

**TOWN OF DUCK
TOWN COUNCIL
RETREAT
February 18 & 19, 2009**

The Town Council for the Town of Duck convened at the Sanderling Inn at 9:00 a.m. on Wednesday, February 18, 2009.

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

OTHERS PRESENT: Town Manager Christopher J. Layton, Director of Community Development Andy Garman; Fire Chief Donna Black; Deputy Fire Chief William Walker, Jr.; Police Chief Phillip Ferguson; Spencer Rogers of the North Carolina Sea Grant; Jesse McNinch and Bill Birkemeier of the United States Army Corps of Engineers; Chris Dewitt of Vanasse Hangen & Brustlin, Inc.; Barry Moss of Tymoff and Moss Architects; Ocean Rescue Director Mirek Dabrowski; Building Inspector Cory Tate; Permit Coordinator Sandy Cady; Public Relations Coordinator Kathy McCullough-Testa; Town Attorney Robert Hobbs; and Town Clerk Lori Kopec.

ABSENT: None.

Mayor Morrison called the meeting to order at 9:17 a.m. He welcomed all to the Retreat and introduced Council and staff to the audience. He introduced Town of Nags Head Mayor Renee Cahoon and Outer Banks Visitor's Bureau Managing Director Carolyn McCormick.

Mayor Cahoon was recognized to speak. She stated that she serves as chair of the Tourism Board and while Dave Wessel is the newest member, the Board did not have a chance to say good bye to Nancy Caviness, who served on the Board for the previous two (2) years. She went on to present Councilor Caviness with a framed copy of the travel guides for the years that she served.

Mayor Morrison stated that Council planned to conduct the Retreat informally. He directed the audience to raise their hand to be recognized if they wished to speak. Mayor Pro Tempore Thibodeau stated that she was looking forward to a great Retreat.

BEACH EROSION ISSUES

Director of Community Development Andy Garman was recognized to speak. Director Garman introduced Spencer Rogers, Jesse McNinch and Bill Birkemeier to Council and the audience. He stated that everyone has been familiar with the storms that have happened on the Outer Banks recently and how beach erosion has caused problems for oceanfront homes as well as beach walkovers. He went on to say that Spencer Rogers would be giving a presentation.

Presentation by Spencer Rogers, North Carolina Sea Grant

Spencer Rogers was recognized to speak. Mr. Rogers gave a presentation on how the beaches and dunes work with regard to erosion to Council and the audience.

Joe Blakaitis of 115 Sandpiper Cove was recognized to speak. Mr. Blakaitis asked for an explanation on the benefits of truck hauled sand. Spencer Rogers stated that beach scraping was a feel good issue and if a homeowner wanted to spend money, they should think about putting the

money in the truck hauled sand since it can be permitted to be put farther inland. He stated that the homeowner receives direct benefit from the truck hauled sand by putting it on the back side of the property.

Sam Taylor of 111 Skimmer Way was recognized to speak. Mr. Taylor noted that the amount of trucked in sand varied due to lot sizes. He stated that he was concerned about maintaining the dunes and preserving the recreational portion of the beaches. He thought the reasonable thing to do was to allow the dune to migrate west instead of trying to maintain it in the current position. Spencer Rogers stated that any dune on the seaward edge would migrate farther inland. He stated that by finding a way to let the dune migrate would be something that could be done. He didn't think the recreational beaches were at risk.

Lynne Alterman of 100 Ocean Crest Way was recognized to speak. Ms. Alterman asked if there was a problem with mixing the different types of sand when using truck hauled sand. Spencer Rogers stated that there wasn't a significant problem. He stated that the dune sand was typically a finer grain of sand as it was wind-blown. He stated that it was important to get good, clean sand.

Ed Sadler of 161 Buffell Head Road was recognized to speak. Mr. Sadler asked for Spencer Rogers' thoughts on pumping sand offshore. Spencer Rogers stated that there was a lot less sand offshore than people thought. He stated that a lot of the offshore areas are comprised of rock. He stated that if one picks up sand too close to the beach, they would be taking it out of the active system and it would show up as a deficit. Mr. Sadler stated that Hilton Head Island pumps sand offshore to maintain their beaches. Mr. Rogers stated that in certain areas, it wasn't cost effective to pump the sand due to the erosion rate.

Councilor Smith stated that he understood that the Outer Banks traditionally was considered a migrating coastal land mass due to the fact that it migrates westward. He added that the sand has been moving over time in a general western movement. He stated that development on the Outer Banks has caused a stoppage on the migration due to the sand not being able to build to the west because of the structures. He asked if it led to the conclusion that the ocean will move toward the west regardless of whether or not there is development and in the distant future the majority of the structures will disappear. Spencer Rogers stated that it was true in geologic times. He stated that there is erosion on both sides of the island and is more at a stage of narrowing instead of migrating.

Ron Forlano of 1378 Duck Road was recognized to speak. Mr. Forlano asked if there was any thought to doing something to the sand bars to increase their height since they were the first line of defense against cutting down on wave action. Jesse McNinch stated that he would discuss it during his presentation.

Mayor Morrison thanked Spencer Rogers for his presentation. He called for a ten (10) minute break. The time was 10:25 a.m.

Mayor Morrison reconvened the meeting.

Presentation by Dr. Jesse McNinch, Research Oceanographer, USACE

Dr. Jesse McNinch of the United States Army Corps of Engineers was recognized to speak. Dr. McNinch gave a short background on the Army Corps of Engineers Research Pier and what they do. He went on to give a presentation on beach erosion and accretion to Council and the

audience. Bill Birkemeier showed a short movie on how the beach has changed over the past twenty (20) years.

John Fricker of 105 Carrol Drive was recognized to speak. Mr. Fricker asked if there was any information that showed the beaches receding on the north end of the Corps property while at the same time the south end was increasing. Dr. McNinch stated that there wasn't.

Councilor Smith asked if it was unusual for the thirty (30) and forty (40) kilometer mark which was divided almost evenly with the pier to have minimal change. Dr. McNinch stated it was since it was a fairly stable area.

Mayor Pro Tempore Thibodeau pointed out that it looked like there was a lot of erosion just north of the pier, but the shape of the shoreline seemed to be bumped out into the ocean. Dr. McNinch stated she was correct.

Jon Britt of 1308 Duck Road was recognized to speak. Mr. Britt asked if there was similar erosion data for the sound side of Duck. Spencer Rogers and Bill Birkemeier both stated that there really wasn't much available. Dr. McNinch added that there was a growing research effort for it.

Councilor Smith asked if based on where the riverbeds were, there were permanent features that would not change very much. He asked if the chart was looked at in another fifty (50) years, that the data would not change much. Dr. McNinch stated he was correct. Councilor Smith asked if the depth of the substance the riverbeds were made of were thick enough that it would take centuries to reach a different type of sediment before it erodes. Dr. McNinch stated that it was possible.

Ron Forlano noted that the topography of the ocean would affect wave action. He asked if it was impractical to create a reef or sandbar offshore to cut down on the wave action. Spencer Rogers stated that off-shore submerged structures were extremely difficult to get right and are three (3) to six (6) feet below the surface level to knock down the biggest waves. He stated it would not be an efficient way to address the problem. Bill Birkemeier stated that the challenge was how to drop something in to the bar hop movement while not interfering with the natural flow of the waves.

Mayor Morrison noted that the ancient rivers probably crossed the Outer Banks. He asked if the research had expanded to the point where they were trying to determine if there was corresponding erosion on the sound side. Dr. McNinch stated it was a great idea but that they haven't accomplished that. Spencer Rogers pointed out that some channels do not flow like people think they do.

Director Garman asked if there was any link to how CAMA determines setback factors and how the research has been progressing. Spencer Rogers stated that state-wide most of the ocean beaches had historical erosion rates that were the best indicators of what might happen each year. He stated that there needed to be at least a seventy (70) year setback and the closer construction is allowed now, the more problems in the future. He thought CAMA has been practical about the setbacks. Dr. McNinch added that the setback lines could become more sophisticated.

Councilor Smith noted that Dr. McNinch had stated in his presentation that there was old geology that was being exposed. He asked if the underwater sediment was decreasing over time so more of the old geology was being exposed. Dr. McNinch stated that the average of the storm waves

can get down to the bottom and exhume and lift the sediment. He stated that in shallower regions, waves can excavate and dig into the older material.

Sam Taylor thanked Dr. McNinch and Bill Birkemeier for the research pier and the Corps of Engineer's website.

Fire Chief Donna Black was recognized to speak. Fire Chief Black asked what effect all the swimming pools had on dune stabilization. Spencer Rogers stated that the back edge of the dune was defined by whatever structure was behind it. He noted that pools were the first line of problems and setbacks do not apply to pools since they were defined as expendable structures. Bill Birkemeier noted that when a pool collapses, the dune is gone.

Town Manager Layton stated that it seemed like the message was that there were a lot of people that would like to see some action by the Town Council with regard to the areas that have had a lot of erosion, but that it was a longer-term action. He added that the Town was not in a position to fund beach nourishment at this time.

Mayor Pro Tempore Thibodeau stated that beach nourishment would need to be over a very wide place and not just in isolated areas. She thought that the only thing that could be done would be to build up the dune on the landward side and encourage people to bring in sand.

Councilor Caviness asked if there was a parallel or model to look at with regard to refining zoning for flood zones and flood insurance. Spencer Rogers pointed out that the flood insurance program had a lot of built-in incentives, was not real strict, and tended to move people in the right direction. He added that the higher a homeowner builds, the cheaper their rates were. He stated that the other incentive was the community rating system and increased setbacks.

Mayor Morrison thanked Jesse McNinch and Bill Birkemeier for their presentations.

Mayor Morrison recessed the meeting for lunch. The time was 12:20 p.m.

Mayor Morrison reconvened the meeting. He stated that in reading the zoning ordinance, he remembered that the Town had changed the zoning for the Town Park from Village Commercial (VC) to Conservation-Public Recreation (C-PR), but in doing so some adjustments should have been made in the C-PR section. He proposed that there be small changes made to Item B5 and Paragraph C1.

Mayor Pro Tempore Thibodeau asked if the ordinance was changed, a public hearing would be needed. Mayor Morrison stated that it would have to be referred to the Planning Board to make the proposed changes and then it would come before Council for a public hearing. Mayor Pro Tempore Thibodeau noted that the Fire Department was never listed under "Town of Duck Uses". Mayor Morrison stated that it should have been. He suggested eliminating picnic areas under Conditional Uses in the ordinance.

Mayor Pro Tempore Thibodeau moved to refer the C-PR ordinance to the Planning Board for their review.

Motion carried 5-0.

VANASSE HANGEN BRUSTLIN CONSULTANT PROJECTS

Update on Amphitheater Project

Chris Dewitt of Vanasse, Hangen, & Brustlin, Inc. was recognized to speak. Mr. Dewitt gave a short presentation on the amphitheater project to Council and the audience.

Joe Blakaitis asked if the benches for the seating would have backs to them. Chris Dewitt stated that they would not.

John Fricker asked how many people the amphitheater would seat. Chris Dewitt stated that he did not have an exact number but that it would seat approximately 200 people.

John Wander of 119 Sandcastle Court was recognized to speak. Mr. Wander asked what the elevations would be on the benches. Chris Dewitt stated he wasn't sure but would find out.

Mayor Pro Tempore Thibodeau asked if the walkway around the seating would be one big unit that would sit on the ground or if the walkway would be part of the ground. Chris Dewitt stated that the walkway would be an extension of the stone dust path. Mayor Pro Tempore Thibodeau asked if all of the benches would be connected. Chris Dewitt stated that they are still working that out.

Barry Moss of Tymoff and Moss was recognized to speak. Mr. Moss gave a short overview of the amphitheater concept to Council and the audience.

Mayor Morrison asked if it was decided to leave the triangular areas under the roof open instead of putting in windows. Barry Moss stated that it was.

Ron Forlano asked if the front of the stage would be built on grade. Barry Moss stated it would be approximately two (2) steps up from grade. Town Manager Layton added that there were two (2) steps down on each side of the stage as well as a handicap ramp.

Councilor Wessel clarified that the plan allowed for the serpentine walkway to be ADA compliant. Town Manager Layton stated that he was correct. Councilor Wessel clarified that the u-shaped walkway for the bench seating was not ADA compliant. Chris Dewitt stated that he was correct, but that the front row of seats would be handicap accessible.

Sam Taylor asked if the floor material would be one that could accommodate ballet performances. Barry Moss stated that it would.

Joe Blakaitis asked what the thinking was for not putting backs on the bench seating. Barry Moss stated that it was a cost factor. Mr. Blakaitis thought it would be uncomfortable for older people to sit on the benches. Chris Dewitt stated that they were trying to keep things as simple as possible.

Mayor Pro Tempore Thibodeau asked if the project was close to being on schedule. Chris Dewitt stated that they were a little behind. Mayor Pro Tempore Thibodeau asked if there was a point where a decision was made not to do construction during the summer. Town Manager Layton stated that he didn't anticipate there being too much of a conflict with construction. Mayor Pro Tempore Thibodeau thought that any construction would have to be sensitive to the summer traffic. Town Manager Layton stated that they will probably bid the project as a Request for Proposal (RFP) as opposed to a straight bid process.

Joe Blakaitis asked if the cost would be capped at the budget. Town Manager Layton stated that the intent was not to ask for any additional money.

Update on Town Hall Concept

Barry Moss gave a short presentation on the Town Hall concept to Council and the audience.

Denver Lindley, Jr. of 1470 Duck Road was recognized to speak. Mr. Lindley asked what would be in the towers for the buildings. Barry Moss stated that they would be used to bring in light. Mr. Lindley asked if the towers would be better than installing skylights. Mr. Moss thought they were about the same. Ron Forlano pointed out that the towers could also act as heat exchanges.

Sam Taylor asked what the orientation was for the roof. Barry Moss stated it would be on an east/west axis. Mr. Taylor pointed out that the skylights would have good exposure on the north side of the building. Mr. Moss agreed.

Lynne Alterman thought the elevations of the towers still looked high. She added that the height of the towers concerned her. Barry Moss pointed out that the towers were lower than in previous concepts. Ms. Alterman stated that the Town ordinance allows for a tower to be no higher than five (5) feet above the thirty-five (35) foot height limit. Mr. Moss stated that the towers meet the height requirements.

Mayor Pro Tempore Thibodeau clarified that the main door to the meeting room was on the north side. Barry Moss stated that she was correct. Mayor Pro Tempore Thibodeau clarified that the back room was running along the west side of the building. Town Manager Layton stated that she was correct.

Sam Taylor asked what the size would be for the Council chambers. Barry Moss thought it would be approximately 1,584 square feet.

Mayor Pro Tempore Thibodeau asked if any thought was given to putting in vegetation in front of the building that faces Duck Road so that it doesn't stand out. Town Manager Layton stated that as part of the design of the entire site, the concept would be that there would be a vegetated area along the road as a separation between the parking area and the multi-use path.

Joe Blakaitis asked if having a path between the two (2) parking lots was discussed. Town Manager Layton stated that it was part of the site development and would come from the playground area.

John Fricker asked what the view of the meeting building would be relative to the picnic shelter. Barry Moss stated that the view would be partially of the picnic shelter. Chris Dewitt added that it would be difficult to move the Council chambers because of the wetlands nearby. Councilor Smith noted that the view was discussed previously. He pointed out that there was enough vegetation on the west of the picnic shelter that the water couldn't be seen, even if the picnic shelter wasn't there. Town Manager Layton stated that the elevation of the building would be higher so there will be a slight difference.

Mayor Pro Tempore Thibodeau asked if there was any thought to angling the buildings like the gazebo was angled. Chris Dewitt stated that they were still considering how to best make it work on the site. He added that the more the building is angled, the harder it will be for the driveway access. Town Manager Layton pointed out that septic will have to be fit in as well.

Councilor Wessel stated that one of the features of coastal architecture has been cisterns and rain barrels. He stated that he did not see any in the concepts. Town Manager Layton stated that they will be put in. Councilor Wessel asked if it would provide enough collection to run the landscaping water. Barry Moss stated that one (1) inch of summer rain equaled six hundred (600) gallons.

Mayor Pro Tempore Thibodeau asked if the parking surface would be done in gravel pave. Chris Dewitt stated that it would be.

Ron Forlano asked if a portion of the wetlands could be filled in with a minor CAMA permit since they are non-titled. Chris Dewitt stated that the short answer was yes but that they needed to avoid or minimize the impacts.

Mayor Morrison thanked Chris Dewitt and Barry Moss for their presentations.

Update on Sound Side Boardwalk Project

Town Manager Layton stated that staff was continuing the planning of the sound side boardwalk and were in the phase of working with Town Attorney Robert Hobbs to develop/finish draft easements with all property owners and hoped to have a meeting with them in the spring. He stated that the Town could not apply for any permits for the project until they have the easements, but did not see any long-term difficulties in obtaining the permits. He stated that after meeting with the property owners and obtaining the signed easements, he hoped to be ready to apply for the permits for construction. He hoped to apply for grants during the next grant cycle, which were next fall and spring and then phasing the project.

Director Garman gave a short presentation on the sound side boardwalk project to Council and the audience.

Rosalie Schwarz of 103 Quail Way was recognized to speak. Ms. Schwarz asked if the railings would be as high as the ones at the existing boardwalk. Town Manager Layton stated that the rails had to be that high due to bicyclists. Chris Dewitt added that it was the minimum code height for bicycles. Town Manager Layton stated that the decision they will have to make would be to lower the rails while strictly enforcing bicycles on the boardwalk. Ms. Schwarz encouraged having the railings lower for the new boardwalk section.

John Fricker clarified that Town Manager Layton was considering lowering the railings on the new parts of the boardwalk but not removing or shortening the railings on the existing boardwalk. Town Manager Layton stated that he hadn't brought the issue to Council to recommend lowering it as he could use the money that it would cost to do that in a better way.

Tom O'Brien of 128 Chip Court was recognized to speak. Mr. O'Brien asked what the timing would be for the project. Town Manager Layton stated that it was up in the air but that he would like to be at a point where they would be ready to apply for the CAMA grant. He stated that the Town would be applying for a CAMA public access grant and a Tourism Bureau grant, adding that the Tourism Bureau grant does not start until August or September. He noted that the CAMA grant could not be applied for until next spring. He thought the northern phase could be started in FY 2011.

Mayor Morrison thanked Director Garman for his presentation. He called for a ten (10) minute break. The time was 3:20 p.m.

Mayor Morrison reconvened the meeting.

PUBLIC SAFETY

Ocean Rescue

Discussion of Proposed Beach Management and Protection Ordinance

Director Garman and Mirek Dabrowski, Director of Ocean Rescue were recognized to speak. Director Garman and Mr. Dabrowski gave a presentation on the proposed beach management and protection ordinance to Council and the audience, which deals with people digging holes and leaving tents on the beaches.

Mayor Morrison asked who came up with the idea of twelve (12) inches for the size of a hole. Permit Coordinator Cady stated that a few different options were provided from various ordinances. Director Garman stated that it was up for discussion. Mayor Morrison thought people would laugh if they were told they couldn't dig a twelve (12) inch hole. He suggested changing it to three (3) feet. Mirek Dabrowski stated that it was selective.

Councilor Wessel asked if there was an ordinance in place and the lifeguards were asking the beachgoer to fill the hole in, would the lifeguards stay to make sure the beachgoer filled the hole in. Mirek Dabrowski stated he wasn't looking at it as a police state and that his lifeguards would just advise people of the ordinance and move on.

Pat Scarlett of 102 Mallard Drive was recognized to speak. Ms. Scarlett thought there should be a way to educate the public about why the ordinance was needed. Town Manager Layton agreed. He stated that staff was at the initial discussion and direction-finding phase right now. He stated that if the rules were adopted, they would go into the Town's brochure.

Mayor Morrison stated he would prefer that Council read the draft ordinance language before discussing it and then come back at the March mid-month meeting to discuss in detail and give direction to staff.

Mayor Morrison thanked Director Garman and Mirek Dabrowski for their presentation.

Fire Department

Fire Chief Donna Black was recognized to speak. Fire Chief Black gave a presentation on the Fire Department issues to Council and the audience.

Joe Blakaitis asked what would happen if all Fire support responded to one (1) fire call. Fire Chief Black stated that mutual aid would come into play if there was another call.

Mayor Pro Tempore Thibodeau wondered what an ideal range for a fire department would be, especially when it came to mutual aid. She asked if working with other departments was ever discussed. Fire Chief Black stated that it is discussed all the time.

Councilor Smith asked what the average response time was for a fire call. Fire Chief Black stated that she had set up a survey and people responded that the expected response for a call was four (4) to eight (8) minutes. She stated that looking at the data, the Fire Department averages ten (10) to twelve (12) minutes to respond to a call. Councilor Smith asked what the national average was. Fire Chief Black stated that it depended on where the fire department was located.

Mayor Pro Tempore Thibodeau asked where the Town was with regard to the radio issue. Town Manager Layton stated that there has not been anything official yet but that it was going to happen with the Town having to pay for the radios.

Mayor Morrison thanked Fire Chief Black for her presentation.

Mayor Morrison recessed the meeting until Thursday, February 19, 2009 at 9:00 a.m. He thanked everyone for attending. The time was 5:13 p.m.

RECONVENE

The Town Council for the Town of Duck reconvened at the Sanderling Inn at 9:00 a.m. on Thursday, February 19, 2009.

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

OTHERS PRESENT: Town Manager Christopher J. Layton, Director of Community Development Andy Garman; Fire Chief Donna Black; Police Chief Phillip Ferguson; Building Inspector Cory Tate; Public Relations Coordinator Kathy McCullough-Testa; and Town Clerk Lori Kopec.

ABSENT: Town Attorney Robert Hobbs.

Mayor Morrison called the meeting to order at 9:15 a.m. He welcomed all to the second session of the Retreat and reviewed the agenda with Council and the audience.

PUBLIC SAFETY

Police Department

Police Chief Phillip Ferguson was recognized to speak. Police Chief Ferguson gave a presentation on the Police Department activities to Council and the audience.

Joe Blakaitis asked what the share that the Town of Duck received from citations that were written. Police Chief Ferguson stated that the Town does not receive any compensation. He added that the citation costs go to the Administrative Offices of the Clerk of Court. Town Manager Layton noted that the Town does receive some money back for certain court costs but that it was very small. He explained that under State law, traffic citation monies go right to the school system and not to the various municipalities, which was a common misconception among people.

Councilor Wessel asked if any pyrotechnics calls resulted in a citation or arrest. Police Chief Ferguson stated that none have resulted in an arrest, but if the police locate someone using pyrotechnics, it will result in some form of action, which was typically a warning ticket.

Councilor Smith asked if the officers have to transport people to the County jail when they are arrested. Police Chief Ferguson stated that they do not.

Rosalie Schwarz asked if the turnover at the Police Department had slowed down. Police Chief Ferguson stated that it had. Ms. Schwarz congratulated Police Chief Ferguson on keeping the officers he had because she knew it was costly to recruit and train officers.

Ron Forlano noted that a lot of the work the officers do was more of a community service type. He asked what percentage was truly community service work versus police work. Police Chief Ferguson stated that any police work was community service work. He thought that thirty percent (30%) was community service work.

Joe Blakaitis echoed Rosalie Schwarz's comments and commended Police Chief Ferguson for keeping officer interest up.

Councilor Caviness asked if all of the officers had to attend NIMS training. Police Chief Ferguson stated that they did.

Mayor Morrison thanked Police Chief Ferguson for his presentation.

DEPARTMENTAL UPDATES

Overview of 2009 Town Park Events

Public Relations Coordinator Kathy McCullough-Testa was recognized to speak. Public Relations Coordinator McCullough-Testa gave a short presentation on the upcoming events at the Town Park to Council and the audience.

Ron Forlano stated that it sounded like the Park was being opened up to a commercial-type enterprise. He asked if the Town would benefit by having a farmer's market there. Town Manager Layton stated that the vendors would largely benefit from the farmer's market. He stated that staff would try to set up permitting or regulatory fees to associate with it. He added that the farmer's market would be seen as another Town event.

Rosalie Schwarz asked what the price range would be and if the prices would be competitive with other farm stands. Public Relations Coordinator McCullough-Testa stated that she hadn't gotten that far yet. She added that she was looking at supporting the local economy.

At this point, Mayor Pro Tempore Thibodeau had to leave for the day.

Paul Keller of 125 Wiroans Court was recognized to speak. Mr. Keller pointed out that the city of Alexandria, Virginia has a successful farmers' market that they hold on Saturday mornings. Lynne Alterman added that Fairfax County, Virginia has several farmers' markets. She thought if Duck was going to do one, they should advertise it right away. Town Manager Layton stated that a lot of the rules for the farmer's market will be laid out in the by-laws with the hope that the rules can be written towards the local businesses. He explained that it wasn't designed to compete with other businesses, but to take a larger picture of the local economy.

Councilor Wessel asked how far staff had gotten on establishing an ad-hoc committee. Town Manager Layton stated that they hadn't gotten very far yet.

Councilor Caviness thought it was an interesting idea but she wasn't sure the level of detail and work could come about so that the farmer's market would be a reality this summer. She stated that she had serious doubts about it as there were way too many decisions and details to get it instituted this summer. She thought the whole farmer's market concept was a great idea but too aggressive. Lynne Alterman suggested keeping it small as a start.

Town Manager Layton stated that what staff wanted to establish was whether the farmer's market was an idea that Council would support and would want them to continue working on. He stated that if it couldn't be achieved this summer, the question would be whether it would be worthy to keep working on the issue. He didn't think this summer could be ruled out yet. He added that he could come back at Council's March mid-month meeting with more details and then go from there.

Councilor Smith pointed out that the vendors are used to doing this and have no problem setting up. Lynne Alterman agreed. Councilor Caviness stated that she understood but pointed out that this would be another thing going on in Town that will require looking at the capacity to handle it. She reiterated that she thought it was aggressive. Councilor Smith didn't think it would be as large as some other cities.

John Fricker stated that parking and the use of the gravel pave area hadn't been mentioned. He pointed out that construction of the amphitheater would be going on during the summer. He wondered where vendors and people would park.

Rosalie Schwarz asked if the Town would be charging for events at the amphitheater. Town Manager Layton stated that the way the venue was being set up, it would allow the Town to charge for certain events. He added that by working with the Dare County Arts Council, the Town can apply for grants to bring in performers that would be paid by grant funds. Ms. Schwarz asked how much the Town spends on summer events. Town Manager Layton stated that the Town spends approximately \$25,000. Ms. Schwarz stated that she never thought of a park as one with many events. She added that she envisioned a park as one that had open space. She thought that a lot of the residents that moved to Duck did so because they liked the quiet. She stated that she was trying to understand where the Town was going with the events and why. Councilor Smith thought that three (3) months out of the year wasn't bad for events. He added that these events mainly catered to the tourists with the annual jazz festival as more of a local's event. He thought the park was a place for special events.

Mayor Morrison thanked Public Relations Coordinator McCullough-Testa for her presentation. He called for a ten (10) minute break. The time was 10:58 a.m.

Mayor Morrison reconvened the meeting.

Community Development

Duck Trail Safety

Director Garman gave a presentation on the Duck Trail and the safety issues involved with it to Council and the audience.

Joe Blakaitis asked if stop signs at each subdivision entrance would help with having bicyclists stop at the intersections. Town Manager Layton thought they would not have much of an effect.

Mr. Blakaitis noted that the Village Commercial District was extremely popular for people. He thought there should be more responsibility put on the bicyclists. Councilor Caviness noted that the Duck Trail Committee had struggled with that issue. She thought the biggest problem with the Trail was that there was too much visual clutter in the Village Commercial District. She thought that any signs that would be put on the Trail should be put on the ground.

John Fricker asked if the zebra striping for a crosswalk was associated exclusively for a crosswalk under North Carolina law. He asked if it was, it could be put across a driveway to create an area where people would have to yield. Director Garman stated that he has seen crosswalks painted across intersections and roads but not driveways.

Mayor Morrison thanked Director Garman for his presentation.

Mayor Morrison recessed the meeting for lunch. The time was 12:04 p.m.

Mayor Morrison reconvened the meeting.

FINANCIAL OVERVIEW

FY 2009 Analysis/Update

Town Manager Layton gave an analysis and update on Fiscal Year 2009 to Council and the audience, touching on items he wished to amend in the current budget.

Draft FY 2010 Capital Improvements Program

Town Manager Layton gave a presentation of the Draft FY 2010 Capital Improvements Program to Council and the audience.

Five Year Financial Forecast

Town Manager Layton gave a presentation on the Five Year Financial Forecast to Council and the audience.

Sam Taylor clarified that the sales tax forecast was based upon an increase in the amount of sales tax collected and allocated to the Town of Duck. Town Manager Layton stated that he was correct.

Councilor Smith pointed out that the Police Department expenditure line for FY 2009-2014 had an increase of \$168,000. He asked if part of it was for Police vehicles. Town Manager Layton stated that the majority was anticipated salary benefits.

Sam Taylor asked if the Town will be able to provide services without an increase in taxes. Town Manager Layton stated that it was the goal.

At this point, Councilor Wessel left the meeting.

John Wander clarified that ten to fifteen percent (10-15%) of revenue was coming from grants each year. Town Manager Layton stated that it wasn't for each year but only for certain years. Mr. Wander asked if there had been any input with regard to grants. Town Manager Layton stated that there were projects that could not be done without the grants, such as CAMA grants.

Mayor Morrison thanked Town Manager Layton for his presentations. He thanked Council and the audience for their participation in the Retreat.

ADJOURNMENT

Mayor Morrison moved to adjourn the meeting.

Motion carried 3-0. The time was 1:59 p.m.

/s/ Lori A. Kopec, Town Clerk

Approved: April 8, 2009_____

/s/ Neil Morrison, Mayor