

**TOWN OF DUCK
TOWN COUNCIL
CLOSED SESSION MINUTES
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; Fire Chief Donna Black; Police Chief Phillip Ferguson; Town Attorney Robert Hobbs; Public Relations Coordinator Kathy McCullough-Testa; Volunteer Coordinator Courtney Straub and Town Clerk Lori Kopec.

OTHERS ABSENT: None.

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.

Town Manager Layton stated that as part of the budget process, staff had identified William Bush's property for use as a dry pond. He stated that at that point, he was under the impression that Mr. Bush was willing to accept \$50,000 from the Town for the sale of the property, however, when he contacted him recently, Mr. Bush changed his price to \$100,000. He stated that he had reiterated to Mr. Bush that he was under the impression that it was for sale at \$50,000, but Mr. Bush stated that he needed \$100,000 to make it worthy of selling to the Town. He stated that he would have to go before Council to discuss it. He added that Mr. Bush put additional conditions on selling the property, such as lifetime rights to access it; to be able to approve any activity of the Town's on the property; and that he was willing to lease to purchase the property, but did not know how much he would charge for the lease.

Town Manager Layton stated that after his discussion with William Bush, he sat down with Director Garman and asked what else could be done. He added that he spoke to representatives of NCDOT. He stated that there were two (2) viable options to correct the safety issue of the water standing on the trail without purchasing Mr. Bush's property. He stated that one option would be to continue to pipe it, but tie into NCDOT's drainage pipe without having it end in a dry pond. He noted that NCDOT had given permission for the Town to do this. He stated that staff

didn't think it would work as well as expected and the Town would end up spending a lot of money on something that would not achieve a high degree of success.

Town Manager Layton stated that the other option was to go into the areas where water stands on the trail, cut out those portions and replace it with a low level boardwalk. He stated that this would allow the water to spread out and be infiltrated and added that the boardwalk would be approximately twelve (12) inches off the ground with an edge, making it an elevated walkway. He stated that staff looked at this option previously, but didn't think it would work as well as pumping it to a dry pond. However, staff now felt it would achieve a good result. Director Garman noted that the area where the trail was would become a stormwater retention area as it would help drain the roadway.

Town Manager Layton stated that staff thought it would be more effective to have the low level boardwalk, especially for the nuisance flooding, as it would help spread the water out naturally. He stated that staff had started the initial investigation on the issue and the point of the Closed Session was that he didn't think the Town needed to spend an extra \$50,000 for William Bush's property at this time. He stated that if staff came back with a recommendation on the low level boardwalk, there would be an experimental phase to see if it worked before moving forward. He noted that it was also a lower cost alternative.

It was *consensus* of Council to pursue the low level boardwalk option. Town Manager Layton stated he would contact William Bush to let him know that the Town would be pursuing other options. He stated that staff would complete some work on the low level boardwalk option and bring a concept back to Council in the next few months.

Mayor Morrison moved to adjourn the Closed Session and go back into Open Session.

Motion carried 4-0.

The time was 9:06 p.m.

/s/ Lori Kopec, Town Clerk