

**MP2AC Meeting  
January 11, 2012  
10:00 a.m.  
Agenda**

Please note that the Meeting will be held at the New Meeting Hall

- 1. Call to Order**
- 2. Minutes**
- 3. Discussion of Usage Policies related to the Town Hall – Community/Meeting Hall Facilities**
- 4. Overview of Proposed Town Hall – Community/Meeting Landscape Plan**
- 5. Discussion on Town Council Retreat**
- 6. Adjourn**

**MP2AC Meeting  
January 11, 2012  
10:00 a.m.  
Agenda**

**1. Call to Order**

The Chairman shall call the Committee to order.

**2. Minutes**

The Committee will need to review and approve the minutes from the November 16, 2011, meeting of the MP2AC. The minutes are attached.

**3. Discussion of Usage Policies related to the Town Hall – Community/Meeting Hall Facilities**

Last month, Town staff presented a draft Facility Use Policy for discussion by the Committee. During the discussion, staff was asked to prepare changes to the draft policy based on this discussion. The attached draft Facility Use Policy contains the changes as discussed, which are shown in red. The Committee will continue to review the draft Facility Use Policy for presentation to and consideration by the Town Council.

**4. Overview of Proposed Town Hall – Community/Meeting Landscape Plan**

Town staff, along with Angie Bradley of Coinjock Farms, will provide the Committee with an overview of the proposed Town Hall – Community/Meeting Hall Landscape Plan. The plan was designed based on discussions with Town staff. The Committee is being asked to provide comments on the plan and endorse the plan for recommendation to the Town Council. Attached are two drawings, one that corresponds with the attached plant list and one that shows the estimated sod required in specific areas.

**5. Discussion on Town Council Retreat**

The Town Council Retreat is scheduled for February 15<sup>th</sup> and 16<sup>th</sup>. Although the final agenda has not been set, it has been requested that the Committee provide an update on the Facility Use Policy. The Committee will discuss the retreat and the logistics associated with the presentation.

**6. Adjourn**

The Committee will need to discuss the date and time of its next meeting, and then adjourn until that meeting.

**TOWN OF DUCK  
MUNICIPAL PROPERTY MASTER PLAN ADVISORY COMMITTEE MEETING  
November 16, 2011**

The Municipal Property Master Plan Advisory Committee for the Town of Duck convened at the Duck Municipal Offices at 10:00 a.m. on Wednesday, November 16, 2011.

MEMBERS PRESENT: Chairman Paul Keller; Avery Harrison; Tim McKeithan; Ben Vorndran; and Town Manager Christopher Layton

MEMBERS ABSENT: Charlie Pratt.

OTHERS PRESENT: Police Chief Phillip Ferguson; Public Relations Coordinator Kathy McCullough-Testa; Fire Chief Donna Black; and Town Clerk Lori Kopec.

OTHERS ABSENT: None.

Chairman Keller called the meeting to order at 10:12 a.m.

**APPROVAL OF OCTOBER 14, 2011 MINUTES**

Chairman Keller moved to approve the October 14, 2011 minutes as presented. There was no second.

Motion approved 4-0.

**DISCUSSION OF USAGE POLICIES RELATED TO THE TOWN HALL – COMMUNITY/MEETING HALL FACILITIES**

Town Manager Layton noted that the Committee could take their time with the usage policies as there was no rush to get it completed. He added that the policy was a draft and that he tried to incorporate the Committee member's comments into it and that it was quite difficult to write.

Chairman Keller asked when the usage policies would be ready for the public to see. He further asked if one more meeting would be enough to finish the policy. Town Manager Layton thought if the Committee could get something to the Town Council in its final form by early spring 2012, that would be acceptable.

Town Manager Layton stated that he tried to set up the policy so that it flowed simply, with the purpose and then what facilities it applied to, differentiating between the Town Hall facility and the rest of the park and boardwalk. He went on to review the policy with the Committee.

Fire Chief Black stated that the policy should be kept tightened up and then loosened as things progressed in Town. She thought the draft policy was great.

Chairman Keller suggested that the Committee review the policy in its entirety. Town Manager Layton and the Committee reviewed the policy for corrections and changes.

Fire Chief Black suggested having a list of the number of people allowed in each conference room to help people that wish to use the room know which one would work for them. Town Manager Layton thought it was a good idea. Police Chief Ferguson suggested that homeowner

associations be told that they could only block a certain amount of hours for their meetings and not allow them to choose odd times of the day to use the rooms. Fire Chief Black thought it was a good idea as it would be easier for Town staff and Police to track the meetings.

Tim McKeithan suggested the following language under the Application portion of the policy: "...Town Manager is authorized to cancel or relocate any reservations due to scheduling conflicts or unforeseen events..." It was *consensus* of the Committee to use the suggested language.

Avery Harrison asked if the policy should state any days that the facilities would not be available for use by the public. Town Manager Layton thought it could be added. He added that he would include the occupancy for each room as well as blocks of time for people to use the rooms.

Fire Chief Black suggested some language in the policy regarding damage to the facilities. She suggested the following language: "If damages are above the deposited amount, you will be charged the actual cost." Town Manager Layton thought it was a good idea. Avery Harrison agreed. Tim McKeithan thought there should be a footnote regarding significant damages. Town Manager Layton thought it could be put in the policy and the actual sheet that a person would fill out. Mr. McKeithan thought that the public should not be charged to rent the facility but would have to pay to put the rooms back in order as well as a fee for the oversight. Ms. Harrison agreed. It was *consensus* of the Committee that Priority 3 groups would be required to pay all but the facility rental fee.

Town Manager Layton asked if the cleaning and rental fee should be added to Priority 4 groups in addition to the deposit and oversight fee. Tim McKeithan thought they should not have to pay the rental fee. It was *consensus* of the Committee not to charge the rental fee for Priority 4 groups.

Fire Chief Black left the meeting. The time was 11:41 a.m.

Avery Harrison thought there needed to be something in the policy that would prohibit candles or anything with an open flame. Town Manager Layton agreed and stated that he would add the language to the policy.

### **OTHER ISSUES**

Town Manager Layton gave a short update on the boardwalk repair and clean up to the Committee. He further discussed the labyrinth behind the gazebo and the memorial bench and birdhouse sponsorship program.

It was *consensus* of the Committee to have their next meeting on Wednesday, January 11, 2012 at 10:00 a.m.

### **ADJOURNMENT**

There being no further discussion, Ben Vorndran moved to adjourn the meeting. Tim McKeithan seconded.

Motion carried 4-0.

The time was 12:17 p.m.

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Lori Kopec, Town Clerk

Town of Duck, North Carolina  
Facility Use Policy

Purpose:

The purpose of this Facility Use Policy is to define the applicability of facilities within the Town Hall – Community/Meeting Hall for public use and the expectations of the Town Council for the use of these facilities. It is the intent of the Town Council to allow the use of certain rooms and related facilities within the Town Hall – Community/Hall for the benefit of the public, provided the use by the public does not interfere with the operations of the Town or constitute an activity that is commercial in nature.

Applicability:

This Facility Use Policy applies to the facilities within and immediately adjacent to the Town Hall – Community/Meeting Hall. This policy does not apply to the grounds and facilities that comprise the Duck Town Park, Boardwalk or Boat Pier, the use of which is defined in Chapter 93: Parks, of the Town of Duck, North Carolina, Code of Ordinances.

In general, the public may request to use the following rooms and facilities in the Town Hall – Community/Meeting Hall pursuant to this policy. These rooms are: in the Town Hall, the first floor conference room (maximum occupancy 50 persons, seating capacity 30 persons) and the first floor break room (maximum occupancy and seating capacity 10 persons) and in the Community/Meeting Hall, the meeting hall (maximum occupancy 200 persons, seating capacity 100 persons) and the conference room, which also contains kitchen and bathroom facilities (maximum occupancy and seating capacity 10 persons). The second floor of the Town Hall is reserved exclusively for administrative operations of the Town. Bathrooms for the use of the public are located on the first floor of the Town Hall and may not be reserved for the exclusive use of a specific group. The public may request the use of other facilities within the Town Hall – Community/Hall, such as the lobby located in the Town Hall or the Town Hall – Community/Meeting Hall porches, pursuant to this policy by requesting such use in writing to the Town Manager.

Application:

In order to reserve any of the rooms or facilities in the Town Hall – Community/Meeting Hall, eligible applicants must complete and submit an application and required fees or deposits to the Town Manager's Office no earlier than six months and no later than one month prior to the date for which the facility is being requested. Rooms and facilities may not be reserved without the submittal of an application and the remittance of any required fees or deposits. Reservations for the use of rooms and facilities will be scheduled as completed applications, including any fees and deposits, are received. The Town Manager is authorized to cancel or relocate any reservations due to scheduling conflicts, or unforeseen events that make the use of a room or facility unsafe, unreasonable or otherwise not in the best interest of the public. In the event that a cancellation or relocation of a reservation is required by the Town, the Town will notify the applicant as soon as possible to the change and refund any required fees or deposits. Groups or entities that have reserved a room or facility and need to cancel the reservation must provide a minimum of a two week notice of such cancelation or forfeit the deposit on the room or facility.

Eligible Applicants and Priority of Use:

The following groups or entities shall be eligible to reserve any of the applicable rooms or facilities in the Town Hall – Community/Meeting Hall pursuant to this policy. In the event that a conflict exists between one or more groups or entities for the use of a specific room or facility, a priority shall be given to the group or entity as shown below.

Priority One: Town Council and its respective Boards and Commissions.

Priority Two: Town departments and Town sponsored events. ~~provided the reservations are during normal operating hours.~~

Priority Three: Homeowner, Property Owner, and similar organizations, provided that the applicant is an organization located in the Town.

Priority Four: Non-profit organizations, including other governmental entities, provided that the use of the room or facilities is for educational, business, or professional meetings.

Priority Five: Other individuals, groups, or entities, provided that the activity for which the room or facilities is to be used is non-commercial. Rooms and Facilities in the Town Hall – Community/Meeting Hall may not be reserved for weddings, or similar events.

Priority Four and Priority Five groups or entities may not use a room or facility more than once in any three month period.

In accordance with Section 163.99 of the North Carolina General Statutes, the Town is authorized and directed to permit the use of space within the Town Hall – Community/Meeting Hall without charge, except custodial and utility fees, by political parties, as defined in G.S. 163-96, for the express purpose of annual or biennial precinct meetings and county and district conventions.

#### Availability of Rooms and Facilities:

Generally, the applicable rooms and facilities of the Town Hall – Community/Meeting Hall are available for use, pursuant to this policy, Monday through Friday, between the hours of 9 a.m. and 5 p.m. The rooms and facilities may also be available Monday through Friday between the hours of 5 p.m. and 10 p.m.; however, fees related to room ~~oversight monitoring~~ may apply. In addition, the rooms and facilities may be available on certain holidays and weekends between the hours of 9 a.m. and 10 p.m.; however, fees related to room ~~oversight monitoring~~ may apply. Applicable rooms and facilities are not available on the 4<sup>th</sup> of July, the Sunday of Columbus Day Weekend, Thanksgiving Day, Christmas Day, New Year's Day or Easter Sunday.

In order to accommodate as many groups or entities as possible during popular dates for meetings, unless otherwise approved by the Town Manager, applicable rooms and facilities must be reserved with specific time periods. Facility Use Applications that do not contain specific time periods, or that contain general time periods, such as "all day," will be denied. In addition, groups or entities may be asked to alter requested time periods to assist in accommodating as many groups or entities as possible.

#### Room and Facility Deposits and Fees:

The following fees shall apply for the use of rooms and facilities unless waived by the Town Manager, separate checks are required for deposits and fees:

Deposit for Rooms and Facilities (per room), not including the Community/Meeting Hall: \$ 50.00  
Deposit for Community/Meeting Hall: \$150.00  
Deposits will be refunded after the date for which the room or facility was reserved.

Rental Fee for Rooms and Facilities (per room), not including the Community/Meeting Hall: \$100.00  
Rental Fee for Community/Meeting Hall: \$500.00

Cleaning Fee for Rooms and Facilities (per room), not including the Community/Meeting Hall: \$ 50.00  
Cleaning Fee for Community/Meeting Hall: \$150.00

~~Oversight Monitor~~ Fee for Rooms and Facilities reserved after 5 p.m. or on holidays or weekends:  
\$ 15.00 ~~per~~ hr.

Priority One and Two groups and entities will not be charged any deposits or fees.

Priority Three ~~and Four~~ groups and entities will ~~only~~ be required to pay a deposit: monitor and cleaning fee, but not a rental fee.

~~Priority Four groups and entities will only be required to pay a deposit and any applicable oversight fee.~~

Priority Five groups and entities will be required to pay all fees listed.

In the event that a room, facility or any of its contents suffers significant damage due to the actions or neglect of groups or entities that have reserved the room or facility for use, the group or entity will be charged the actual costs to repair or replace the room, facility or damaged item, in addition to forfeiting the deposit for the use of the room or facility, which will be deducted from the final charge for damages incurred.

#### Release and Indemnity:

In the event that a group or entity is not associated with the Town of Duck, a Release and Indemnity Agreement may be required by the Town as a condition of the use of any rooms and facilities in the Town Hall – Community Meeting Hall.

#### General Rules of Use:

1. All use of rooms and facilities, except incidental use by Town staff, must be scheduled in advance through an application filed with the Town Manager's Office. All required deposits and fees must accompany the application.
2. The use of rooms and facilities does not obligate the Town to provide any furnishings or equipment not currently assigned to the area. Furnishings and equipment may not be removed from the room or facility. Additional equipment may be brought in to rooms and facilities if noted on the application and approved by the Town Manager.

3. Under no circumstances will a group or entity using a room or facility be given a key to access any part of the Town Hall – Community/Meeting Hall. If used during normal operating hours, Town staff will provide access to the room or facility. Access to rooms and facilities during non-operating hours will be provided through the oversight monitor staff.
4. Town equipment (except furnishings), including Aaudio-visual equipment, may not be used unless expressly authorized by the Town Manager.
5. The use of displays, decorations or similar items is expressly limited to tables or easels. The attachment of displays, decorations or similar items on walls, doors, windows or any other surface is prohibited. The use of candles, or any other device that exposes the Town Hall and/or the Community/Meeting Hall to an open flame is prohibited.
6. The Town Hall – Community/Meeting Hall and the Duck Town Park are smoke free environments; hence, smoking is prohibited.
7. The use of alcohol within the Town Hall – Community/Meeting Hall, unless expressly permitted by the Town Manager, is prohibited.
8. The use of the kitchen areas is limited to the re-heating and final preparation of food items. The kitchen areas are not intended to be used to produce food items from scratch.
9. Groups or entities using rooms and facilities will return the rooms and facilities to their pre-event condition in accordance with the checklist provided with the application.
10. Parking during normal operating hours is limited to the north (playground) parking area. During this time, the front and side parking areas of the Town Hall – Community/Meeting Hall must be left open to allow for normal Town operations. At times other than normal operating hours, parking is allowed in all parking areas.
11. The use of any signage must be noted on the application and approved by the Town Manager. Under no circumstances may a group or entity use Town insignias, including the Town seal and the “Summer Duck,” without the express permission of the Town Manager.
12. If a group or entity does not conclude the use of a room or facility (defined as more than fifteen minutes beyond the time indicated on the application), it will result in the forfeiture of the deposit.
13. Groups and entities using the rooms and facilities of the Town Hall – Community/Meeting Hall are responsible for their behavior and are expected to comply with all policies, laws and regulations. Failure to do so could result in dismissal from the Town Hall – Community/Meeting Hall and the denial of future use applications.
14. The Town reserves the right to deny the use of the rooms and facilities of the Town Hall – Community/Meeting Hall if it is determined that to allow the use is not in the best interest of the public. The Town also reserves the right to evict any group or entity from any room or facility in the Town Hall – Community/Meeting Hall if to do so is deemed to be in the best interest of the public.

DRAFT

Town of Duck, North Carolina  
Town Hall – Community/Meeting Hall  
Facility Use Application

Name of Group or Entity: \_\_\_\_\_

Group or Entity Address: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Applicant Telephone: \_\_\_\_\_

Applicant Email: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

**Group or Entity Eligibility**  
**(To be completed by Town staff)**

\_\_\_\_\_ Priority One

\_\_\_\_\_ Priority Two

\_\_\_\_\_ Priority Three

\_\_\_\_\_ Priority Four

\_\_\_\_\_ Priority Five

Total Fee: \_\_\_\_\_

**Room and/or Facility Requested for Use:**

Town Hall

\_\_\_\_\_ First Floor Conference Room  
(maximum occupancy 50 persons, seating capacity 30 persons)

\_\_\_\_\_ Break Room  
(maximum occupancy and seating capacity 10 persons)

Community/Meeting Hall

\_\_\_\_\_ Conference Room w/Kitchen & Bathroom room  
(maximum occupancy and seating capacity 10 persons)

\_\_\_\_\_ Community/Meeting Hall  
(maximum occupancy 200 persons, seating capacity 100 persons)

Other Rooms or Facilities Requested for Use: \_\_\_\_\_

Description of Group or Entity Activity: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Date and Time of Use:**

Requested Date of Use by Group or Entity: \_\_\_\_\_

Is this Date on a Holiday or a Weekend? \_\_\_\_\_ yes \_\_\_\_\_ no

Requested Time of Use by Group or Entity: \_\_\_\_\_

Is this Time after normal operating hours? \_\_\_\_\_ yes \_\_\_\_\_ no

**Deposits and Fees (see attached Facility Use Policy for applicability):**

Room and Facility Deposit (not including Community/Meeting Hall): \$50 \* \_\_\_\_\_ (# of rooms) = \_\_\_\_\_

Community/Meeting Hall Deposit: \$150 = \_\_\_\_\_  
\_\_\_\_\_

Room and Facility Rental Fee (not including Community/Meeting Hall): \$100 \* \_\_\_\_\_ (# of rooms) = \_\_\_\_\_

Community/Meeting Hall Rental Fee: \$500 = \_\_\_\_\_  
\_\_\_\_\_

Monitor Fee: \$15 \* \_\_\_\_\_ (# of hours) = \_\_\_\_\_  
\_\_\_\_\_

Total Deposits and Fees (due at application submittal): = \_\_\_\_\_

**Town Manager's Approval or Denial:**

\_\_\_\_\_ Approved \_\_\_\_\_  
Town Manager Date

\_\_\_\_\_ Denied \_\_\_\_\_  
Town Manager Date

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Town of Duck, North Carolina  
 Town Hall – Community/Meeting Hall  
 Pre and Post Facility Use Checklist

Name of Group or Entity: \_\_\_\_\_

Date: \_\_\_\_\_

Time In: \_\_\_\_\_ Time Out: \_\_\_\_\_

Room (s) and/or Facility (ies) Used: \_\_\_\_\_

	Pre-Event	Post-Event
1. Room/Facility Unlocked-Locked	_____	_____
2. All trash-debris picked up and removed	_____	_____
3. All furnishings/equipment present	_____	_____
4. All furnishings/equipment returned to proper place	_____	_____
5. All displays/decorations mounted properly	_____	_____
6. Kitchen facilities cleaned (if applicable)	_____	_____
7. Bathroom facilities tidied up (if applicable)	_____	_____
8. Signage in approved locations (if applicable)	_____	_____
Comments: _____		
_____		

Group or Entity Representative: \_\_\_\_\_

Signature of Group or Entity Representative: \_\_\_\_\_

Town Representative: \_\_\_\_\_

Signature of Town Representative: \_\_\_\_\_

**Town of Duck, North Carolina  
Town Hall – Community/Meeting Hall  
Release and Indemnity Agreement**

WHEREAS, the undersigned has requested the use of rooms, facilities, and or equipment owned or operated by the Town of Duck, North Carolina, and do engage in activities for the exclusive benefit of the undersigned.

NOW, THEREFORE, in consideration of the mutual promises or other good and valuable consideration, the undersigned does hereby for himself/herself, his/her heirs, executor, employers, successors, of himself/herself or of his /her employees, administrators, and personal representatives. I/We/The (name of group or entity) \_\_\_\_\_ understand and agree to the following:

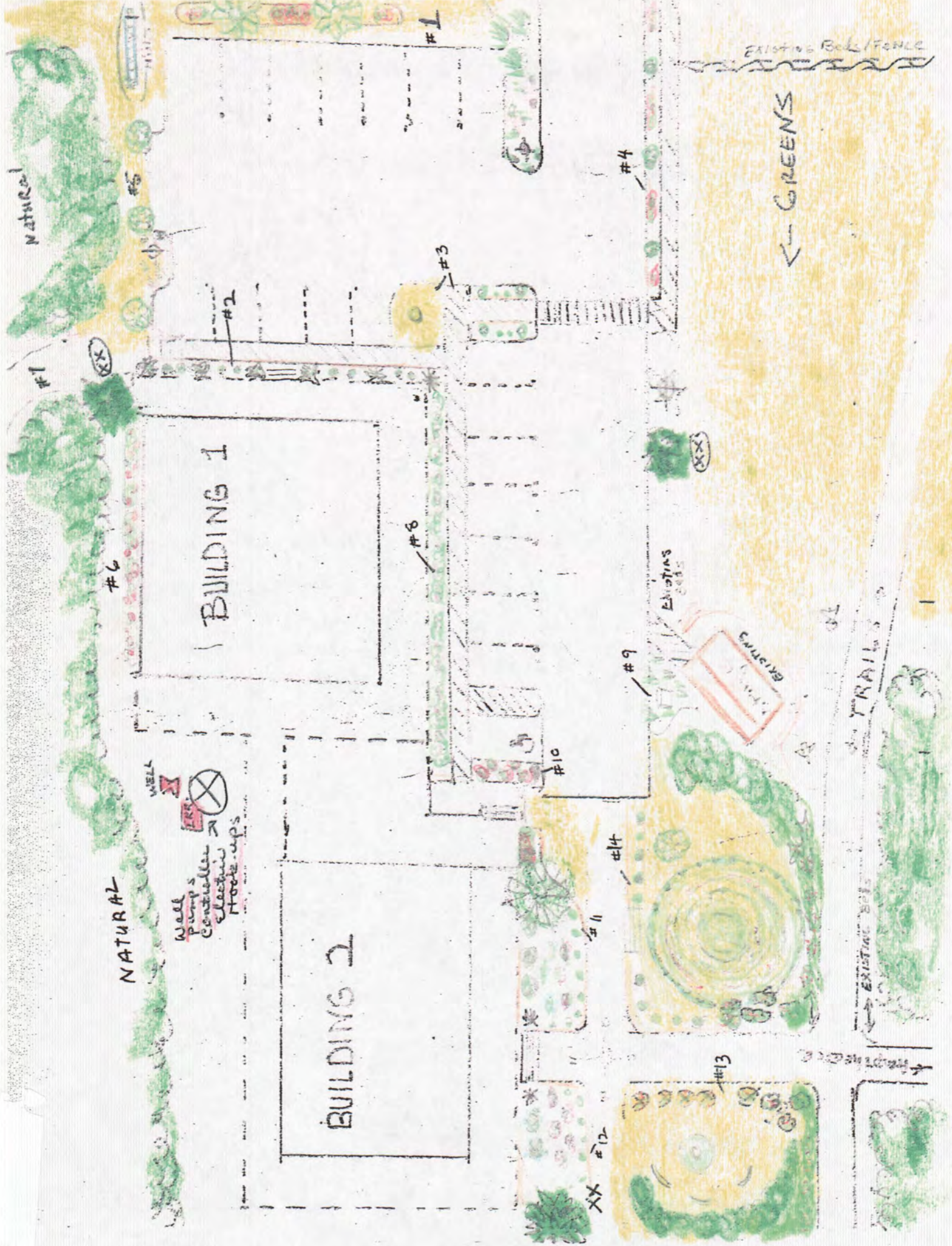
The Town of Duck shall not be liable for any damage to property or person by reason of the applicants use or occupancy of the Town Hall – Community/Meeting Hall and the applicant agrees to save the Town harmless from and against all claims, suits, demands, actions, and the cost and expense thereof, including attorney’s fees, arising out of any property damage or personal injury occurring as a result of the applicant’s use of the Town Hall – Community/Meeting Hall. The applicant further specifically agrees to procure and keep in full force at its expense, Commercial Liability Insurance in an amount not less than \$1,000,000 per occurrence, which policy or policies of insurance shall list the Town of Duck as an additional insured. The applicant will cause a certificate of insurance to be furnished to the Town of Duck evidencing such coverage and said policy shall provide that said insurance may not be canceled without written notice to the Town of Duck at least thirty (30) days prior to any cancellation.

I/We/The (name of group or entity) \_\_\_\_\_ hereby declare that the terms of this Release and Indemnity Agreement have been fully read and understood by me, and freely and voluntarily entered into and accepted by me, and I hereby acknowledge that I have read and understand this agreement. This agreement shall be in full force and effect any time after the execution thereof.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



NATURAL

EXISTING BACK/FENCE

← GREENS

NATURAL

WELL  
Pump  
Controller  
Electric  
Hook-ups

BUILDING 1

BUILDING 2

Electric

TRAILS

EXISTING BACK

TRAILS

XX

XX

XX

#1

#2

#3

#4

#6

#8

#9

#10

#11

#13

#12



COINJOCK FARMS  
P.O. BOX 33  
COINJOCK, NC 27923

PLANT LIST

- AREA #1            2 - LARGE LIVE OAK TREES  
                     3 - KNOCK-OUT (RED) DOUBLE ROSES  
                     2 - UP RIGHT JUNIPERS
- AREA #2            6 - 5' ITALIAN CYPRESS  
                     8 - AMERICAN BOXWOODS (WINTER GEM)
- AREA #3            INSTALLATION OF FLAG POLE  
                     4 - WEEPING YOUPOONS  
                     4 - DWARF BOXWOODS
- AREA #4            5 - WEEPING YOUPOONS 5 - 6'  
                     10-KNOCK-OUT RED ROSES
- AREA#5            3 - CREPE MYRTLE TREES WHITE  
                     3 - PINK MULEY GRASSES  
                     3 - WHITE CLOUD MULEY GRASSES  
                     3 - FOUNTIAN GRASSES
- AREA #6            30-VICTORY RED PYRACANTHAS
- AREA #7            7 - MULCH, TOPSOIL, EDGE
- AREA #8            24-DWARF GARDENIAS (WHITE)
- AREA #9            ROCKS 1 ½ TONS RIVER ROCK 2" TO 3"  
                     3 - LARGE ROCKS  
                     9 - ICE PLANTS  
                     3 - FEATHER GRASSES  
                     3 - FOUNTIAN GRASSES  
                     3 - PINK MULEY GRASSES
- AREA #10           5 - KNOCK-OUT ROSES (MADE INTO SMALL HEDGE)

- AREA #11            4 - NADINAS  
                      5 - CAMELLIAS  
                      4 - ENDLESS SUMMER HYDRANGERS  
                      5 - AZALEAS (ENCORE) AUTUMN ENDERS  
                      12-ENGLISH BOXWOODS
- AREA #12            2 - ENDLESS SUMMER HYDRANGERS  
                      4 - AZALEAS (ENCORE) EMBERS  
                      10-ENGLISH SWARF BOXWOODS  
                      1 - ARBORVITAE GREEN GIANT X-MAS TREE 12' TALL
- AREA #13            5 - EVERGREENS FOR (5) POTS  
                      10- ICE PLANTS IN (5) POTS  
                      10- LYLAND CYPRESS (BORDER)
- AREA #14            15- LYLAND CYPRESS (BORDER)  
                      12- ENGLISH BOXWOODS (LOW BORDER)  
                      1 - CRAPE MYRTLE (WHITE) TREE
- AREA XX            (SEE DRAWING)  
                      2 - ARBORVITAE GREEN GIANT 8' TALL TO BALANCE  
                      COLOR AND HEIGHT IN LANDSCAPING FOR FLOW
- NOTE:                ALL PLANTS TO BE INSTALLED WITH PROPER SOIL,  
                      FERTILIZERS AND MULCH