

**TOWN OF DUCK
TOWN COUNCIL
RETREAT
January 18 & 19, 2010**

The Town Council for the Town of Duck convened at the Sanderling Inn at 9:00 a.m. on Monday, January 18, 2010.

COUNCIL MEMBERS PRESENT: Mayor Dave Wessel; Mayor Pro Tempore Don Kingston; Councilor Neil Morrison; Councilor Monica Thibodeau; and Councilor Chuck Burdick.

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; Chris Dewitt of Vanasse Hangen & Brustlin, Inc.; Jim Nabors of Vanasse Hangen & Brustlin, Inc.; Barry Moss of Tymoff and Moss Architects; Ocean Rescue Director Mirek Dabrowski; Building Inspector Cory Tate; Public Relations Coordinator Kathy McCullough-Testa; Town Attorney Robert Hobbs; and Administrative Assistant Christie Moseman.

ABSENT: Town Clerk Lori Kopec.

Mayor Wessel called the meeting to order at 9:06 a.m. He led the Pledge of Allegiance and moment of silence. He asked everyone to keep the Land Use Plan and Vision Statement in mind. Councilor Thibodeau went on to read the Town of Duck Vision Statement to Council and the audience.

Mayor Wessel 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.

FINANCIAL OVERVIEW

FY 2010 Analysis/Update

Town Manager Layton gave an analysis and update on Fiscal Year 2010 to Council and the audience, touching on taxes, building permits, revenues and expenditures.

Nancy Caviness of 113 Scarborough Lane was recognized to speak. Ms. Caviness thought Town Manager Layton and his staff should be commended for the financial overview and outstanding audit that was presented at the January 13, 2010 meeting.

Draft FY 2011 Capital Improvements Program

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

Mayor Wessel called for a ten (10) minute break. The time was 10:52 a.m.

Mayor Wessel reconvened the meeting.

Five Year Financial Forecast – Discussion of 2011 (FY 2012) Revaluation

Town Manager Layton gave a presentation on the Five Year Financial Forecast as well as the FY 2012 revaluation to Council and the audience.

Mayor Wessel, Mayor Pro Tempore Kingston and Councilor Burdick complimented Town Manager Layton on his presentations.

Mayor Wessel recessed the meeting for lunch. The time was 12:07 p.m.

Mayor Wessel reconvened the meeting.

VANASSE HANGEN BRUSTLIN CONSULTANT PROJECTS

Pedestrian and Bicycle Safety Audit

Director of Community Development Andy Garman was recognized to speak. Director Garman gave a short overview of the recently completed pedestrian and bicycle safety audit that was performed in Town.

Dan Nabors of Vanasse Hangen & Brustlin, Inc. was recognized to speak. Mr. Nabors gave a short presentation on the pedestrian and bicycle safety audit to Council and the audience.

Mayor Wessel thanked Dan Nabors for his presentation.

Mayor Wessel called for a ten (10) minute break. The time was 2:09 p.m.

Mayor Wessel reconvened the meeting.

Town Meeting Hall

Town Manager Layton stated that at the Council's September 2009 meeting, he gave a presentation on the Town Hall at the Town amphitheater. He stated that since more people were in attendance at the Retreat, it was a good time to go over it again. He stated that since the property was purchased in 2003, there were always discussions about a Town Hall being constructed. He added that staff went before the Army Corps of Engineers to ask them for property but were denied. He stated that staff continued to work on the issue and Council approved a Municipal Property Master Plan without a Town Hall, but a year later, the Town was able to purchase the former Herron's Family Restaurant property to be used specifically for construction of a Town Hall. He stated that after the purchase, staff began a process of designing a Town Hall and came up with a few conceptual designs that were rejected. He stated that staff then came up with a concept that was generally accepted by Council.

Town Manager Layton stated that in June, 2008, Council adopted a tax increase as part of the five (5) year plan in order to afford to build the Town Hall. He stated that staff worked with the Municipal Property Committee and came out with layouts. He stated that staff continued to work on the Town Hall concept, which was approved at the September 2009 meeting. He stated that today, Council would be presented with the final concepts and added that it was now time to seriously discuss when, if and how it would be completed and begin the implementation process if Council wished to move forward.

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

Mayor Pro Tempore Kingston asked if it was possible to add a more direct path to the Meeting Hall. Chris Dewitt stated that there would be additional wetlands impacts along with a significant berm with trees that would be have to be cut in order to make a direct connection.

An anonymous gentleman was recognized to speak. The anonymous gentleman stated that the park was one of the best things that had happened to the Town. He stated that he disagreed with having buildings constructed as it wouldn't add anything to the park. He thought having a park was far more important than having buildings.

Barry Moss of Tymoff and Moss was recognized to speak. Mr. Moss gave a short presentation on the type of construction and "green" elements that would be incorporated into the Town Hall building to Council and the audience.

John Wander of 119 Sandcastle Court was recognized to speak. Mr. Wander asked what the reason was for the above ground cisterns. Barry Moss stated that they would be used for gravity flow irrigation as well as being a design element.

Sam Taylor of 111 Skimmer Way was recognized to speak. Mr. Taylor asked how much space the public restrooms would use. He thought they were ten percent (10%) of the total building size. Barry Moss stated he was correct. Town Manager Layton noted that two (2) additional stalls were added to both restrooms, which increased the size on the ground floor. Sam Taylor thought that the public restrooms would have to be built. Town Manager Layton stated he was correct. He added that he wasn't sure how much longer the Town could deal with using Port o Johns and the sanitary issues.

Councilor Burdick asked what the present square footage was for the Town Administrative offices. Town Manager Layton stated that it was approximately 1,800 square feet. Councilor Burdick thought the question was if the Town wanted to increase the amount of space that was allocated to running the Town by four (4) times. Town Manager Layton stated it could be looked at that way. Councilor Burdick asked if there was value as a Town to increase the amount of space available to operate the Town Administrative offices without other amenities by four times to where it was presently.

Fire Chief Donna Black was recognized to speak. Fire Chief Black stated that when the process was started, the Town was looking at it from all aspects, including having a lot of input from the community, especially in designing the Town Hall building. She thought the Town Hall project was the last large culmination of what the Council in 2003 set out to do. She pointed out that there was a great staff working in an 1,800 square foot office. She stated that the office was extremely crowded with boxes everywhere. She stated that if everyone looked at the Vision Statement and the brand the Town was trying to develop, they would see that there was an amazing park and thought that the present Town Hall was not an attractive place to walk into. She stated that everyone was crowded in the office and felt that building a Town Hall would help the Town staff. She thought that things that the Town does now such as the Jazz Festival and Council Retreat could be in one (1) central location if the Town Hall building was constructed.

An anonymous gentleman asked if the project would be put out to bid to the various builders. Town Manager Layton stated that the cost of construction was extremely low at the present time as witnessed by the amphitheater project, which came in a lot lower in cost than anticipated.

Mayor Pro Tempore Kingston suggested having a phased approach to building the two (2) buildings with phase one being the construction of Town Hall and phase two being the construction of the meeting hall. He asked what the cost of the two (2) buildings would be. Town Manager Layton stated that the savings with going with a phased approach would be a one-time savings of the cost of the meeting hall, which would be approximately \$300,000-\$400,000. He added that when it came to the re-design of everything that goes into construction such as electric, septic and geothermal, it was sized and designed for the entire project. He stated that a phased approach could be accomplished, but the Town would end up have to re-do everything and would essentially end up paying for things twice. Chris Dewitt stated that a phased approach from a site plan engineering perspective, constructability of the meeting hall once the Town Hall was in place would be logistically difficult to place, which would raise the cost.

Denver Lindley, Jr. of 1470 Duck Road was recognized to speak. Mr. Lindley asked Council and the audience to remember the aesthetics of the buildings. He added that Council had gone back and forth with building concepts before they found something that would fit in the community.

Ron Forlano of 1378 Duck Road was recognized to speak. Mr. Forlano asked what level of LEED certification \$200,000 would buy the Town. He further asked if the \$200,000 was dollar for dollar cost to grant monies. Director Garman stated that the grant the Town was applying for would have the State paying for the difference in cost for the energy efficient components versus the standard components. He stated that the Town would be able to use up to \$200,000 for the geothermal system, the air to air system as well as the windows.

Ron Forlano asked what level of LEED certification the Town was going for – silver or platinum. Barry Moss stated that the Town would have enough points to certify for silver status. Director Garman noted that the grant was not directly tied to the LEED certification.

Mayor Wessel asked if the \$200,000 energy grant was a matching one. Director Garman stated that the State would give money to the Town, but that the Town would have to show what it would be used for in the application process.

Sam Taylor seconded Denver Lindley's comments with having a concept that will fit in well with what people had envisioned for the Town. He thought it was important. He stated that it appeared to him that the Town was dealing with costs that were inevitable, such as building the restrooms to service the park, expanding the Town office space and having enough room to hold meetings that draw a larger crowd. He stated that no matter where it was done, it would cost money. He stated that there was finally a concept that fit and looked right and thought things should move forward.

Barry Moss reviewed LEED certification with Council and the audience.

Town Manager Layton stated that it was a realistic plan and Council would need to agree to the project at some point. He hoped that by March 2010, Council would know where it wanted to go. He stated that it would take about three (3) months to finish the architectural engineering design; obtain the permits by July 2010; finishing up with Division of Water Quality by September 2010; and bids completed before the project could be submitted to the Local Government Commission for their approval. He stated that if the Local Government Commission approved the project, construction could commence by November 2010. He stated that the biggest obstacle would be receiving the approval to finalize the architecture and design. He noted that without taking these steps, the project would not move forward. He asked Council for direction on how to approach getting to the next step.

Mayor Pro Tempore Kingston asked when construction would be completed if the Town followed the schedule Town Manager Layton laid out. Barry Moss thought it would be an eight (8) to ten (10) month construction period.

Councilor Morrison noted that the Town had been working on the project for at least three (3) years. He appreciated all the work that Chris Dewitt and Barry Moss have done. He stated that Mr. Moss, after many meetings, has come back with a concept and plan that fits into the Town. He stated he liked the concept. He agreed with Councilor Burdick's comment regarding having four (4) times the space for staff, but noted that staff was extremely cramped in the space they work in presently. Councilor Burdick agreed but stated that the question was, the Town was adding a lot of uses to the building, and it was not a facility that was a Town Hall that would run the Town, but was a facility that would give the Town the ability to do a lot of other things. He stated that his question was aimed at going from a cramped facility that simply ran the Town to a facility where there was more capacity and capability to satisfy other needs. He thought the design was great, but questioned whether the Town was satisfying itself and if it really wanted to spend the money for all the additional uses. He agreed with Mayor Pro Tempore Kingston's comments if the second building was really needed. He thought Council owed the public the diligence to think about things more before moving forward.

Councilor Morrison noted that there would be more facilities added such as mechanical and meeting space. He stated that he understood Mayor Pro Tempore Kingston's concern regarding deferring building a meeting hall, but wasn't sure there would be enough space to adequately hold meetings in one building. He thought it wouldn't accomplish anything to build just one building. He thought delaying building a meeting hall would cost more to the Town. Mayor Pro Tempore Kingston thought it might be prudent to delay the construction for one (1) to two (2) years. He stated that Council needed to be cognizant regarding the cost of the project.

Councilor Morrison noted that the country was in a period of very low inflation, interest rates and construction costs. He stated that the longer the project was delayed, the more it will cost the Town in the future.

Councilor Burdick thought one (1) building was considered in the past until two (2) facilities were shown. Town Manager Layton stated that it was but had pointed out that there were concerns about having one large building at the park. He stated that staff was successful in reducing the scale by having two (2) buildings; it wasn't to reduce the square footage. Councilor Burdick asked what the cost impact would be. Barry Moss stated he was not sure of the impact as there were code impacts. Building Inspector Cory Tate was recognized to speak. Building Inspector Tate stated that once a building exceeds a certain size, sprinklers and/or fire walls would need to be installed, increasing the cost of construction.

Councilor Morrison stated he was prepared to move ahead with the project at this time.

Councilor Thibodeau thought it was great process. She stated that it sounded like people liked the outcome. She stated that she thought long and hard about the need for the second building, but did support the idea of having a second building as it was something that the Town could use. She stated that she supported the entire project. She stated that the only thing that she was still working through was how the second building would be used.

Lynne Alterman of 100 Ocean Way was recognized to speak. Ms. Alterman asked if the homeowner associations would be able to use the meeting hall for their meetings. Town Manager

Layton stated that homeowner associations would, but that it would be defined by whatever policy Council adopted. He added that what was envisioned from the beginning was having enough space to accommodate homeowner association meetings.

Mayor Wessel thought the implementation plan of having a Council agreement in March 2010 was reasonable. He pointed out that Council had been looking at this for a long time. He stated that there were still people that were questioning the need for a Town Hall and whether the Town could continue in the current space, but not a lot of people have come forward to provide the Town with a more permanent place to house the Administrative Offices. He thought the design was fantastic and worked well in the park. He stated that there were still two (2) views on how to build the Town Hall – as small as possible and if the second building was needed. He thought the issues could be resolved by early March. He stated that most Council members would express a desire for balance to avoid over-building. He stated that when Council agrees to the project and how green it wants to go, it would be hard to agree on a project unless they agree on the green components. Chris Dewitt noted that Council didn't have to make a decision on all the LEED certifications at once.

Mayor Wessel asked Council for their thoughts on moving forward with the approval at the February 3, 2010 meeting.

Councilor Burdick thought the design of the second building was fine but thought the question was what the economic benefit would be to the Town of Duck. He thought Public Relations Coordinator Kathy McCullough-Testa's presentation would give Council some help in envisioning the value of the second building. He thought it would bring Council to a conclusion faster if they waited till the presentation. He suggested taking time after her presentation to discuss the issue further and arrive at a timeframe for voting.

Mayor Pro Tempore Kingston thought Town Manager Layton gave Council a reasonable amount of time for Council to make a decision by March, 2010. He thought it would come down to cost and the plan moving forward. He thought Council had a responsibility to the taxpayers to make sure the right decision was made.

Councilor Burdick stated that it would be nice if Town Manager Layton could put something together that showed what the operating costs looked like presently and what they would look like after the Town Hall was built. He thought it would give Council a feel for the ongoing commitment they would be making to the project and the cost of operating the Town.

Councilor Thibodeau thought Council as a whole should have a common vision about the functionality of the second building. She felt that Council should all be on the same page with regard to how the second building would be used. Councilor Burdick thought there needed to be a common vision.

Joe Blakaitis of 115 Sandpiper Cove was recognized to speak. Mr. Blakaitis stated that he wanted to address the size aspect of the building. He pointed out that office space was overly crowded now with a miserable meeting place. He stated that if one took what staff needed into consideration at this point, including a larger meeting place, he thought it was important that the Town had a respectable place to hold meetings. He thought it would be foolish to building a new building without enough space for a bigger meeting room. He thought the present meeting facilities were very poor compared to other towns. He thought Council needed to move ahead sooner rather than later with the project. He stated that holding off on building would cost the

Town more in the future. He noted that this was a unique opportunity and if the Town could afford to build now, Council should move forward.

Lynne Alterman asked how the Sanderling Inn meeting room compared in size to the proposed meeting room. Town Manager Layton thought they were approximately the same size. Ms. Alterman thought a compromise could be to make the second building a little smaller so the meeting room wouldn't be quite so large.

Public Relations Coordinator Kathy McCullough-Testa was recognized to speak. Public Relations Coordinator McCullough-Test pointed out that the Sanderling Inn meeting room size was the same size that the Town used for a band tent for the Jazz Festival.

Nancy Caviness noted that during the Town's holiday parties, the meeting room was filled.

Mayor Wessel stated that the discussion would be continued at Council's February 3, 2010 meeting with a vote on the issue at the March 3, 2010 meeting.

Mayor Wessel called for a ten (10) minute break. The time was 4:11 p.m.

Mayor Wessel reconvened the meeting.

PUBLIC SAFETY

Ocean Rescue

Mirek Dabrowski, Ocean Rescue Director, was recognized to speak. Mr. Dabrowski gave a short presentation on the Town's ocean rescue activities to Council and the audience.

Mayor Wessel recessed the meeting until Tuesday, January 19, 2010 at 8:00 a.m. He thanked everyone for attending. The time was 5:06 p.m.

RECONVENE

The Town Council for the Town of Duck reconvened at the Sanderling Inn at 8:00 a.m. on Tuesday, January 19, 2010.

COUNCIL MEMBERS PRESENT: Mayor Dave Wessel; Mayor Pro Tempore Don Kingston; Councilor Neil Morrison; Councilor Monica Thibodeau; and Councilor Chuck Burdick.

OTHERS PRESENT: Town Manager Christopher J. Layton, Director of Community Development Andy Garman; Town Attorney Robert Hobbs; Fire Chief Donna Black; Deputy Fire Chief Bill Walker; Police Chief Phillip Ferguson; First Sergeant Jeff Ackerman; Sergeant Jeff Deringer; Building Inspector Cory Tate; Permit Coordinator Sandy Cady; Jim Snyder of Outer Banks Sporting Events; Public Relations Coordinator Kathy McCullough-Testa; Planning Board Chairman Jon Britt; Planning Board Vice Chairman Joe Blakaitis; Planning Board Member John Fricker; Planning Board Member Ron Forlano; and Administrative Assistant Christie Moseman.

ABSENT: Town Clerk Lori Kopec.

Mayor Wessel called the meeting to order at 8:22 a.m. He welcomed all to the second session of the Retreat and thanked all the presenters at the Retreat from the previous day. He noted that Councilor Burdick was not present but would be arriving soon.

PUBLIC SAFETY

Fire Department

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

Councilor Thibodeau asked how often the Fire Department Board of Directors met. Fire Chief Black stated that they meet quarterly as needed.

Mayor Wessel called for a five (5) minute break. The time was 9:25 a.m.

Mayor Wessel reconvened the meeting.

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.

First Sergeant Jeff Ackerman was recognized to speak. First Sergeant Ackerman gave a presentation on the Police training activities to Council and the audience.

Sergeant Jeff Deringer was recognized to speak. Sergeant Deringer gave a short presentation on the various activities that the Police Department participates in to Council and the audience.

Mayor Wessel called for a five (5) minute break. The time was 10:50 a.m.

Mayor Wessel reconvened the meeting.

DEPARTMENTAL UPDATES

Overview of 2010 Town Park Events and Public Relations Activities

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.

Mayor Wessel thanked Public Relations Coordinator McCullough-Testa for her presentation.

Community Development

Update on Soundside Boardwalk Project – PARTF Grant Application

Director Garman gave a presentation on the soundside boardwalk project and the PARTF grant application to Council and the audience.

Ron Forlano asked what the beginning and ending date would be for the construction of the soundside boardwalk. Director Garman stated that the Tourism Bureau grant becomes available July 1st. If the permits are in place, construction could start in the fall. He stated that PARTF had two (2) different approval dates for the application; they look at the first three (3) quarters of the year in May, fund three quarters of the project and then come back in July and fund the final portion. Town Manager Layton noted that the grants state that monies could not be expended before the grant funding has been provided.

Councilor Thibodeau moved to approve Resolution 10-02, approving the Park and Recreation Trust Fund Grant application for the Town of Duck's proposed soundside boardwalk project.

Motion carried 5-0.

Director Garman gave a short presentation on the Community Development activities to Council and the audience.

Mayor Wessel thanked Director Garman for his presentation.

Mayor Wessel recessed the meeting for lunch. The time was 12:56 p.m.

Mayor Wessel reconvened the meeting.

Jim Snyder of Outer Banks Sporting Events was recognized to speak. Mr. Snyder gave a short presentation on the organization to Council and the audience.

DISCUSSION WITH PLANNING BOARD ON RENEWABLE ENERGY

Director Garman gave a short presentation on renewable energy to Council, the Planning Board members and the audience. He added that the Planning Board was looking for direction from Council.

Mayor Pro Tempore Kingston asked if vertical wind turbines made noise and had flicker problems. He further asked what the rating would be for hurricane winds. Director Garman stated that the structure he looked at was rated for 105 mile per hour winds. Building Inspector Tate stated that the structure would have to be listed as rated to withstand 130 mile per hour wind gusts and that the foundation would need to be rated to suit the site conditions. Director Garman noted that they could be designed to be lowered by the property owner. Building Inspector Tate stated that the Building Code would not recognize lowered turbines as suitable alternative methods.

Mayor Pro Tempore Kingston asked what the feeling was regarding flicker and noise. Director Garman stated that there would be noise, but that the model ordinance had guidelines for decibel levels.

Councilor Thibodeau asked if the model ordinance talked about suitability of a site. Director Garman stated that he only saw ordinances that require the placement of an anemometer. He stated that he had not seen any ordinance that had performance standards.

Ron Forlano stated that he had looked into purchasing a windmill and the company would not sell one to him until they completed an anemometer study for one (1) year to see if he would receive the performance that was promised. He stated that he did not think the Town needed to get

involved on whether a product performed as it was advertised. Councilor Thibodeau agreed with Ron Forlano's comments and thought it would be more of an educational component. Ron Forlano thought all wind turbines would give a certain degree of shadow flicker and noise.

Councilor Burdick wondered if the Town should look at zoning districts. He questioned whether wind turbines came near the vision of the Town. He didn't think any survey would have the majority of the public in favor of wind turbines. He thought the issue should be dropped for good.

John Fricker stated that the Planning Board recommended having a dialogue with Council because the issue had not come up. He thought the Board had not moved forward with a draft ordinance because the members were not sure that Council wanted to move forward or promote wind turbines in residential areas. Councilor Burdick thought the Council should debate the issue. John Fricker suggested the issue be broken down into sub-parts as to whether Council would support wind turbines in residential districts, commercial districts and municipal districts.

Councilor Burdick stated he was having trouble finding a redeeming quality for wind turbines in residential areas. Councilor Thibodeau stated that she could not see the Town having tall wind turbines in residential areas. She pointed out that flag poles were allowed in Duck that make some noise and cause a little shadow flicker. She thought there was a personal property right issue with not knowing where the technology may go. She stated that she could not envision a wholesale ban on the issue, but liked the idea of a Conditional Use Permit for them.

Mayor Wessel agreed with Councilor Thibodeau's comments. He stated that it was possible that the wind turbines could not be seen in certain circumstances. He stated that he could see residential units that were acceptable under a Conditional Use Permit application. He added that an outright ban would be the opposite of the Town trying to be "green."

Councilor Burdick noted that there was a height ordinance in place, but wondered if there should be an ordinance that would allow a Conditional Use Permit before a smaller turbine could be built. Mayor Wessel noted that the noise ordinance would also come into play with the issue.

Mayor Pro Tempore Kingston noted that no one knew what new technologies would come. He suggested going ahead with an ordinance, but being on the cautious side.

Joe Blakaitis cautioned Council and the Board not to lose sight of the fact that the purpose the two bodies were meeting was for Council to give the Board direction. He stated that the Planning Board was well equipped to deal with the ordinance. He added that he would not want to see the direction given to the Board with a limiting factor. He thought Council should not direct the Planning Board at this stage by eliminating choices. He asked Council not to tie the Planning Board's hands.

Councilor Burdick thought the direction for the Planning Board was if there was interest in the tall wind turbines. He thought the answer was no for residential areas as he hadn't heard anyone support it. Joe Blakaitis stated that the Planning Board had completed a lot of work but had not sat down and nitpicked the ordinance. Councilor Burdick asked if Council wanted the Planning Board to spend time on an ordinance in an area they were not in favor of allowing. Joe Blakaitis noted that there were other aspects of renewable energy and not just wind turbines.

John Fricker thought there was some confusion. He stated that he came to the meeting with the understanding that the Council would give the Planning Board direction on the topic. He added

that Joe Blakaitis was now asking Council not to tie the Planning Board's hands. He asked if Council wanted to give the Board direction to go ahead and draft an ordinance.

Councilor Morrison understood that the Planning Board did not want to draft an ordinance if the Council had already made up their minds which way they would vote on it. John Fricker thought that the Planning Board was not told to draft an ordinance but to investigate the issue and come back with a recommendation.

Mayor Pro Tempore Kingston thought at the last Council meeting it was decided that a moratorium would need to be worked on to put a halt on any activity that may be going on.

Jon Britt noted that vertical turbines have come up and was more prominent as the Board has been discussing them. He added that there were obvious conflicts with the Town's Land Use Plan. He thought that vertical turbines needed to be visited more since it was newer technology.

Council and the Planning Board went on to discuss the issue further. Councilor Thibodeau didn't think there should be an ordinance written that states that wind energy of any kind was prohibited. Mayor Wessel suggested the Council charge the Planning Board with drafting a proposed ordinance with the direction being that they would be given current height, noise, safety, and visual impact that would protect neighbors and the community from negative impacts.

It was *consensus* to direct the Planning Board to continue its research and draft an ordinance with regard to the potential regulation of wind turbines and bring it back to Council. Joe Blakaitis thought the Board was supposed to consider all aspects of renewable energy. Jon Britt thought it was the hot button topic.

Councilor Burdick thought the Planning Board should prepare a wind turbine renewable energy ordinance in light of the current restrictions that exist within the Town ordinances.

Councilor Thibodeau clarified that the ordinance would be separated by residential, commercial and municipal.

Councilor Morrison clarified that Councilor Burdick wanted the Planning Board to draft an ordinance, keeping in place the current height restrictions in each classification. Councilor Burdick stated he was correct. He added that if the Board had a different recommendation, he would be happy for them to bring them forward. Jon Britt stated that he would appreciate not having restrictions with regard to commercial and municipal.

Mayor Wessel called for a five (5) minute break. The time was 3:13 p.m.

Mayor Wessel reconvened the meeting.

OPEN DISCUSSION

Presentation of Duck Community and Business Alliance (DCBA) Survey Results

John Wander of the Duck Community and Business Alliance (DCBA) was recognized to speak. Mr. Wander gave a short presentation on the survey results the DCBA had recently sent out as well as an update on the Mid-Currituck Bridge project to Council and the audience.

Mayor Wessel stated that there were still questions regarding the Town Hall. He stated that Council planned to discuss the Town Hall building at their February 3, 2010 meeting. He encouraged Council to let Town Manager Layton know if there were fact-based questions that needed to be answered in order to move forward on the issue.

ADJOURNMENT

Mayor Wessel moved to adjourn the meeting.

Motion carried 5-0. The time was 3:52 p.m.

/s/ Lori A. Kopec, Town Clerk

Approved: March 3, 2010_____

/s/ Dave Wessel, Mayor