

**TOWN OF DUCK
TOWN COUNCIL
SPECIAL MEETING
September 23, 2020**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, September 23, 2020.

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

COUNCIL MEMBERS ABSENT: Councilor Rob Mooney.

OTHERS PRESENT: Interim Town Manager Joseph Heard; Police Chief Jeffrey Ackerman; Fire Chief Donna Black; Director of Marketing and Special Events Christian Legner; Town Attorney Robert Hobbs; Deputy Town Clerk Kay Nickens; Stephen Straus of Developmental Associates; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Assistant to the Town Manager Alyson Flynn.

Mayor Kingston called the meeting to order at 1:03 p.m.

Mayor Kingston stated that since this was a special meeting, there would not be a public comment period; however, those watching remotely were free to use the chat feature or send an email and Council would collect the comments for Stephen Straus. He noted that Mr. Straus was attending the meeting remotely.

KICKOFF MEETING WITH DEVELOPMENTAL ASSOCIATES ON THE TOWN MANAGER SEARCH

Stephen Straus of Developmental Associates was recognized to speak. Mr. Straus stated that he was delighted to be working with the Town on the process and confident that there will be a positive outcome, adding that they would do their best to make that happen. He stated that he had two agendas with Council with one being to get Council's expectations with respect to what they were looking for with regard to the new Town Manager and the second was to lay out the plan for moving forward. He recommended finding out from Council the key competencies that they were looking for in a new Manager first and then finalizing the schedule. He asked Council if they wanted to lay out a plan first or discuss what they were looking for in a manager.

Mayor Kingston thought to expedite the conversation, he had sent Stephen Straus an email with some of the key challenges and Town Manager expectations. He thought it could be a starting point for Council's discussion in order to discuss the items and/or expand or change them as they saw fit. Stephen Straus stated that he was fine with how Council wanted to proceed. Mayor Kingston thought Council should start with the

expectations and move on to the key challenges all while receiving Council input. Mr. Straus stated that was fine.

Stephen Straus stated that the first thing on the list was a discussion regarding challenges, which was a helpful way to begin. He stated that Mayor Kingston listed organizational growth, especially fire and police. He explained that with regard to the challenges, the way he would frame it was that the discussion should have any key challenges that Council saw the next manager facing inside the organization, outside the organization, both immediately upon arriving in the position or in five years. He added that he wanted to get as much depth as possible about the issues. He stated that with regard to the first question about the organizational growth – he wanted to receive a little bit of a narrative in order to have a deeper understanding about what Council was referring to.

Mayor Kingston thought with regard to organizational growth, Duck was a relatively new town at only 18 years old, which has grown over the years and continues to grow and continues to have new and additional positions required as the Town matures and gets more complex. He stated that this year with regard to Public Safety, because the Town has a combination Fire Department, volunteers are on the decline and the Fire Department had requested three additional firefighters. He stated that on the Police Department side, due to challenges and coverage, they had requested two additional police officers. He added that there was a potential increase in the Community Development Department, which may be more short-term. He stated that because of COVID-19, Council had to back off some or all of those positions this year.

Councilor Caviness knew that Stephen Straus was going to be speaking with the department heads after this meeting and thought they would give him some great insight. She stated that when she looks at the organizational growth piece, the one thing that she thought Council has done – for the last 18 years they have been really focused on projects, building the Town out, taking on tremendous projects for the Town, building the Town Hall, completing the pedestrian path and beach nourishment. She stated that there were a lot of projects with a lot being accomplished; however, she thought one of the things that Council had not put as a priority were human resources and personnel. She thought that while organizational growth was a good word to capture, she wasn't sure if it was growth as much as what kind of resources were needed. She thought maybe it wasn't expansion of the number of staff but a reorganization of staff or how Town staff could better function. She thought one of the things Council has said over the years was that everyone that worked for the Town was doing the job of two people. She pointed out that other municipalities have twice the number of people doing the same number of things, which was not the case for Duck. She thought it was time to look inward as an organization to figure what was needed personnel-wise and from the human resource side in order to continue to accomplish things. She thought Council needed to shift their focus somewhat.

Mayor Pro Tempore Thibodeau thought that the fact that the Town started from scratch and in looking at other towns, she felt Duck was highly efficient because it didn't have to live with decisions that were made in the past. She stated that the Town has been very

efficient from the beginning and as it has grown, she agreed with Councilor Caviness that a human resources element was lacking in the organization whether it was through consultants or other resources that weren't staff. She knew that there was a balance between the financial impacts of adding to the organization versus staying more self-like. She thought it was definitely something that needed to be examined. She added that with regard to succession planning, it played into things and Council was now seeing that with the Deputy Town Clerk position. She stated that it was nice to have some redundancy and get some depth in the organization, whether that meant adding personnel or helping redefine roles as well as making sure no one was feeling overworked or overtaxed. She reiterated that Duck has been a highly functioning, successful town, adding that there were some new chapters ahead.

Stephen Straus thanked Council for their input. He asked about succession planning within the organization.

Mayor Kingston stated that Council would not be having this discussion with succession planning if succession wasn't already in place for the Town Manager. He thought staff had started to do that within the departments in order to have back ups with Police, Fire and now the Town Clerk. He thought organizational growth, succession planning and updating the Town personnel policy manual were all intertwined with respect to the organization and personnel.

Stephen Straus asked Council for their input regarding recovery from COVID-19, especially the financial impact on the Town and businesses.

Mayor Kingston stated that he put that down to discuss because he had hoped that the worst was behind the Town from the last fiscal year. He noted that the Town was recovering but there was still a long way to go to recover with respect to the Town. He noted that Duck had its fiscal and financial challenges, including the public and its businesses and anyone coming on board will be faced with that probably for the foreseeable future.

Stephen Straus thought the biggest impact on the Town was the sales tax revenues. Mayor Pro Tempore Thibodeau stated he was correct, adding that it may be mitigated by higher occupancy tax income because occupancy has been so strong in the fall. She noted that the Town was able to get out of last year's fiscal year unscathed because they were lower income months. She stated that the Town has also gotten through the summer with the beefier part of its budget income months very well and it would continue into the fall. She noted that there were residual effects for the businesses, and she thought everyone has some form of PTSD from what everyone was going through.

Councilor Caviness thought operationally, some of the things that people can and cannot do because of COVID-19 has had an impact. She pointed out that it has had an impact on volunteer firefighters being able to work with career firefighters. She thought it also had an impact on law enforcement, adding that all of the Town's special events were all canceled this year. She stated that Director of Marketing and Information Christian

Legner has had to put out a lot of information not just about the Town, but also about public health information. She thought, aside from the financial impact, there were operational impacts and changes that the Town may still be dealing with next year. She added that if the next season started and there wasn't widespread compliance, the Town could be looking at next summer like this past one and the impacts. Mayor Pro Tempore Thibodeau agreed. Councilor Caviness thought it would be a Town Manager/staff issue to brainstorm.

Stephen Straus stated that he was aware of the annual Turkey Trot in Duck. He asked if the events Councilor Caviness was referencing were events such as the 4th of July events. Councilor Caviness stated he was correct, adding that the Town has a full complement of events that take place in the Town park and boardwalk that run from the spring to the fall with the bulk being held in the summer. She stated that the events appeal to families or young children, adding that no events were held on the weekends and the jazz festival has become a huge event. Mayor Pro Tempore Thibodeau thought it has become a signature event for the Town. Councilor Caviness stated that the Town holds a holiday event that has grown in popularity over time.

Mayor Pro Tempore Thibodeau thought it would be helpful for Stephen Straus to have a brochure that the Town puts out each year to see what's in there. She noted that there was a lot of public information in it about the events.

Councilor Caviness pointed out that the annual Turkey Trot was not a Town event but took place in the Town. Mayor Pro Tempore Thibodeau noted that the Town does get involved in the event. Councilor Caviness agreed, adding that it was canceled this year due to COVID-19. She stated that it would have an impact around Thanksgiving because of the cancellation.

Mayor Kingston asked Interim Town Manager Heard to send Stephen Straus multiple copies of the Town's current brochure. Interim Town Manager Heard stated that he would. Stephen Straus stated that his firm likes to be able to refer to actual events, situations, etc. as much as they possibly could.

Stephen Straus asked Council for their input regarding the beach renourishment and living shoreline projects. Mayor Kingston stated that with regard to the beach renourishment project, it was scheduled for 2022, noting that it was originally completed in 2017, covering approximately two miles of beach and has been the biggest project the Town has undergone in history. He added that it was half funded by the Town and the other funded by Dare County Occupancy Tax. He stated that the Town was in the stages of doing it again with the Towns of Southern Shores, Kitty Hawk and Kill Devil Hills. He noted that the Town was working on the plans as well as obtaining easements with the financing being a big part of the project.

Councilor Whitman stated that there will be a big job after the recent storm. Mayor Pro Tempore Thibodeau agreed, adding that the beach nourishment project was very complicated and complex with bringing the entire Council and public along in the

journey of deciding what needed to be nourished and laying the groundwork for the Municipal Service Districts as well as figuring out the timeline and living through the project. She noted that the public information aspect was huge because there were new visitors coming in every week that had to be informed. She stated that it was extremely successful in 2017 and thought this would be a repeat with regard to the renourishment aspect.

Councilor Caviness thought if Stephen Straus went back through Council meetings and Council Retreats over the past seven years, he would see the amount of time that was devoted to meetings, presentations and retreats to examine it and learn about it, bringing experts in to explain everything from the engineering specifics to the environmental impacts and the financial implications. She noted that it was an enormously complex project. Mayor Kingston pointed out that the financing for the project included special obligation bonds, which added to the complexity. Mayor Pro Tempore Thibodeau pointed out that there has been a lot of groundwork and support from Dare County as well as the people that worked on the special obligation bonds. She added that there were a lot of good resources for the new Town Manager.

Councilor Caviness stated that the living shoreline project was brand new. Councilor Whitman explained that it went along with Phase 4 of the Town's pedestrian plan and would soon be a breakwater in front of the pedestrian plan to break the water from coming over the roadway at a low point in Town. He stated that it was the last phase of the pedestrian plan and would be along the soundfront.

Mayor Pro Tempore Thibodeau added that it was something that the Town has explored on different sites. She explained that they tried to get done in front of the Town park but ran into a lot of environmental hurdles and were caught up in a Catch-22 with subaquatic vegetation that wasn't even native. She stated that it was something that the Town has wanted to do as an example to private property owners along the soundfront. She stated that the Town wanted to use this as an example of how other projects may work in the future; however, things shifted and the Town was able to get the living shoreline project approved for the new area that would help preserve the last section of the Town's pedestrian plan. She thought because it was such a huge thoroughfare, NCDOT was a good partner while watching things carefully since that area has washed out in the past during bad storms. She thought it would be an interesting example as well as functionally doing a lot to preserve that area and stabilizing the new sidewalk.

Councilor Caviness thought if Stephen Straus talked with Interim Town Manager Heard and Permit Coordinator Sandy Cross to obtain the technical background, it would be important to understand how the living shoreline piece would fit in with hazard mitigation on the sound side of Duck. She stated that Hurricane Irene was a big storm that did a tremendous amount of damage on the sound side. She thought it helped put Council's focus more so on how vulnerable the sound side could be especially since the majority of the commercial properties were on the sound side.

Stephen Straus asked Council for their input regarding the completion of the pedestrian plan. Mayor Kingston stated that with regard to the pedestrian plan, the first three phases were to install sidewalks in the Village Commercial District which included crosswalks, lighting and a couple of traffic calming islands. He added that the fourth phase included the living shoreline and the expansion of the multi-use path. Mayor Pro Tempore Thibodeau thought the sidewalks were the basic formulation of the Town. She added that what really helped was not just a sidewalk but also a separate sidewalk from the bicycle lane and the vehicular traffic. She stated that it has helped with Public Safety as well as getting people safely off the road. She noted that there was a multi-use path through Town and the pedestrian plan has brought it out and become an example for other towns.

Councilor Caviness stated that the connection between the pedestrian plan and the sound side boardwalk were steeped in the Town's values of trying to have a safe pedestrian friendly community to the extent that it could.

Stephen Straus asked Council for their input regarding the new Public Safety building. Mayor Kingston stated that the Duck Volunteer Fire Department built a fire station over 35 years ago for Duck on leased land from the Army Corps of Engineers and with growth of the Town, as well as the addition of the Police Department and Surf Rescue, the building has been modified to accommodate those functions. He stated that it was sorely in need of replacement. He added that the Town has been dealing with the Army Corps of Engineers for the past two to three years on a land swap, which was in process. He stated that the Town has also worked with some engineers on a preliminary design of a new Public Safety building to house fire, police and surf rescue. He stated that other than waiting on approval from the Army Corps of Engineers, that project would be moving forward over the next several years and would be a major project for the Town.

Councilor Whitman noted that when the new Town Manager starts and sees what the Town has had to work with for a Fire Department/Police Department/Surf Rescue, it will be surprising if the existing building will still be there. He added that it needs to be replaced very badly.

Mayor Pro Tempore Thibodeau explained that the Fire Department was comprised of volunteers and paid staff, which was the core of the organization. She stated that there was a unique organizational layer in that there was a board that was separate from the Town that ran the Fire Department. She stated that it wasn't exactly that the Town was in full control of all things fire. She added that the Fire Department existed well before the Town was incorporated and the Town has had a nice relationship. She stated that it's been a long, arduous process getting through the Army Corps of Engineers beauacracy, which was fully expected. She stated that it will be an interesting project if the Town could move forward with it.

Councilor Caviness stated that the Army Corps of Engineers/Department of Defense property was a huge parcel of land in the middle of Town and was a relationship that the Town had to have.

Mayor Kingston stated that the Town has a combination Fire Department where the Town contracts for fire safety but pays the Fire Chief, Deputy Fire Chief and nine firefighters.

Stephen Straus asked Council for their input regarding the multi-use path improvements. Mayor Kingston explained that the Town has a multi-use path that runs through Duck and was in existence before the sidewalks were installed. He stated that a lot of areas need to be replaced, which was an ongoing project. He noted that it tied into the pedestrian plan because that plan called for the addition of a multi-use path on the other side of Route 12. He stated that there were ongoing segments that were being replaced as required.

Mayor Pro Tempore Thibodeau thought it was an important amenity from north to south, even though the pedestrian plan was in the Village area. She added that Council has learned a lot over the years with regard to repairs and has a really good handle on the best way to improve and repave. She stated that it also tied in with a lot of the stormwater improvements since stormwater was an issue for Duck. Councilor Caviness pointed out that even with the new land use plan, the multi-use path was highlighted in it.

Councilor Whitman stated that one of the prime things in Duck was that an individual could bicycle from one end of Town to the other, adding that the multi-use path also connects to the Town of Southern Shores and Corolla.

Stephen Straus asked Council for their input regarding reworking of the Duck Vision 2027. Mayor Kingston stated that back in 2012, Council knew it lacked a definitive 10-year plan for the Town as well as principals that would guide Council and short-term action plans. He stated that they worked with a consultant with the University of Virginia School of Government and developed the Vision for 2022. He stated that Council then revisited the Vision in 2017 with the same consultant and put the Vision 2027 in place. He noted that not too much changed except for the short-term and long-term action plans. He added that Council will be due to revisit the Vision again in 2021/2022 and thought there may be quite a few changes.

Stephen Straus asked if the Vision was reviewed every two years. Councilor Caviness stated that it was a 10-year plan and Council reviews it after five years to see what has been accomplished, if there were things that were not needed any longer, as well as some revisions. She noted that the Vision was of very high value to the Town as Council creates a workshop around it and had it as part of their annual Retreat. She stated that, just like with the Land Use Plan, Council tries to get a lot of stakeholder input for it so it could be something that was embraced by the entire community.

Mayor Pro Tempore Thibodeau thought any Town Manager candidate would learn a lot from the original document as well as the revised document. She noted that it was not a large document and included a graph. She stated that the Land Use Plan was another document that a candidate could obtain a lot of information about the Town. Stephen Straus stated that he had looked it and found it very helpful.

Mayor Kingston asked Interim Town Manager Heard if he would send Stephen Straus the 2027 Vision along with the brochures. Interim Town Manager Heard stated that he would. Stephen Straus stated that he saw it online but would be open to accepting that and other documents. Councilor Caviness suggested that Mr. Straus be sent the Land Use Plan, the Hazard Mitigation Plan, the Pedestrian Plan and the 2027 Vision. Mayor Pro Tempore Thibodeau added that Public Safety building plans could also be sent.

Stephen Straus asked Council for their input regarding the upgrade of the 800 MHz radio system. Mayor Kingston stated the radios need to be replaced yearly. He explained that it was a Dare County system and every time the Town feels they are getting ahead of things, a new system is put in, so all the radios have to be replaced. He stated that the Fire Department, Police Department and Surf Rescue all use the radios. He added that it continues to be more of a financial challenge.

Mayor Pro Tempore Thibodeau stated that the radios were a Capital Improvement Project item. She pointed out that the perspective Town Manager could look at the Capital Improvement Project document to see how the Town forecasts things for the future. She noted that the radios fell into the financial priorities as well as getting public involvement. She added that there were other innovative programs that were available. She pointed out that the Police Department has been doing some programs that were very cutting edge with regard to technology. Mayor Kingston asked Interim Town Manager Heard to send Stephen Straus a copy of the Capital Improvement Project document.

Stephen Straus asked Council for their input regarding the Comprehensive Land Use Plan. Councilor Whitman stated that there were quite a few items in it as it is a very large document. Councilor Caviness stated that the Land Use Plan was a document that was recently adopted by Council and since its adoption, there have been some aspects within the document that Council will need to start working on. She stated that just like the Vision document, the Land Use Plan document was a road map of what Council envisioned that they would be working on.

Mayor Pro Tempore Thibodeau stated that there was good community and Town staff participation with a lot of time and effort put into it. She stated that the influence of climate change on the area was important. Councilor Caviness stated that flooding was an important concern. Mayor Pro Tempore Thibodeau added that storm surge was another important concern. Councilor Caviness stated that Interim Town Manager Heard had spent a lot of time on the new flood maps with regard to the impacts and re-classification of properties in different flood zones as well as public education that was required. She pointed out that the Town has had stormwater management problems that were happening between the residential streets and not just on Duck Road.

Stephen Straus asked if there was anything else that they wanted to add to the key challenges. Mayor Pro Tempore Thibodeau stated that she appreciated Mayor Kingston putting the list together, adding that it was very thorough.

Stephen Straus asked Council to discuss their expectations in terms of competencies, qualifications and experiences. He stated that he had the list that Mayor Kingston had provided but wanted to know if Council wanted to add anything. Councilor Whitman thought it was a pretty comprehensive list.

Mayor Pro Tempore Thibodeau stated that she wanted to highlight that the Town Manager will be a face to the public and this person should be receptive to public input, have good communication skills, have a good temperament for a lot of differing opinions, and dealing with input that may or may not be informed. She added that the Town welcomes public input and has an interesting population that was a blend of year-round residents, out of town property owners, business community, and vacationers. She noted that their opinions were all very valuable and important. She stated that the face to the public was very important to her.

Councilor Caviness stated that working with the public and the media was important. She stated that while that has always been in the performance reviews over time, the Town has a Public Information Officer, so she didn't feel that that particular piece should be falling to the Town Manager alone. Mayor Kingston stated that the Town Manager and Mayor receive calls from the press frequently with respect to things happening in Town. He thought having a good relationship with the media was important.

Mayor Pro Tempore Thibodeau pointed out that there was a collaborative nature with the other towns in Dare County – the mayors meet as do the managers. She stated that working with the other municipalities and Dare County was a key component. She pointed out that there was recently a movement to try to consolidate as many services as possible in the interest of fiscal management, but it never happened for various reasons. She stated that there was a relationship and Duck became a leader in a lot of areas with the way it communicated with the other municipalities in the area. Stephen Straus asked if there was a Dare County manager's group that regularly meets. Mayor Pro Tempore Thibodeau stated there was, adding that Dare County has a manager and all of the towns have a manager. Mayor Kingston noted that the Dare County manager and the other managers usually get together once a month. He stated that the Dare County Chairman and the mayors also get together once a month. Mayor Pro Tempore Thibodeau added that the police chiefs get together once a month. Mayor Kingston thought the Planning Directors, Fire Chiefs, and Public Information Officers get together once a month.

Mayor Kingston asked Stephen Straus if he had any comments with respect to qualifications that Council was looking for. He noted that he had listed 7-10 years' experience as Council wanted someone with experience. Stephen Straus stated that the way his firm looks at the recruitment process was that they wanted to make sure that Council receives the maximum amount of choices. He stated that if the bar is set really high, fewer applicants will be received. He noted that one of the neat things about his process was that it was not all that unusual for his firm to have candidates that did not quite meet all of the expectations on paper but showed a lot of promise. He stated that they would go through the assessment center where his firm would directly assess the applicant's competencies and found that there may be a candidate that doesn't check off

all of the boxes on paper but brings a lot of potential to the organization. He pointed out that one the key findings in Human Resource Management over the last few years was that aptitude was the most important factor in terms of the performance an organization would get. He stated that with regard to the 7-10 years for management experience, his first thought is that it would be great, but suggested it be preferred instead of required so that candidates that have 4-5 years of experience were not deterred from applying.

Councilor Caviness asked if there was an average or statistics for how long someone typically stays in a manager-type of a position. Stephen Straus stated that it was 3.5 years and that it was on the decline. He stated that it was a national average and thought it was higher in North Carolina but wasn't totally sure. He noted that his firm could assess a lot of competencies and retention as it was one of the hardest things to assess in a candidate. He added that there were three things that can be looked at – asking the candidate, looking at the factors in the Emotional Intelligence Inventory, and the candidate's track record.

Mayor Pro Tempore Thibodeau thought putting emphasis on the manager being able to take hold of the succession planning was important. She stated that, as an example, if there was a town manager that worked for a period of time and had someone trained in the succession of the job, that would be key. She stated that whoever was interested in Duck needed to know about the cost of living and housing. She noted that the Outer Banks was in a very hot real estate market and was not an average housing market.

Stephen Straus asked what the thinking was with regard to residency requirements. Mayor Kingston stated that the candidate would not be required to live in Duck and could live anywhere on the Outer Banks or Currituck subject to their commute time.

Councilor Caviness stated that she looked at all of the competencies and qualifications and didn't read it as an easy job. She stated that she did not want to see someone coming here thinking it was going to be an easy job for three years and then leaving. She thought the Town needed someone that was aggressive and out of the box and not looking at this as their final chapter of their career.

Mayor Pro Tempore Thibodeau pointed out that Duck only hired one town manager since it incorporated. She added that the former Town Manager wasn't a town manager at his former employment and Council was okay with that. Councilor Caviness noted that the former Town Manager was an Assistant Manager for King and Queen County. Mayor Pro Tempore Thibodeau stated that a lot of growth happened and thought there was a lot to be said for the challenges ahead for the person who takes this position.

Stephen Straus noted that there were some huge transitions occurring in Duck. He stated that one of the key competencies needed would be someone that was good at project management, holding stakeholders accountable, and following through with things. He asked Council if they had a sense of the salary hiring range. He noted that the wider Council opened the door, the more candidates would be interested. Mayor Kingston stated that the range was pretty wide. He added that the salary range could be sent to Mr.

Straus, noting that it was in the budget document. Stephen Straus stated that that information would be helpful. He asked if he could receive some jpegs of photographs of the community for the brochure they will be putting together. Mayor Kingston stated that Director Legner would be sending some photographs.

Mayor Kingston stated that public input was discussed as well as a survey. He asked what it would take to have a survey to receive public input. Stephen Straus stated that he would have something to the Town no later than September 25, 2020 to put on the Town's website. Mayor Kingston asked if a week would be long enough to receive input. Mr. Straus stated that it would.

Mayor Kingston called for a five-minute recess. The time was 2:07 p.m.

Mayor Kingston reconvened the meeting.

Stephen Straus stated that he wanted to walk Council through each of the steps for the plan and set some dates so Council would know every step of the way what will be happening. He noted that Step 1 was being completed at this meeting along with the citizen survey. He thought he could get a proposed job ad to Council by Monday, September 28, 2020 for review. He stated that it would not include photographs, but the narrative, adding that there was typically a short one as well as a long one depending upon where it was used. He explained that if it was posted on a professional website, his firm typically would use the shorter version or have a link to it. He asked Council if they could review the ad and provide feedback within 48 hours of receiving it on September 28, 2020 so he could have it by September 30, 2020 or October 1, 2020. Mayor Kingston asked Town Attorney Hobbs if Council would need to hold a meeting to do that or if Council could do it via email. Town Attorney Hobbs stated that Council could send the comments to Stephen Straus individually via email. Stephen Straus noted that the normal routine was for individual Council members to send their suggestions and comments, which would be incorporated.

Councilor Caviness asked if there was a public input period of one week, it will impact the first piece. Stephen Straus stated that if Council wanted to be sure that the entire public input was complete by that time, it would extend things out somewhat, which would not be an issue. He added that his firm could process the input as it was received and include it in regard to how they draft the ad. He noted that if he continued to receive public input, that was helpful in terms of thinking about what his firm was looking for in the screening and assessment of candidates. He stated that if Council preferred to have a week-long public input opportunity and then finalize the job ad, that could be done.

Councilor Caviness thought an alternative could be having this piece ready and then have the second piece with the public input on it. Stephen Straus stated that it was not ideal to do it that way as it was very challenging for his firm. Mayor Kingston suggested moving ahead with the narrative as planned, as well as public input coming in, and if Stephen Straus saw something that was glaring, then Council could have another discussion whether or not it should be included. Mayor Pro Tempore Thibodeau thought the

highlights have been covered with the overview that Council was doing at this meeting. She thought obtaining public input was important and liked the idea of concurrently molding the narrative if Council saw something they hadn't considered. She stated that she was open to anything that may have been overlooked. She reiterated that she liked the idea of starting off with the narrative and then seeing where the public input is and editing things. She pointed out that it could be edited if needed.

Stephen Straus stated that he could have the public survey on the Town's website and run it starting no later than Friday, September 25, 2020 through Friday, October 2, 2020. He stated that his firm would review the input while sending Council the job advertisement and as they were giving him feedback, he could also give feedback, and then finalizing things on Friday, October 2, 2020 by moving forward with posting it. It was *consensus* of Council to have it done that way.

Mayor Pro Tempore Thibodeau clarified that the date would be October 2, 2020. Stephen Straus stated that the ad would start posting as of October 2, 2020. He noted that his firm may not get everything posted until October 5, 2020 but would get things started on October 2, 2020.

Stephen Straus stated that his partner would indicate to Council all of the sites that his firm would propose posting the advertisement, which would be about five to six websites that they use. He stated that his firm would begin recruiting candidates for the next month with an end date of November 1, 2020. He stated that his staff would complete an initial screening and send it to Council on November 1, 2020 so they could look through their analysis of the candidates. He stated that a meeting would then be held on Wednesday, November 4, 2020. Mayor Kingston asked if the meeting would be a closed session. Mr. Straus stated that it would be.

Councilor Caviness asked how long the meeting would be. Stephen Straus stated that it would be about an hour and one half long. He explained that Council would see every application that was received; how his firm analyzed those applications; a spreadsheet would be provided to Council; Council would have access to every application, cover letter, resume; Council would then analyze them to see if there was agreement on the analyses; and then meet on November 4, 2020 at a time determined by Council. Councilor Caviness asked if it could be done before the regularly scheduled Council meeting. Town Attorney Hobbs stated that there could be a special meeting with the published time and date, which would be separate from the regular meeting that would be held at 7:00 p.m. Mayor Kingston noted that Council's regular meetings are at 7:00 p.m. and closed sessions usually follow that. He thought there could be an earlier session that day prior to the meeting.

Councilor Caviness pointed out that November 3, 2020 was Election Day and she wasn't sure how people were with regard to volunteering to work the polls or staying up late. Mayor Pro Tempore Thibodeau thought it was a good point. She stated that she liked the idea of having the special meeting at 4:00 p.m. instead of later that day. Mayor Kingston asked if Council could hold two meetings. Town Attorney Hobbs stated that they could.

Councilor Whitman suggested holding the meeting at 1:00 p.m. Mayor Kingston stated that he was in favor of having it at 4:00 p.m. and then having the regular Council meeting afterward at 7:00 p.m. Councilor Caviness thought an hour and one half would be good. Mayor Pro Tempore Thibodeau thought 4:00 p.m. would be a good time. Councilor Whitman noted that he didn't want it at the end of the Council meeting. It was *consensus* of Council to hold the special meeting at 4:00 p.m. on Wednesday, November 4, 2020.

Stephen Straus stated that at the November 4, 2020 meeting, Council will be asked to reduce the number of candidates to about 12. He explained that those candidate will go through two methods of screening with one of them having a retired Town Manager conduct a Zoom or telephone interview to interview all of the candidates. He noted that there were two layers of questions that will be asked with a structured set of questions and a structured rating criteria that will be asked of all candidates. He stated that the consultant would keep a narrative on each candidate so Council could read what the candidate said and how the consultant scored the candidate. He added that they will also take notes with regard to any questions or concerns Council may have about a particular candidate so his firm can obtain answers.

Stephen Straus stated that the second method was to have the candidates answer some short essay questions with particular emphasis on how they've gone about more challenging accomplishments during their career. He noted that it was not proof that the candidate could write but was useful in giving his firm more information about how they think and put things down on paper. He stated that it was scored by a second person on his staff. He stated that his firm would put all of that information together and meet with Council again on November 18, 2020. He explained that during that session, Council would review the information and reduce the candidates down to five. He stated that those five would then be invited to go through an assessment process.

Mayor Kingston pointed out that November 18, 2020 was a mid-month meeting that was usually held at 1:00 p.m. Councilor Whitman asked if it would be a closed session. Town Attorney Hobbs stated that it would be. Mayor Pro Tempore Thibodeau thought Council could recess the first closed session. Town Attorney Hobbs stated that November 18, 2020 was the regular mid-month meeting so it would not need to be specially advertised. It was *consensus* of Council to hold the meeting on Wednesday, November 18, 2020 at 1:00 p.m.

Stephen Straus stated that two weeks after that, his firm would run the assessment process. He noted that with the assessment process, his firm preferred Thursdays and Fridays for managers. He explained that a lot of candidates and assessors have meetings earlier in the week and were not available. He stated that if there were five candidates that were to move forward, Friday December 4, 2020 there would need to be another closed session meeting to start at 2:30 p.m. He stated that his firm would begin to orient Council to the results of the process, seeing how the candidates had been performing and then once Council was comfortable with the scoring system and feedback, they would bring in each assessor teams for exercise reviews and results. He noted that the meeting may last until 5:00 p.m. as it will be a longer session due to the depth of information

Council will be receiving about the candidates. He noted that after that, his firm would review the results of the Emotional Intelligence inventory and cross-validate what was learned in the assessment center exercises. He stated that his firm would wrap things up at that point with helping Council facilitate who the top candidates will be for final interviews.

Mayor Pro Tempore Thibodeau clarified that the top candidates would be out of the five that would go through the assessment. Stephen Straus stated she was correct. Mayor Pro Tempore Thibodeau clarified that Stephen Straus thought it would be best done on a Thursday or Friday and would take from 2:30 p.m. to about 5:00 p.m. just for the report, but Council would still need to meet afterward. Mr. Straus thought the discussion afterward will not take very long since the information would be so compelling to Council those candidates that they will want to consider. He stated that his firm will help with that. He stated that it was usually a 2.5-hour session. He added that his firm would be running the process on Thursday and Friday with Council invited to observe the training if they wished on Thursday morning, but it wasn't necessary. He stated that Council was only needed on Friday afternoon when the assessors will be providing Council with feedback. Mayor Pro Tempore Thibodeau clarified that it was on December 4, 2020. Stephen Straus thought it was the date that worked best.

Mayor Pro Tempore Thibodeau asked how much Council involvement was needed for recruiting the assessors. Stephen Straus stated that he would ask that in a moment. Mayor Pro Tempore Thibodeau clarified that December 4, 2020 would be a special meeting as a closed session. Mr. Straus stated she was correct. Councilor Caviness clarified that it would be at 2:30 p.m. on December 4, 2020. Stephen Straus stated it would run from 2:30 p.m. to 5:00/5:30 p.m. It was *consensus* of Council to hold the meeting on December 4, 2020 at 2:30 p.m.

Stephen Straus stated that one of the questions Council sent him for a written response was they were asking about assessors and had used the term "unique". He assumed that Council were particularly interested in assessors who were familiar with coastal management localities and coastal communities. He wasn't sure what was meant by that term. Mayor Kingston asked Stephen Straus if he wanted Council to pick the assessors. Mr. Straus disagreed, adding that he wanted a general sense of the kinds of assessors Council liked. He stated that it was his firm's job. He noted that approximately 13 people were needed for the assessments and he wasn't sure he could get 13 coastal managers but could get a lot of coastal managers to help assess candidates and mix them in with some managers from other parts of North Carolina and Virginia. Mayor Kingston thought Council could follow Stephen Straus' lead on what was the right type of assessor. He pointed out that coastal and North Carolina would be important factors. Mayor Pro Tempore Thibodeau added that financial strengths would be important as well as someone that was used to managing an organization the same size as the Town of Duck. Councilor Caviness stated that it was hard to get coastal managers. She explained that she came from a college town and if one wanted to talk about communities where there was a dynamic situation and multiple stakeholders, a place where there was a big college

where the population was constantly changing would be a good choice if a coastal manager could not be found.

Stephen Straus asked if Council wanted to involve a few members of the community. He noted that it was not a requirement, but an opportunity for public involvement. He stated that his firm could involve four to five community members if Council wished. He added that his firm could also just use professionals. Mayor Kingston stated that he preferred the professionals that Stephen Straus selects. He thought the Town could get public input on what Council was looking for, but he would rather rely on the professionals for the assessment versus people in the community due to bias and personal opinion.

Councilor Whitman thought if four to five people from the community were chosen, no matter who it was, someone would feel left out if they weren't chosen. He stated that he would rather not use people from the community and preferred the professionals.

Mayor Pro Tempore Thibodeau appreciated Councilor Whitman's comment about leaving people out. She thought there were plenty of people that were engaged in the community beyond the Council that may be interested in committing to the process. She stated that she was concerned with the feeling that if one was picked to be on the assessment team that somehow Council was discarding other people that may have wanted to do it. She stated that she was torn and asked when a decision on that was needed. Stephen Straus stated that he would like to start recruiting assessors quickly due to the schedule. He wasn't sure if Council wanted to let him know in the next week whether they wanted community members involved or not. He added that he was going to assume that Council wanted to use professionals only.

Councilor Caviness thought after Council reviews all of the upcoming challenges, she felt it would be better to have professionals that do this type of work and have been involved in the assessment process or were town managers, county managers, public safety directors, community collaborators or finance officers. She thought it should be people that were in municipal government, ideally in North Carolina but possibly in Virginia. She thought that would serve Council better as there was a lot of subject competencies as well as job competencies. She thought getting people with subject matter competencies was very important.

Mayor Pro Tempore Thibodeau clarified that the assessors that would be used may or may not have completed assessments in the past. Stephen Straus stated she was correct. He explained that they normally try to have a few experienced people and sprinkle them across exercises. He stated that he also likes bringing in new people. He added that they are all trained for about 3 to 3.5 hours before they start the work. He stated that the key focus was how to run the exercises as well as scoring objectively.

Councilor Whitman asked if the assessors would be government employees asking what position they were in and where they were. He clarified that a town manager assessor would be asking town manager-type questions, or a financial assessor would ask financial questions. Stephen Straus stated that it was not so much asking questions but running

exercises that simulate what a manager would be doing such as running a staff meeting and dealing with some human resources concerns. He stated that there could be three external individuals that would act as staff members where the candidate would have to interact with them in order to work out solutions. He stated that there will be some sort of budget presentation exercise where the candidate will be provided with the actual Town budget and give them an initiative that the Town has taken to have them do an analysis and presentation as well as responding to structured questions.

Mayor Kingston suggested that Stephen Straus proceed as suggested and if there was a change by Council, he would let him know. Stephen Straus clarified that Council was comfortable with his firm using people in the local area. Mayor Kingston stated he was correct.

Stephen Straus thought it was important that once Council identified the top candidates that they move quickly to finalize their decisions. He suggested the week of December 7, 2020 that Council have the final candidates come to the community and spend some time getting acquainted with the community as well as interviewing with Council. He thought Council may want to set aside two or three half days for the final interviews. He suggested that it be on December 9, 10 and 11, 2020. Councilor Caviness pointed out that Hanukkah begins at sundown on December 10, 2020. Interim Town Manager Heard pointed out that the Planning Board would also be meeting on the evening of December 9, 2020.

Mayor Kingston asked if the number of candidates coming back would be determined the week before December 7, 2020. Stephen Straus stated he was correct. He thought Council should set some time aside on their calendars for those days. Councilor Caviness asked if there were three candidates, it would be for three separate days. Mr. Straus stated she was correct. Mayor Pro Tempore Thibodeau asked if it should be no more than two Council members at a time. Town Attorney Hobbs stated that the interview will be with all of Council, but the tour could be limited to one or two Council members. Mayor Pro Tempore Thibodeau clarified that when Council physically meets the candidates, that would be for the interview or if they were meeting them the week before via Zoom. Stephen Straus stated that they would meet the candidates the week of December 7, 2020. Town Attorney Hobbs thought part of the day would be the interview and the other part would be the tour. Mayor Pro Tempore Thibodeau clarified that the interview would be in a closed session and the tour would not be. Town Attorney Hobbs stated that it would be a special meeting for the three interviews in a closed session.

Councilor Caviness clarified that Council should block off December 9, 10 and 11, 2020 to be available from 1:00 p.m. to 5:00 p.m. Mayor Kingston stated that Council will make the determination on the number of candidates they will want to see. Mayor Pro Tempore Thibodeau pointed out that the closed session would not last all afternoon before the tour.

Mayor Kingston clarified that Stephen Straus would formalize the timeline and send it to Council. Stephen Straus stated that he would. Mayor Kingston asked if the survey

would be sent to Council as well. Mr. Straus stated that his staff person would do that. Mayor Kingston stated that Town staff would be sending brochures and documents. He asked if the contract could be completed electronically. Town Attorney Hobbs stated that he was waiting to hear back on the comments from the draft revision. Stephen Straus stated that he had sent a response accepting the comments.

Interim Town Manager Heard asked if the contract could be completed electronically or mailed. Town Attorney Hobbs stated that it could be completed electronically. He suggested that staff could run off copies, hand them out and Council could approve it, have it signed and counter-signed and sent back.

Councilor Whitman asked when Council completes its walk through of the Town with the candidates, when they would have to decide on the job offer. Stephen Straus stated that Council would need to make a conditional offer of employment and then there would be an intensive background investigation, which takes about two weeks. He stated that Council would finalize the agreement and make the official appointment at their first meeting in January 2021.

Mayor Kingston asked Stephen Straus if he would be obtaining salary expectations. Stephen Straus stated that he would as part of the application process. He stated that his firm will also make sure the candidate was willing to work for the rate that was offered by the Town.

Councilor Caviness asked if the offer was made the first week of January, it was generally 30 days before the new Town Manager would start working for the Town. Stephen Straus stated that it was, adding that it could be sooner. He stated that the first week of February would most likely be when the new manager would start.

Mayor Kingston thought the key questions were how quickly Council decided on who they wanted and then moving forward. Stephen Straus stated that his firm uses such intensive information in the process that the usual deliberation with the Council doesn't necessarily happen. He noted that it did not mean that there may not be some debating, but he found that the decision making tended to be pretty seamless.

Mayor Kingston asked how often Stephen Straus' firm lost candidates during the final process. Stephen Straus stated that for town manager, not too often. He noted that it would not surprise him if one was lost during the process. He pointed out that the job market during COVID-19 was a little bit strange as things seem to happen out of the blue more than they have in the past. Mayor Kingston asked how the job market was from the standpoint of available candidates. Mr. Straus stated that he was seeing some good candidates. He explained that in a different community they ran the process recently for a similar-sized community and were amazed by the quality of candidates.

Councilor Caviness clarified that the recruitment period would begin as early as October 2, 2020 through November, but the job doesn't become a reality until February 2021.

Stephen Straus stated she was correct, adding that the candidate will know before Thanksgiving that there was a conditional offer that they would be accepting.

Town Attorney Hobbs noted that Section 3 of the contract for the completion date was blank. He asked if that was completed. Stephen Straus stated that it should be February 15, 2021. He stated that once Council decided on the candidate, there will be a coaching session with them which will happen at some point in January. Town Attorney Hobbs pointed out that Page 3 Section 2 would need the calendar dates added in.

Councilor Whitman asked where the exhibits were in the contract. Mayor Pro Tempore Thibodeau thought Council already received them. Interim Town Manager Heard stated that Council had already reviewed them previously and this was their actual submittal document that Council had before them.

Councilor Caviness asked if non-discrimination in employment could have disability and sexual orientation added. Town Attorney Hobbs stated that the language could be added. Stephen Straus stated that he had no issue with the changes.

Councilor Caviness asked what termination for convenience meant on Page 4. Town Attorney Hobbs stated that it was really more without cause so if there was no breach, Council could decide to go in a different direction or any number of things that was beyond the termination of cause, it would be a breach of contract.

Mayor Pro Tempore Thibodeau clarified that the confidentiality section on Page 3 was stating that Council was vowing to confidentiality other than what was public information. Town Attorney Hobbs thought it may be that they use certain methods that could be proprietary, but Stephen Straus could make it clear that anything that was lawfully a public record was still a public record despite the provisions of the paragraph as it required their involvement in any public records request so they could add their viewpoint as far as whether it was a public record and was able to be disclosed by request. Stephen Straus stated that a big piece of it was intellectual property which this section would protect that as well as the candidates. Mayor Pro Tempore Thibodeau thought it would be helpful in Council closed sessions to include that so that all know it's confidential information. Town Attorney Hobbs pointed out that anything discussed in closed sessions that would be pertinent to the purpose of the closed session should not be disclosed to the public.

Councilor Whitman moved to authorize the Mayor to sign the contract with Developmental Associates with the changes noted for the search for the Town Manager.

Motion carried 4-0 via roll call.

Stephen Straus stated that he had misspoke about knowing when the candidate would be chosen. He stated that he meant to say it would be before Christmas and not Thanksgiving.


Mayor Kingston thanked Stephen Straus for his time, adding that Council looked forward to working with him.

ADJOURNMENT

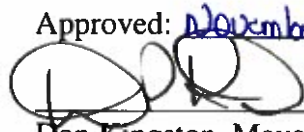
Councilor Whitman moved to adjourn the meeting.

Motion carried 4-0 via roll call.

The time was 3:19 p.m.



Lori A. Ackerman, Town Clerk

Approved: November 4, 2020


Don Kingston, Mayor

