

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
September 2, 2009**

The Town Council for the Town of Duck convened at the Duck Municipal Offices at 7:00 p.m. on Wednesday, September 2, 2009.

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

**Council Members ABSENT:** Councilor Nancy Caviness.

**OTHERS PRESENT:** Town Manager Christopher J. Layton; Director of Community Development Andy Garman; Police Chief Phillip Ferguson; Fire Chief Donna Black; Town Attorney Robert Hobbs; Public Relations Coordinator Kathy McCullough-Testa; Volunteer Coordinator Courtney Straub; and Town Clerk Lori Kopec.

**OTHERS ABSENT:** None.

Mayor Morrison called the meeting to order at 7:00 p.m. Mayor Morrison led the Pledge of Allegiance and moment of silence.

Mayor Morrison noted that Councilor Caviness was absent from the meeting due to not feeling well.

Fire Chief Donna Black was recognized to speak. Fire Chief Black went on to give a short presentation on a recent fire the Duck Volunteer Fire Department responded to in Corolla. She then introduced the Fire Department's new Fire Lieutenant, Jeffrey Del Monte to Council and the audience. Mayor Morrison and Council welcomed Mr. Del Monte to the Town.

**PUBLIC COMMENTS**

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

**APPROVAL OF MINUTES**

Mayor Morrison opened the approval of minutes from the August 5, 2009 regular meeting. Mayor Morrison directed Council to review the minutes from the August 5, 2009 regular meeting for changes.

Mayor Pro Tempore Thibodeau moved to approve the August 5, 2009 minutes as presented.

Motion carried 4-0.

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

**Overview of Summer 2009 Events and Update on the Third Annual Duck Jazz Festival**

Public Relations Coordinator Kathy McCullough-Testa was recognized to speak. Public Relations Coordinator McCullough-Testa gave a short overview on the past events for the summer of 2009 to Council and the audience. She further went on to give an update on the upcoming Jazz Festival being held on Sunday, October 11, 2009 at the Town Park.

Public Relations Coordinator McCullough-Testa stated that there will be an amphitheater grand opening on Friday, September 18, 2009 at 5:00 p.m. with a magic show to follow at 6:00 p.m.

#### **Discussion/Consideration of Adopting a Policy related to Volunteers**

Volunteer Coordinator Courtney Straub was recognized to speak. Volunteer Coordinator Straub went on to give a short overview of the new policy that relates to Town volunteers to Council and the audience.

Councilor Smith asked how many volunteers were helping. Volunteer Coordinator Straub stated that for the summer events, there were forty (40). Public Relations Coordinator McCullough-Testa stated that there were approximately sixty (60) for the Jazz Festival.

Mayor Pro Tempore Thibodeau asked if there was an application that volunteers had to fill out or if they would just receive the policy when they show up for an event. Volunteer Coordinator Straub stated that they would receive one when they show up for the orientation for the event. Town Manager Layton noted that the policy had a space for volunteers to sign that they understood their duties.

Councilor Wessel noted that the policy stated that it was revised. He asked if there was a previous policy. Volunteer Coordinator Straub stated that there was. Councilor Wessel suggested adding "pre-approved" to Section III of the policy so the sentence would read: "...of compensation beyond pre-approved reimbursement for appropriate..."

Mayor Pro Tempore Thibodeau suggested removing the word "revised" from the policy.

Mayor Pro Tempore Thibodeau moved to approve the volunteer policy as amended.

Motion carried 4-0.

#### **Discussion/Consideration of Authorizing the Mayor to Execute Easement Agreements related to the Soundside Boardwalk Project**

Town Manager Layton stated that staff was making progress on obtaining the easements. He stated that Council had four (4) new easements in front of them that needed authorization for Mayor Morrison to execute. He reviewed the four (4) easements with Council and the audience. He stated that after these easements were executed, the Town would have properties from Wings to the Waterfront Shops, which was a large segment and could impact future decisions regarding permitting.

Councilor Smith moved to authorize the Mayor to execute easement agreements related to the soundside boardwalk project.

Motion carried 4-0.

#### **NEW BUSINESS**

**Presentation by John Wasniewski, Co-Chair, Outer Banks Surfrider Foundation, regarding Offshore Drilling and Discussion/Consideration of Resolution 09-09, a Resolution of the Town Council of the Town of Duck, North Carolina, Opposing Offshore Drilling Off the Coast of North Carolina or Virginia**

John Wasniewski of the Outer Banks Surfrider Foundation was recognized to speak. Mr. Wasniewski went on to give a short presentation on the Outer Banks Surfrider Foundation's opposing stance regarding offshore drilling because the Foundation felt it was bad for the economy, the environment and tourism. He added that other municipalities have passed resolutions opposing offshore drilling and recently learned that the Town of Duck had passed one in 2006. He asked Council for their continued support of opposing offshore drilling by passing another resolution that would reiterate their feelings.

Mayor Morrison asked if another should be passed since Council passed one three (3) years ago. Town Manager Layton stated it was up to Council but wouldn't hurt.

Councilor Wessel stated that the resolution that the Tourism Board had in front of them mentioned all the towns except for Duck. He stated that whether the Town of Duck had or had not passed a resolution, he thought it was a good time to show how Council felt.

Mayor Morrison thought the Tourism Board had passed a similar resolution a few years ago. Councilor Wessel stated they had but the new one was re-stating their opposition. Mayor Morrison stated that he had no objection to passing another resolution.

Mayor Pro Tempore Thibodeau stated that she was pleased the Tourism Board was against offshore drilling. She stated she would be in favor of passing another resolution.

Councilor Wessel moved to adopt Resolution 09-09 as presented.

Motion carried 4-0.

Mayor Morrison thanked John Wasniewski for his presentation.

**Discussion/Consideration of Authorizing the Town Manager to submit a Grant to Dare County Tourism Board for Phase I of the Soundside Boardwalk Project**

Town Manager Layton stated that he had previously discussed the easement agreements with Council at their last meeting. He stated that due to the timing of the submittal for grants, more agreements were before Council. He stated that the Tourism Bureau grants was open until September 30, 2009 and then the Bureau will make a recommendation in December/January and forwards their recommendations to the Dare County Board of Commissioners in order to make the funds available after July 1<sup>st</sup>. He stated that by submitting the grant now, the money wouldn't be available until July 1, 2010. He stated that staff wouldn't want to wait another year to apply for the grant if they didn't have to.

Town Manager Layton stated that the grant application involved applying for Phase I, which would be from the Town Park north to the Waterfront Shops. He stated that the estimated cost to run it would be \$580,000 with the Tourism Bureau grant being a 50/50 match, which would mean that the Town would be asking for less than fifty percent (50%) of the project cost. He stated that the Town would be asking for \$257,500 from the Tourism Bureau and would match it with grant

funding from the North Carolina Department of Environment and Natural Resources' public access grant. He stated that staff didn't expect NCDENR to accept applications until May, 2010 with funding becoming available in January, 2011.

Town Manager Layton stated that staff anticipated having permits for the entire project in hand by time the grant funding was available and added that the \$257,500 was twenty-five percent (25%) of the total cost of the project since NCDENR would fund up to seventy-five percent (75%) of the project. He stated that due to the timing, staff expected to apply to NCDENR for more of the project, but because of the difference in match requirements, the Town would be able to leverage the two (2) grants to pay for the project. He stated that he wanted Council to focus on the fact that Phase I was \$580,000, the Tourism Bureau would be matching up to fifty percent (50%) of it and the Town was applying for the grant but asking for slightly less than the fifty percent (50%).

Mayor Morrison asked if the Town received approval from the Tourism Bureau and NCDENR turned it down, would the Town be able to handle the match. He thought if the Town couldn't, it could decline the Tourism Bureau grant. Town Manager Layton stated it could or the project could be scaled back. He thought that whatever money the Tourism Bureau would give the Town could be leveraged with NCDENR to obtain money.

Mayor Pro Tempore Thibodeau had a suggestion that the cover letter state that the Town had obtained the easement agreements. Town Manager Layton stated he would make it clearer. Mayor Morrison had one correction to the cover letter.

Councilor Wessel suggested that the Town ask the Chair of the Tourism Board to speak at the amphitheater grand opening on September 18, 2009.

Councilor Smith noted that there was a lot of excitement about the boardwalk project. Mayor Morrison stated that he receives a lot of compliments about the Park.

Councilor Smith moved to authorize the Town Manager to submit a grant application to the Dare County Tourism Board for Phase I of the soundside boardwalk project.

Motion carried 4-0.

**Discussion/Consideration of Changing the Date and Place of the Council's Mid-Month Meeting to Wednesday, September 23, 2009, at 1:00p.m. at the Town Park Amphitheater**

Mayor Morrison stated that Town Manager Layton would be out of town at the ICMA annual conference on September 16, 2009, which was the scheduled date for Council's mid month meeting. He added that the date would need to be changed to the following Wednesday – September 23, 2009 – and that it had been requested that the meeting be held at the Town amphitheater.

Town Manager Layton noted that the primary focus for the mid month meeting will be a Town Hall discussion.

Mayor Pro Tempore Thibodeau moved to change the date and place of the Council's mid month meeting to Wednesday, September 23, 2009 at 1:00 p.m. at the Town Park Amphitheater.

Motion carried 4-0.

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

Town Attorney Hobbs stated he had nothing to report.

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

### **Update on Departmental Activities**

Fire Chief Donna Black was recognized to speak. Fire Chief Black gave a brief overview of the past month's activities to Council and the audience.

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

Town Manager Layton gave a brief overview of the past month's permit activities to Council and the audience.

### **Update on NC 12/Tuckahoe/South Duck Stormwater Project**

Town Manager Layton stated that NCDOT had their pre-bid meeting on August 31, 2009 with only one (1) company – Barnhill Contracting – showing up for it. He thought Barnhill would come through with a good bid since they have not gotten a lot of jobs recently. He stated that staff was still looking at an October 19, 2009 start date with the work being completed by May 14, 2010.

### **ICMA Annual Conference**

Town Manager Layton reminded Council that he would be attending the ICMA annual conference in Montreal, Quebec, Canada from September 11, 2009 through September 16, 2009.

### **Budget Amendments**

Town Manager Layton stated that the budget amendments appropriated \$24,000 for shoreline grant funds; \$125,000 for the Dare County Tourism Board grants for the Town Park Amphitheater; \$34,425 from the Fund Balance to Parks Development Phase III; and \$100,336 for the debt proceeds for the purchase of the police vehicles and in-car video cameras.

Mayor Pro Tempore Thibodeau moved to approve the budget amendments as presented.

Motion carried 4-0.

### **Financial Statement for the Month of August for FY 2010**

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

### **MAYOR'S AGENDA**

Mayor Morrison thanked Public Relations Coordinator Kathy McCullough-Testa, Volunteer Coordinator Courtney Straub, Mary Renwick and all of the volunteers on the great job they did this past summer with the activities that took place at the Town Park.

Mayor Morrison noted that the League of Women Voters needed a date from Council for a Meet the Candidates night. He asked Council to look at dates in late September, early October for a date. Town Manager Layton suggested October 1, 2009 at the Town Park Amphitheater.

**COUNCIL MEMBERS' AGENDA**

Mayor Pro Tempore Thibodeau suggested that the mid month meeting be advertised extensively since Council will be discussing the Town Hall.

Councilor Smith stated he had nothing to report.

Councilor Wessel stated he had nothing to report.

**CLOSED SESSION**

Mayor Pro Tempore Thibodeau moved to enter closed session in accordance with Section 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or a proposed contract for the acquisition of real property by purchase, option, exchange or lease located at 1434 Duck Road owned by William Bush.

Motion carried 4-0.

The time was 8:46p.m.

**OTHER BUSINESS**

Mayor Morrison stated that the next meeting would be the mid month meeting on Wednesday, September 23, 2009 at 1:00 p.m. at the Town Park Amphitheater.

**ADJOURNMENT**

Mayor Morrison to adjourn the meeting.

Motion carried 4-0.

The time was 9:11 p.m.

\_\_\_\_\_  
/s/ Lori A. Kopec, Town Clerk

Approved: October 7, 2009

\_\_\_\_\_  
/s/ Neil Morrison, Mayor