

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
July 3, 2019**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, July 3, 2019.

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

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; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Public Relations Administrative Assistant Betsy Trimble.

Mayor Kingston called the meeting to order at 7:02 p.m. He asked James Cofield to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

It was *consensus* of Council to add Item 4B – Special Presentations to the agenda.

PUBLIC COMMENTS

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

CONSENT AGENDA

Minutes from the May 22, 2019, Mid-Month Meeting; FY 2019 Audit Contract

Councilor Burdick moved to approve the consent agenda as presented.

Motion carried 5-0.

SPECIAL PRESENTATIONS

Introduction of the 2019 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.

Presentation by James Cofield on the Dare County Board of Elections

James Cofield of 101 East Bias Lane was recognized to speak. Mr. Cofield went on to give a short presentation on the Dare County Board of Elections to Council and the audience.

Mayor Kingston thanked James Cofield for his presentation.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Discussion/Consideration of Appointing Individuals to the Board of Adjustment

Mayor Kingston stated that at Council's June 5, 2019 meeting, the existing members of the Board of Adjustment were re-appointed to serve another three-year term. He stated that Council decided to table appointing individuals to take Kent Zimmerman's place as well as the other vacant position on the Board from William Guillaume's resignation until July in order to have those that wished to be appointed come before Council to express their interest. He added that the Town received four applications for the position from James Blose, Patti Bossert, Robert Wetzel and Anthony Parisi. He asked Town Attorney Hobbs to explain the process in order to appoint the two individuals.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs explained that Section 31.30 of the Town Code gives Council the appointment procedure. He stated that the Mayor would open the floor to nominations and Council members would put forward and debate the names of possible appointees. He stated that when the debate ends, the Mayor calls for the roll of the Council and each Council member shall vote. He noted that the votes should not be tallied until each Council member has voted and the nominee that receives the highest number of votes shall be appointed. He noted that when there was more than one appointee, each Council member shall have as many votes as there are positions to be filled and a Council member may cast all of their votes or less than all of them. He pointed out that in that case, each Council member has two votes and could put them all with one nominee or split them. He stated that if there were two nominees, the two top vote getters would be the individuals appointed.

Mayor Kingston stated that two applicants were present while the other two were unable to attend the meeting. He stated that he would call the individuals present to give a short introduction and Town Manager Layton would read the emails received from the individuals that were unable to attend.

James Blose of 105 Waxwing Court was recognized to speak. Mr. Blose stated that he has vacationed in Duck for many years and has been a property owner since 2007. He stated that he retired about two years ago and prior to that he was an architect for about 44 years. He stated that he wanted to become involved in the Town's activities and felt

that the Board of Adjustment position was a good place to start. He stated that the position was familiar to him due to his professional background and he appreciated Council's consideration.

Town Manager Chris Layton was recognized to speak. Town Manager Layton read an email from Patti Bossert to Council and the audience. He stated that Ms. Bossert was interested in the position and had introduced herself to Council at their June 5, 2019 meeting. He stated that Ms. Bossert and her husband have been full-time residents since 2017 and have volunteered for many activities in Duck. He stated that Ms. Bossert wanted to become more involved in Duck by being a member of the Board of Adjustment.

Anthony Parisi of 1540 Duck Road was recognized to speak. Mr. Parisi stated that he and his wife have been permanent residents of Duck for almost three years. He appreciated the opportunity to speak as to why he would like to be a member of the Board of Adjustment. He stated that he was a Navy officer for 28 years and retired as a Navy Captain and during that time, he had a wide range of facilities in planning and project management. He stated that after he retired, he spent the last 20 years as a Navy civilian and independent consultant working with developers, cities, and counties looking at compatible development with planning and zoning ordinances. He thought it would be valuable for working on the Board of Adjustment.

Town Manager Layton read an email from Robert Wetzel to Council and the audience. He stated that Mr. Wetzel and his wife purchased property in Duck in 1971 and purchased their home in 2011. He stated that Mr. Wetzel's interest and involvement in Town activities have grown since he became a permanent resident in 2013. He stated that Mr. Wetzel has reached a point where he wanted to contribute to the Town in a more formal manner and has a strong interest in serving on the Board of Adjustment. He stated that Mr. Wetzel spent the majority of his working career at the Federal Reserve Bank of Richmond and felt his work experience was applicable to the work of the Board of Adjustment.

Mayor Kingston nominated Robert Wetzel for an alternate position on the Board of Adjustment. Councilor Burdick agreed with the nomination.

Mayor Kingston asked for other nominations.

Councilor Caviness nominated Patti Bossert for an alternate position on the Board of Adjustment.

Councilor Burdick thought the four candidates were the best that he has seen for the Planning Board or Board of Adjustment in a long time. He thought the Town was lucky to have these individuals willing to serve. Mayor Pro Tempore Thibodeau stated that she was thrilled with the interest in the positions for the Board of Adjustment.

Mayor Kingston closed the nominations.

Motion carried 5-0 for Robert Wetzel to serve on the Board of Adjustment as an alternate for a three-year term, expiring on July 1, 2021.

Motion carried 5-0 for Patti Bossert to serve on the Board of Adjustment as an alternate for a three-year term, expiring on July 1, 2021.

Mayor Kingston thanked the other applicants, adding that there will be other opportunities in Town to serve, noting that they were both very qualified. He stated that he appreciated their interest. Mayor Pro Tempore Thibodeau echoed Mayor Kingston's comments.

NEW BUSINESS

Discussion/Consideration of Authorizing the Town Manager to Execute a Contract with VHB Engineering of NC, P.C., for Delineation of Wetlands and Permitting Assistance related to the Town of Duck Erosion Projects related to the Boardwalk and Sidewalk

Town Manager Layton stated that for the last several years the Town has been working on conceptual level solutions for erosion at the property located at the Town park. He stated that after much back and forth with permitting agencies, it was determined that a sill could be permitted along the Town boardwalk, but a larger project involving fill and planting would not be permissible due to the presence of subaquatic vegetation. He noted that this contract would update the SAV survey for the boardwalk sill project and bring that project to permit submittal. He added that the contract would also provide for an SAV survey, wetland delineation and US Army Corps of Engineers Preliminary Jurisdiction Determination related to Phase IV of the Comprehensive Pedestrian Plan improvements. He stated that it would be the first part of developing conceptual level solutions to erosion issues at the Phase IV location between Resort Realty and Sunset Grill. He noted that funds for this contract in the amount of \$14,200 were included in the FY 2020 budget.

Councilor Burdick clarified that this was the sill project. Town Manager Layton stated that it was.

Mayor Pro Tempore Thibodeau asked if the sill project for the park covered the length of the Town property. Town Manager Layton stated that it was what the permitting would be for. Mayor Pro Tempore Thibodeau clarified that it would be for permitting even if the whole thing was not completed right away. Town Manager Layton stated that it was for permitting, final design and contracting. He noted that bidding would be separate.

Councilor Burdick stated that he was pleased that the two were going to be combined. He thought it would save the Town money and thought the sill project demonstrated the Town's commitment to the environment as well as the Town caring about the long-term solution.

Mayor Pro Tempore Thibodeau moved to authorize the Town Manager to execute a contract with VHB for delineation of wetlands and permitting assistance related to the Town of Duck Erosion Projects related to the boardwalk and sidewalk as presented.

Motion carried 5-0.

Mayor Pro Tempore Thibodeau noted that the Town was going through the project process of evaluating and working toward getting sills and potentially stopping the water flow onto land. She asked if it was the kind of thing that private property owners would also be able to do if they were interested in developing a sill. She further asked if they would be eligible. Town Manager Layton stated that property owners were eligible for sills. He noted that, depending on the characteristics of the property in question, homeowners may be able to permit in that it would meet the Town's rules.

Councilor Britt noted that if the property did not have SAVs, the homeowner could fill, but without the fill, the SAVs couldn't grow so it was a Catch-22 situation. He hoped the Town's project will work.

Mayor Pro Tempore Thibodeau thought private property owners along the sound would be following this project closely.

Councilor Caviness asked if a subdivision could do a project like this. Town Manager Layton thought they could. He stated that the permitting could be a potential issue.

Councilor Burdick thought it was important to note that any property owner on the sound side had the right to protect their property within the restrictions of the SAVs. He thought it was a good idea to encourage property owners to follow the Town's lead. Town Manager Layton stated that the Town was trying to demonstrate alternatives to bulkheading with this project.

Mayor Pro Tempore Thibodeau thought that there could be a video that runs on CurrentTV that would document the project as it could be educational. Town Manager Layton agreed.

Discussion/Consideration of Authorizing the Town Manager to Execute a Contract with VHB Engineering of NC, P.C., for Engineering Design of Pedestrian Improvements for Phase III and Phase IV of the Town of Duck Comprehensive Pedestrian Plan Improvements

Town Manager Layton stated that the contract provides for services related to Phase III and Phase IV of the Comprehensive Pedestrian improvements. He noted that Phase III services would include the final design, bidding, and construction management services. He added that Phase IV included preliminary design, including shoreline stabilization. He pointed out that the contract total of \$125,500 was included in the FY 2020 budget.

Councilor Burdick moved to authorize the Town Manager to execute a contract with VHB for the engineering design of pedestrian improvements for Phase III and Phase IV of the Town of Duck Comprehensive Pedestrian Plan improvements as presented.

Mayor Pro Tempore Thibodeau asked how this project dovetails with the grant application. Town Manager Layton believed that the grant had to be submitted by the end of September and staff will have conceptual level cost estimates that can be used for the grant by that time period.

Motion carried 5-0.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated that he had no report.

Councilor Burdick asked where the Town was headed with the current project in terms of what was going on with the additional funds that had to be put in. Mayor Kingston asked if Town Manager Layton had already covered it. Councilor Burdick stated that he did not.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Councilor Burdick asked where the Town was going with the \$300,000 investment. Town Manager Layton stated that he has not received the bill yet. He stated that there was a stakeholder meeting as part of the Land Use Plan last week and he asked about the bill and was told it would be hand delivered; however, it has not been delivered yet. He stated that staff did not know where that cost was yet. Councilor Burdick asked if once the Town received the cost, where would it go. Town Manager Layton stated that it was something that Council will need to discuss if they wished to follow up on any action items.

Councilor Burdick stated that the reason he asked the question under Town Attorney Hobbs' time was because Council needed his input on it. Mayor Pro Tempore Thibodeau agreed and thought it would start with whatever the bill was. She thought Council should wait to see what that will be first. Town Manager Layton stated that he has been given no indication of where they've fallen on the bill, but he would follow up on it.

Councilor Burdick asked Town Attorney Hobbs if he had looked at it. Town Attorney Hobbs stated that he did not.

Update on Departmental Activities

Director of Community Development Joe Heard was recognized to speak. Director Heard gave a brief overview of the past month's permit 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 police 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 upcoming activities to Council and the audience.

Update on Public Safety Building Environmental Assessment

Town Manager Layton stated that the draft environmental assessment has been submitted to the Army Corps of Engineers for review and staff was now waiting for those comments, so they could proceed.

Financial Statements for June of FY 2019

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

MAYOR'S AGENDA

Mayor Kingston stated that he has his mayor's meeting on July 16, 2019 in Kill Devil Hills. He stated that he attended the North Carolina League of Municipalities board meeting in Wilmington, which had a lot of information. He noted that one of the most significant things from it was that they scheduled their annual retreat for next February at the Sanderling Inn in Duck. He stated that the Essentials of Municipal Government session would be held in Duck after the elections. He stated that he was on the finance committee for the League for the second year and the biggest issue happening was the redevelopment of their property in Raleigh that was destroyed by a fire. He stated that the Request for Proposals have come in from four major firms for the construction of a multi-story building that will be occupied by the League and County Commissioners with the rest going to whatever the developer wished to do.

Mayor Kingston stated that he received a letter from Dare County Chairman Bob Woodard, looking for a representative to serve on the Dare County Complete Count Committee. He explained that they were forming a committee that would be headed up by Dorothy Hester and Donna Creef to increase voter registration and voting in Dare County. He stated that after he has a discussion with Town Manager Layton, he will provide a copy to Council and a selection will need to be made by July 15, 2019 for a representative from Duck. He stated that he was looking forward to the 4th of July parade.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau stated that she was looking forward to the 4th of July parade. She gave a Government Access Channel update to Council and the audience.

Councilor Britt stated that he was looking forward to the 4th of July parade.

Councilor Caviness stated that the Utility 11 truck would be in the last 4th of July parade as it was being retired. She stated that the Land Use Plan Committee has met twice to fine-tune the online questionnaire. She wasn't sure when it would be available as the committee was targeting August but thought the committee's consensus was that August may not be a good time, so it may be September. She stated that she would miss the Council's August 7, 2019 meeting as she will be out town.

Councilor Burdick gave a Dare County Tourism Board update. He noted that the post office recently moved to the Loblolly Pines shopping center and he thanked Town staff for all of their help with the permitting. He stated that he was looking forward to the 4th of July parade.

OTHER BUSINESS

Additional Public Comments

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


Mayor Kingston noted that the next meeting will be the Regular Meeting on Wednesday, August 7, 2019 at 7:00 p.m.

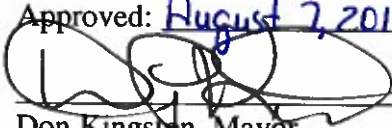
ADJOURNMENT

Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 9:01 p.m.


Lori A. Ackerman, Town Clerk

Approved: August 7, 2019

Don Kingston, Mayor

