

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
May 7, 2008**

The Town Council for the Town of Duck convened at the Duck Municipal Offices at 7:00 p.m. on Wednesday, May 7, 2008.

**COUNCIL MEMBERS PRESENT:** Mayor Neil Morrison; Mayor Pro Tempore Monica Thibodeau; Councilor Nancy Caviness; Councilor Bart Smith; and Councilor Dave Wessel.

**Council Members ABSENT:** None.

**OTHERS PRESENT:** Town Manager Christopher J. Layton; Director of Community Development Andy Garman; Police Chief Phillip Ferguson; Fire Chief Donna Black; Town Attorney Donald I. McRee; Zoning Technician Sandy Cady; and Town Clerk Lori Kopec.

**OTHERS ABSENT:** None.

Mayor Morrison called the meeting to order at 7:02 p.m. Mayor Morrison asked John Jenkins to lead the Pledge of Allegiance. Mayor Morrison led the moment of silence.

**PUBLIC COMMENTS**

Mayor Morrison opened the floor for public comments. He asked that comments related to the public hearing be held off.

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

**APPROVAL OF MINUTES**

Mayor Morrison opened the approval of minutes from the April 2, 2008 regular meeting and the April 23, 2008 mid month meeting. Mayor Morrison directed Council to review the minutes from the April 2, 2008 regular meeting for changes.

Councilor Caviness moved to approve the April 2, 2008 minutes as presented.

Mayor Morrison had one change to Page 5 of the minutes. Councilor Caviness amended her motion to approve the April 2, 2008 minutes as amended.

Motion carried 5-0.

Mayor Morrison directed Council to review the minutes from the April 23, 2008 mid month meeting for changes.

Mayor Morrison had an addition and correction to Page 5 of the minutes. Mayor Pro Tempore Thibodeau had a clarification on Page 5 of the minutes.

Mayor Pro Tempore Thibodeau moved to approve the April 23, 2008 minutes as amended.

Motion carried 5-0.

Town Manager Layton stated that a new police officer had started working for the Town recently. Police Chief Phillip Ferguson was recognized to speak. Police Chief Ferguson went on to introduce Officer Brandon Robertson to Council and the audience. Council welcomed Officer Robertson to the Town.

## **PUBLIC HEARINGS**

### **Public Hearing/Discussion/Consideration of Ordinance 08-02, an Ordinance Amending Section 156.092 of the Code of Ordinances for the Town of Duck, North Carolina, related to Off-Street Parking Requirements for Single Family and Two-Family (Duplex) Dwellings**

Director of Community Development Andy Garman was recognized to speak. Director Garman stated that the ordinance was related to circular driveways. He stated that the Planning Board had been discussing the issue over the past few months after one of the Planning Board members brought the circular driveway issue to the Board's attention. He stated that the Board member wondered if it was the intent of Council and the Town to prohibit the installation of circular driveways. He stated that the original ordinance limited driveway access on an individual lot to twenty (20) feet in width. He noted that driveways are required to be twelve (12) feet wide and therefore, the twenty (20) foot driveway width would preclude a homeowner from having a circular driveway. He stated that the Planning Board discussed the issue at their March meeting and agreed it was not the intent to limit circular driveways and came up with a standard for multiple curb cut driveways that would be separate from the standard for single access driveways. He stated that the ordinance would stay the same with regard to single access driveways but if a homeowner wanted to have more than one driveway, they could have up to twenty-four (24) feet. He stated that the ordinance included a minimum separation requirement for each driveway as each one would have to be at least twenty-five (25) feet apart. He stated that the Planning Board voted unanimously to recommend adoption of the ordinance.

Mayor Morrison opened the public hearing. There being no one wishing to comment, he closed the public hearing.

Mayor Morrison opened the floor to Council for discussion.

Mayor Pro Tempore Thibodeau noted that "driveways" and "drive aisles" were used interchangeably in the ordinance. She asked if the Planning Board had intended the language to be used that way and if there was a difference between the two terms. Director Garman suggested using one (1) term to be consistent.

Councilor Smith moved to approve Ordinance 08-02 as presented.

Motion carried 5-0.

## **OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS**

### **Update on Communications Survey**

Town Manager Layton gave Council an interim update on the communications survey that was emailed to members of the Town's subscriber list. He stated that when the newsletter will be mailed out, an actual survey form will be included for people to fill out as to how citizens would

like the Town to communicate with them. He went on to review the communication survey with Council and the audience.

Mayor Pro Tempore Thibodeau clarified that there were approximately 433 subscribers to the Town's email list. Town Manager Layton stated she was correct. Mayor Pro Tempore Thibodeau asked how many newsletters would be mailed out. Town Manager Layton stated that approximately 2,765 would be mailed out.

### **Update on Spring Storm Beach Conditions**

Zoning Technician Sandy Cady was recognized to speak. Zoning Technician Cady and Director Garman went on to give a short presentation on the damage to beach stairs in the area directly north of the US Army Corps of Engineers research pier from recent storms.

Mayor Pro Tempore Thibodeau asked if the Carolina Dunes subdivision beaches were undermined due to a "bowl" in the ocean in that area. Zoning Technician Cady noted that aerial photos showed what looked to be a deep pocket of water in that area. Mayor Pro Tempore Thibodeau asked what the cost was for a beach fill. Zoning Technician Cady stated it would cost a homeowner \$12,000 to bring the fill onto a property and dump it onto the beach.

Mayor Pro Tempore Thibodeau asked who handled the sand bagging issue with regard to threatened oceanfront homes. Zoning Technician Cady stated it was regulated by the State. Director Garman pointed out that communities have the opportunity to take a position on sand bagging and can develop policy statements in their land use plans.

Mayor Pro Tempore Thibodeau noted that a lot of research would need to be done before the Town passes any ordinance amendments. Town Manager Layton stated that no ordinance amendments were being proposed; adding that the issue was being brought forward to let Council know that there may be public policy discussions that should occur as the issue continues.

Councilor Caviness asked if there was an agency that has deemed the South Nags Head oceanfront a threatened area. Director Garman stated it was reflected in the Division of Coastal Management's erosion rates, which was the highest on the Outer Banks. Councilor Caviness wondered if CAMA or another agency would designate areas as imminently threatened. Director Garman stated they haven't.

Mayor Morrison stated he wanted to attend the May 23, 2008 meeting with the US Army Corps of Engineers staff. Town Manager Layton thought it would be more beneficial to have staff talk to them and then set up a joint public meeting afterward.

Mayor Pro Tempore Thibodeau thanked Director Garman and Zoning Technician Cady for their presentation and providing background information on the issue.

### **NEW BUSINESS**

#### **Discussion/Consideration of Appointments to the Town of Duck Planning Board**

Mayor Morrison stated that the terms of Ron Forlano and Jon Britt for the Planning Board expired on May 1, 2008. He stated that Mr. Forlano and Mr. Britt were both interested in being reappointed to the Board for a three (3) year term.

Mayor Morrison nominated Ron Forlano and Jon Britt to the Planning Board for a three (3) year term, expiring May 1, 2011. He asked for other nominations. There being none, he closed the nominations.

Motion to appoint Ron Forlano and Jon Britt carried 5-0.

**Presentation of Updates to the Town of Duck Web Site and Public Service Announcements Related to Summer 2008 Events**

Town Manager Layton gave a short overview of the Town's proposed new website to Council and the audience. Mayor Pro Tempore Thibodeau asked if Town staff would be updating the new website. Town Manager Layton stated they would. He then went on to show two (2) public service announcements that will be running on Charter Cable channels 12 and 20 over the summer to Council and the audience.

**ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY**

Town Attorney McRee stated that he had nothing to report.

**ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER**

**Update on Departmental Activities**

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

Zoning Technician Cady gave a brief overview on the building permit activities to Council and the audience.

**Update on Beach Sign Project**

Town Manager Layton stated that the signs came in on Monday, May 5, 2008. He stated that the Fire Department will be installing them on Tuesday, May 13, 2008. Fire Chief Black presented Council and the audience with a sample of what the beach signs would look like.

Mayor Pro Tempore Thibodeau asked how the signs would be mounted. Fire Chief Black stated they would have brackets similar to the address signs on the road and would be put in the sand.

Mayor Morrison asked if any property owners declined permission to allow the Town to install the signs. Town Manager Layton stated that staff did not receive any requests not to install them.

Councilor Caviness asked how the signs would be installed in the areas where the beaches were extremely eroded. Fire Chief Black stated they would be attached to the beach walkovers. Town Manager Layton added that if it was too eroded, staff would hold off on installing the signs in those areas.

**Financial Statement for the Month of April 2008**

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

**MAYOR'S AGENDA**

Mayor Morrison reminded the audience that Council will be holding their budget work session on Wednesday, May 21, 2008 at 1:00 p.m. He encouraged the audience to attend as Council will welcome comments then.

**COUNCIL MEMBERS' AGENDA**

Mayor Pro Tempore Thibodeau echoed Mayor Morrison's comments. She encouraged the audience to look at the proposed budget. She stated that Council would welcome comments.

Councilor Caviness asked for an explanation of the implications of the ruling regarding off road driving. Town Attorney McRee stated that the judge agreed to a consent order. He stated that there would be cause for closure of certain areas of the beaches during nesting times. He stated that the lawsuit has ended because of the consent order.

Councilor Smith thanked Ron Forlano and Jon Britt for continuing to serve on the Planning Board.

Councilor Wessel encouraged the audience to send emails if there were any concerns or questions regarding the proposed budget.

**OTHER BUSINESS**

Mayor Morrison reiterated that the next meeting would be the regular mid month meeting on Wednesday, May 21, 2008 at 1:00 p.m.

**ADJOURNMENT**

There being no further business to discuss, Mayor Morrison moved to adjourn the meeting.

Motion carried 5-0.

The time was 8:29 p.m.

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/s/ Lori A. Kopec, Town Clerk

Approved: June 4, 2008

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/s/ Neil Morrison, Mayor