

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
May 5, 2010**

The Town Council for the Town of Duck convened at the Duck Municipal Offices at 7:00 p.m. on Wednesday, May 5, 2010.

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

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Christopher 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 Wessel called the meeting to order at 7:01 p.m. Mayor Wessel asked Town Clerk Kopec to lead the Pledge of Allegiance. Mayor Wessel led the moment of silence.

**PUBLIC COMMENTS**

Mayor Wessel opened the floor for public comments. He asked that any comments regarding the public hearing be held off.

John Summers of 123 Sea Hawk Drive West was recognized to speak. Mr. Summers stated that he had written a letter to the editor for the *Outer Banks Sentinel* regarding the Ad Valorem Tax as a standard for the distribution of Occupancy Taxes. He stated that the issue had come up in the newspapers with beach re-nourishment and thought it was an odd statute. He added that the standard was flawed in many ways in that it was contradictory to the language in the 1991 statute. He stated that it had no correlation to the cost of catering to the tourists. He stated that the standard was not necessarily a fair and equitable one. He stated that it was also flawed in that it encourages tax increases as when there is an increase in Ad Valorem and property taxes, towns receive more money. He added that it discouraged lowering taxes. He stated that the beach re-nourishment issue could be used as a threat in that when a town or county wants something badly and can't afford it, they go to other towns asking for support. He stated that if a town was opposed to it, the Ad Valorem Tax would be raised. He noted that there shouldn't be a standard that could be used as a threat.

Mr. Summers stated that once Duck pays its debt, they will have gone as far as possible with regard to the Town. He added that he didn't think the Town citizens would want the Town to go any further. He stated that it would then be the time to start looking into a decrease in the Ad Valorem Tax. He stated that if the statute stayed on the books, the Town would lose millions of dollars while the cost of catering to tourists would increase. He thought there needed to be an aggressive campaign started to get the law changed. He thought Duck would have a lot of allies from other towns as it would be to their benefit. He asked Council to give the issue serious thought to see if the law could be changed by the time Duck was in a position to have a decent tax cut.

There being no one else wishing to speak, Mayor Wessel closed the time for public comments.

### **APPROVAL OF MINUTES**

Mayor Wessel opened the approval of minutes from the April 7, 2010 regular meeting. Mayor Wessel directed Council to review the minutes from the April 7, 2010 regular meeting for changes.

Mayor Pro Tempore Kingston had changes to Pages 2, 5, 8 and 12 of the minutes.

Town Attorney Hobbs had changes to Pages 1, 5 and 7 of the minutes.

Councilor Thibodeau had a clarification to Page 5 of the minutes.

Mayor Wessel had a change to Page 3 of the minutes.

Councilor Morrison moved to approve the April 7, 2010 minutes as amended.

Motion carried 5-0.

Mayor Wessel directed Council to review the minutes from the April 21, 2010 mid month meeting for changes.

Mayor Pro Tempore Kingston had a change to Page 5 of the minutes.

Councilor Thibodeau moved to approve the April 21, 2010 minutes as amended.

Motion carried 5-0.

### **PUBLIC HEARINGS**

#### **Public Hearing/Discussion/Consideration of Ordinance 10-06, an Ordinance to Amend Title XV: Land Use, Chapter 156, Section 156.002, Definitions of the Code of Ordinances of the Town of Duck, North Carolina, and to Add Section 156.138 Wind Energy Facilities**

Director Garman stated that Town staff started drafting the ordinance 18-20 months ago; completed a public survey and performed research to come up with the best ordinance possible based on the comments received. He went on to give a short presentation on the ordinance to Council and the audience, reviewing discussions from past meetings.

Mayor Wessel opened the public hearing.

Eileen Neren of 110 Ships Wheel Court was recognized to speak. Ms. Neren asked what the setback requirement would be if a turbine was roof mounted. Director Garman stated that the setback would be the principal structure setback. Ms. Neren asked if the turbine would have to be in the setback of the roof or in the corner of the roof. Director Garman stated that the principal structure setback was 10 foot for the side yard, 25 feet for the front yard and 25 feet for the rear yard. He added that a wind turbine on the roof would have to meet a greater setback requirement.

Charles Gilmore of 125 Windsurfer Court was recognized to speak. Mr. Gilmore clarified that there wasn't a limit to the number of wind turbines on a property. Director Garman stated that the ordinance did not include a maximum number.

Mayor Pro Tempore Kingston asked how the 55 decibel noise level would compare to the operation of a heat pump. Director Garman thought that the heat pumps would be louder. He added that other ordinances talked of mechanical systems that were approximately 60 decibels.

Councilor Thibodeau clarified that if a turbine was mounted on the roof of a home, the total height limitation would equal 40 feet. Director Garman stated that she was correct.

Councilor Morrison noted in the staff report that there were provisions established to ensure safety and reduce nuisances. He asked what provisions were contained in the ordinance that would reduce the nuisance of shadow flicker. Director Garman stated that the setback itself would reduce it.

Eileen Neren asked if there was requirement of owners that wanted to install a turbine that they would have to obtain approval from their neighbors. Director Garman stated that there wasn't as it would be a permitted structure where an owner would apply for a building permit. He added that the owner would have to meet certain conditions and that it did not require approval from neighboring properties. Ms. Neren clarified that a turbine could be erected on a roof and be within 10 feet of a neighboring property without having to notify the neighbor. Director Garman stated that she was correct.

Councilor Burdick asked if any subdivision could prohibit wind turbines. Director Garman stated that they could.

Councilor Thibodeau stated that there had been discussions regarding the use of wind meters. She asked if it was tabled by the Planning Board. Director Garman stated that the Planning Board did not establish any procedures for it.

Charles Gilmore stated that he was still concerned with the possibility of having multiple turbines. He stated that he would like there to be a limit on the number of turbines a homeowner could have on their property. He stated that if an owner had multiple towers on their property, it would interfere with view sheds.

Roisin McKeithan of 140 Mallard Court was recognized to speak. Ms. McKeithan asked if there was more than one turbine on a property, the 55 decibel level would be additive; i.e., 58 decibels for 2 turbines. Director Garman stated she was correct.

Sam Taylor of 111 Skimmer Way was recognized to speak. Mr. Taylor didn't think it would be good policy to outright ban wind energy facilities. He stated that if they were not banned, then staff would have to regulate them to fit in with the community. He stated that staff and the Planning Board had done an outstanding job of working through the alternatives and coming up with a plan that fit in with the community. He noted that people were concerned about the number of turbines on a property, but didn't think there would be very many as the turbine would have to sit 50 feet in the air to generate a good amount of energy. He noted that most views were blocked more so by trees or houses than wind turbines the size of a chimney. He thought over time, the turbines would be a non-problem in Town.

John Fricker of 105 Carrol Drive was recognized to speak. Mr. Fricker noted that he was a member of the Planning Board. He stated that there were few lots in Duck that would be large enough to accommodate more than one free-standing wind turbine. He noted that the language in the ordinance did not limit the number of systems, but was focused on the vertical access turbines that could be erected on a roof. He added that there could be 2-3 turbines along a roof and were not free-standing ones. He thought that needed to be clarified.

Bart Smith of 106 Sailfish Court was recognized to speak. Mr. Smith stated that there was a vertical access wind turbine in Southern Shores. He stated that he wasn't familiar as to where the house was located, but added that the turbine was so unobtrusive that he had to drive up and down the road to find it. He agreed with John Fricker that there were very few lots in Duck that were big enough to have multiple turbines. He stated that the vertical access in Southern Shores generated enough power to run landscaping lights. He noted that the idea that Duck would have a proliferation of turbines would not happen. He commended the Planning Board for their hard work on the ordinance.

Joe Blakaitis of 115 Sandpiper Cove was recognized to speak. Mr. Blakaitis noted that he was a member of the Planning Board. He clarified that roof top units require considerable strengthening of a house. He added that it was discussed at length on the Planning Board level when the Board discussed the engineering aspects of them. He stated that it was highly unlikely that any existing home would be able to erect a roof top unit without considerable modification to the house itself. He stated that the only place people would see roof top units would be on homes with an owner that had unlimited funds. He added that the vertical access turbines would be no worse than looking at a chimney on a home.

Patty Wander of 119 Sandcastle Court was recognized to speak. Ms. Wander thanked the Planning Board for all their hard work. She stated that she was not in favor of the ordinance. She stated that her main concern was the disruption that could be caused in neighborhoods where the lots were very open. She stated that she didn't see the value of taking that risk for something that was largely symbolic in the way of generating energy. She stated that she would like it to be required of owners to obtain permission from adjacent properties to erect one. She noted that if the turbine was within 10 feet of a neighboring property, the noise would be constant. She urged Council to amend the ordinance to avoid the disruption of neighboring properties.

Mayor Wessel read an email from John Wander of 119 Sandcastle Court. He stated that Mr. Wander was opposed to the ordinance as it would not fit in with the Town. He thought the wind facilities should be limited to off-shore locations. He stated that the noise, visual effect and concern over wind storms would reduce the property values of adjacent homes. He stated that it would end up pitting neighbor against neighbor.

John Summers was recognized to speak. Mr. Summers stated that he was opposed to the wind ordinance. He thought it was just a feel good issue. He agreed with John Wander's email comments. He stated that the issue was totally unnecessary and people could save money by not using so much electricity.

There being no one else wishing to speak, Mayor Wessel closed the public hearing.

Mayor Wessel opened the discussion to Council.

Councilor Burdick commended the Planning Board and staff for all their hard work. He stated that the Planning Board had gone the extra mile to ensure that what would be allowed would not

be an eyesore, have excess noise or shadow flicker. He noted that the world was moving forward with developing home-based wind turbine generation. He added that there was an extensive push to develop new technologies that would be quieter and less obtrusive. He thought the Planning Board had taken into account that there was a future in wind energy and there needed to be standards to allow the Town to take advantage of new developments and technology. He stated that most of the feedback he had received from citizens was that they did not want the wind turbines in Duck. He stated that he understood their concerns, as the first homeowner to erect one would have problems with the neighboring properties. He thought Council was facing a very important decision in that it wanted Duck to maintain its village character, but also wanted to be sure that Duck was positioned to take advantage of future technology.

Councilor Thibodeau echoed Councilor Burdick's comments. She thanked the Planning Board and staff for their hard work. She noted that her office in Harbinger recently had a wind turbine constructed for a neighboring business and thought it was very unobtrusive. She thought wind turbines should not be outright banned in Duck. She didn't think the turbines would be any different than a flagpole. She added that she would be in support of adopting the ordinance.

Mayor Pro Tempore Kingston echoed Councilors Burdick and Thibodeau's comments and thanked the Planning Board and staff for their hard work. He thought people were concerned with horizontal wind turbines instead of vertical ones. He didn't think the Town should outright ban turbines. He stated that he would be in support of adopting the ordinance.

Councilor Morrison stated that he was all for alternative energy but thought there would be some upset people if an owner erected a wind turbine between their home and the view of the water. He stated that there was nothing quaint about a wind turbine and it would not blend in. He stated that he would be opposed to supporting the ordinance.

Mayor Wessel echoed all of Council's comments to the Planning Board and staff. He thanked everyone that had participated in the survey. He stated that he appreciated everyone's concerns for views, but thought the idea of 6-7 vertical access turbines on a roof would detract from view sheds. He didn't think there would be multiple units in Town. He thought as technology advanced, turbines would become smaller rather than larger. He stated that while he appreciated the concerns regarding noise and shadow flicker, he did not necessarily share in the concern. He stated that he didn't want to outright ban the turbines.

Mayor Pro Tempore Kingston moved to adopt Ordinance 10-06 as presented.

Motion carried 4-1 with Councilor Morrison dissenting.

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

### **Update on Implementation of the Bicycle and Pedestrian Audit**

Director Garman stated that since the study was completed, staff was working on implementing the initial short term recommendations of the study, such as educational components, trail improvements and signage. He went on to give a short presentation to Council and the audience on the audit results.

Councilor Thibodeau asked where the proposed new customized signs would be located. Director Garman stated that they would be placed in the Village Commercial District and at the transition points in Town.

Mayor Pro Tempore Kingston asked if the pedestrian landings would be funded by the North Carolina Department of Transportation (NCDOT). Director Garman stated that NCDOT looked at them favorably but had not identified any areas in the Village Commercial District where they would be placed. Town Manager Layton stated that staff would be working with NCDOT in the next year on the pedestrian landings.

Mayor Wessel suggested the language on the proposed signs read: “ride with traffic” and “walk against traffic”.

Town Manager Layton stated that the initial study was to give the Town a goal. He added that the ultimate goal would be to apply for and obtain a planning grant from NCDOT.

Charles Gilmore stated that having people and bicycles on the trail at the same time was a problem. He thought the proposed signage was a good one.

Councilor Burdick stated that there were problems with pedestrians on the trail, no matter which side they walk on. He wondered if an educational outreach could be performed to let tourists know about the trail. He asked if one could be done for the entire trail. Director Garman stated that staff wanted to apply for a pedestrian planning grant with NCDOT, which would include public involvement and education. He thought that would be the time to identify a strategy to deal with the issue Town-wide. Councilor Burdick wondered if there were some findings that staff should be considering. Director Garman stated that signs saying “Walk on the left facing traffic” would be put up in the Village Commercial District, but they could also be placed along NC 12 outside of the Village. Town Manager Layton pointed out that staff was aware of the issue of people not walking correctly on the trail. He stated that the way staff started to approach the issue was through an educational process through the Town’s brochure. He stated that the approach with the signage was to replace the antiquated and outdated signs.

## **NEW BUSINESS**

### **Discussion/Consideration of Resolution No. 10-03, a Resolution of the Town Council of the Town of Duck, North Carolina, Supporting the Recommended Alternative, MCB4, of the NCTA and FHWA as Identified in the DEIS, Dated March, 2010**

Town Manager Layton stated that the North Carolina Turnpike Authority (NCTA) and the Federal Highway Administration (FHWA) had released the Draft Environmental Impact Statement (DEIS) for the Mid-Currituck Bridge Study. He stated that the DEIS listed its recommended alternative as MCB4, which was also the one supported by the Town. He noted that public hearings would be held beginning May 18, 2010 and Mayor Pro Tempore Kingston would be speaking on behalf of the Town. He noted that Dare County had adopted the Town’s resolution and expected the Town of Nags Head to adopt it soon. He added that he had not heard from the other towns at this point, but guessed they would adopt it as well. He recommended that Council approve Resolution 10-03 in preparation for the public hearing.

Mayor Pro Tempore Kingston noted that there would be three public hearings, one on May 18, 2010 for Dare County; one on May 19, 2010 for Currituck County Outer Banks and one on May 20, 2010 for the Currituck mainland.

Councilor Burdick noted that the final paragraph of the resolution read: “...the Town Council of the Town of Duck does hereby support...” He stated that he had heard nothing but support from

the citizens and could not believe that anyone would be opposed to the recommended alternative. He wondered if it should be reflected in the resolution to make it stronger.

Councilor Thibodeau clarified that Councilor Burdick wanted new language in the resolution that would read: "...the Town Council and the citizens of Duck..." Councilor Burdick stated that she was correct. He stated that he would also add the following language: "...hereby strongly support..." Mayor Wessel thought it was obvious that the citizens support the alternative since the Build the Bridge Committee had indicated they had. Mayor Pro Tempore Kingston pointed out that the Committee had requested a member of the Town Council speak at the May 18, 2010 meeting. Mayor Wessel stated that John Wander would also be speaking at the public hearing.

Mayor Pro Tempore Kingston thought Councilor Thibodeau's proposed language was fine. Councilor Thibodeau suggested that it read: "...be it further resolved that the Town Council and the citizens of Duck do hereby strongly encourage..." Councilor Burdick stated that was what he had suggested.

Councilor Morrison asked if the proposed language had to be in the resolution. Town Attorney Hobbs stated that the Council represented the citizens, adding that they were the elected officials for the constituency of the Town of Duck. He added that Council does speak for the citizens of Duck. Councilor Morrison clarified that there was no reason to change the original wording of the resolution. Mayor Pro Tempore Kingston thought the original language was fine.

Councilor Burdick moved to adopt Resolution 10-03 as amended.

Mayor Pro Tempore Kingston asked if the changes were needed based on Town Attorney Hobbs' comments. Mayor Wessel thought they were. Councilor Burdick stated that it wasn't a question of whether the new language was needed, but that it strengthened the resolution. He stated that it made it clear that it was not just Council speaking but also the citizens. Town Attorney Hobbs reiterated that Council speaks on behalf of the citizens. He stated that he did not have a problem with the new language, but noted that it went without saying that when Council acted, they acted on behalf of the citizens. Councilor Thibodeau thought the new language was redundant. Town Attorney Hobbs stated that it could be but he did not have a problem with the additional wording. Mayor Wessel thought if it strengthened the language, it should be added to the resolution.

Councilor Burdick noted that he was just trying to strengthen the language to make it obvious to whomever read the resolution that it wasn't just the Town Council in support of the resolution, but also the citizens. He agreed that Council represented the people of Duck and Council was speaking on behalf of the citizens because they were strongly in favor of the resolution.

Motion carried 5-0.

**Discussion/Consideration of a Contract with Waste Management of Virginia, Inc. for the Collection and Disposal of Residential Solid Waste and Commercial Solid Waste and Recycling**

Town Manager Layton stated that since the Town incorporated, Waste Management has provided waste collection and disposal services. He stated that in 2008, Waste Management began providing commercial recycling collection and disposal. He noted that the Town's contract with Waste Management will expire on September 30, 2010 and in anticipation of the expiration, he had sought proposals from Waste Management and Dare County. He explained that Waste Management's proposal was \$41,621 less than Dare County's, adding that Dare County's

proposal did not include commercial recycling and would require a change in the collection schedule. He recommended that the Town contract with Waste Management for the residential solid waste collection and disposal and for the commercial recycling collection and disposal. He added that the contract would be for a 5 year period beginning July 1, 2010 with an option for a 3 year renewal at the end of the 5 year period.

Councilor Burdick noted that in the contract that there were increases in the cost. He stated that it was strange to have increases in the third to fifth year and not the first two years. Town Manager Layton explained that when the original contract was written, Waste Management had agreed to freeze the cost the first and second year and not have an increase until the third year. He added that it was in the original contract and had remained.

Councilor Burdick noted that the cost per residential trash container had increased. Town Manager Layton stated that it increased \$20.00 to include the delivery charge.

Councilor Burdick thought there was an excess umbrella liability insurance of only \$500,000, given the nature of the business and the inherent safety implications. Mayor Wessel pointed out that the insurance amount was unchanged in the contract. Town Manager Layton agreed. Councilor Burdick stated that while it may have not changed, it seemed like a very low amount for excess liability. He stated that he would have expected it to be much higher. Councilor Burdick asked Councilor Thibodeau for her thoughts on the insurance amount. Councilor Thibodeau stated that she did not pick up on it but wasn't sure what to say about the liability. She wasn't sure if it was standard in all of Waste Management's contracts. Councilor Burdick reiterated that it was a low amount. Councilor Thibodeau noted that the coverage was one million dollars per occurrence. Councilor Burdick agreed. Councilor Thibodeau asked Councilor Burdick if he wanted it to be three million dollars.

Councilor Burdick reiterated again how low the amount was. He asked Town Attorney Hobbs for his thoughts. Town Attorney Hobbs stated that Waste Management may have more coverage and thought it was just the minimum amount in the contract. Councilor Burdick agreed. He asked what Town Attorney Hobbs' experience was. Town Attorney Hobbs stated that there wasn't one standard and guessed Waste Management could be asked what they currently carry and have it reflected in the contract. He added that the issue never came up in the past.

Mayor Pro Tempore Kingston asked if the proposed contract was Waste Management's standard contract. Town Manager Layton stated that it was a contract that the Town had originally given Waste Management in 2002. He added that the insurance numbers had not been updated. Councilor Burdick stated that his question had not been answered and asked that Waste Management be contacted regarding the insurance amount. Town Manager Layton stated that he could contact them if Council wished. Town Attorney Hobbs stated that Waste Management could provide Town Manager Layton with their actual insurance policy. Town Manager Layton stated that the Town did have a copy of the insurance policy.

Mayor Wessel asked if Council should delay consideration of the contract. Councilor Burdick stated that it should not be delayed but was something that could be looked into.

Councilor Thibodeau noted that in the past there were issues with where the trash was taken. She asked if it was still a concern. Town Manager Layton stated that the issue had been resolved by Waste Management.

Councilor Burdick moved to approve the contract with Waste Management and authorize the Mayor to execute the document as presented.

Town Attorney Hobbs had changes to Page 1 and 3 of the contract.

Councilor Burdick amended his motion to approve the contract with Waste Management and authorize the Mayor to execute the document as amended.

Motion carried 5-0.

**Discussion/Consideration of Authorizing the Town Manager to Execute a Contract with Sandski, LLC for the Erection of Sand Fencing**

Town Manager Layton stated that over the past several years, the Town had been provided with funding from the Dare County Shoreline Commission for the erection of sand fencing and dune planting. He stated that this year the Town was provided funding in the amount of \$24,000, adding that staff was recommending that it be used entirely for sand fencing. He added that bids were solicited for the project with four received. He stated that Sandski, LLC had the lowest bid with a bid of \$28.00 per section. He stated that staff was recommending the sand fencing be placed along the area north of the Corps of Engineers Pier as well as other areas of Town that had not received fencing in the past 3 years.

Councilor Thibodeau moved to authorize the Town Manager to execute a contract with Sandski, LLC for the erection of sand fencing.

Councilor Burdick asked why the dune planting was eliminated since it had a significant impact on the beach. He asked if dune planting was purposely not included in the bid packet. Town Manager Layton stated he was correct as the focus was on sand fencing for this year. He stated that next year there would be dune planting.

Councilor Burdick stated he had a problem with the contract since the dune planting aided significantly in maintaining the sand fencing. He added that it took a bit of time for the grass to take hold. He didn't think it should be held off a year. He asked what the experience was as far as the effectiveness of the dune planting. Town Manager Layton stated that it was effective in some areas while in others where there was a lot of erosion, it wasn't as effective. He added that it had not been as successful in holding the sand in.

Director Garman thought one of the factors was the time of the year when grass would be planted. He noted that it was now out of the season to plant it and that was why the sand fencing needed to be installed to allow the dune to build up so the dune planting could be performed next year. Councilor Burdick asked when the dune planting would start. Director Garman stated that it would be sometime in early winter as there was a certain season for sea oats and a different season for beach grass. He stated that the planting would have to coincide with those seasons, which were in October and November. He stated that the window was missed for this year and it made sense to spend the funds on sand fencing. He added that a good time for fencing was in May and June as it was reasonably successful during that time of year.

Councilor Burdick understood Director Garman's comments, but noted that there were areas where the grass had been planted and taken hold, providing some impact. Director Garman stated that the idea was to do that as well, but reiterated that it was not the right time to do it this year.

Town Attorney Hobbs had one change to Page 1 of the contract.

Motion carried 5-0.

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

Town Attorney Hobbs 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 Town Hall Construction**

Town Manager Layton stated that there was a good discussion at Council's April 21, 2010 mid month meeting with the architect and engineer, who will continue to develop the specifications. He noted that Council had color palettes in their packets for siding and roofing. He also noted that he had highlighted the roof colors in the palette that would meet LEED certification. He added that samples were sitting in front of Council, but explained that Council was not at the point where they needed to decide on the roof color. He stated that at Council's next meeting on May 19, 2010, they would be meeting with the architect and engineer to further develop the specifications. He stated that discussions on color combinations would need to be addressed. He added that Council did not have to go with LEEDS, but if they wished to meet the criteria, staff would need to know what color combinations they wanted.

Mayor Pro Tempore Kingston asked if the architect was looking at an option with respect to having fewer doors at the Meeting Hall. Town Manager Layton stated it was an issue for continued discussion. He explained that sliders will not meet the building code, so it would have to be all doors or a combination of doors and windows.

Councilor Thibodeau asked what the anticipated schedule was for bids. Town Manager Layton stated that staff was looking to have the specifications done so the Town could go out to bid in July. He stated that he wanted to give people about a month to respond. He explained that before he could contact the Local Government Commission and banks, he would need to have the bids in hand. Councilor Thibodeau asked if the ground breaking would be towards the end of the year. Town Manager Layton stated that he was still pushing for some time after October 2010. He stated that his goal was to get the bids in and try to lock the costs in as quickly as possible.

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

Town Manager Layton stated that NCDOT repaired the Duck Trail by performing some temporary patching for the summer. He stated that the majority of the work from CenturyLink

was complete and they were completing some spot boring, but primarily they were doing splicing. He stated that the splicing would continue past the May 14, 2010 deadline because there were so many splices that had to be completed. He added that it would not interfere with the clean up, which NCDOT had given Barnhill Contracting authorization to begin the demobilization at the entrance of the Tuckahoe subdivision. He expected it all to start imminently.

Town Manager Layton noted that Town Hall Day was scheduled for Wednesday, June 16, 2010, which was the same day as the Council mid-month meeting. He expected Town Hall discussions to continue at that Council meeting. He noted that he would be in Duck for the Council meeting, but added that if any Council members wished to attend the Town Hall Day meeting, they were welcome to do so.

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

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

### **MAYOR'S AGENDA**

Mayor Wessel noted that the week of May 2-8, 2010 was Municipal Clerks Week. He gave a short history on the office of the Municipal Clerk and duties to Council and the audience. Mayor Wessel recognized Town Clerk Kopec for her accomplishments and extended his appreciation for all of the vital services she performs for the Town of Duck.

### **COUNCIL MEMBERS' AGENDA**

Councilor Morrison stated that the Shoreline Management Commission at its last meeting unanimously approved the motion to recommend that Dare County approve increasing the Occupancy Tax from 5% to 6%. He added that the Dare County Commissioners had voted unanimously to seek legislative approval to increase the tax.

Councilor Thibodeau stated that she was the liaison for the Outer Banks Visitor's Bureau and had neglected to give any updates on their recent activities. She went on to give an update on the Windmill Point property in Nags Head, the Visitor's Bureau budget and the Park Service rules for access in Hatteras to Council and the audience. She encouraged the audience to attend or send comments to the Park Service for their public hearing, noting that the deadline was Tuesday, May 11, 2010.

Mayor Pro Tempore Kingston had nothing to report.

Councilor Burdick had nothing to report.

### **OTHER BUSINESS**

Mayor Wessel stated that the next meeting would be the mid month meeting on Wednesday, May 19, 2010 at 1:00 p.m.

### **ADJOURNMENT**

Councilor Thibodeau moved to adjourn the meeting.

Motion carried 5-0.

The time was 9:13 p.m.

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/s/ Lori A. Kopec, Town Clerk

Approved: June 2, 2010\_\_\_\_\_

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/s/ Dave Wessel, Mayor