

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
October 7, 2009**

The Town Council for the Town of Duck convened at the Duck Municipal Offices at 7:00 p.m. on Wednesday, October 7 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; Police Chief Phillip Ferguson; Fire Chief Donna Black; Town Attorney Robert Hobbs; and Town Clerk Lori Kopec.

OTHERS ABSENT: None.

Mayor Morrison called the meeting to order at 7:02 p.m. Mayor Morrison asked Councilor Smith to lead the Pledge of Allegiance. Mayor Morrison led the moment of silence.

Fire Chief Donna Black was recognized to speak. Fire Chief Black introduced the Fire Department's new Fire Lieutenant, Anthony Bartolotta to Council and the audience. Mayor Morrison and Council welcomed Mr. Bartolotta to the Town.

PUBLIC COMMENTS

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

APPROVAL OF MINUTES

Mayor Morrison opened the approval of minutes from the September 2, 2009 regular meeting and the September 23, 2009 mid-month meeting. Mayor Morrison directed Council to review the minutes from the September 2, 2009 regular meeting for changes.

Mayor Pro Tempore Thibodeau moved to approve the September 2, 2009 minutes as presented.

Motion carried 5-0.

Mayor Morrison directed Council to review the minutes from the September 23, 2009 mid-month meeting.

Councilor Caviness moved to approve the September 23, 2009 minutes as presented.

Motion carried 5-0.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

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

Mayor Morrison stated that Council was being requested to authorize the Mayor to execute an easement agreement with Wine Ducks, LLC. He noted that this was similar to the previous execution of easement agreements.

Mayor Pro Tempore Thibodeau moved to authorize the Mayor to execute the easement agreement related to the soundside boardwalk project as presented.

Motion carried 5-0.

NEW BUSINESS

Appointments to the Local Firemen's Relief Fund Board

Mayor Morrison stated that the current trustees were him and Allan Beres. He stated that their terms expire on December 31, 2009. He stated that two (2) representatives will need to be appointed to the board with no requirement that the appointees be Council members.

Mayor Pro Tempore Thibodeau stated that she was privy to a conversation where she thought Mayor Morrison and Allan Beres wished to serve again.

Mayor Pro Tempore Thibodeau moved to appoint Mayor Morrison and Allan Beres to serve on the Local Fireman's Relief Fund Board of Trustees for a term of one (1) year.

Motion carried 5-0.

Overview of the Town of Duck Solid Waste and Recycling Program

Town Manager Layton gave a short presentation on the Town's residential and commercial solid waste and recycling programs to Council and the audience.

Mayor Morrison thanked Town Manager Layton for his presentation.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Update on Sunset Grill Appeal to Superior Court of the Town of Duck Board of Adjustment Decision

Town Attorney Hobbs stated that the Town was involved with an appeal to the Superior Court by John Kotch of Sunset Grill and Bar Restaurant regarding the Board of Adjustment's decision on his sign. He stated that the Superior Court hearing was supposed to be held on October 6, 2009, however the Town and the appellant had mutually agreed to postpone the hearing for an indefinite period of time due to the sizeable court calendar. He stated that the parties had discussed alternatives to pursuing the appeal and hoped they would reach a positive conclusion. He stated that if that happened, it was possible that the appeal may not go forward.

Mayor Morrison asked if there was a time limit on negotiations. Town Attorney Hobbs stated that there wasn't since it was an indefinite continuance with regard to the hearing. Mayor

Morrison asked who initiated the negotiations. Town Attorney Hobbs thought it was mutual between both parties.

Mayor Pro Tempore Thibodeau asked who had the negotiations. Town Manager Layton stated that that they weren't really negotiations, but understood that John Kotch always had options for compliance with the Town's ordinance. He stated that Mr. Kotch does have an opportunity to erect a roof mounted sign, but it couldn't be like the one he has or in the current location. He stated that staff had hoped Mr. Kotch would have come in to discuss his options, but instead he immediately appealed the Board of Adjustment's decision.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Update on Departmental Activities

Town Manager Layton gave a brief overview of the past month's permit 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 noted that Fire Chief Donna Black was out responding to a call. He gave a brief overview of the past month's activities to Council and the audience.

Update on NC 12/Tuckahoe/South Duck Stormwater Project

Town Manager Layton stated that NCDOT had awarded the bid to Barnhill Contracting with the final cost being \$1.06 million dollars. He stated that there will be a pre-construction meeting, but the date has not been determined yet.

Financial Statement for the Month of September for FY 2010

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

MAYOR'S AGENDA

Mayor Morrison noted that Town Manager Layton's annual evaluation is usually done at Council's November meeting during Closed Session. He stated that he and Mayor Pro Tempore Thibodeau would get together to review information and get something out to Council before the November meeting.

COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau hoped everyone in the audience would attend the Jazz Festival on Sunday, October 11, 2009.

Councilor Caviness stated she had nothing to report.

Councilor Smith stated he had nothing to report.

Councilor Wessel stated he had nothing to report.

OTHER BUSINESS

Mayor Morrison stated that the next meeting would be the regular meeting on Wednesday, November 4, 2009 at 7:00 p.m.

ADJOURNMENT

Mayor Morrison to adjourn the meeting.

Motion carried 5-0.

The time was 8:10 p.m.

/s/ Lori A. Kopec, Town Clerk

Approved: November 4, 2009_____

/s/ Neil Morrison, Mayor