

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
January 15, 2020**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, January 15, 2020.

COUNCIL MEMBERS PRESENT: Mayor Don Kingston; Mayor Pro Tempore Monica Thibodeau; Councilor Nancy Caviness; Councilor Sandy Whitman; and Councilor Rob Mooney.

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Christopher Layton; Police Sergeant Jason Rigler; Fire Chief Donna Black; Director of Community Development Joseph Heard; Town Attorney Robert Hobbs; Public Relations Administrative Assistant Betsy Trimble; Director of Marketing and Special Events Christian Legner; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Police Chief John Cueto.

Mayor Kingston called the meeting to order at 7:02 p.m. He asked Police Sergeant Jason Rigler to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments. He asked that any comments regarding the public hearing be held off.

Jeffrey Beaulieu of 105 Skimmer Way was recognized to speak. Mr. Beaulieu stated that he was putting a face to his name for the Planning Board position. He went on to give a short background on himself to Council and the audience.

Mayor Kingston asked the other Planning Board applicants to hold off until that time in the meeting as he would give them all time to introduce themselves.

Fire Chief Donna Black was recognized to speak. Fire Chief Black went on to introduce Clarence Batschelet as the new Deputy Fire Chief; Anthony Bartolotta as the new Fire Captain and Matthew Munden as a new, full-time firefighter to Council and the audience.

There being no one else wishing to speak, Mayor Kingston closed the time for public comments.

CONSENT AGENDA

Minutes from the December 4, 2019, Regular Meeting; Minutes from the December 4, 2019, Reconvened Meeting; and Budget Amendments

Councilor Caviness moved to approve the consent agenda as presented.

Motion carried 5-0.

PUBLIC HEARINGS

Public Hearing/Discussion/Consideration of Ordinance 19-09, an Ordinance to Conform with State Law Relating to Firearms

Mayor Kingston turned the meeting over to Town Attorney Robert Hobbs.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs stated that Director Heard would give an overview.

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that the draft ordinance was the second step in a two-part series of ordinances for consideration by the Town Council. He stated that the ordinance would bring the Town standards into compliance with laws regarding firearms. He explained that most of the issues were taken care of in a previous ordinance that was adopted, but there was one instance where there was a reference in the zoning ordinance that presently prevents someone from having firearms within electronic gaming operations. He noted that the Town does not have any such businesses, so it has not been an issue; however, the Town needs to be in compliance with the standards. He stated that the draft ordinance would pull that language out since the Town does not have the authority to regulate it on private properties but does have the authority with public properties. He stated that at their November 13, 2019 meeting, the Planning Board voted unanimously to recommend approval of the ordinance.

Town Attorney Hobbs asked if there were any comments from members of the Planning Board. There were none.

Town Attorney Hobbs asked if anyone from the audience wished to address the proposed ordinance. There were none.

There being no one else wishing to speak, Town Attorney Hobbs closed the public hearing and turned the meeting back over to Mayor Kingston. He reminded Council that it will require at least four votes to approve the ordinance on the first read.

Mayor Tempore Thibodeau moved to approve Ordinance 19-09 as presented.

Motion carried 5-0.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Discussion/Consideration of Appointing an Individual to Fill the Vacancy on the Planning Board

Mayor Kingston stated that there were nine applicants for the open position. He asked the applicants to introduce themselves to Council and the audience.

John Pucciano of 133-B Jaycrest Road was recognized to speak. Mr. Pucciano gave a short background on himself to Council and the audience, adding that he would like to serve on the Planning Board.

Jay Blose of 105 Waxwing Court was recognized to speak. Mr. Blose gave a short background on himself to Council and the audience, adding that he wished to serve on the Planning Board.

Randy Morton of 108 Sailfish Court was recognized to speak. Mr. Morton gave a short background on himself to Council and the audience, adding that he would like to serve on the Planning Board.

Robert Wetzel of 141 Betsy Court was recognized to speak. Mr. Wetzel gave a short background on himself to Council and the audience, adding that he wished to serve on the Planning Board.

Town Attorney Hobbs explained that for the voting process, Section 31.30 of the Town Code sets forth the procedure. He stated that the procedure was that first the Mayor opens the floor for nominations and at that time the members of Council may put forth and debate the names of the possible appointees. He added that when the debate ends, the Mayor will call for a roll of the members and each member will vote at that time for one of the nominees. He stated that votes would not be tallied until each member has voted and the nominee who receives the highest number of votes will be appointed. He clarified that the highest number of votes did not necessarily mean a majority of the Council, but it was the method that the Council at the time the Town Code was adopted selected and was the procedure that would be used.

Mayor Kingston nominated Randy Morton.

Member Whitman nominated Randy Morton.

Member Caviness nominated Robert Wetzel.

Mayor Pro Tempore Thibodeau nominated John Pucciano.

Member Mooney nominated Jay Blose.

Mayor Kingston closed the nominations noting it was now time to vote. Town Attorney Hobbs noted that Council could also debate before voting.

Mayor Pro Tempore Thibodeau noted that it was a tough choice on who to choose for the position. She stated that it was great to see so many that were interested in the position. Councilor Caviness thanked the nine people that were willing to serve the Town on one of the most important boards. She added that it takes an extraordinary commitment of time and she thought that everyone that put their names in was a wealth of expertise and brought a lot of wonderful perspective to Duck. She stated that, regardless of the outcome, she wanted to encourage everyone to participate at all levels.

Member Whitman voted for Randy Morton. Councilor Caviness voted for Robert Wetzel. Mayor Kingston voted for Randy Morton. Mayor Pro Tempore Thibodeau voted for John Pucciano. Member Mooney voted for Jay Blose.

Motion carried for Randy Morton to be appointed to serve on the Planning Board with 2 votes.

Mayor Kingston stated that Randy Morton had been serving on the Board of Adjustment and now there was an opening for that position. He stated that the same process will be held for the Board of Adjustment position. He noted that those that applied for the Planning Board position would be considered for the Board of Adjustment position if they wished. Town Manager Layton clarified that Council wanted 30 days, which would put the appointment at their March 4, 2020 meeting. It was *consensus* of Council to make the appointment at their March meeting.

Mayor Kingston noted that Council would not put the applicants through the same process as for the Planning Board and those that were interested in serving on the Board of Adjustment could let staff know. Town Manager Layton noted to the individuals present that if they wanted their applications to move forward, to let Town Clerk Lori Ackerman know.

NEW BUSINESS

Update on Flood Maps/Flood Damage Prevention Ordinance

Director Heard stated that the State of North Carolina and FEMA released preliminary flood maps in June 2016 for all of Dare County. He stated that following the review of comments and appeals, FEMA recently issued a letter of final map determination on December 19, 2019. He added that, consistent with the adoption timeline set by Federal law, the new maps must be adopted by the Town within six months and would become effective on June 19, 2020.

Mayor Pro Tempore Thibodeau asked if Director Heard anticipated the ordinance to be consistent with the other municipalities. Director Heard stated that an Excel spreadsheet has been developed for all of the towns showing what they would be doing, adding that there would be some differences between the towns. He thought some of the key things

for the Homebuilders Association as well as engineers and surveyors would be that there will be a consistent concept as to what was being done.

Mayor Kingston noted that the letter he received from FEMA listed a lot of properties where the location map had changed. He asked if anything needed to be done with those properties prior to the ordinance being adopted. Director Heard stated that as part of the adoption, the homeowners will be notified of the change from the Town. He added that the properties that were changing were part of the adoption of the new map. Mayor Kingston asked if they would not have any exposure in the short-term. Director Heard stated that they would not.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated that since the last meeting, he has worked with Director Heard and Fire Chief Black on a proposed fire prevention ordinance that would be coming up in the near future.

Mayor Kingston asked about the voting process for boards and committees. Town Attorney Hobbs stated that he looked at the same procedure that was used for appointing the Planning Board member to see if there were any alternatives to consider. He added that the one that was currently being used was one of two optional procedures that the School of Government put out in a book; *Suggested Rules of Procedure for City Councils*. He noted that this was where Council's procedures came from and also was the source of the rule for a motion without a second. He stated that the voting procedure that Duck has was identical to what was in the book, but the book provides two options and Council chose the option where the code was adopted. He stated that there was a process for looking at it to see if there were alternatives if anyone was interested.

Councilor Mooney asked what the other option was. Town Attorney Hobbs stated that it was one that required a majority vote. He stated that the Council had the option where the person receiving the highest number of votes shall be appointed and Option B was that the voting shall continue until one nominee receives the majority of the votes cast. Councilor Mooney asked if the same rules applied to the boards that the Town has. Town Attorney Hobbs stated that any boards or committees that Council was responsible for appointing would use the same procedure as it was in the Town Code.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Update on Departmental Activities

Director Heard gave a brief overview of the past month's permit activities to Council and the audience.

Fire Chief Black gave a brief overview of the past month's fire activities to Council and the audience.

Police Sergeant Jason Rigler was recognized to speak. Police Sergeant Rigler gave a brief overview of the past month's police activities to Council and the audience.

Director of Public Information, Marketing and Special Events Christian Legner was recognized to speak. Director Legner gave a brief overview of upcoming activities to Council and the audience.

Update on the Public Safety Building Environmental Assessment

Town Manager Layton stated that the comments that were received for the environmental assessment were responded to and the document has been submitted to the Army Corps of Engineers for their final review. He noted that there have been additional questions and staff hoped that it would not lead to another round of questions. He stated that it wasn't anticipated but it was a possibility. He stated that, provided no more questions were received, the formal review process would start and at the end, staff would know if they can start working with the Corps of Engineers on the lease agreement and then start finalizing the design for the Public Safety building. He hoped to have more information for Council at their Retreat.

Council Retreat February 19 and 20, 2020

Town Manager Layton stated that the Council Retreat was scheduled for February 19-20, 2020 with both sessions lasting all day. He noted that a draft agenda was in Council's packet.

Mayor Kingston asked if an update on the Mid-Currituck Bridge could be added to the Retreat agenda. Town Manager Layton stated that he would try to get someone in to give an update.

Update on the Assistant to the Town Manager Position

Town Manager Layton stated that he completed the first round of interviews and will be selecting three to four candidates to move to the next interview process. He stated that at that point, he expected to have a third and final interview to make sure he selected the right person for the position. He hoped to have a candidate sitting in the audience for the Council Retreat to watch the meeting in order to learn more about the Town.

Financial Statement for December of FY 2020

Town Manager Layton reviewed the financial statements with Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that his mayors meeting was held last week and the next one will be on February 18, 2020 in Duck. He stated that he has a League of Municipalities finance meeting coming up in early February followed by a board retreat which will be held at the Sanderling Inn in Duck. He stated that he was looking forward to the Winter Celebration and the upcoming Council Retreat.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau thanked the audience members for attending and those that applied for the Planning Board position. She stated that the Government Access Channel Committee would be meeting later in the month. She noted that she would not be present for the February 5, 2020 meeting as she will be out of town.

Councilor Mooney had nothing to report.

Councilor Caviness stated that Mayor Kingston had put together a panel for the Essentials of Municipal Government that was held in December. She noted that she and Mayor Pro Tempore Thibodeau were on the panel and she found it to be a remarkable experience. She thanked staff members that coordinated the Christmas tree pick up to help with dune nourishment as it was a great option instead of putting a live tree in the trash.

Councilor Whitman had nothing to report.

OTHER BUSINESS

Additional Public Comments

Mayor Kingston opened the floor for public comments.

There being no one wishing to speak, Mayor Kingston closed the time for public comments.


Mayor Kingston noted that the next meeting would be the Regular meeting on Wednesday, February 5, 2020 at 7:00 p.m.

ADJOURNMENT

Councilor Caviness moved to adjourn the meeting.

Motion carried 5-0.

The time was 8:41 p.m.


Lori A. Ackerman, Town Clerk

Approved: February 5, 2020



Don Kingston, Mayor

