

**TOWN OF DUCK  
MUNICIPAL PROPERTY MASTER PLAN ADVISORY COMMITTEE MEETING  
March 22, 2011**

The Municipal Property Master Plan Advisory Committee for the Town of Duck convened at the Duck Municipal Offices at 11:00 a.m. on Tuesday, March 22, 2011.

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Police Chief Phillip Ferguson; Public Relations Coordinator Kathy McCullough-Testa; Allan Beres; and Town Clerk Lori Kopec.

**OTHERS ABSENT:** Director of Community Development Andy Garman and Fire Chief Donna Black.

Chairman Keller called the meeting to order at 11:07 a.m.

**APPROVAL OF FEBRUARY 24, 2011 MINUTES**

Charlie Pratt moved to approve the February 24, 2011 minutes as presented. Avery Harrison seconded.

Motion approved 5-0.

**DISCUSSION OF USAGE POLICIES RELATED TO THE SOUND SIDE BOARDWALK**

Chairman Keller directed the Committee to review the revised usage policies. He directed the Committee to review Section 93.02 – Park. He asked if the Community/Meeting Hall needed to be noted in the policy. Town Manager Layton stated that it would be a totally different set of rules that will be addressed when the construction is near completion. Chairman Keller asked if “Town Hall” should be removed from the section. Town Manager Layton pointed out that the park included the Town Hall. Chairman Keller thought the question was whether the draft ordinance should reference two different buildings or just one. Town Manager Layton thought the draft ordinance should have it as the Duck Town Hall and Community/Meeting Hall. It was *consensus* of the Committee to use the suggested language.

Town Manager Layton noted that the Town received its CAMA Minor permit for the boat pier and added that CAMA reduced the length of the pier from 130 feet to 120 feet. He stated that he would have that change reflected in the draft ordinance.

Chairman Keller directed the Committee to review Section 93.03 – Waiving of Certain Policies. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Hours of Operation. Town Manager Layton stated that he had a problem with closing the boat pier one hour after dusk as there would still be people using it. He stated that he talked to the Town Manager for the Town of Manteo and their transitory boat slips do not have a time period on them. Avery Harrison pointed out that Manteo had a full-fledged marina and was different than Duck. Town Manager

Layton thought that there would be people around after dark. He thought out of all of the rules, this would be the least enforced one.

Tim McKeithan stated that he wasn't sure what the concept of the pier was. He asked if it was mainly to allow people to come visit via a boat or if it was an extension of the existing boardwalk. Avery Harrison thought that the Committee had decided at their last meeting to keep it closed during certain hours to keep people off of it. Tim McKeithan wondered if the idea was to extend the hours in order for people to get to their boat. Town Manager Layton stated that without a gate, there would be no way to keep people off the pier. He thought the pier was an extension of the boardwalk. Mr. McKeithan thought it was a safety issue. Town Manager Layton noted that the boat pier would be open the same hours as the boardwalk but the slips would be closed one hour after dusk, as per the Committee's last meeting. Mr. McKeithan thought it was good for the Committee to decide the best usage of it. Town Manager Layton reiterated that people would use it and the only way to restrict access would be to gate it.

Charlie Pratt asked if there were plans to have lighting on the pier. Town Manager Layton stated that there would be low level lighting. Mr. Pratt suggested keeping the pier open the same hours as the boardwalk. Avery Harrison agreed. Chairman Keller thought the Town should limit the amount of restrictions as much as reasonable until they become obvious. He added that there have not been any problems on the boardwalk. He asked how it would be worded in the draft ordinance. Town Manager Layton suggested that the boat pier and boardwalk could be discussed separately. He stated that the boat pier did not include the slips with regard to the hours of operation. He stated that the boat pier would be closed between 1:00 a.m. to 5:00 a.m. He asked the Committee if they were comfortable with that. Ben Vorndran stated that he liked the idea of both being open at the same time, except for the hours of 1:00 a.m. to 5:00 a.m. Avery Harrison agreed.

Chairman Keller asked if the language should be left as is. Town Manager Layton stated that if the Committee wanted to keep the slips open, the last sentence could be eliminated. Avery Harrison suggested that the sentence regarding overnight mooring be kept in the draft ordinance. Charlie Pratt stated that he was happy with keeping the slips open except for the hours of 1:00 a.m. to 5:00 a.m.

It was *consensus* of the Committee to remove the language regarding the boat slips being open one hour before dawn until one hour after dusk.

Ben Vorndran suggested changing overnight mooring to overnight docking. Chairman Keller asked if a separate sentence should be added. Town Manager Layton stated that mooring would work. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(A) – Commercial Activity. It was *consensus* of the Committee to change the word “or” to “and” in the first sentence.

Chairman Keller directed the Committee to review Section 93.05(B) – Parking. Time McKeithan asked if the park and access to the boat pier should be added to the ordinance for consistency. Town Manager Layton stated that they could be added. Charlie Pratt stated that he liked the language as it was. Avery Harrison and Ben Vorndran were happy with the existing language. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(C) – Canoes/Kayaks. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(D) – Other Watercraft. It was *consensus* of the Committee to change the last sentence to read: “...anchoring of watercraft within 100 feet of the boardwalk...”

Chairman Keller directed the Committee to review Section 93.05(E) – Boat Pier. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(F) – Pets. Allan Beres of 146 Dune Road was recognized to speak. Mr. Beres asked if language could be put in the ordinance prohibiting dogs from swimming in the sound. Town Manager Layton suggested the following language: “...and shall be on a leash in accordance with the Town’s ordinances. Pets are prohibited from entering the water from the park boardwalk or boat pier...” Chairman Keller thought the new language was reasonable. Ben Vorndran thought the Town should wait and see if pets become an issue. Town Manager Layton stated that the park was not designed for people to bring dogs and let them run into the sound. Avery Harrison stated that she was fine with the new language but was concerned with dogs going into the water. Charlie Pratt thought dogs should be prohibited from going in the water. Tim McKeithan agreed. It was *consensus* of the Committee to use the suggested language.

Chairman Keller directed the Committee to review Section 93.05(G) – Wildlife. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(H) – Fishing and Crabbing. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(I) – Swimming. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(J) – Alcoholic Beverages and Controlled Substances. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(K) – Smoking. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(L) – Littering. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(M) – Weddings. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(N) – Special Events. Tim McKeithan noted that the draft ordinance stated that general, public free of charge events were allowed from November 1 to March 1. He asked if charitable fundraisers should be allowed. Town Manager Layton stated that the Town has received requests but it has never gotten to the point where the requests were followed through. He thought the language read that an event would benefit a charitable organization. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(O) – Children. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(P) – Firearms/Fireworks. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(Q) – Gazebo/Picnic Shelter. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(R) – Open Fires/Grills. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(S) – Damage to Town Property. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(T) – Bicycles/Rollerblades/Skateboards. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(U) – Motorized Vehicles and EPAMDs. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(V) – Radios/Musical Instruments. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(W) – Tents, Umbrellas. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(X) – Footwear Required. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05(Y) – Accessing Private Property from Boardwalk. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.06 – Laws of General Applicability. It was *consensus* of the Committee to leave the language as is.

### **OTHER ISSUES**

Chairman Keller asked if there were other issues to discuss. Town Manager Layton stated that the Town received its CAMA permit for the pier and was hoping to bring a contract amendment to Council at their April 6, 2011 meeting for approval so the pier could be started.

Chairman Keller asked how the draft ordinance would get out to the public. Town Manager Layton stated that there were no significant changes that needed to come back to the Committee. He added that he would make the changes and present it to Council at their April 6, 2011 meeting for their approval.

Chairman Keller asked if there were any other items that would be coming up relative to the park that would require the Committee to meet. Town Manager Layton stated that there may be a few things but thought only the facility use would be the next item. He added that there was still time before that needed to be addressed. He suggested that the Committee meet again once the Town

Hall building is closer to completion. He further suggested meeting again in mid to late summer unless an issue came up that the Committee would need to address.

**ADJOURNMENT**

There being no further discussion, Charlie Pratt moved to adjourn the meeting. Tim McKeithan seconded.

Motion carried 5-0.

The time was 12:36 p.m.

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/s/ Lori Kopec, Town Clerk