

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
June 6, 2018**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, June 6, 2018.

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

COUNCIL MEMBERS ABSENT: None.

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 Ocean Rescue Director Mirek Dabrowski 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.

Jane Lindley of 1470 Duck Road was recognized to speak. Ms. Lindley gave a short presentation on environmental stewardship to Council and the audience.

Police Chief John Cueto was recognized to speak. Police Chief Cueto recognized Police Officer Joe Knight and presented him with a Chief's Commendation Award for his criminal investigations in the Town of Duck.

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

CONSENT AGENDA

Minutes from the May 2, 2018, Regular Meeting

Councilor Burdick moved to approve the Consent Agenda as presented.

Motion carried 5-0.

SPECIAL PRESENTATIONS

Introduction of 2018 Lifeguards

Mirek Dabrowski, Director of Ocean Rescue, was recognized to speak. Mr. Dabrowski introduced each member of Ocean Rescue to Council and the audience.

Mayor Kingston and Council thanked the lifeguards for everything they do to keep people safe on the beach.

PUBLIC HEARINGS

Public Hearing/Discussion/Consideration of Proposed FY 2019 Budget

Mayor Kingston stated that Council's April 18, 2018 meeting, the Town Manager presented a Proposed FY 2019 Budget. He stated that Council held a work session on May 16, 2018 and a \$0.015 ad valorem tax increase was proposed as part of the budget. He noted that the ad valorem tax increase would raise the tax rate from 21 cents per \$100 of assessed value to 22.5 cents and was necessary to fund two new police officer and three new firefighter/EMT positions. He added that the proposed budget also included the MDS rates of 14.8 cents and 31.5 cents, which were the same as the previous year.

Mayor Kingston turned the meeting over to Town Attorney Hobbs.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs stated that the public hearing was open. He asked if anyone wished to comment on the proposed budget. There being no one wishing to speak, he closed the public hearing and turned the meeting back over to Mayor Kingston.

Councilor Caviness moved to adopt the Fiscal Year 2018-2019 budget ordinance as presented.

Mayor Pro Tempore Thibodeau thanked Town Manager Layton for the comprehensive information he provided to Council and the general public. She stated that as evidenced this evening and through her conversations while waiting for the public hearing, the arguments for the rationale behind the tax increase was really well made. She thanked Police Chief Cueto and Fire Chief Black for outlining the needs of the community. She stated that she was excited that the Town could get the departments in the shape that both chiefs feel was necessary.

Motion carried 5-0.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Update on Duck Village Pedestrian Improvements

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that the first phase of the project was now complete. He stated that there were a couple of items that staff will continue to monitor and try to come up with the best solutions for them. He noted that there had been some issues with heavy rain washing out the mulch. He stated that the planting has been completed along with an application known as Mulch Lock, that will help with the mulch staying in place.

Director Heard stated that, on Friday, June 1, 2018, staff was out on the Duck Trail cleaning up the rocks and sand at the intersections and driveways. He stated that VHB came down and joined in the project and it has worked very well so far. He noted that staff would also be monitoring that and come up with a best solution.

Director Heard stated that the Town will be receiving the plans next week from VHB showing what would be occurring on the west side of Duck Road. He explained that it would extend from the crosswalk at Aqua Restaurant all the way up to the crosswalk at Cook Drive; however, it was looking like it would extend up to Resort Realty. He stated that it may involve tying it back to the crosswalk at Dune Road rather than Cook Drive. He stated that once staff receives the plans, they will be submitted to the NC Department of Transportation to begin the permitting process. He added that staff was looking at arranging a meeting with NCDOT officials as soon as June 20 or 21, 2018 to have a walkthrough so they would understand the project. He stated that it was a very smooth permitting process last time and he hoped it would be the same this time.

Director Heard stated that Town Attorney Hobbs will start working on identifying the easements. He noted that there will not be as many as with the first phase of the project since there were fewer property owners and fewer properties where the Town will need to come onto a property.

Director Heard stated that he will then have an opportunity to go out with the plans and begin to talk with the business owners along that stretch, particularly those where there were some challenging things going on, such as the property at Soundfeet Shoes and Ocean Atlantic Rentals, since it was a fairly steep property. He stated that once he knows what the challenges were, staff can present that and listen for concerns and talk through them so the owners understand how the project will work. He thought the benefit will be that the owners have all seen how the project works from observing the first phase.

Director Heard stated that after that, he would look at putting out bid advertisements in early July, holding a pre-bid meeting at the middle of the month; and meeting with all of the utility companies and then a bid opening around the first of August. He added that if everything was then in order, there would be the possibility to award the bid in August. He noted that if it turned out that there weren't a lot of bidders at the pre-bid meeting, then it would push things to late August with approval from Council at their September meeting. He anticipated the construction schedule to be very similar to the first phase.

Councilor Burdick asked where the final project terminus would be on the west side. Director Heard asked if Councilor Burdick was referencing the northern or southern end. Councilor Burdick stated he was referring to the west side at the northern end. Director Heard stated that the original design showed it terminating at the crosswalk at Cook Drive. Councilor Burdick stated that he wasn't talking about Phase II, but the total project. Director Heard stated that, once the third phase was complete, it would go all the way to and connect with the shared use path at Ships Watch. Councilor Burdick clarified that it was on the west side. Director Heard stated it was on the east side, adding that the west side was only in the second phase of the project. Councilor Burdick clarified that it would be extended further north. Director Heard stated he was correct.

Councilor Burdick stated that he noticed that the bicyclists were crossing at the Sunset Grill crosswalk to head south as opposed to staying on the east side. He asked if that would affect the plan in the long run. Director Heard stated that it would not as it was preferred that bicyclists travel with traffic into Town on the right side. He added that it would transition at either Cook Drive or Dune Road to the double sidewalks where bicyclists would be able to continue on that side of the road.

Mayor Pro Tempore Thibodeau stated that one of the bigger parts of the first phase of the project was the utilities that had to be relocated. She asked if the same underground work would be completed on the west side. Director Heard stated that it was one aspect of the project that will be more complex in the second phase since the main water line in Town runs along that side of the road. He added that the utility boxes on that side of the road will have to be relocated, which will be a greater expense.

Mayor Kingston asked if all of it was included in the cost estimate. Director Heard stated that it was. He added that some of the expenses that were to be done in the second and third phase of the project were completed in the first phase so it was possible that there could be a reduction of costs.

Councilor Burdick thought extending it and taking it as far north as possible was a good idea as there wasn't a lot of space to work with.

Councilor Caviness stated that there have been some torrential rains recently causing the mulch to clog the drains. She asked if the Mulch Lock was applied before the rains. Director Heard stated that the final planting occurred on Friday, June 1, 2018 and remulched, but all of the areas that had previously washed out. He added that the specifications for Mulch Lock stated that it needs to sit for at least 12 hours without any rainfall. He stated that the plants are now installed and the Mulch Lock has been put down and staff was hopeful that there would not be any more issues. Councilor Caviness knew that it was creating a drainage problem. She asked if, going forward with the ongoing maintenance problems that will reveal themselves, the landscapers will deal with the issues. Town Manager Layton stated that they would. He noted that the plants that were selected were because they are drought tolerant and do not need to be watered constantly. He added that they were also specifically used for erosion control. He was hopeful that the combination of the Mulch Lock and as the plants mature, that it will help.

He stated that the goal was to have a good solution in place when the next phase is bid out so that so that there would be the correct application. He added that in some of the key areas, the mulch that clogged the drains did not come from the Town's mulch beds, but from other properties. He explained that the Fire Department has been tasked with treating those areas like a public safety issue by making sure the drains were cleared as a matter of their regular duties. He stated that staff was trying to coordinate with NCDOT to have the vacuum trucks brought in to make sure the drains were cleaned out.

Councilor Caviness asked if there was going to be some higher visibility markings on the calming island near the Four Seasons subdivision. Town Manager Layton stated that the next step would be to install solar bollards that would replace the temporary reflectors that were currently there as well as at the calming island near Sunset Grill. He thought they would work very well. Councilor Burdick thought it was a good idea but thought the reflectors served a useful purpose and should remain in place. Town Manager Layton stated that he and Director Heard will discuss it more and thought the reflectors were good, but something a little more aesthetically pleasing would be needed for daytime illumination. Councilor Burdick stated that there needed to be something there to alert people of the calming islands during the day.

Town Manager Layton noted that Director Heard has done a great job with the pedestrian plan project.

NEW BUSINESS

Discussion/Consideration of Resolution 18-04, a Resolution of the Town Council of the Town of Duck, North Carolina, Requesting that the North Carolina General Assembly Fund the Coastal Storm Damage Mitigation Fund

Town Manager Layton stated that during its 2017 Session, the North Carolina General Assembly approved the creation of a Coastal Storm Damage Mitigation Fund that would provide funding to assist local governments with beach nourishment projects that mitigate or remediate coastal storm damage. He explained that while the fund was created, the General Assembly did not appropriate any revenue into it. He added that Resolution 18-04 would request that the General Assembly appropriate revenue into the fund. He noted that the resolution clarified that the source of revenue was to be used for the fund and should be a new revenue source and should not be a reallocation of existing local revenue sources, such as occupancy or sales tax.

Councilor Burdick asked if this was a movement of all coastal towns. Town Manager Layton stated that it was.

Mayor Pro Tempore Thibodeau moved to adopt Resolution 18-04 as presented.

Motion carried 5-0.

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

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.

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.

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 an administrative invoice came in recently for a little over \$2,000, which was shared with the other towns. He stated that it should be the very last invoice and he hoped to finally close the project out. He stated that the next set of profile surveys were beginning the end of the week or beginning of next week, as it depended on the weather. He stated that the work should be completed in the next few weeks. He stated that as part of the agreement with Dare County for the beach nourishment project funding agreement, they paid \$270,000 this year of the Town's debt service and that funding will be transferred the end of the week from the County. He noted that the funding would go straight to the Capital Reserve Fund.

Financial Statement for May 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 will be attending his mayors meeting on June 19, 2018 with Dare County. He stated that on May 21, 2018, he attended a Board of Commissioners meeting with Town Manager Layton and Director Legner and received an award from the American Shore and Beach Preservation Association for best restored

beach in 2017. He noted that the Towns of Southern Shores, Kitty Hawk and Kill Devil Hills also received the award. He reminded Council that this meeting would be recessed to reconvene on June 20, 2018 at 10:00 a.m. for ethics training. He hoped to have that finished by noon and there would be reserved parking for Council that morning because of the magic shows that will be going on in the amphitheater. He stated that after the ethics training, Council will adjourn the meeting and then meet at 1:00 p.m. for their mid-month meeting. He thanked Director Legner and Town staff for a successful ribbon cutting that was held before the Council meeting. He stated that he was looking forward to the upcoming summer activities.

COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau noted that Duck resident Suzanne Harrison was graduating from high school this year. She stated that she received a nice email regarding the beach planting that was completed earlier in the year with an aerial view from Mirek Dabrowski of the nourishment area showing how great the plantings looked. She stated that she was excited about the upcoming sea oat planting. She thanked Jane Lindley for her presentation at the beginning of the meeting.

Councilor Britt thanked Town staff for the great ribbon cutting. He recognized his father – Joe Britt – for being on the original committee that started the Duck Trail Committee that got the process started. He stated that he was happy for the community's support for the budget and were able to help Public Safety with their new employees. He stated that he was looking forward to summer and the summer events.

Councilor Caviness had nothing to report.

Councilor Burdick thought the ribbon cutting was great. He stated that there was an article recently in *The Coastland Times*, that starting on June 4, 2018, NCDOT was seeking public comment on projects. He stated that it was open from June 4, 2018 through July 9, 2018 and they were soliciting feedback from citizens who wish to express their views either at a public meeting, online, by telephone or in writing. He wondered if the Town shouldn't take a look at the projects that affect Duck and come up with a strategy as to how to put in input. He suggested that it be discussed at Council's mid-month meeting where Council would decide on a good approach to get its input in.

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 5-0.

The time was 8:29 p.m.

Upon return from closed session, Mayor Kingston noted that Council directed Town Manager Layton and Town Attorney Hobbs to continue with the negotiations on the subject property.


Mayor Kingston noted that the next meeting will be the mid-month meeting on Wednesday, June 20, 2018 at 1:00 p.m. after ethics training.


RECESS TO RECONVENE

Mayor Kingston moved to recess the meeting to Wednesday, June 20, 2018 at 10:00 a.m.

Motion carried 5-0.

The time was 9:12 p.m.


Lori A. Ackerman, Town Clerk

Approved: July 18, 2018

Don Kingston, Mayor

