

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
July 1, 2020**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, July 1, 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 Chief John Cueto; Police Lieutenant Jeffrey Ackerman; Fire Chief Donna Black; Deputy Fire Chief Clarence Batschelet; Director of Community Development Joseph Heard; Town Attorney Robert Hobbs; Director of Marketing and Special Events Christian Legner; Assistant to the Town Manager Alyson Flynn; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Public Relations Administrative Assistant Betsy Trimble.

Mayor Kingston called the meeting to order at 7:01 p.m. He asked Police Chief John Cueto to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

Mayor Kingston thanked everyone that was viewing the meeting remotely and to ensure an orderly meeting, he asked the audience to follow the guidelines for those that wished to submit comments during the Public Comment period. He noted that if the comments were submitted via email it would be read into the record and if comments were submitted for a later comment, it could be done through the question and answer function in Zoom and they would be read into the record. He stated that the meeting recording would be available on the Town's YouTube channel as soon as possible after the meeting.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments.

Director of Marketing and Special Events Christian Legner was recognized to speak. Director Legner noted that there were no public comments to be read.

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

CONSENT AGENDA

Minutes from the May 20, 2020, Mid-Month Meeting and Minutes from the June 3, 2020, Regular Meeting

Councilor Caviness moved to approve the consent agenda as presented.

Motion carried 5-0 via roll call.

SPECIAL PRESENTATIONS

Employee Recognition Program

Mayor Kingston stated that in December 2011, Council had adopted an employee service recognition program that would acknowledge the service of employees of the Town at five-year intervals by providing them with a certificate of recognition as well as a gift certificate at a Duck business of their choosing.

Fire Chief Donna Black was recognized to speak. Fire Chief Black went on to present Deputy Fire Chief Clarence Batschelet and Master Firefighter Jacob Dempsey with their 5-year service recognition certificates and \$50 gift certificates.

Police Chief John Cueto was recognized to speak. Police Chief Cueto went on to present Master Police Officer Tara Poulin with her 15-year service recognition certificate and \$150 gift certificate.

PUBLIC HEARINGS

Public Hearing/Discussion/Consideration of Ordinance 20-04, an Ordinance Amending the Town Code of the Town of Duck, North Carolina, by Establishing Provisions for Fire Prevention and Protection

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

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs opened the public hearing. He noted that if there were any comments or if anyone wanted to speak, Director of Events Christian Legner would read them into the record. Director Legner noted that there were no public comments on the proposed ordinance.

Town Attorney Hobbs stated that Fire Chief Donna Black would be making a presentation.

Fire Chief Black stated that the ordinance took approximately one year to get together. She stated that at Council's 2019 Retreat, she felt it was important to have the issue looked at for a few reasons – the Town did not have a lot of guidelines around fire, especially open burning and the changes for the Fire Department with regard to inspections over the last few years as well as the current ordinances not being consistent. She stated that she thought it was time to make some changes, especially with increasing

staffing so there would be consistent guidelines. She noted that it was a great collaborative process between Director of Community Development Joe Heard, Permit Coordinator Sandy Cross, Deputy Fire Chief Clarence Batschelet, Town Attorney Robert Hobbs and herself as they worked on the ordinance for a long time.

Fire Chief Black stated that at Council's last meeting, there was concern about the age that the Fire Department allowed for monitoring a contained fire, which was 14 years of age. She noted that she did some research and changed the age to 16 years of age, adding that Council could change the number if they wished. She thought 16 years of age was a fair number and felt that 14 years of age was too young.

Fire Chief Black stated that there was some discussion regarding how tall weeds/grass/vegetation should be. She pointed out that it was already in the Town's ordinance in the nuisance section. She stated that she pulled it out thinking it would help from a fire safety/fire spread point and after a fair amount of discussion, it was decided to be put back where nuisances were because it was not just about fire spread. She added that after having a discussion with Director Heard regarding a height limit, it was decided that that limit would not be added and would be addressed on a case-by-case basis.

Fire Chief Black stated that the last part was whether the Fire Department could do anything to prohibit grilling on decks. She stated that Town Attorney Hobbs researched it and agreed with the Fire Prevention Code that the Town cannot regulate any type of prohibition of it in single-family homes.

Town Attorney Hobbs asked if Council had any questions.

Mayor Pro Tempore Thibodeau asked how the ordinance would be passed without Council receiving any additional public comments. Town Attorney Hobbs stated that he would open it at the end of the staff presentation for questions or comments from the public to see if any were received through Zoom. He added that since all five Council members were present for the meeting, the 24-hour rule did not apply.

Town Attorney Hobbs asked if any public comments had come in. Director Legner stated that no comments had come in.

There being no other public comments, Town Attorney Hobbs closed the public hearing and turned the meeting back over to Mayor Kingston.

Councilor Caviness moved to adopt Ordinance 20-04 as presented.

Motion carried 5-0 via roll call.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

There were no Old Business items to discuss.

NEW BUSINESS

Discussion/Consideration of Authorizing the Town Manager to Execute an Agreement with CrowderGulf for Disaster Debris Removal Services

Town Manager Layton stated that the Town currently has in place an agreement with Dare County that allows the Town to utilize the disaster debris removal contractor utilized by the County. He reminded Council as in the past, the Town has worked with the Towns of Southern Shores and Nags Head on joint procurement of secondary contractors that the Town could utilize in the event of a localized disaster debris removal situation or other circumstances in which the County contractors are not activated or the Town wishes to utilize different contractors. He stated that nine contractors submitted proposals for disaster debris removal services. He added that an analysis of each proposal was based on pricing structure, qualifications, resources, and familiarity with FEMA guidelines. He stated that it was determined that CrowderGulf was the lowest responsive bidder for disaster debris removal and it was recommended that the Town Manager be authorized to enter into an agreement with CrowderGulf for these services.

Mayor Kingston asked what the other three towns were doing. Town Manager Layton stated that they were working with Dare County. Mayor Pro Tempore Thibodeau thought it was a good idea to have a back-up plan.

Mayor Pro Tempore Thibodeau moved to authorize the Town Manager to execute an agreement with CrowderGulf for disaster debris removal services.

Motion carried 5-0 via roll call.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated that he had no report.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Departmental Updates

Police Chief Cueto gave a brief overview of the past month's police 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.

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

Director Legner gave a brief overview of upcoming activities to Council and the audience, noting that staff was recommending the cancellation of all events for the rest of the summer, including the Jazz Festival.

Update on Beach Nourishment Maintenance Project

Town Manager Layton stated that work was being completed with the permitting and the design of the project. He stated that profile services and field work have been completed, which was the initial information that was needed to get to the next step of designing the project. He stated that beyond that, aside from field work and meetings with regulators, it was all still very preliminary at this point. He added that a draft report has been developed and shared with FEMA in terms of reimbursement from Hurricane Dorian. He noted that there were some comments from FEMA of things that staff needs to complete before it can be submitted as well as some additional costs that were eligible that staff was working on with regard to plants.

Town Manager Layton stated that on July 16, 2020, he coordinated a meeting with all of the towns that were engaged in the project as well as the consulting engineers. He stated that there were opportunities to share information and to work on certain things collectively. He added that on July 16, 2020, there would be a meeting in Town via Zoom to kick off the information sharing.

Town Manager Layton stated that staff has begun working on the easements, with over 120 easements needed and all but 12 that were perpetual for the first project. He stated that staff have to now contact the 12 that were not perpetual and have begun that process.

Update on Public Safety Building Environmental Assessment

Town Manager Layton stated that the comment period on the environmental assessment expired a few weeks ago. He stated that there were some comments from regulating agencies and most of the comments were boilerplate, run of the mill comments. He added that there were some items that staff had to respond to, such as what the Town would be doing regarding the stream next to the proposed Public Safety building. He pointed out that no stream existed, so staff was not sure what needed to be mitigated and responded that no stream existed.

Town Manager Layton stated that the Town received a North Carolina CAMA compliance letter. He stated that staff did not anticipate any issues now that the environmental assessment was completed and expected a finding of no significant impact for that. He added that at that point, once staff receives that, they could start working with the real estate agency for the Corps of Engineers for the next phase which would include the appraisal of any lease value in actual contract discussions.

Financial Statement for the Month of June for FY 2020

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

MAYOR'S AGENDA

Mayor Kingston stated that for the month of June, he was called into two Control Group meetings. He reminded Council that on June 19, 2020, he sent out a note to Council asking for their comments, which was when Dare County went to the mandatory use of masks if social distancing could not be achieved. He stated that on June 26, 2020, Governor Roy Cooper put in his Order #147 and the Control Group approved the adoption of Governor Cooper's order into the Dare County order. He added that the Town followed suit and he signed the order effective the same day. He stated that he had a League of Municipalities board meeting on July 2, 2020, which was the first meeting of the new board and would be held virtually. He added that he was once again appointed to the Finance Committee and was up for election to the Executive Committee. He noted that most of the activities with the League were focused on COVID-19 and the major issue being the revenue shortfalls for various towns and cities.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau gave a short Government Access Channel Committee update to Council and the audience. She stated that she hoped everyone stays safe and thanked Police Chief Cueto for his service to the Town.

Councilor Mooney stated that he had nothing to report.

Councilor Whitman stated he had nothing to report.

Councilor Caviness stated that the annual Advice 5 Cents Turkey Trot had been canceled this year due to COVID-19.

OTHER BUSINESS

Additional Public Comments

Mayor Kingston opened the floor for public comments.

Director Legner stated that no additional public comments had come in.

There being no comments, Mayor Kingston closed the time for public comments.


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

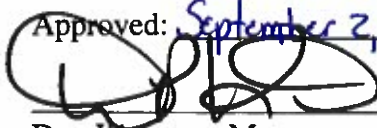
ADJOURNMENT

Councilor Caviness moved to adjourn the meeting.

Motion carried 5-0 via roll call.

The time was 8:32 p.m.


Lori A. Ackerman, Town Clerk

Approved: September 2, 2020

Don Kingston, Mayor

