

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
April 4, 2018**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, April 4, 2018.

COUNCIL MEMBERS PRESENT: Mayor Don Kingston; Mayor Pro Tempore Monica Thibodeau; Councilor Nancy Caviness; and Councilor Chuck Burdick.

COUNCIL MEMBERS ABSENT: Councilor Jon Britt.

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

OTHERS ABSENT: None.

Mayor Kingston called the meeting to order at 7:04 p.m. He asked Director of Community Development Joe Heard to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

Mayor Kingston welcomed Town of Southern Shores Councilor Chris Nason to the meeting.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments. He asked that any comments regarding the public hearings be held off. There being no one wishing to speak, Mayor Kingston closed the time for public comments.

CONSENT AGENDA

Minutes from the February 21-22, 2018, Town Council Retreat; Minutes from the March 7, 2018, Regular Meeting; Resolution 18-02, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring the Month of April as Child Abuse Prevention Month; Authorize the Town Manager to Execute an Agreement with the Outer Banks Visitors Bureau for a Short-Term Restricted Fund Grant in the Amount of \$309,351 for Phase II of the Pedestrian Improvements; and Budget Amendments

Councilor Burdick moved to approve the Consent Agenda as presented.

Motion carried 4-0.

SPECIAL PRESENTATIONS

Presentation by Bobby Dobbs, Dare County Channel Manager, related to CurrentTV

Bobby Dobbs from Dare County was recognized to speak. Mr. Dobbs gave a short presentation and tour of the CurrentTV website to Council and the audience.

Mayor Kingston thanked Bobby Dobbs for his presentation.

PUBLIC HEARINGS

Public Hearing/Discussion/Consideration of CUP 18-001, an Application for a Conditional Use Permit to Add 11 New Hotel Rooms, a New Fitness Center, and Associated Patio/Decking, Walkways, and Parking Improvements at the Sanderling Resort & Spa at 1461 and 1574 Duck Road

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

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs stated that the Council would be sitting as a quasi-judicial body for the public hearing, meaning that they will sit as a court and must make its decision based upon competent material and substantive evidence that will be presented during the course of the hearing. He stated that anyone wishing to give testimony would have to give it while under oath with the applicant afforded due process rights including the right to present evidence, examine and cross-examine witnesses. He asked that anyone wishing to testify come forward to be sworn in.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman proceeded to swear in the applicants and staff for the public hearing.

The following persons were sworn to provide testimony during the hearing: Joe Heard, Michael Strader, John Chenowith, Dick McAuliffe and Chris Nason.

Town Attorney Hobbs opened the evidentiary portion of the hearing. He stated that Director Heard would give an overview.

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that the applicant was requesting an amendment to the existing conditional use permits to add 11 new hotel rooms, a new fitness center, and associated patio/decking, walkways, and parking improvements at the Sanderling Resort & Spa on properties located at 1461 and 1574 Duck Road. He noted that the following improvements were proposed on the property at 1461 Duck Road:

- Convert existing storage areas on the first floor of the North Inn into two new guest rooms.
- Convert an existing second floor guest room in the Event House into additional conference space. Add a third floor to the Event House containing six new guest rooms for a net of five guest rooms. The applicant was also evaluating the possibility of demolishing the existing Event House building and replacing it with a new, three-story building with a similar footprint and layout.
- Expand and convert existing third floor areas of the Beach House in the Main Inn into four new guest rooms. The conversion of these spaces will necessitate the addition of a stairwell on each side of the Main Inn building.
- Enclose a covered walkway on the first floor of the South Inn.
- Add seven new parking spaces.

Director Heard noted the following improvements proposed for the spa property at 1574 Duck Road:

- Construct a new, single-story fitness center on the northern side of the property.
- Add decking to the rear of the existing pool and spa buildings.
- Add paved walkways connecting many of the buildings on the west side of Duck Road.
- Add an emergency vehicle entrance and parking area.

Director Heard stated that several existing conditional use permits have previously been approved by the Town for the Sanderling Resort & Spa. He explained that this application proposes a modification to the existing permits. He added that the proposed project involves the expansion of the existing Sanderling Resort & Spa with additional hotel guest rooms and amenities. He stated that the maximum height allowed in the C-2 zoning district was 35 feet from the finished grade, or required floodplain elevation, to the tallest roofline of a building. He stated that the proposed fitness center complied with the minimum building setback standards. All other proposed improvements were within the existing building footprints and conform with the Town's current setback standards.

Director Heard stated that the addition of building additions/parking spaces/decks and removal of decks/walkways would result in a net increase of 1,640 square feet of impervious lot coverage at 1461 Duck Road. He added that the new fitness center, walkways, and decking would increase the amount of impervious lot coverage by 5,834 square feet at 1574 Duck Road. He noted that the proposed improvements for both lots complied with the maximum lot coverage of 60% in the C-2 zoning district as well as the

maximum lot coverage of 30% in the designated CAMA Areas of Environmental Concern.

Director Heard stated that there were no changes being proposed to any of the existing access drives and all of the existing driveways conform with the Town's current standards for access. He pointed out that following a review of the project at the technical review committee meeting, the Duck Fire Department and applicant agreed to provide an emergency vehicle driveway and parking area entering near the northern side property line in front of the proposed fitness center building.

Director Heard stated that the existing parking area contained 240 parking spaces. He explained that in order to accommodate the proposed expansion, the applicant has proposed the addition of eight parking spaces on the property for a total of 248 parking spaces. He pointed out that the parking requirements for the ancillary uses in a hotel resort were reduced by 25% due to the shared use of the spaces. He added that the site was designed to contain a total of 248 compliant parking spaces, which was consistent with the minimum parking requirements for the site.

Director Heard noted that compliance with the parking standards was contingent on an interpretation by the Planning Board that the proposed fitness center should not be included in the parking calculations as its use was limited to resort guests for whom parking was already provided on the hotel property. He added that other ancillary buildings such as the restaurants, event pavilion, conference space, and spa/fitness center were open for use by guests and the public; therefore, additional parking would be necessary to serve those facilities as non-guests arrive at the site. He stated that a condition limiting the use of the fitness center to resort guests was agreed to by the applicant and was included in the Planning Board's recommendation.

Director Heard stated that the Planning Board voted unanimously to recommend approval of the conditional use permit with the following conditions:

1. The first line of stable natural vegetation must be re-established and site plan information updated accordingly.
2. Use of the new fitness center is limited to resort guests only and shall not be available for use by the general public.
3. Parking space #244 must be relocated or removed as its proposed location does not comply with Town setback standards.
4. The site plan must be updated to include calculations for lot coverage within the CAMA area of environmental concern (AEC).
5. The site plan must be amended to show removal of the short section of asphalt walkway and addition of the emergency vehicle access/parking area in front of the proposed fitness center in the northeast corner of the spa property.
6. The applicant must obtain a CAMA minor permit for proposed improvements within the CAMA AEC on the oceanfront and soundfront areas of the property.

7. Details and specifications on exterior lighting must be submitted and approved by the Community Development Department prior to installation. All exterior lighting must comply with Town standards.
8. The applicant needs to obtain a letter authorizing the capacity at the private wastewater treatment facility for Pine Island and a wastewater permit from the N.C. Division of Water Resources (NCDWR).
9. The applicant must submit the final site plan and site plan review fees as provided for in the Town's adopted fee schedule concurrent with final engineer-stamped site plan drawings, as may be revised through the approval and condition process, with all required information referenced in the CUP conditions, prior to issuance of a building permit for the project.
10. The buildings must be constructed and renovated in substantial conformance with the elevation drawings and floor plans submitted with the CUP application, as prepared by Beacon Architecture and dated February 12, 2018.
11. This conditional use permit will expire in 18 months from the date of approval if the proposed improvements have not commenced.

Director Heard noted that Conditions 1, 3, 4 and 5 have already been met by the proposal in front of Council; therefore, the final findings and conditions show those as being removed since they were no longer necessary for final approval.

Town Attorney Hobbs asked Council if they had questions.

Councilor Burdick asked how many more parking spaces would be required for the fitness facility if it was open to the public. Director Heard stated it would be seven spaces. Councilor Burdick asked if the applicant could come back and put in the seven spaces if they decided to convert it to public use. Director Heard stated he was correct.

Mayor Kingston asked when a decision would be made on the Event House as to if it would be rebuilt or renovated and if the CUP covered that. Director Heard stated that representatives for the applicant would be able to answer those questions as to when it may occur. He pointed out that they have proposed it as a renovation and if Council approves it as such, and the applicant later goes back to change the proposal, the conditions state that what the applicant proposed for the new structure was substantially in conformance with the architectural plans than they have for the renovations, it would be something that staff would approve. He added that if there was a substantial difference in the new proposal, then it would be something that could potentially come back to the Planning Board and Council unless Council decided otherwise.

Mayor Kingston asked if the additional parking requirements were accounted for in the expanded capabilities. Director Heard stated that it was included in the parking calculations for the second-floor conference room. Mayor Kingston asked if the seven conditions in the draft conditional use permit were the net of the 11 that were discussed. Director Heard stated he was correct.

Councilor Caviness clarified that there were seven parking places that would not be necessary because of the fitness facility not being available to the public. Director Heard stated she was correct. Councilor Caviness asked if the seven parking spaces included spaces for Sanderling staff. Director Heard stated that the parking calculations were based on square footage calculation and presumably included everything since there was no provision for additional parking specifically related to staff. He added that there were certain uses, such as restaurants, for that in that they have separate calculations for employees, but for this type of use, it was not the case.

Councilor Caviness clarified that the applicant was not changing any of the existing parking that was for the restaurant and spa. Director Heard stated he was correct. Councilor Caviness clarified that the elevation of the fitness facility was 23 feet. She further clarified that it included the nine-foot elevation. Director Heard stated that the Town's ordinance requirements regarding where building height is measured has an allowance for whatever the applicant had elevated to meet the flood elevation requirement. Councilor Caviness clarified that it would be 32 feet. Director Heard stated that it may be 26 or 27 feet.

Councilor Burdick noted that it wasn't a problem because they have a 35-foot height restriction. Councilor Caviness agreed, adding that she was trying to reconcile the concerns expressed by the neighboring community about the height of the building. Councilor Burdick pointed out that it was across the street and on the west side.

Town Manager Layton noted that there were seven conditions in Council's packets and there were originally 11, but four had already been met. He asked Director Heard if he was comfortable leaving the four off the final document. Director Heard stated that he was as they were already added to the site plan that Council was approving.

Town Attorney Hobbs asked if the conditions were already met; they could be changed at a later date since they were not listed as specific conditions in the proposed permit. Director Heard stated that they were all items that the Planning Board recommended be added to the site plan and the applicant added them to the site plan that Council was now considering.

Mayor Kingston asked Director Heard to review the four conditions that were not included in the permit. Director Heard went on to review the four with Council and the audience.

Town Attorney Hobbs asked the applicant to make a presentation.

Dick McAuliffe of Sanderling Resort & Spa was recognized to speak. Mr. McAuliffe stated that the first facet of the project will be the Beach House and the four additional guest rooms. He stated that it was currently an attic and storage space. He stated that the last time they came before Council, they received approval to add guest rooms into the Beach House. He added that these four rooms would be on the same level as the new guest rooms that were added in their last proposal – two on the ocean side and two on the

sound side. He felt that they will be the best rooms at the resort and was very excited about their potential. He stated that in the Event House – they were proposing to remove the suite that was currently on the second floor and put in some additional function and meeting space. He noted that the primary reason was to meet the demand that they have for corporate and business meetings in the shoulder seasons. He stated that there would also be an additional six guest rooms on the third floor with three on the ocean side and three on the sound side. He stated that the last item was the construction of a free-standing health club facility. He stated that there were two guest rooms in the North Wing that were converted into an exercise facility and they were proposing to trim that space back into the two guest rooms that they previously were. He noted that the health club facility would be specifically for guests of Sanderling Resort & Spa. He stated that they were currently in the process of due diligence for the Event House and were trying to come up with the best possible plan of whether they could renovate the existing space to support the new structure that would be going in that they could meet the requirements for it or move in a different direction.

Town Attorney Hobbs asked Council if they had questions for the applicant. There were none.

Town Attorney Hobbs asked if any of the sworn witnesses wished to give a presentation or comment on the application. There were none.

Town Attorney Hobbs asked if anyone wished to address the application.

Mayor Pro Tempore Thibodeau clarified that the timetable for the project was as permitted or after the season. Dick McAuliffe stated that if they receive approval, the beginning phase would be for the additional guest rooms that would go in the Event House. He stated that after the resort had check-out from Thanksgiving weekend, they would close the Beach House occupancy and begin work at that time. He added that whether they could work on the Event House concurrently or if they have to put it off, was an unknown at this point.

Councilor Burdick asked when the fitness center would be done. Dick McAuliffe stated that it would probably be in the following off-season.

There being no one else wishing to speak, Town Attorney Hobbs closed the evidentiary portion of the public hearing and turned the meeting back over to Mayor Kingston. He reminded Council that a vote of the majority – three Council members – would be needed to approve the application. He added that if Council adopted the approval, they would need to include specific findings and conditions.

Councilor Burdick moved to approve CUP 18-001 as presented, with the conditions set forth by the Planning Board.

Motion carried 4-0.

Public Hearing/Discussion/Consideration of CUP 18-003, an Application for a Conditional Use Permit to Establish a Kayak/Stand-Up Paddleboard Rental and Launching Facility in the Waterfront Shops Shopping Center at 1240 Duck Road

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

Town Attorney Hobbs stated that the Council would be sitting as a quasi-judicial body for the public hearing, meaning that they will sit as a court and must make its decision based upon competent material and substantive evidence that will be presented during the course of the hearing. He stated that anyone wishing to give testimony would have to give it while under oath with the applicant afforded due process rights including the right to present evidence, examine and cross-examine witnesses. He asked that anyone wishing to testify come forward to be sworn in.

Town Clerk Ackerman proceeded to swear in the applicants and staff for the public hearing.

The following persons were sworn to provide testimony during the hearing: Joe Heard, Jim Braithwaite, Matt Price, David Klebitz and Joe O'Grady.

Town Attorney Hobbs opened the evidentiary portion of the hearing. He stated that Director Heard would give an overview.

Director Heard stated that the applicant was requesting an amendment to the existing conditional use permits to establish a kayak/stand up paddleboard rental and launching facility in the Waterfront Shops shopping center at 1240 Duck Road. He stated that the rental business would operate out of the existing canoe/kayak tour business in Building I. He added that the applicant was proposing to use two 100 square foot areas underneath the existing boardwalk/decking at the Waterfront Shops for storage of the kayaks and paddleboards to be rented. He noted that the kayaks and paddleboards will be placed in the water at an existing water access landing on the Currituck Sound in close proximity to the building.

Director Heard stated that the proposed new use did not involve the construction of any new structures, so all building setbacks will remain the same. He pointed out that the proposed amendments would not result in any changes to the existing access for the Waterfront Shops, adding that the shopping center was currently served by access from four driveways that provided ingress and egress to Duck Road.

Director Heard stated that the proposed improvements included the addition of a new parking space to accommodate the proposed areas for kayak/paddleboard storage. He noted that with 200 square feet of area dedicated to storage for the rental business, one additional parking space was required on the site. He stated that with the additional proposed parking space, the Waterfront Shops will contain a total of 182 parking spaces, which exceeded the minimum parking requirements for the site.

Director Heard stated that as part of its recommendation, the Planning Board found that the proposed use and requested conditional use permit were consistent with the Town's Land Use Plan as it will provide a service consistent with the type of uses allowed in the Village Commercial Area. He added that the use would also contribute to the variety of retail and service businesses found in the Waterfront Shops group development.

Director Heard stated that at their meeting on March 14, 2018, the Planning Board voted unanimously to recommend approval of the conditional use permit to establish a kayak/stand up paddleboard rental and launching facility in the Waterfront Shops at 1240 Duck Road, subject to the following conditions:

1. Any new signs must be reviewed and approved under a separate permit by the Community Development Department.
2. This conditional use permit will expire in 18 months from the date of approval if the proposed use has not commenced.

Town Attorney Hobbs asked Council if they had questions.

Mayor Pro Tempore Thibodeau asked who would move the equipment – the consumers or the employees of the business. Director Heard stated that the applicant would be able to answer that question. Joe O'Grady was recognized to speak. Mr. O'Grady stated that his staff would move the equipment for the customers.

Town Attorney Hobbs asked the applicant to make a presentation. There were none.

Town Attorney Hobbs asked Council if they had questions for the applicant. There were none.

Town Attorney Hobbs asked if any of the sworn witnesses wished to give a presentation or comment on the application. There were none.

Town Attorney Hobbs asked if anyone wished to address the application. There being no one else wishing to speak, Town Attorney Hobbs closed the evidentiary portion of the public hearing and turned the meeting back over to Mayor Kingston. He reminded Council that a vote of the majority – three Council members – would be needed to approve the application. He added that if Council adopted the approval, they would need to include specific findings and conditions.

Mayor Pro Tempore Thibodeau moved to approve CUP 18-003 as presented, with the conditions set forth by the Planning Board.

Motion carried 4-0.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Discussion/Consideration of Ordinance 18-04, an Ordinance to Amend Sections 70.01 and 70.04 of the Code of Ordinances to Clarify and Revise Provisions Regulating the Operation of Golf Carts on Public Streets within the Town of Duck, North Carolina

Town Manager Chris Layton was recognized to speak. Town Manager Layton stated that, at their March 7, 2018 meeting, Council approved an ordinance regulating golf carts and low-speed vehicles within the Town. He stated that the ordinance was intended to prohibit the use of golf carts on any part of NC 12, but allow the use of golf carts on side streets. He added that the ordinance also intended to regulate low-speed vehicles in accordance with NC State statutes, but upon further review of the ordinance and subsequent conferral with the School of Government, it was determined that changes were necessary to the adopted ordinance. He stated that Ordinance 18-04 amended the previously adopted ordinance by clarifying that golf carts were prohibited on NC 12, but were allowed on public side streets. He added that it clarified that the Town does not have the authority to regulate private side streets and therefore cannot regulate golf cart usage on those streets. He pointed out that the ordinance lists equipment that was suggested for safety purposes and lists other restrictions. He stated that the ordinance removes language related to low-speed vehicles, as state law governs the use of those vehicles.

Town Attorney Hobbs stated that the change for the safety equipment from being required to suggested would apply to any golf cart regulated by the Town, which would be on side and public streets. He added that since the Town could not regulate golf carts on private streets, then it would not apply to that, but because it was suggested, it had the same effect.

Town Attorney Hobbs stated that the initial ordinance was based on the model and the presumption was that the Town maintained all streets and did not have a different set up like Duck has where there is a main highway going through it as well as private streets that were not maintained by the Town and public streets that were also not maintained by the Town. He stated that it was a little different from what the original model was intended to do. He thought some clarification was needed to drive those points home.

Town Manager Layton stated that he believed that the Council's original intent was that golf carts were not allowed on NC 12, including the multi-use path and sidewalks. He added that golf carts were allowed to cross from the west side to the east side of NC 12 and vice versa at a 90-degree angle and if there was no street to cross over, then the golf cart would not be allowed to cross. He stated that golf carts were allowed as they were traditionally used in Town on private and public side streets.

Mayor Pro Tempore Thibodeau stated that it was great that the ordinance was flushed out and now the Town has the ordinance that they wanted.

Councilor Burdick asked Town Attorney Hobbs if he was satisfied with the ordinance. Town Attorney Hobbs stated that he was.

Councilor Burdick moved to adopt Ordinance 18-04 as presented.

Motion carried 4-0.

Mayor Kingston asked if staff would be communicating the new ordinance to rental agencies and homeowner associations. Town Manager Layton stated that they would, adding that Director of Public Information, Marketing and Events Christian Legner would be the one to send out the information.

NEW BUSINESS

Discussion/Consideration of Resolution 18-03, a Resolution of the Town Council of the Town of Duck, North Carolina, Supporting Efforts to Reduce Single-use Plastic Waste and Encourage Certification of Ocean Friendly Establishments

Town Manager Layton stated that as staff was directed at Council's March 7, 2018 meeting, a resolution was prepared related to the single-use plastic waste and certification of ocean friendly establishments. He noted that there was a great write-up in *My Outer Banks Home* about it, which further illustrated the program. He stated that it was a voluntary certification program for businesses and restaurants that make efforts to voluntarily reduce the use of plastics that could end up in the waters, including straws and plastic bags.

Councilor Caviness moved to adopt Resolution 18-03 as presented.

Motion carried 4-0.

Councilor Caviness noted that on April 9, 2018 at 7:00 p.m., there would be a movie shown at Outer Banks Brewing Station entitled *Straws*. She encouraged Council and the audience to go see the film.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated he had no report.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Update on Departmental Activities

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

Police Chief John Cueto was recognized to speak. Police Chief Cueto gave a brief overview of the past month's activities to Council and the audience.

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

Update on the Town of Duck Beach Nourishment Project

Town Manager Layton stated that there were still one or two invoices that were not necessarily specific to the Duck project, but there were administrative costs that were part of the overall agreements and likely some costs that Dare County was paying, but were part of the Duck project. He stated that the project could not be closed out until the invoices were in hand.

Update on the Public Safety Building

Town Manager Layton stated that staff had a good meeting with the architects as well as with local field research facility officials and the real estate division from Wilmington. He noted that it was not up to real estate regarding making a final decision, but the real estate agent came up from Wilmington to meet with staff to start some discussions and shortly afterward, he received a message from Jeff Waters that movement had started on the request, which meant approximately three to six months before staff would receive a final answer. He noted that he was encouraged by the latest interaction and hoped to be able to start work on the project.

Financial Statement for March FY 2018

Town Manager Layton reviewed the financial statements, beach activities and beach nourishment reports with Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that he has his mayor's meeting on April 16, 2018 in Nags Head. He stated that at the previous meeting, he tried to inquire about taxes from the other towns but didn't get anything positive from the standpoint of anyone planning a tax increase at this point in time. He noted that Dare County and the Town of Nags Head did one last year. He stated that he has a League Finance Committee meeting on April 26, 2018 via video conference. He stated that the Town of Nags Head was targeting to have beach nourishment this year and that the Buxton project was completed. He added that there has been discussion about Avon, so he and Town Manager Layton decided to ask their counterparts in the County if it was time to have another mayor/manager/chairman meeting. He stated that the meeting was scheduled for April 5, 2018 at 9:30 a.m. at the

Dare County offices, which will be a next steps discussion with respect to various towns as well as an accounting of where the shoreline funds were and what was being projected out. He noted that approximately \$100 million has been spent through the various beach nourishment projects, so the question will be what the maintenance costs will be and what will be available moving forward. He stated that he will be attending a League Board meeting on May 2-4, 2018 in Asheville and will miss the May 2, 2018 Council meeting.

COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau stated that she enjoyed being part of the beach planting project. She stated that she was thrilled about the recent grant that the Town received from the Dare County Tourism Bureau.

Councilor Burdick thanked Council for adopting Resolution 18-03. He added that the other towns needed to get involved. Town Manager Layton stated that staff would send out the resolution to the other towns. He noted that the Town of Kill Devil Hills was looking at a program and understood that there has been some communication, but he would follow up. Councilor Burdick suggested that Mayor Kingston discuss it at his next mayor's meeting.

Councilor Caviness stated that the Duck Merchants Association had their 5th annual Easter egg hunt and thanked Director Legner and Public Relations Assistant Betsy Trimble for their work in helping to support the Merchants Association. She stated that she has noticed an increase in the number of people that text while driving. She stated that it would be a shame if someone was hit and/or killed due to someone texting while driving. She asked that everyone be considerate of pedestrians while driving.

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.

CLOSED SESSION

Mayor Pro Tempore Thibodeau moved to enter closed session pursuant to §143-318.11(5) to establish, or instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property located at 101 and 103 Scarborough Lane owned by Larry Herron, Thomas Herron, Kascie Herron and Ciera Herron and property located at 1165 Duck Road owned by Larry Herron, Thomas Herron, Deborah Herron, Vicky Herron and Catherine Herron, by purchase, option, exchange or lease.

Motion carried 4-0.

The time was 9:24 p.m.

Upon return from closed session, Mayor Kingston noted that no action was taken.


Mayor Kingston noted that the next meeting will be the mid-month meeting on Wednesday, April 18, 2018 at 1:00 p.m.

ADJOURNMENT


Councilor Burdick moved to adjourn the meeting.

Motion carried 4-0.

The time was 10:16 p.m.



Lori A. Ackerman, Town Clerk

Approved: May 2, 2018


Don Kingston, Mayor

