner Pitt made a motion for the Board of Commissioners to authorize the Town Manager to obtain a proposal for services as the Town's financial advisor for the beach nourishment project as presented in this item, and that the proposal is to be returned for consideration by the Board at the August 12, 2013 meeting. Commissioner Rheubottom seconded that motion and approval was unanimous, 4-0.

## **Presentations**

### **Commissioners' Agenda**

#### Commissioner Rheubottom

- **COLA.** Addressed the deferral of the Board of Commissioners' cost of living adjustment in favor of purchase of an AED unit and holding an ice cream social. She explained how, because of the vacant seat on the Board there was additional funds available, including the COLA that could be used for other purposes.
- **Ordinance on summer events.** Commissioner Rheubottom asked Staff to provide guidance on possible modifications of the Town's existing ordinance on special events that would assure the Town does not have to overextend its resources because of a request for a special event, particularly when they are large events desired to be held during peak visitation times. Consideration can be given to earlier or later dates during the busy season.

#### Commissioner Hogan

- **Safety cards.** Announced that safety cards with tips for pedestrians and bicyclists were available in the various departments, at no charge. Based on North Carolina law and generally accepted safety advice, the cards were printed by the Town to help promote safety while on public rights of way.

### **Mayor's Agenda**

- **Community Appearance Commission.** The Community Appearance Commission is continuing to meet and be very active. There may be a report made at the next Board of Commissioners meeting that could include several items recommended for action. Trash Attack! continues to be an event planned for the spring of 2014.

### **Town Manager's Agenda**

### **Town Attorney's Agenda**

### **Consent Agenda**

The Board agreed this is a great idea and was enthusiastic about the possibilities.

The Board of Commissioners agreed that all of the suggestions from the CAC would certainly enhance Kill Devil Hills' appearance

Mayor Davies asked the Board to let her know if there was any of these items any member desired to have placed on the September 9<sup>th</sup> meeting agenda under *New Business*. She added that she would take a report back to the CAC.

### **Town Manager's Agenda**

### **Town Attorney's Agenda**

### **Consent Agenda**

#### **1. Minutes**

A. July 8, 2013

#### **2. Budget amendments**

- A. #5 – to record tower rental income and associated expenditures and revenues;
- B. #6 – to record encumbrances outstanding at June 30, 2013; and
- C. #8 – to record contribution for purchase of AEDs in patrol cars.

#### **3. Financial Advisory Agreement between the Town and DEC Associates (the Carter Group) for financing assistance related to beach nourishment (Attached CA-3)**

At the July 8<sup>th</sup> meeting the Board of Commissioners authorized the Town Manager to obtain a proposal from DEC Associates, Inc. (the Carter Group) for financial assistance services related to beach nourishment.

The proposal from DEC included A) for a sum of \$30,000 for private placement of special revenue bonds; or, B) \$45,000 if the financing is publicly offered.

The Town Manager explained that approval of the Consent Agenda would accept the agreement between Kill Devil Hills and DEC Associates, Inc., as presented and approve budget amendment #9, for the full \$45,000 since public or private offerings have not yet been determined. The budget amendment provided funding from the Beach Nourishment Reserve Fund to an expenditure account for the purpose so stated.

Staff recommended approval of the Consent Agenda as presented. Commissioner Pitt made a motion for the Board to approve the Consent Agenda as presented and Commissioner Rheubottom seconded that motion. Approval was unanimous, 4-0.

President Obama signaled in an exclusive interview with radio hosts Tom Joyner and Sybil Wilkes that Martin Luther King Jr. would have liked his health care plan for Americans.

Obama spoke to the pair in the Oval Office to recognize the 50th anniversary of King's March on Washington.

"What do you think he'd say about Obamacare?" asked Joyner, when discussing King's legacy.

"Oh he'd like that," Obama asserted. "Well, because he understood that health care, health security is not a privilege, it's something in a country as wealthy as ours, everybody should have access to."

Obama reminded the pair that it was important for everyone to sign up for Obamacare on [healthcare.gov](http://healthcare.gov).

"We were just talking with some folks earlier about the fact that, for a lot of people, it will be cheaper than your cell phone bill," Obama explained.

**FINANCIAL ADVISORY AGREEMENT**

This Financial Advisory Agreement (the "Agreement") is entered into as of \_\_\_\_\_, 2013, between the Town of Kill Devil Hills, NC ("the Town") and DEC Associates, Inc. ("the Advisor"). The Agreement is specific to a Beach Nourishment project financing, specifically "the Financing".

In connection with the Financing, the Advisor will perform the following services:

1. Review financial and other information related to the Town and the project,
2. Evaluate alternative approaches and structures (GOs, COPs, Special Obligation, other structures, if available) for the Financing,
3. Assist in directing and coordinating credit processes to maximize the credit rating with agencies (if publicly offered), and lenders (if privately placed),
4. Assist in the development of a well-defined marketing strategy to achieve the best possible financing terms including the lowest cost, interest rate, and total debt service for the Financing, if publicly offered,
5. Assist and advise in the selection of financing mode(s) and lender/underwriter(s) and the negotiation of terms,
6. Advise as to the method of sale for the particular Financing, whether public or private offering,
7. Assist the Town in working with the Local Government Commission, Bond Counsel, Town Attorney and others to implement the Financing, and
8. Assist in the closing of the Financing by coordinating, reviewing, monitoring, and following-through on all elements of the financing process to insure timely and proper closing of the financing.

For these services DEC Associates, Inc will charge as the fee a sum of \$30,000 for a private placement, or \$45,000 if the financing is publicly offered, plus out of pocket expenses. This fee does not include services rendered by others.



**Town of Kill Devil Hills, North Carolina**



**DEC Associates, Inc.**

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Debora P. Díaz

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*Doug Carter*  
Douglas E. Carter

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Town Manager  
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Title

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President & Managing Director  
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Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
July 23, 2013  
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Date

**ATTACHMENT CA-3**