

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MID MONTH MEETING
May 20, 2009**

The Town Council for the Town of Duck convened at the Duck Municipal Offices at 1:00 p.m. on Wednesday, May 20, 2009.

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; Town Attorney Robert Hobbs; Police Chief Phillip Ferguson; Fire Chief Donna Black; and Town Clerk Lori Kopec.

ABSENT: None.

Mayor Morrison called the meeting to order at 1:02 p.m.

APPOINTMENT TO THE TOWN OF DUCK PLANNING BOARD

Mayor Morrison stated that Joe Blakaitis' term on the Planning Board had expired on May 1, 2009. He noted that Mr. Blakaitis wished to continue serving on the Planning Board. He moved to nominate Joe Blakaitis to serve on the Planning Board for a three (3) year term to expire May 1, 2012.

Motion carried 5-0.

WORK SESSION ON PROPOSED FY 2010 BUDGET

Mayor Morrison stated that Town Manager Layton had proposed the FY 2010 budget at the Council's April 23, 2009 meeting and had predicted a one percent (1%) decline in revenues and expenditures for the coming years. He stated that the most controversial item in the budget was the appointment of two (2) permanent fire fighters. He thought due to the large turn out by the Fire Department, that Council would discuss the issue first before reviewing the entire budget.

Fire Chief Donna Black was recognized to speak. Fire Chief Black gave a short presentation to Council and the audience on the reasons why the Fire Department needed two (2) additional paid staff.

Mayor Pro Tempore Thibodeau asked if it was customary that one (1) paid fire fighter and one (1) volunteer fire fighter respond to a call. Fire Chief Black stated that it depended on the call as to how many people needed to respond to calls. Mayor Pro Tempore Thibodeau noted that a lot of the calls the Fire Department received were EMS ones. Fire Chief Black agreed. Mayor Pro Tempore Thibodeau clarified that if the Fire Department hired two (2) additional people, they would supplement the department so there would be twenty-four (24) hour coverage. She asked if there were additional staffing, the normal protocol with regard to EMS calls would be to have two (2) paid people responding to the call with or without the volunteers. Fire Chief Black stated that the volunteers would still be needed.

Councilor Smith noted that Dare County has a new system for emergency calls. He asked if there were calls that were tracked presently that were not tracked before the new system was installed. Fire Chief Black stated that there wasn't.

Councilor Wessel asked if there were any numbers as to how often Duck received mutual aid for a call. Fire Chief Black stated that structure fires were considered an automatic mutual aid call. She added that Southern Shores, Kitty Hawk and Corolla were the departments that respond to mutual aid calls. She stated that the Fire Department can call at any time for mutual aid if it is needed.

Councilor Smith asked how many EMS calls the Dare County ambulance had responded to in Duck versus Southern Shores. Fire Chief Black thought it was approximately two hundred fifteen (215), but thought Southern Shores was a bit higher. Councilor Smith asked what the average time frame was for the ambulance to arrive behind the fire fighters. Fire Chief Black stated that it depended on the day of the week and how busy the rest of the beaches were.

Mayor Pro Tempore Thibodeau asked if Fire Chief Black always knew who her volunteers were or if she just used the pager. Fire Chief Black stated that the volunteers were good about letting her know if they were available, but didn't know their every move.

Councilor Smith asked how many certified EMT's the Fire Department had. Fire Chief Black stated that there were eight (8) with five (5) living in Duck. Councilor Smith asked how many police officers were certified EMT's. Police Chief Phillip Ferguson stated that they had two (2). Councilor Smith asked if there was an effort to have more police officers certified. Police Chief Ferguson stated that there wasn't. Jon Britt of 1308 Duck Road was recognized to speak. Mr. Britt noted that the police officers were a nice supplement on calls, but they have another job to do. Councilor Smith asked how many volunteers respond to a typical rescue call. Fire Chief Black stated that ninety percent (90%) do.

Mayor Pro Tempore Thibodeau stated that she was concerned that the two (2) fire fighters would not be busy. She asked if they would be able to stay busy. Fire Chief Black stated that they would.

Councilor Wessel noted that the fire fighter position was being partially funded through revenue from the Fire Department discretionary fund for \$35,000. He asked how that would work. Fire Chief Black stated it would be funded from the t-shirt sales. Town Manager Layton explained that the Town would not receive a \$35,000 check from the Fire Department, but in the CIP there was approximately \$52,000 with the Town not funding any of it. He stated that if the positions are approved, the Fire Department committed to the \$35,000 since they thought they could afford it. He stated that virtually all of the CIP items for the Fire Department were cut and the Fire Department may be able to fund more than the \$35,000 depending on the sales of t-shirts. He added that the funds were a shift and not something the Town was funding.

Mayor Pro Tempore Thibodeau clarified that the Town would not be expecting the \$35,000 annually from the Fire Department. Town Manager Layton stated that she was correct and added that the Fire Department made a two (2) year commitment which was reflected in the CIP. Mayor Morrison clarified that it was \$35,000 per year. Town Manager Layton stated he was correct and added that it would be for two (2) years. Jon Britt stated that the Fire Department did not want to commit beyond the two (2) years since they did not know what would happen in the future.

Councilor Smith asked for an explanation of the definition of level of service and expectation of the community as well as how Fire Chief Black arrived at it and what she had accomplished to define it. Fire Chief Black stated that she had sent out a survey for her Executive Officers Program and asked those questions in the survey. She stated that the expectation was that if someone called 911, they expected a response. She stated that she was trying to make sure there were enough people available in any twenty-four (24) hour period to make sure there was the right combination to respond to a call. She stated that the expectation of service was making sure there was a qualified crew and not burdening the same fire fighters. She added that she had asked in her survey how much time a person felt was acceptable for the Fire Department to get to a call. She stated that people had answered between four to eight (4 – 8) and eight to twelve (8 – 12) minutes. Councilor Smith asked who was asked to fill out the survey. Fire Chief Black stated that it was a random survey that was available on the Town’s website. She added that she sent out another survey for the Fire Department membership in other towns. Councilor Smith asked how many responses were received from the community alone. Fire Chief Black thought it was approximately two to three hundred (200 – 300).

Councilor Caviness asked if it was accurate to say whether the community had an expectation of standards that have to be met to have ISO and NFPA standards. Fire Chief Black noted that ISO standards were very important as that was the level of service. She noted that she did not define the level of service; rather Duck Fire Department defined it twenty-eight (28) years ago. She stated that the Fire Department gets their ISO rating every ten (10) to twelve (12) years, which directly affects homeowner’s insurance rates.

Mayor Pro Tempore Thibodeau asked Fire Chief Black if she thought the level of service had deteriorated. Fire Chief Black thought the Fire Department was on the precipice. Town Manager Layton stated that he had sat down with the Fire Department Board of Directors and listened to their concerns. He stated that based on their concerns, he decided that the recommendation for additional staff was needed.

Jon Britt noted that the Fire Department set a standard that they want to maintain, but they needed help. Bob Mack agreed with Jon Britt’s comments and added that the Fire Department has a limited amount of people that can do the job. He stated that as a citizen, he had concerns. He felt there should be more fire fighters in Town. Rick Fagersten felt that Fire Chief Black would become burned out if something wasn’t done. He stated that the additional employees were needed to keep others from getting burned out. Pat Scarlett stated that a good portion of the Fire Department was sitting in front of Council to ask them to consider adding two (2) additional paid staff.

Mayor Pro Tempore Thibodeau thanked the members of the Fire Department for attending the Council meeting and speaking.

Councilor Caviness pointed out that most of the calls received by the Fire Department happen in a very compressed period of time. She stated that the fire fighters do dangerous work. She added that it was real contribution to the Town that a small amount of people make by volunteering.

Mayor Morrison thought Council could conclude their discussion on this portion of the budget and take a vote. Town Manager Layton stated that they could come to a consensus before the public hearing.

Councilor Smith stated that he was a part of the Fire Department for eight (8) years and was proud to be part of the Department. He thought there wasn't a single fire department that didn't see Duck's as efficient and one of the best on the beach. He thought that the Duck Fire Department had a lot of respect from the other fire departments. He stated that his comments were from a budgetary standpoint and from a responsibility to the taxpayer's standpoint. He stated that his biggest concern was the level of service. He wondered if it was realistic. He thought a professional paid officer position was necessary but had a problem with two (2) paid positions at this time. He stated that he had asked some of the residents in Duck what their expectations were of the Fire Department. He stated that all were very impressed with the equipment but a lot had a hard time defining what the expectation should be. He reiterated that he would be in favor of one (1) additional paid member but not two (2) at this time.

Mayor Pro Tempore Thibodeau stated that she appreciated Councilor Smith's honesty. She stated that she was looking at the issue from a numbers perspective. She stated that she had given a lot of thought as to why two (2) paid positions were needed. She stated that she respected the opinions of the people that were asking for two (2) positions. She thought the level of service of the Town in general needed to be looked at. She believed that over time the issue would become fifty percent (50%) of the Town's budget. She thought there had to be a leveling off on the money spent in Town. She added that she would like to see more public outreach from the Fire Department for volunteers. She stated that she did not want to continually increase taxes to pay for items in Town.

Councilor Caviness stated that paring items down was a valid point, but pointed out that providing fire protection was a chartered service the Town was responsible for. She stated when it was decided that the Town would incorporate, it had to be determined what services would be provided with fire protection being one of them. She stated that she didn't think this was a luxury that should be scaled back. She noted that fire protection was a contracted service for the Town. She stated that what the Fire Department gave the Town was of very great value. She thought that asking citizens to define expectations was troubling and felt it was up to the experts to determine.

Councilor Wessel noted that from a budgetary perspective, there has been an eighty-five percent (85%) increase in salaries in two (2) years. He stated that he heard excellent points as to why the additional positions were required. He thought the issue called for careful deliberation as well as a definition of the level of service. He thought that the taxpayers should be heard in regard to what their expectation of level of service was. He wondered if it was up to the professional fire fighters to tell the taxpayers what the level of service would be. He stated that he would like to balance Fire Chief Black's presentation with a lot more discussion with the people that would be paying for the level of service before he would be comfortable to committing to additional paid staff. He thought the question was if additional staff was necessary to maintain or increase the level of service given the hard economic times. He stated that he would like to use the Public Comment period at Council's June 3, 2009 meeting to hear what the public thinks.

Fire Chief Black cautioned that one has to be careful with the public defining the level of service for the Fire Department. She stated that there was a safety factor that should be considered. She stated that the number of people that need to respond to a call could not be defined by a taxpayer as there were NFPA standards that needed to be met. She added that there had to be a certain number of people responding to certain calls for the ISO ratings. She asked Council not to forget the safety aspect of the Fire Department.

Ron Forlano stated that he has been a citizen of Duck for twenty-three (23) years and wanted to address the level of service that Duck has had. He pointed out that there were a few citizens that would not be alive if it wasn't for the Duck Fire Department. He stated that he goes to bed each night knowing he's in good hands if something should happen. He agreed with Mayor Pro Tempore Thibodeau's comments that it was a lot of money, but thought maybe things that weren't as important as a life could be cut from the budget. He agreed with Councilor Caviness' comments that the Town has to provide fire protection as per the Charter. He thought Council had an obligation to the Town to uphold their part of the bargain, which was the safety of the people and not some of the other things that were in the budget.

Mayor Morrison thought there was an excellent discussion. He stated that he respected the views of everyone and appreciated all that attended and spoke. He stated that it would be hard for him to ignore the request of the Fire Department but pointed out that there was not a total agreement from the Council. He stated that there was a consensus of Council to move ahead with the public hearing.

Councilor Smith agreed with Councilor Caviness' comments regarding fire protection being a chartered service. He stated that the level of service that the Fire Department provided was incredible. He understood there was a lot of pressure, but there were other towns that did not have anything near what the Duck Fire Department had. He stated that the Fire Department would do whatever was necessary to have an exemplary group of fire fighters. He stated that Council was trying to determine if it could happen without any increases in staff or just one (1) additional paid person. He stated that if it didn't happen this year, it didn't mean the Town was abandoning the Fire Department or not taking things seriously. He added that it was a matter of five (5) people coming to a conclusion that two (2) people were needed. He stated that there had to be a balance. He cautioned that this was a very serious issue. He stated that he was in agreement with Councilor Wessel in that he wanted to look at things a little more closely.

Councilor Caviness stated that it was important that Council not lose sight that the Board of Directors and membership of the Fire Department had come forward to express their concerns on maintaining their level of service. She stated that the level of service was based on established standards, numbers and realities of what the job was. She stated that when people call 911, they expect the Fire Department, EMS and rescue personnel to show up. She stated that people are spending thousands of dollars to vacation on the Outer Banks and there was an expectation that the beaches would be clean and safe.

Mayor Morrison recessed the meeting for five (5) minutes. The time was 2:55 p.m.

Mayor Morrison reconvened the meeting.

Mayor Morrison asked if Council should review the budget and see if anyone was recommending any changes and then proceed to schedule the public hearing. Town Manager Layton stated that the public hearing was on his recommendation for the budget. He added that once the public hearing was held, any changes Council wished to make would be done after that point.

Mayor Pro Tempore Thibodeau thought the Occupancy Tax forecast was a little aggressive. She added that the Town had been conservative in the past. Town Manager Layton stated he was confident with the number. He added that his percentage for last year's budget was too aggressive. He stated that he felt better about the percentage for the new budget.

Mayor Morrison asked if timing was the reason the Town did not receive all of its shared revenues. Town Manager Layton stated that it was combination of the changes in assessed values. He stated that the percentage he calculated was different when the figures finally came around as well as the timing. He added that his number last year was too aggressive but noted that the new figure was on target. Mayor Morrison clarified that the increases in Occupancy and Sales Tax were due to shared revenue increases. Town Manager Layton stated that he was correct. Mayor Morrison noted that the Town would be receiving \$24,000 from the Shoreline Management Commission for FY 2010.

Mayor Pro Tempore Thibodeau noted that the building permit figure seemed aggressive. Town Manager Layton agreed, but felt comfortable with it.

Mayor Pro Tempore Thibodeau asked for an explanation of the \$20,000 for the boardwalk project. Town Manager Layton stated it was the development of grant applications, development of additional attorney fees for the easements and general planning in order to get the project permitted. He added that it was a very conservative number. Mayor Pro Tempore Thibodeau asked if the \$50,000 to purchase the property for a natural retention area would also be planned for a sound access. Town Manager Layton stated that it would not at this point and would be just for the purchase of the property and installation of the dry pond. Mayor Pro Tempore Thibodeau clarified that the Town would lease to purchase the new Police vehicles. Town Manager Layton stated that she was correct and added that they would be three (3) year leases. Mayor Pro Tempore Thibodeau clarified that construction of the Town Hall would start in FY 2010. Town Manager Layton stated she was correct and noted that the money in the budget was for planning. Mayor Pro Tempore Thibodeau clarified that the employee's salaries would increase by eight percent (8%). Town Manager Layton stated that they would only be four percent (4%).

Councilor Wessel asked what the other towns were doing in regard to employee increases. Town Manager Layton stated that some weren't doing anything while others were doing one percent (1%). Mayor Morrison asked what percentage of Town employees would receive a one percent (1%) merit increase. Town Manager Layton stated that maybe two or three (2 or 3) out of seventeen (17) would receive the full merit increase.

Councilor Caviness asked what the Town was anticipating for the bid project for the amphitheater. Town Manager Layton stated that it was \$250.00 less than what he had anticipated. He added that it would not be reflected in this budget. He stated that at the end of the year, he would have to re-appropriate what will not be spent.

Mayor Pro Tempore Thibodeau noted that there was a large jump under Administration. She asked if it was due to adding an intern. Town Manager Layton stated that it was not but that he added some money to that line item. He added that he was not increasing the expenditure for it.

Councilor Caviness asked how much money the Town could save money by having the newsletter go online. Town Manager Layton thought it could be a savings of \$3,500 to \$4,000. Councilor Smith thought it may take longer as some people do not want electronic newsletters.

Councilor Smith noted that the Professional Services line item had a decline of \$65,000 under Public Buildings. Town Manager Layton stated that the \$65,000 was for the planning of the boardwalk and Town Hall. Mayor Pro Tempore Thibodeau asked if Utilities were being broken down by building. Town Manager Layton stated that they were.

Mayor Pro Tempore Thibodeau pointed out that it looked like there was an 8.6% increase under the Police line items for salaries and benefits over the last two (2) years. She noted that the trend will expand over time and be a big portion of the budget. Town Manager Layton stated that the number could be a positive indicator in that the Police Department was not experiencing any employee turnover.

Mayor Pro Tempore Thibodeau clarified that one could look at the graph for Budgetary Accounting to see how much money was contributed to the Fund Balance. Town Manager Layton stated that she was correct.

Mayor Morrison stated that Council would meet on Wednesday, June 3, 2009 at 7:00 p.m. and hold a public hearing on the proposed budget.

ADJOURNMENT

Mayor Morrison moved to adjourn the meeting.

Motion carried 5-0. The time was 4:28 p.m.

/s/ Lori A. Kopec, Town Clerk

Approved: June 3, 2009_____

/s/ Neil Morrison, Mayor